

Roosevelt 'Rosie' Douglas

Wednesday, October 4, 2000

HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

**ROOSEVELT 'ROSIE' DOUGLAS
(CONDOLENCES)**

Mr. Speaker: Hon. Members, I had indicated at the last sitting that news had reached us that the Prime Minister of Dominica had died. I did indicate that both sides of the House would be given an opportunity to express condolences. I now invite the Prime Minister.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, the sudden death of the honourable Roosevelt 'Rosie' Douglas will be mourned beyond the boundaries of Dominica. But I must say, at this moment, that I extend by deepest condolences to the people and the government of the Commonwealth of Dominica on the loss of their Prime Minister. My sympathy, and the sympathy of many citizens of Trinidad and Tobago are with the people of Dominica at this their time of bereavement.

Rosie Douglas was Dominica's son. He was also my brother. Rosie Douglas was a benefactor to Trinidad and Tobago and the people of our nation. It is a pity; indeed it is a tragedy, that Rosie Douglas's influence in the evolution of our postcolonial society has not yet been explained to the citizens of our country. It is a tragedy that this great West Indian was debarred by the People's National Movement from entering Trinidad and Tobago.

A similar tragedy was the People's National Movement's refusal to permit Stokley Carmichael, "Kwame Ture", from returning to this country, the country of his birth.

Rosie Douglas's misdeed, as was Kwame Ture's, was to dramatically crusade for the liberation of black people from the suppression imposed on them by neo-colonial administrations up to the late 1960s, and in Trinidad and Tobago's case up to the early 1970s.

Rosie Douglas's dramatic protests and actions at the Sir George Williams University in Canada, came in the wake of the Black Power protests in the United States.

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Stokley Carmichael, “Kwame Ture”, was a central figure in those protests, which, as is so widely known, were inspired and led by the late Martin Luther King Junior.

Rosie Douglas’s black power protests in Canada led directly to the 1970 “Black Power Revolution” here in Trinidad and Tobago, when the people rose up against the PNM administration. Those developments profoundly altered the social, racial, and economic status quo that had endured in this country long after we in Trinidad and Tobago had become a sovereign and independent nation.

The greatest tribute, the most fitting honour, that we can bestow on Rosie Douglas’ memory, and upon his life, would be for the shroud of secrecy that has surrounded his lasting impact on our society, and on other societies be removed. We would lose nothing by such enlightenment.

Indeed, it would be to our enduring benefit, if today’s generation were to be told the truth about the nexus between Rosie Douglas and Makandal Daaga, and all who locked arms and joined hearts in the struggle for equality and justice three decades ago. Some of us are still engaged in that struggle, albeit on a different battleground, and with different weapons, now.

We can take comfort in the knowledge that Rosie Douglas’s life-long crusade was finally vindicated when he became his country’s Prime Minister. Sadly, his tenure in that office was all too brief. This great warrior for his people of the Caribbean has been called to a higher place. Few lives have been more constrictively lived. Few lives have brought greater benefit to more people, in more Caribbean countries than has Roosevelt Douglas’. Rosie was my friend and my brother in struggle. I mourn his death and will miss him.

Thank you, Mr. Speaker.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, we join with the Members on the other side, in extending condolences to the people of Dominica on the passing of Rosie Douglas. We regret, even as we mourn the death of a Caribbean personality, our Prime Minister can find it advisable to be highly political.

Death is a passing from one stage to another. Of course, as we leave what is extremely important is our contribution to mankind. There are various personalities who have gone to the great beyond over the last 12 months. As it is said, at the turn of the Century, this is normal.

I was a university student. As a matter of fact, at the time of the George Williams affair, I was the social science representative from the guild council. I

was part of the Carl Blackwood Council that took over from the Granger Council. I was there at the gate on that famous day when the Governor of Canada, Governor Michener, was not allowed to enter the campus. I was part of that struggle. At the time when Members opposite were in the PNM ; important members of the PNM , passing the Sedition Act and all of these things.

Today, some 29 years later, we hear a different story. As we mourn the loss of yet another Caribbean personality, I think it should be a reminder to all of us that life is but for a short time, and we would all be judged by our contribution to mankind.

Rosie Douglas has made his contribution, albeit extremely short, as Prime Minister. But he has been in the struggle for quite some time, and those of his friends who were so inclined would know that he has made a contribution. There are others who were not of his view, they too would make their contribution. As a fact, he has been a Caribbean personality, and we mourn his loss.

Thank you, Mr. Speaker.

1.40 p.m.

Mr. Speaker: Hon. Members, I wish to be associated with the expression of condolences on the passing of the Prime Minister of Dominica, Roosevelt "Rosie" Douglas.

He was not a person whom I could boast of having known, but there hardly would have been a Caribbean person in the 1970s who had not heard of him and of the struggle in which he was engaged, and quite clearly he was a man who had strong feelings and convictions. It is interesting that he had been able to occupy the highest political office in his country, and quite clearly, from what one reads, not only he but his older brother and his father have made contributions in the Parliament and legislature of Dominica. Too often one forgets too quickly the contribution that has been made by others in Parliaments and in legislatures. As I said before, I join in expressing condolences to his family, the government and people of Dominica on the passing of their leader.

He has been described in newspaper articles as being controversial. It is very difficult for anybody to be seriously involved in politics, I guess, without being controversial, certainly, in this part of the world. I am sure that hon. Members would endorse my directing the Clerk of the House to send a suitable letter of condolence to his next of kin and to the people of Dominica through the Parliament, expressing the condolences of this honourable House.

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Having regard to his position as a leader of a Caricom country, I ask hon. Members to stand for a one-minute silence.

The House stood.

INTEGRITY IN PUBLIC LIFE (NO. 2) BILL

Bill to provide for the establishment of the Integrity Commission; to make new provisions for the prevention of corruption of persons in public life by providing for public disclosure; to regulate the conduct of persons exercising public functions; to preserve and promote the integrity of public officials and institutions, and for matters incidental thereto, brought from the Senate [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken on Friday, October 6, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

CONSTITUTION (AMDT.) (NO. 5) BILL

Bill to amend the Constitution of the Republic of Trinidad and Tobago, brought from the Senate [*The Attorney General*] read the first time.

Motion made, That the next stage be taken on Friday October 6, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

CONSTITUTION (AMDT.) (NO. 6) BILL

Bill to amend the Constitution of the Republic of Trinidad and Tobago, brought from the Senate [*The Attorney General*] read the first time.

Motion made, That the next stage be taken on Friday, October 6, 2000. [*Hon. R. L. Maharaj*]

Question put and agreed to.

PAPER LAID

The Securities Industry (Amdt.) By-Laws, 2000. [*The Attorney General and Minister of Legal Affairs (Hon. R. L. Maharaj)*]

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I announce that the Government intends to proceed first with Bill No. 3. The Senate amendments have not yet been circulated, so we can do them later in the proceedings. Then after Bill No. 3, if at that time we can do the Senate amendments—we can review the position after Bill No. 3.

Agreed to.

**COLLEGE OF SCIENCE, TECHNOLOGY AND APPLIED ARTS
OF TRINIDAD AND TOBAGO BILL**

Order for second reading read.

The Minister of Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, I beg to move,

That a Bill to provide for the establishment and administration of the College of Science, Technology and Applied Arts of Trinidad and Tobago and for matters connected therewith, be now read a second time.

Mr. Speaker, the Bill which is presented to this honourable House seeks to establish the College of Science, Technology and Applied Arts of Trinidad and Tobago, (COSTAATT), as a tertiary level education institute.

The Bill consists of four Parts: Part I provides for the establishment of the college as body corporate, its management by a Board of Trustees, the appointment of a President, Vice-Presidents and the establishment of a Faculty Senate. The Board of Trustees would comprise 15 members as follows: 11 members appointed by the President of the Republic of Trinidad and Tobago; the President of the college who is, *ex officio*, a member of the board; a representative designated by the student council; a representative designated by the Faculty Senate, and a representative designated by the body representing the non-academic staff. Provision is made for a member who has a pecuniary interest in the matter, being considered by the board to disclose the nature of his interest before the board's deliberation on the matter.

Part II contains the financial provisions governing the operation of the college. The resources of the college would be derived, largely, from Parliamentary appropriations, grants, covenants, donations, endowments, tuition fees and loans. Part III provides for the secondment of staff from the public service to the college and the recruitment of non-public service staff. Part IV addresses other matters, in

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particular, the vesting of property, the rights and obligations of the college and the repeal of existing laws.

The College of Science, Technology and Applied Arts of Trinidad and Tobago is a community college comprising a number of existing tertiary institutions. In April 1997 the Government of Trinidad and Tobago took a decision to establish a national community college, and on October 16 of that year Cabinet approved the strategic plan for the college's establishment over three phases spanning the period January 1998—October 2000.

The national community college is based on the merger of a number of existing public tertiary level institutions, acronym TLI. The schedule of institutions for incorporation is as follows: the San Fernando Technical Institute, the John Donaldson Technical Institute, the Joint Services Staff College, the Government Vocational Centre, Metal Industries Company Limited, the Eastern Caribbean Institute of Agriculture and Forestry and the NIHERST Colleges: the School of Languages, the College of Nursing, the College of Health Sciences, Business and Information Technology Division, and the General Education Division.

Mr. Speaker, the main objectives of the college are to increase the access to tertiary education to previously under-served groups; to establish a robust internal quality assurance system that is benchmarked to regional and international standards; to establish formal articulation and transfer agreements with regional universities and international institutions; to develop Bachelor's degree programmes in areas not currently addressed by existing institutions, and to contribute to the development of a seamless tertiary education system through the adoption of a unified system of credit accumulation and transfer.

Mr. Speaker, it is right that I should, at this point, make a few comments on why we are burdened by the need to proceed expeditiously with this institution at this time. I think we are accustomed in this country—we listened to the budget debate, and oft-times I am here and I hear that the greatest thing that ever happened to Trinidad and Tobago was the People's National Movement education system.

I am as often getting up to say that, indeed, many people benefited. Many people who in 1956 could not go to high school, in the years thereafter, especially after the Education Act of 1966 and the vast expanse of the system, were able to access secondary education. There was one People's National Movement member who was fired by fax, and during those times when he was a PNM member he boasted that the PNM created the middle class. I used to be on the radio, and I

asked, “Well, if the PNM created the middle class, who created the upper and lower classes; was it the devil or was it God?” I mean, if you have a middle, you have to have two things on the side, because the word “middle” means between two other things.

What we need to appreciate is that while we expanded secondary education, we did indigenize a system that produced failures on a vast scale, and this is not a Morgan Job myth. I might dwell a little on this question of tertiary education. If you look at the progress of countries that are at the leading edge in modern commerce, they are very competitive—countries like Korea, Singapore, Japan and Sweden. One of the things that you necessarily observe is that their tertiary education sector provides the people with the human capital skills that allow them to get into business, get into commerce, get into government, get into all those areas that give the countries and the firms that associate with them, a competitive edge.

In the case of Korea and Singapore, in 1960 they were, probably, worse off than Trinidad and Tobago in their involvement with secondary and tertiary education. I know as a matter of fact—I did not walk with the document here—that for a long time after the mid-19th Century, Trinidad and Tobago was one of the beacons of involvement with the imperial education system. In fact, students from Trinidad and Tobago were among the first in the then colonial world to do the Cambridge overseas exam, and did well every year thereafter.

1.55 p.m.

One of the leading institutions in that outstanding era was the Queen’s Royal College or Queen’s Collegiate College as it was called, and then you had St. Joseph’s Convent and St. Mary’s College and later on Naparima College and all these schools. What I am trying to say is that from the foundation we had, we should have been better off than Singapore, Korea and perhaps Japan now. It is because we never understood it was not just a question of building more schools and leaving the question of quality and equality of access to chance and luck, because we did not do that. We imposed a terrible and immense burden on the society of Trinidad and Tobago with the result, as I stand here speaking to you, that less than 10 per cent of the people between 18 and 24 years are eligible to enter tertiary education, which is where the bulk of that cohort goes. Less than 10 per cent of those in Trinidad and Tobago go to tertiary, whereas in Korea it is nearly 40 per cent. In Singapore it is 38 or 39 per cent, and in most European countries, it is 20 per cent. We are less than 10 per cent, we are more backward than some countries in Latin America.

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One of the monumental and significant failures of the education system, about which they are boasting, is the way it had failed to move people from secondary to tertiary education. What is worse, we need to understand as well as the public in this country because they have been so badly done by the education system, they cannot deal with the statistics and the analysis and the kind of statements I am pointing their minds to, to look at the facts. Look at the people who do A' Levels in Trinidad and Tobago today and you find that cohort of people in terms of the subjects they are doing, in terms of what the subject is preparing them for, is preparing them to live in a world of the 19th Century, not even the 21st Century, they are not ready, and we need to deal with that. If you look at the children who are going to do A' Levels, what subjects are they doing? What proportion are doing Additional Mathematics, Chemistry, Physics and what are their pass rates? You will see a monumental disaster.

I do not have to be alone in this. There is a section in this book *Endless Education* by Carl Campbell, on page 204 and the heading is "High Failure Rates in Schools" and he talks about the fact that throughout the period when we should have been looking at quality, we were focusing on the political propaganda we got from putting people into schools. I have a paper on that in my library written some time in the 1980s. There is work done at the School of Education, there is abundant evidence that in fact, most of the people who were badly done by the education system are from the lower classes meaning mostly people of East Indian and African origin. So we need to deal with that, when we are setting up COSTAATT. We have to do it against that kind of background where we need to improve the quality of the entire education system and not merely focus on the question that we want to do a dramatic reversal of policy and policy decision in terms of tertiary education because the future of this country depends on all that. It depends on the competitive edge that we are introducing ourselves as a country and the way we train people, or set up the institutions that are going to train people to get in there. This means that we have to revolutionize our ideas.

As I speak to you, Mr. Speaker, education in the United States of America is something like a 950 billion-dollar industry and it is projected that before the end of the decade, the knowledge industry would be one of the biggest in the world. If I may, for the benefit of the record, and the edification of the people, there is a Table here that says that in 1980, the difference between a college-educated graduate and one who did not have college education in terms of his projected income was 50 per cent. By 1998 it was 111 per cent and it is increasing. What that is saying is that more and more of the modern economy is rewarding people for skills and knowledge they have. This is the kind of economy we have in the world today.

Somebody made this joke: my father worked for the same firm for 12 years, they fired him and replaced him with a tiny gadget this big. It does everything that my father does only very much better. The depressing thing is that my mother ran out and bought one.” That is a very good joke on what the modern knowledge economy is all about. When you look at the world economy in 1950, you took somebody off a farm, or maybe a suburban and you could put him in a factory and he can work because he has had a basic primary education. It is no longer so. To get a job in Microsoft or Silicon Valley, you have to have had years of preparation in a certain kind of intellectual discipline. To get it into the knowledge economy, it is no longer sufficient to have a good primary school education.

The modern motor cars, like the one Minister Assam has, or maybe the one my friend here has, have more computing power on it than was available to the astronauts who landed on the moon. We have to understand these things. So if you want to be a motor mechanic in the year 2000 and beyond, you better be able to deal with computers and all the needs in terms of understanding measurement, mass weight, and acceleration; you need to know something about computer programming and all that.

So we are not dealing with something trivial here when we are getting into this Community College idea and the question that we need to broaden the availability, the access for large sections of the population to quality education. I emphasize and underline quality education because the vain, vapid and boastful nonsense that is propagated that they did so much for education is not telling people that many of the people who are in prisons and cannot escape from poverty in this country are a consequence of the PNM education system. It is written here in Carl Campbell’s book and you can go to the University of the West Indies and read so many reports that tell you the same thing; that these people have been trapped because of the quality of the education. Most of them ended up in junior secondary schools and they could not get out of it. Even when you speak to teachers now, they tell you that at the secondary level over the years many of the teachers at St. Mary’s College and all these schools giving you the best results, have left, died or migrated and we have to deal with that. We have to focus on how we are dealing with all these things in the context of what COSTAATT is supposed to do, and it is supposed to equip people to deal with all that—quality training.

Mr. Speaker, the operationalisation of COSTAATT has been pursued on a phased basis and the following have been achieved so we must say these things:

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1. An overall increase in student enrolment.
2. Development of a distance education plan for broadening access to the college.
3. Development of integrated systems for governance and inter-college communication.
4. Provision of training programmes for faculty and staff development.
5. Undertaking critical repairs and renovations.

Other activities to be completed include the following:

- a. The establishment of a wide area network to link the campus and integrate the academic and administrative services.
- b. Upgrading the faculty and staff to support programme expansion.
- c. Establishment of a library collection building and development of an integrated electronic library.
- d. The establishment of a centralized campus facility at Mount Hope.

Mr. Speaker, this college is poised to play a pivotal role in the development of the education system in Trinidad and Tobago. Much attention has been paid to the development of the country's human resource through the provision of education and training and I just made some comments on that.

As I speak to you, Mr. Speaker, we have achieved universal secondary education in Trinidad and Tobago, I say at last, and the effort has been "pooh poohed" by the Opposition and I made some comments on that which were misconstrued as an attack on the Government. What I was trying to do was to focus the attention of the country on the monumental disaster that had been PNM education, and we have not discussed this as a national community. We have not focussed on it sufficiently well. Why are we going along with improvements and doing other things that might confuse or deflect our focus from these fundamental truths? So when I say that we have finally achieved that, I also want to reinforce in the minds of people that one of the things we need to do is to look at the disaster that we had done to primary schools, and the training and the culture of primary school teachers and the absolute and abysmal failure of the PNM regime to draw the parents from the catchment areas, what you would call the lower classes and the underprivileged, into the education system in the way they ought to have been.

Mr. Speaker, this is not a trivial matter. You do not educate people because you put money into schools; schools are not merely buildings. I say, and I repeat,

a prestige school is about prestige parents and prestige teachers. A prestige school is not buildings in Hillview College, a prestige school is not the buildings on Pembroke Street, a prestige school is not the building on Frederick Street. The people who end up in those catchment areas, in those institutions, come from a particular kind of culture, a particular kind of background and we need to deal with that.

When I said it in this House and was rudely interrupted by the Member for Arouca South, it just manifested what the issue really is. If I may prompt your memory, I did say when you looked at the best 100 students in the Common Entrance Examination, names like Goopiesingh, Mootilal, Bachan, Lalchan and stuff like that, are the first 18 names on the list and the Member for Arouca South interjected and said: “My daughter is on the list of the first hundred.” What a monumental manifestation of ignorance and misunderstanding of the way the world works. You understand what I mean, Mr. Speaker?

Here you have Mr. Carl Campbell saying exactly what I am saying, that the people who did not get education at that level and, therefore, were not able to benefit from tertiary education—Let me quote.

“Like so many governments in other countries Dr. Williams and the PNM had great faith in the ability of expansion of education facilities to promote the highly desired equality of opportunity and social justice. But it has been shown by studies both in developed and Third World countries that such expansion might in fact contribute far less than expected to the elimination of inequality.”

This is what I have been saying all the time. I had not read this section of Carl Campbell until last night when I knew I had to come here, and it is the same point I had been making.

“Equalizing educational opportunity was a complex problem. First of all there were various kinds of equality of educational opportunity, classified by one researcher, Ishmael Baksh, as equality of access, equality of participation, equality of education results and equality of effects of education on life chances.”

Mr. Speaker, I cannot go into all that because it is saying—when they read the section, I can give them the page so they could buy the book and read it. *[Interruption]* In Trinidad and Tobago, and prompted by the people from the Opposition, we are forever refusing to deal honestly with the people, to educate and to lead them. So in subtle ways, they are leading the people to reinforce the racist conceptions that they suckled at their mother’s breast in sundry, subtle ways.

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“Superior performance in turn helped the higher socioeconomic groups (including many whites, Chinese and students of Syrian or Lebanese descent) to get into the prestige schools; also working in this direction was the fact of residential proximity—urban and suburban homes—to the prestige schools.”

I quoted from another document here which says that under the full period of the PNM rule and the education system, the people who did worse, more than 70 per cent sometimes up to 80 per cent of them, when you look at the results after five years, they got one subject in Principles of Business or some stupid subject like that and they were from the lower classes.

Hon. Member: That is a stupid subject?

Dr. The Hon. M. Job: What we are saying is that the idea of race we are imposing on this system—somebody came to my office yesterday and showed me the photocopy of his daughter’s results and she had four A’Level subjects: Physics (A), Mathematics (A), Chemistry (A) and General Paper (A) and he is saying that she did not get a scholarship because of her race. This man is a sensible man and his daughter probably believes that. But I know a Member of this Cabinet whose son got four A’s also and did not get a scholarship and he is not of African descent.

What I am trying to say is here you have two situations; four A’s, four A’s, both did not get a scholarship, but one believes it is because of his race and here is Carl Campbell telling you what I have been telling you and what the World Bank Report says: that part of the problem we have in this country is that certain sections of the population have been badly done by the education system, and COSTAATT has to do all that.

2.10 p.m.

We have to make sure that in terms of the operations of all institutions of higher learning that the weaknesses in the society; the weaknesses in the systems are compensated for and dealt with. And I have no doubt in my own mind, that what COSTAATT is trying to do is to make sure that quality education, in the sense that Campbell is talking about, is not merely having a building, but ensuring that there are all those cultural factors and all the other instruments of success, like quality teachers, access to the equipment such as computers, good libraries and so forth. All these things must be in place to facilitate this transformation into a country and a society, which ceases to stop putting merely eight or nine per cent of its teenagers into tertiary education, and move rapidly into a situation where we have maybe 30 or 40 per cent like Singapore and Korea.

Mr. Speaker, we need now to direct our efforts to improving quality and the efficiency of delivery at every level; at the level of secondary education; significant reforms must be undertaken. This is not a conjectural thing. We need to have qualitative improvements such as in curriculum development to enhance the relevance of the subject matter in terms of what I was talking about. If you look at what the children are doing in schools today, it is not really preparing them for living in the world of work of the 21st Century. We need to enhance and make the teacher training more relevant, in terms of quality of teachers, not merely to have degrees behind their names, but to be able to deliver quality education to the children, to deliver the curriculum. Quantitative expansions are being implemented—as we all know—to the building of new schools and matters of that sort.

Tertiary education has been growing in importance over the years in this country. And I said before, when we look at the number of people who are seeking scholarships, migrating and going abroad, it says that there is a demand for tertiary education that we are, indeed, not meeting in Trinidad and Tobago today. They talked about new enrolment of post-secondary people.

Trinidad and Tobago must redouble its efforts to provide opportunities to facilitate higher levels of tertiary education among its entire population. Indeed, what we are doing here applies also to adults. One of the things that we are coming to terms with in the entire world in the global economy, is that education and learning has to be a continuous process. Twenty-odd years ago I was aware of that in Sweden. There were programmes supported by the Government to ensure that adults, people who have built their families and are on the verge of retirement can go back and do a degree course. I do not know if Sweden is the only country that is doing that.

In Japan and other countries they are trying to facilitate those programmes in terms of how our population is aging; in terms of how companies are restructuring insurance packages to deal with those kinds of problems, of having a whole lot of people not producing and consuming anything in the society. There is an impetus; there is a necessity for us to be looking at integrating in the tertiary education system older people, mature adults who otherwise would have been left out. Indeed, when I say that, I want to deal with all adults, not just older adults, because many of the younger adults in the society can do well with the kind of help and facilitation that would encourage them to re-participate or participate for the first time in the tertiary education system.

I want to say that our failure to pay particular attention to skills, development and education at the tertiary level, has placed us at a tremendous disadvantage as

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a nation in terms of the word “competition”; in terms of our productivity; in terms of our ability to compete with other countries in the global marketplace. We all know that competition outside there is merciless and there are no friends outside there. Trinidad and Tobago would not be able to participate effectively in those areas of activities which require certain types of skills and technological know-how in which we are deficient.

For example, I had alluded to these things. I want to state them now that in terms of where we have to lead people; we have to lead them into the kind of skills and knowledge-industry training. There is where the future lies: in telecommunications; in information technology. What we used to call banking is no longer recognizable as the banking industry; the insurance industry; the stocks and shares industry. All these things are becoming so intertwined and interconnected because of the availability of new ideas and new technology and we have to do our utmost to get people to understand that the jobs outside there are not merely to go and sit down in somebody’s office or to be a teacher or something like that, these are necessary things. You have to get more and more people understanding the revolution that is taking place in the stock market; in the share market; in the banking industry; in the insurance industry and prepare themselves for all these kinds of things.

Even as I say this, Mr. Speaker, I want to put it on record here again, that long ago we used to figure that music was something for calypsonians; music is something for a shango dance; music is something, maybe, if you have a Pentecostal Church or you could be an organist in one of the traditional churches. Or, you do a dhantal or a dolac in some sit-down. One of the fastest growing industries in the world today is the entertainment industry and it is very technologically sophisticated. All the gadgets that you use in the music industry has to be provided; when you have to repair them; there must be people of that level of technology. More than that, the entertainment industry is one of the phenomenal areas where incomes are made. I mean there are illiterate boys from ghettos in Kingston; from ghettos in the United States of America, who, in a few years sometimes are worth U.S.\$200 million, U.S.\$300 million, U.S.\$400 million because they could sing dub; they could sing rap or talk it or whatever. But that is symbolic, it is symptomatic of the immense fortune and the vast area of expansion that is the entertainment industry.

So what we have to do—as I say we have to get children thinking in terms of telecommunications and information technology. I do not want to leave out all those options in terms of educating people in music; in event planning and

programming. So that those cultural resources that we have in Trinidad and Tobago, can be converted into foreign exchange earnings, in terms of steel band, in terms of chutney. I was in India and the people there are very famous consumers of chutney. Maybe, we should have people down here packaging chutney music just to sell to the billion people in India. That would be a very great foreign exchange earner. We should be packaging soca and doing the same thing with it as, indeed, the Jamaicans did with Bob Marley's music. You know, Bob Marley's records and copyright songs are now worth hundreds of millions of dollars.

So that there are opportunities that we ought not to neglect in the sense that we are downgrading them when we are making a list of the areas that COSTAATT and the education system has to focus on. We need to look at the kind of modern technologies that we need to impose on the agricultural sector, and the public sector. To what extent are we lagging behind the more advanced countries in the world, in terms of electronic Government; in terms of what we do—there are many files. A messenger is going from here to there, and if you tell him he is working on floor one he does not want to work on floor two. Maybe, we do not need messengers any more. I do not know if the Public Services Association would like to hear me say that.

Clearly, there was a time when making wagon wheels and wagons was a big industry employing millions of people in the United States of America. And they built the railroads but you cannot make a living building a wagon wheel any more. So that you have to adjust all the time. I am not going to apologize for saying that we probably do not need messengers any more. I am making a metaphorical statement that is very pregnant with meaning; that our labour force, our labour market has to adjust to new technological imperatives, therefore, our training programmes have to be visionary in that sense, and we have to educate the public to accept that these things are matters of fact of our daily lives.

The establishment of COSTAATT provides an opportunity to introduce a new approach to the provision of tertiary level education. It would provide training and academic opportunities to a more diversified group. "Diversified" here does not only mean "ethnic" it means diversified group in terms of people's abilities, their talents, their ambitions and so forth. Indeed, the community college concept has revolutionized and democratized higher education, making access possible to formerly excluded groups, in order to ensure that the graduates would be better equipped to enter the world of work with training in relevant areas of need.

2.20 p.m.

Mr. Speaker: Please, please, I am on my legs. No, Member for Tobago West—*[Interruption]*

Miss Nicholson: I withdraw, Sir.

Mr. Speaker: Yes, but you cannot tell him, “Sit down”. Please.

Dr. The Hon. M. Job: Mr. Deputy Speaker, I would—*[Interruption]*

Hon. Member: Mr. Speaker.

Dr. The Hon. M. Job: Sorry. Mr. Speaker. After two weeks, you know—*[Interruption]*

Mr. Assam: After one hour on your feet you do not know the Speaker?

Mr. Speaker: It is okay.

Dr. The Hon. M. Job: Mr. Speaker, in order to ensure that graduates will be better equipped to enter the world of work with training in relevant areas of need, the business sector—I just said that. COSTAATT will be awarding associate degrees in criminal justice, in nursing, in information technology as well as certificates in engineering technologies, languages, occupational safety and health. Pursuant to this objective, steps will be taken to upgrade the capability of existing staff, where required, to function within the new environment.

Mr. Speaker, Government’s overall medium-term policy for tertiary education encompasses establishment of a seamless, coherent but diverse tertiary educational system comprising the university and other tertiary-level institutions to meet the country’s human resource needs, increasing and broadening access to tertiary education, as I said, for a diversified group of people, diversified here meaning in ambition, in ability, in region, where one is located. Some people might be from Toco and they are more interested in tourism than anything else. There is also need to reform the tertiary sector to ensure that it meets the demands of business and industry.

Mr. Speaker, one of the things that has been burdening us in this country is the ethnic specialization, notwithstanding the cries from the Opposition that we have in this country, that has been creating problems for us. I remember that when I used to be with former Prime Minister Robinson, in the 1986 to 1991 period and they were planning to set up the Small Business Development Company, one of my assignments was to model a structure for it and to prepare for Cabinet a philosophy for this thing. I said that one of the most important initiatives that one

can have is to have an institution such as the Small Business Development Company which is dedicated to the purpose of equipping certain ethnic groups in this country with the kind of cultural equipment that they do not like, because many of the explanations for poverty and not being in business are not discrimination as much as they are culture.

I have said before—I have written this—that Mr. Anthony Sabga should be a role model for all the children in Trinidad and Tobago. I have also said that Cyril Duprey, A.P.T. James and Mr. Phillip in Scarborough should be, but it is important that people should understand, and children should read about this. Someone should write a story for children early that Sabga came here at age 7 and could not speak English, went to Nelson Street Boys, never went beyond schooling at age 13 and ended up where he is today. I think it is a great example of what can be achieved.

We need to understand what the German Ambassador was saying last night at a reception he had for the reunification that in fact this Red House building we are in today was designed by German engineers, and that when Sir Ralph Abercromby captured Trinidad in 1797, a lot of the crack troops that ousted the British from Trinidad were German mercenaries. It is important that I say this, Mr. Speaker, because people here do not sufficiently understand the power of intergenerational transfer of ethnic skills in explaining much that we see in the world.

I have given the example, which I want to repeat here, of the Japanese Americans in the Second World War in the United States that, after the attack on Pearl Harbour, all the Japanese-Americans were interned in the concentration camps in the United States of America. All their property was seized, their bank accounts were seized and when the war was ended after they bombed Nagasaki and Hiroshima these Japanese were let out of the concentration camps with nothing. They never gave them anything until about three years ago Congress passed a token reparations Bill to give each surviving person \$20,000 or something like that. But within two decades of coming out of the concentration camp, Japanese-Americans were again, as a minority group, the richest people on the West Coast of America.

Milton Friedman and all these Jews whose parents fled Nazi terror in Europe and came to the United States in the late 1930s and early 1940s with nothing—and some of them after the war—a generation after, they were the people who were winning all the Nobel prizes to the extent that, in the United States of America, where Jews form less than 2 per cent of the population, they have won more than 50 per cent of all Nobel prizes won by Americans. One can look at the

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history of the world, whether one is in India, Africa or wherever, and see ethnic specialization as a factor in the history of nation states going back into the mists of time. In the *Bible* there is the story of Joseph who was sold by his brothers into slavery and, by the time they went down into Egypt, Joseph was the Minister of Finance for the Pharaoh. He was collecting taxes and running the place. So that I am not saying something that is a recent, modern thing.

When one looks at Trinidad and Tobago, much of what they are calling race in Trinidad and Tobago has nothing to do with race. They set up black banks in the 1970s—they do not want to hear these things—and they bust them because the people who were running the banks were not culturally equipped to run any bank, except maybe to be on one side of the counter and other people on the other side. I do not say these things with any apologies because when they were doing it I was telling them that they were making a mistake if they were setting up a bank to do social engineering, because banks have busted from the time they were banks, but if one sets up a bank to do social engineering one will run into a problem; and I have lived to see that my predictions came true.

So I say these things not because I want to put anybody down, but the arguments that come from these people, they are forever saying that Gypsy is a traitor because Gypsy is in the UNC but Nafeesa Mohammed is not a traitor, you know. John Rahael is going up for PNM—he is not a traitor. Who else? The Member for Arouca South, he is not a traitor but any time it is Michael Als, he is a traitor. The Member for Arima is a traitor. The Member for Point Fortin is a traitor. These are powerful symbols, Mr. Speaker. We are running into an election campaign and we need to be very careful how we educate people—[*Interruption*]

Mr. Bereaux: Mr. Speaker—[*Interruption*]

Dr. The Hon. M. Job:—because we are talking about university education—I am not giving way—and a lot of what university education has done to this region is because of a misunderstanding of these things. [*Interruption*]

I used to lecture at the University of the West Indies. I was a student of the University of the West Indies. As a matter of fact, this person that they talked about here this afternoon, “Rosie” Douglas, I met him when I was doing my MSE. I did not agree with his political philosophy. I did not agree with it then; I still do not agree with it now for the reasons that I am explaining, that a lot of those people who were in this Pan African Movement never understood that a lot of what one was observing in the world had less to do with imperialism and colonialism and more to do with cultural determinism. It is still so, and in Trinidad and Tobago we are suffering from that.

I do not want, when COSTAATT is set up together with the University of the West Indies, that we should continue not providing the kind of research and the kind of evidence so that we can structure the kind of programmes to deal with the real issues that would help people to escape from poverty and to participate in all the areas of the economy; all the areas that are growing and increasing in terms of what I am calling ethnic specialization. We need to look at how the market is imposing itself on education, Mr. Speaker. We need to understand that the question of getting private sector participation in education is no longer conjectural; it is no longer an if.

I told the President of the World Bank, Mr. Jim Olfensen, and Mr. Camdessus of the IMF when I was there last year—I had a meeting with them and I told them—“When you all had structured the Washington Consensus to privatize industries that were state-owned throughout the world, you made a mistake. The first thing you should have privatized was the education system because a lot of the wrong ideas that converted themselves into massive state involvement in the private sector came out of schools, came out of universities, came out of the ideas that people had, so you should have started there”.

When someone is sent to a school and is damaged—when people came out of UWI in the 1960s and 1970s, they came out with a vengeance. They came out to know that they wanted to promote high taxes, they wanted to take over people’s business, they wanted to do local whites something, they wanted to impose themselves—it was the ideas. So we have to be serious when we are dealing with these kinds of issues to challenge ideas, because ideas are the most powerful and important instruments that mankind creates and if we do not deal with ideas we are not going to solve the problem. We will keep on floundering.

This is why I say we need to look, in the context of COSTAATT, at the extent to which private sector participation in COSTAATT will become a matter of normal course that is not a conjectural issue in terms of what Internet is doing. There is going to be online education and online degrees so that COSTAATT and the University of the West Indies necessarily, as I speak to you, five years, two years, three years from now, must be competing for people’s dollars because many people will decide to choose between what COSTAATT has to offer, what the University of the West Indies has to offer and what they can get on line. People can go on line now and get university degrees from Stanford and all these places.

So that one has to get people to understand these things, instead of staying in their cocoons of ignorance and trying to shout me down and interfere with me when I am speaking and I am saying something very profound. I am telling them

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that much of what they were doing in the past is manifesting itself now in disabilities for certain people who saw that the state sector and undermining business with government imperatives was part of the problem.

In fact, when I was here reading from a Spanish journal, the journalists did not understand what I was saying and they were saying that I was irrelevant. What I was trying to tell them is that if one is going to deal with corruption one has to deal with the structure of the economy, and the article in the Spanish journal was going through all of that, saying that as long as public servants and politicians possess the kind of vetoes that they have in a state-dominated economy, there will be corruption because people are going to come to you and say, "Rather than deny me an opportunity, let me pay you something. What is the cost of paying you something so that you can relax the constraint on my getting into this area?"

So that all these things are so inextricably entwined that we must necessarily talk about them, educate people. The people have not been educated. They have been educated by monopolists and ethnic tribalists and people like that and we need to overcome that, and I am not going to be shouted down when I am talking about this. The more they try to shout me down is the more they incite me to keep saying what I am saying. We need, as I said when we were talking about establishing appropriate state-level mechanisms for administration and co-ordination of the tertiary education system, to ensure the efficient use of the resources. We need to put it in the context of competition so that COSTAATT and all of them have to understand that they are not there as the protectorates of the state or protected enclaves of the state, but they have to compete for people's dollars and people's attention.

Several initiatives are in train, and COSTAATT as an institution was for teaching people about all these things. That is what they are there for. They have to be mean and lean and competitive and triumph in that kind of competition. Several initiatives are in train to expand access to tertiary-level education. This includes the expansion of enrollment at the University of the West Indies and expanding the distance education programme. This is what the Member for Arima is all about. Additionally, the recently established Trinidad and Tobago Institute of Technology would provide engineering technology diplomas and degrees in disciplines such as electrical engineering, petroleum engineering, mechanical engineering and information technology, as well as certificates in process operation.

Mr. Speaker the operationalization of COSTAATT will forge closer links among its constituent institutions and will provide a platform for a greater degree

of collaboration with other tertiary-level institutions including the National Training Agency and the national skills development programme. All these things are a necessary force to talk about because we are on the threshold of a great experiment in human evolution and human development, and in Trinidad and Tobago many of the social problems that we have derive from lack of understanding.

I have here a letter to the editor dated March 13, 1999 and it is in the *Tobago News*—Tobago crying out for trained workers and the writer is George Kerr, BA, Bachelor of Education, Educational Administration. I do not know the man myself but he advertised his name and his degrees. I was very alarmed at this in the sense that what he was saying is that students need a curriculum that is geared to their interests and needs.

Your local plumber or small engine repair person does not need to know how to solve quadratic equations or write extensive prose and poetry. These things are nice but over one half of our population cannot do it and does not need it.

Mr. Speaker, this is not true. I am saying what he is saying here is not true. What they need is business, arithmetic, simple accounting, ability to write short reports, fill out forms, basic principles of science for everyday living, how to plan their day, get up on time, see and do what needs to be done on the job, take simple on-the-job orders.

This is a colonial—this is a very fascist kind of view of the world. It says if one is from Toco or from Rampanalgas, or if one was a little boy in Tobago 58 years ago, like I was, one was supposed to end up being a plumber or a mason or a carpenter. One never should aspire to be anything beyond that.

I think what we need to do in terms of COSTAATT, in terms of all these things, is to ensure that as broad cross-section of people in the society must be able to access quality education according to their own pace. Everybody does not learn at the same pace. Some people prefer to learn by themselves. Some people need a school environment. Some people need the moral support of people always supporting them. Some people are late developers.

There is the problem in Trinidad and Tobago, and indeed in the world, that we are not properly dealing with the question of girls doing a lot better than boys in the system. I think it has something to do with evolution and the fact that girls mature faster than boys. Societies have evolved different ways of treating girls at an earlier age so that at an earlier age the girls are more disciplined, they are more biologically mature so they are better prepared to confront and deal with the institutions that we call school, whereas the boys are left on their own and they

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are less intellectually alert than the girls, so they fail in the system; and we need to understand all that. We cannot just decide, “Well, they should be carpenters and masons because they are not doing well”.

I think all these kinds of research issues we should be dealing with, and as I say research issues, there is the question of who pays for research and what kind of research. There has been this age-old argument about research to do things, process research or pure research for developing new ideas.

2.35 p.m.

Mr. Speaker, I think in the context of Trinidad and Tobago, we need to understand that segmentation is not fair and that, indeed, a lot of the problems that we have in terms of inequality of distribution; the question of ethnic programming; and ethnic determinism—all these matters need research, and we also need to look at the question of youth crime and the kind of specialization and voting patterns that exist. All these things need objective and dispassionate analysis in order that Trinidad and Tobago as a society will work better than it is working now. We cannot go on with leadership like the Member for Diego Martin West, who is always here forever talking about what he was in 1970 and how Dr. Eric Williams gave him free education.

Mr. Speaker, imagine you want to be Prime Minister in this country, and the best thing you could tell people is that you want to become Prime Minister to impose Dr. Eric Williams’ ideas and programmes. It is so obscene and stupid, silly. You need to understand that times change. Dr. Williams did his best; he complained himself that he did not do as well as he could have done. It is in his writings and I read them all the time. We need to look at the future; we need to look at the modern world and to tell people that you want to become Prime Minister to impose Dr. Williams’ doctrine of 1956 on Trinidad and Tobago is to demand that you be laughed at. That is all I can say. I cannot say much more on that.

We need to be looking at all these things like the ideas that are incorporated in the document *The Perspectives of a New Society* and how germane and relevant they are in the context of modern technology and in the context of how incomes are generated in the world today.

Mr. Speaker, if I may say, when I was doing my MSc. in Economics in 1972 or 1973 somewhere thereabout, I remember reading a statistic where it says in any modern economy more than 80 per cent of the income generated does not come from rents; does not come from property; it comes from returns to human capital and that was in 1973, and it is much more so now. When you talk about the

knowledge economy, that is what you are talking about. Whether the demand is a computer programmer, an analyst, a lawyer, a general in the army, or a police director you earn an income because of the knowledge you have and the skills that the marketplace values.

So you need to get people to understand these things and whatever impediment or institutional obstacle that is preventing them from accessing the most valued kind of skills and information to make them worthy in the marketplace so that the national income, the gross domestic product, must represent the collective accretion of all these products that knowledge workers produce. You want every section of the community to be in it. It is true that people must focus on these things.

If you go to India, the Sikkaliars and the Patels, minority groups in India, since before the British and French were there in punditry, were businessmen and traders. Their descendants are the moguls and the billionaires in India today—ethnic specialization—this is what I am talking about. One of the most important areas that we need to be looking at in terms of social science is investigating these kinds of things. Instead of these people listening and learning, the better to stop spreading foolish propaganda outside there, they want me to stop saying what I am saying. But the most important issues in Trinidad and Tobago today revolve around understanding these issues. It is not to cover them up. This election campaign is going to be the mother of all racial stupidities, in terms of the propaganda that we are going to be hearing about who is doing this, that and the other when, in fact, the propaganda has nothing to do with matters of fact.

Mr. Speaker, we live in a society driven with obeah and all ideas of faith and belief and nothing to do with objective understanding; nothing to do with analysis; and this is what I am about—getting people to understand that there is a real world outside there that works no matter what you believe, and that real world is what you must deal with if you want to change it. This is what Isaac Newton did when he put a pinhole in his window and put a prism and distributed the colours of white light and then combined them to make white light again, after proving that we are all colours of the rainbow and that, in fact, these electromagnetic wavelengths are combined together to give us light. It is a way of thinking that they still do not understand.

The progenitor of Newton who died in the year Newton was born—1642—Galileo did something like that in terms of understanding gravity. So by the time Newton came around and had to make the inverse scale law where $F_g = G \frac{M_1 M_2}{r^2}$ that is the inverse scale law where G is the gravitational r^2 constant—you learn all

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these things in physics. It is a way of thinking that we have to impose on this College of Science, Technology and Applied Arts of Trinidad and Tobago and on the whole society in order that we might do better.

Mr. Speaker, I think I have given you the rationale for this thing called COSTAATT and to say that this Government recognizes that a well-developed human resource is an essential element in attaining international competitiveness and I went through all that. I think I need to just summarize some of the points that the people who are involved in COSTAATT have been advocating. I had a briefing concerning the vision of COSTAATT. I think most of the things that they are saying I had already said but there is no harm in putting them on the record again.

The College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT) will be responsive to community, national and regional needs; it will serve as a major catalyst for the attainment of sustainable, equitable and democratic development; it will be an important national agent for change by providing broad-based access to social, responsive and innovative educational programmes by encouraging scholarly work and applied research; and it will be committed to the principles of life-long learning opportunities for the development of citizens' professional and personal skills. Most of the other things that are there I had mentioned them *en passant*.

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

Question proposed.

Mr. Kenneth Valley (*Diego Martin Central*) Mr. Speaker, perhaps, one of the failings of democracy is to allow any Tom, Dick and Harry in Parliament, persons who would use every opportunity as the soap box in Woodford Square. We are here this afternoon for what I consider to be a very simple matter, the College of Science, Technology and Applied Arts of Trinidad and Tobago Bill. According to the explanatory note it is to integrate several colleges and training institutions listed in the Schedule.

Mr. Speaker, all that this Bill attempts to do is to bring several existing institutions, firstly, under one roof, the College of Science, Technology and Applied Arts of Trinidad and Tobago. I know one expects that it is going to go further and at some point in time, I would expect that the vision and objective would be outlined because obviously, the Minister was too busy with his bitterness and racial slurs and so on to be bothered by that and that is, perhaps, one of the problems with the Government. The Government is so concerned about

what the PNM did not do rather than do what it has to do, it is taken aback by what the PNM did not do. So that the Government has spent five years—and the last week of the 5th Session of Parliament they are rushing all types of bills through Parliament.

Mr. Speaker, I mean, the reality of the situation is that we on this side really want the election. Our people are out there campaigning. We want the Government to call election and get rid of all of the stuff as quickly as possible so that we can go out there and give them a good “cut skin”. That is what we want to do. So while the Member is out there standing up in the Parliament wasting people’s time with his bitterness and talking about things—there is no Member here on this side who ever talks about race in this Parliament. Every time the Member gets up his whole contribution is on race, wasting the parliamentary time making all types of claims that are furthest from the truth.

Mr. Speaker, so we are here to provide a structure for existing tertiary institutions. One expects that it is going to affect certain economies and that there would be new directions and so on.

2.45 p.m.

You would remember, Mr. Speaker, that the Leader of the Opposition, the Member for San Fernando East, in his budget contribution, stated that as one of the 10-point plan, to add two colleges of arts, science and technology, so that we have no disagreement with the Bill, because it is providing a structure for doing just that. That is what it is. But we note certain things.

Our understanding is that there has been no discussion with the institutions affected by this Bill. I ask the Government: Is that correct? Has there been consultation, for example, with the Eastern Caribbean Institute of Agriculture and Forestry?

Dr. Griffith: Yes.

Mr. K. Valley: Well, that is not what they are saying. Has there been consultation with Niherst?

Dr. Griffith: Yes.

Mr. K. Valley: Has there been consultation with the John S. Donaldson Technical Institute?

Dr. Griffith: Yes.

Mr. K. Valley: There has been no consultation.

Miss Nicholson: And they have it run down!

Mr. K. Valley: The saving grace is that this Bill takes effect on a day appointed by the President. In other words, this has to be proclaimed and published in the *Gazette*, so one hopes that there would be the necessary consultation. There must be, because if you are attempting to bring all these various institutions under one structure, as it were, then there must be that consultation.

There is one minor issue that I hope somebody on the other side can explain to me. I see here in clause 41(2):

"Section 28 of the Education Act is hereby repealed."

When I look at section 28 of the Education Act, it talks about the composite school. One wonders, first of all: What does the composite school concept have to do with the Bill that is looking at tertiary education? As I said, the Minister lost his way long ago, but in his presentation we are none the wiser why the composite school concept is being interfered with. Now, I am hoping that somebody else on the other side would make us wiser on that point.

There is another issue. Way back in 1994, there was legislation for the coming into being of Niherst—Act No. 20 of 1984 of the laws of Trinidad and Tobago. Niherst was supposed to be a supervisory institution for a number of other tertiary educational institutions, such as the College of Health Sciences; the Eastern Caribbean Institute of Agriculture and Forestry, which is included here; the School of Dental Nursing; the Caribbean Industrial Research Institute; the Institute of Marine Affairs and so forth. They are not included in the schedule for the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT).

I simply ask: If you are taking Niherst under COSTAATT and you are repealing the Niherst Act, what happens then to those other institutions? Are you going to include them in the schedule at some later time? If so, why not include them now? If you are not, what then would be the supervisory body? Does it mean that Niherst never really functioned, or did not have a function? If it was charged with the supervisory role for these institutions, they are not now going to be under COSTAATT and Niherst is to be repealed, where would they be? Would they be in limbo?

I would ask somebody who knows what they are talking about on this Bill and not the gentleman who takes us all around the world and says nothing: completely irrelevant whenever he speaks in the Parliament, then comes around to ask everybody how he sounded. Quite frankly, he is wasting his time in the

Parliament. With all his training, there is a lack of focus. If only he will focus on what is the business of the Parliament, then, perhaps, he might be of some benefit to us here. But every time, he gets up and speaks on things that nobody knows about, or is concerned about. He spent the afternoon talking about race and this one said—Gypsy. Who cares about Gypsy? As far as Gypsy is concerned, I am sure cousin Selwyn is rolling in his grave. That is my only comment on Gypsy. Poor cousin Selwyn. I am sure he is crying wherever he is. Who cares about these people? They will come and go as soon as the election date is called. That is the reality of the situation.

As far as we are concerned, this Parliament should be prorogued already and we should be out there, as our people are doing, campaigning for the election. That is what we want.

Mr. Speaker, with those comments, we on this side will support this Bill. I had no intention of speaking on this Bill, allowing it to pass, as most of the others because we want the election. That is what we want. The Government, as though it is hiding here in the Parliament, keeps us here until 2.00 a.m. and all sorts of hours. We want to be out there on the public platform.

Mr. Speaker, I thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I did not have any intention of joining this debate, but in the light of some of the comments made by the hon. Member for Diego Martin Central, I think it is my duty, not only to talk in respect of some of the matters on which he has raised concerns he did not understand, and I will try to see if I can explain them, but also to respond to the fact that the Opposition believes it can take away the powers given to the Prime Minister under the Constitution of Trinidad and Tobago. [*Desk thumping*]

Mr. Bereaux: What powers?

Hon. R. L. Maharaj: As I understand it, the Government of Trinidad and Tobago, the state and the people of Trinidad and Tobago, operate under a Constitution and the Constitution says that it is the supreme law of the land. The Constitution of Trinidad and Tobago provides for the length of the term of office of any government and the maximum length and term of office of any Parliament. It provides for how a session is to be created, the length of it. It gives all that and it gives the machinery that a Prime Minister has a discretion, at any time, to call a general election and to dissolve Parliament.

Mr. Speaker, I am getting the impression that the Opposition is so coward and becoming so nervous—I have never heard of any party or anybody who will win an election by merely saying, “We want an election; call an election.” The records of the Parliament would show that there are important pieces of law reform which started years ago and which, if they are not completed, would frustrate the work of the people of Trinidad and Tobago.

The Opposition seems to have difficulty working late in the night or early in the morning to serve the national interest. It seems to have difficulty. If it is they do not understand what are their responsibilities, that they have to come to Parliament and they want to go and campaign, so be it. But, we in the Government have decided that we are going to discharge our responsibilities. There will be a time when the election will be called. Elections must be called and the people will see what the results are.

I do not want to debate here who will win and who will lose. I believe that the Opposition has a responsibility. It could express its view but it should not try to mislead the population that elections must be called now. Elections have to be called and there is a way in which elections are called.

I remember the hon. Member for Diego Martin Central expressing, by his conduct, surprise, when his leader called the general election on the last occasion. Mr. Speaker, I was sitting right there where the hon. Member for Diego Martin Central is sitting—my very good friend. I was sitting there; he was sitting here and when his leader, the Prime Minister of the day, got up and took out a little sheet from his pocket, a little piece of paper; I think it was a yellow sheet of paper and read it; I remember the hon. Member for Diego Martin Central—let me take off my spectacles before—looked up at the ceiling and he knocked his forehead a few times. [*Laughter*] He was so stunned. I felt so sorry for him that I went up to him afterwards and asked him because I wanted to make sure that nothing was wrong with him.

I wish to tell the hon. Member for Diego Martin Central that we will all be on the hustings having a very good time enjoying the campaign. I understand that tomorrow evening there is a major meeting of the United National Congress in Diego Martin and I invite the hon. Member for Diego Martin Central to come on the platform of the UNC so that we—

Mr. Valley: I can understand, Mr. Speaker, why he wants me on the platform of the UNC. They cannot find a candidate up to now for Diego Martin Central. Find him and bring him. We are ready for him in Diego Martin Central. Let him come quickly.

Hon. R. L. Maharaj: Well, it is not too long again before the candidate will be announced.

As I understand it, COSTAATT is the College of Science, Technology, Applied Arts of Trinidad and Tobago and it has been mentioned that COSTAATT represents the amalgamation of seven public tertiary institutions into a single multi-campus college. The institutions to be incorporated are: the San Fernando Technical Institute; the John S. Donaldson Technical Institute; the Government Vocational Centre; the Joint Services Staff College; the Eastern Caribbean Institute of Agriculture and Forestry; Metal Industries Company Limited and the Niherst Colleges—Business and Information Technology Division, the College of Nursing, the College of Health and Sciences, the School of Languages and the General Education Division.

[MR. DEPUTY SPEAKER *in the Chair*]

The establishment of COSTAATT had its genesis in the national and regional tertiary education reform imperative.

Mr. Deputy Speaker, our nation still provides education and tertiary opportunities at tertiary level to only a small percentage, 7.9 per cent, of its 18—24 age group. The Government, in addressing this major shortcoming, recognized that these small stand-alone tertiary education institutions, operating as virtual departments within Government Ministries and with little or no relationship to each other, could not contribute effectively to the achievement of one of the principal goals of tertiary education reform, which is to increase access to quality education and training programmes at tertiary level.

It is in this context that the Government decided that the way forward was to bring six of the major publicly funded tertiary institutions together with a common academic and administrative structure.

3.00 p.m.

Mr. Deputy-Speaker, the college will operate as an autonomous higher education institution; similar to that of the University of the West Indies, with divisions linking programmes in a common disciplinary area such as health sciences and nursing, engineering technologies, business and information technology *et cetera*.

This consolidation programme, into divisions, will allow COSTAATT to attain a critical mass of faculty that will enable it to make a significant impact on the quality, breadth and depth of programmes which it can offer.

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Additionally, the six campuses will be linked by a wide area network and managed by an integrated software system, that will allow for decentralized implementation and centralized management of the financial, human resource, student information, and library systems of the college. The system is intended to bring about significant improvements in efficiency, accountability, responsiveness, and effectiveness in the provision of tertiary education.

From the Government's perspective, the linking of the six institutions into one multi-campus college under a single ministerial jurisdiction, will finally allow for more effective planning for the tertiary sector as a whole and for more efficient and impactful allocation of resources.

Mr. Deputy-Speaker, since the early 1990s, the Government of Trinidad and Tobago recognized that the low rate of participation in tertiary education—currently 7.9 per cent—would be a major impediment to sustainable, economic and human resource development.

Over the years, a number of task forces were convened by previous administrations to consider this problem and develop a comprehensive plan for the reform of public tertiary education. The reports and recommendations emanating from these task forces, centered around the need for a community college-type system, which would address the numerous and varied problems that currently exist with tertiary education in this country. Such problems are:

- enrollment and achievement rates in critical areas, limited or no investment in teacher training, limited career mobility for faculty and staff;
- programmes that are not relevant to labour market or community needs, programmes that do not make provisions for remedial education or workforce education;
- programmes that are low in quality and costly to deliver;
- programmes that limit articulation and transfer of opportunities, not only with our own University of the West Indies, but also with regional and international universities and colleges; and
- programmes that do not facilitate the establishment of a system of life-long learning.

In spite of the recommendations of these task forces, no serious action was taken to reform the tertiary sector until 1997, when this Government took that

decision to establish the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT). This is because we understand that the country will not survive in a competitive, global economy, unless there is a major revolution in education. We have already achieved the goal that many developed and developing countries are still aspiring to do: 100 per cent access in primary education, and 100 per cent access in secondary education. With the establishment of COSTAATT, we intend to attain 15 per cent participation in higher education by 2005. That, I understand, is internationally recognized as the threshold for mass higher education.

In less than five years, under the COSTAATT initiative, we have increased enrollment from approximately 7,000 to 9,000 students. No doubt, some of the hon. Members on the other side may think that this is a dangerous development, believing that the quality of our higher education would be sacrificed. But, the vision and developments in tertiary education are consistent with the recommendations, not only of Caricom but, also of the former Vice Chancellor of the University of the West Indies, Sir Allistair Mc Intyre, and the current principal of the St. Augustine Campus, Prof. Compton Bourne.

To those on the other side who doubt our resolve, we are committed to providing educational opportunities to all our citizens, irrespective of where they live, their age, ethnicity, race, class, or social standing. All that we ask is that people who have the ability and desire to benefit from education and training and who wish to be part of this reform and revolution, be given the opportunity to participate.

Mr. Deputy-Speaker, in spite of all the difficulties, I think we must recognize that in the last three years, since the green light was given for the establishment of this college, significant improvements have been made. There has been significant impact on the quality of teaching and learning that takes place in our public tertiary sector. Over 2,000 new students train in associate degree, diploma and certificate programmes. Over 1,000 members of the faculty and staff have attended workshops in areas as critical as quality assurance in higher education, budgeting and strategic planning, human resource management, technology planning, student development in community colleges *et cetera*.

Over \$4 million was spent on providing state-of-the-art equipment, computer equipment, and software to improve the quality of information programmes and the efficiency of administrative services on all the campuses. Over \$2 million was spent on acquiring library resources for all the COSTAATT campuses. Almost \$10 million was spent on upgrading the physical facilities at these institutions.

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In this year, 50 scholarships sponsored by the private sector were awarded for enrollment in associate degree programmes in graphic arts, environmental engineering, environmental technology, business management and information technology.

I think that the Opposition must be complimented for recognizing that this is an area in which support must be given. Whatever other factors that we have not given the information for, we will undertake at the committee stage, where we would be able to provide that information. As the Opposition has recognized, whatever political differences may exist in the Parliament, there are projects and policies which have national benefit to which all sides would agree.

When one looks at the latest economic indicators, and the statistics from the Central Statistical Office, it is shown that unemployment was highest among the 15—19 age group, approximately 34 per cent. However, employment opportunities have been growing in the following sectors:

- (a) construction;
- (b) manufacturing; and
- (c) community, social and personal services.

Additionally, the projected growth areas for 2000—2001 are information technology and telecommunications, financial services, agriculture, and entertainment. These are all the areas for which training programmes are currently provided by the constituent campuses of COSTAATT.

With the introduction of market-driven programme development in the public tertiary sector, COSTAATT is not only strategically positioned to make a substantial impact on the shortage of skilled workers in critical areas, but is also planning to equip its students with the skills and knowledge to make a major contribution to job creation in Trinidad and Tobago.

The flexibility in the programme delivery, which the college will embrace, ensures that the competencies of the current labour force are not overlooked, and will be enhanced through workplace training and upskilling.

I think we will all agree that for any country to really be competitive in the world today, its most important resource, its human resource, must receive the education and training in order for the human resource of the country to be able to compete in the world.

Mr. Deputy-Speaker, thank you, very much. [*Desk thumping*]

3.10 p.m.

Mr. Hedwige Bereaux (*La Brea*): Mr. Deputy Speaker, I rise to make a short contribution on the COSTAATT Bill. This Bill was introduced by the hon. Member for Tobago East, the Minister for Tobago Affairs. After listening to him I now understand why he, as Minister for Tobago Affairs, as the only Member of the National Alliance For Reconstruction in a coalition government which may or may not be a coalition, still presides over a situation where, in this country, there is for the first time in the history of the unitary state of Trinidad and Tobago, no ferry link between the islands. A colossal failure and, yet, he comes here and totally misunderstands what he has to do, and regales us with a terrain of nonsense.

Politicians on platforms need to be really careful; I have heard my political leader time and time again say that. I now see the suffering it brings unto other people when a politician—albeit a very competent and educated lady—makes a *faux pas* of immense proportion. She inflicted upon us the nonsense coming from the Member for Tobago East.

To some extent, I want to thank the hon. Attorney General for trying to put “Humpty Dumpty” back on the wall [*Desk thumping*] by telling us what this Bill is about. As he truly said, this College of Science, Technology, and Applied Arts of Trinidad and Tobago—and the statistics as read out before—is like motherhood; it is something that we all must support. If we had been given that, we possibly would not have been here on this Bill, we might have been here on another Bill by this time.

We are in Parliament and we have the *Hansard* reporter taking notes, so we cannot leave the nonsense of the hon. Member for Tobago East without dealing with some of the things he said. But before I get to him, I want to tell the hon. Attorney General that we know very well the powers of the Prime Minister and that he is entitled to call elections at any time. We also have great respect for the Constitution, but I would like to remind him that he is the person who burnt the Constitution of Trinidad and Tobago in Woodford Square. I am glad to see that in this incarnation he is, at least, more respectful of the Constitution of Trinidad and Tobago. [*Desk thumping*]

Mr. Hinds: Although it is only a facade.

Mr. H. Bereaux: Like everything else, it is not just what this Government does, but it is extremely important to look, not only at what they say or what they fail to say, but what they slip in through the back door.

Mr. Deputy Speaker, I am going to the end of the Bill where it says:

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“(2) Section 28 of the Education Act is hereby repealed.”

As my hon. colleague from Diego Martin Central pointed out, section 28 of the Education Act refers to the composite schools. For the uninitiated, let me tell you about the composite schools.

The composite schools are schools where you have three streams; you would have what is called the grammar school stream, the commercial stream and the technical school stream. They are very large schools. They were schools that were introduced in England way back by the labour government when they sought to remove the—you know, Mr. Deputy Speaker, in England you have these public schools which are supposed to be for the elite, and the labour government tried to level the playing field and brought in these composite schools. These schools were intended to seriously prevent or remove any stigma from technical education.

When I see what is happening here, and I go back to the various statements I have heard the hon. Member for Tobago West make from time to time about the failure of this Government to—although the technical/vocational wing in the Signal Hill school has been built, it has not been furnished, and I now understand why. The Government always intended to get rid of the composite schools, and they must explain why they are doing it—[*Desk thumping*]*—it is a whole pattern of behaviour, and what has happened is that they have failed to furnish the technical/vocational wing in Signal Hill. I know of, at least, two comprehensive schools—one in my constituency and one close to it, where they have substantially reduced the furniture and equipment for the technical area of those schools. I understand they are moving it to these new technology centres that they are forming, and I do not understand what it is they are doing. Why are they setting about damaging, removing or dismantling the technical education aspect of secondary education? [Desk thumping] I am asking that.*

The hon. Member for Tobago East had a little problem in pronouncing "tertiary education", saying "tershery", well, let me go back; you have primary education and you have secondary education. You have secondary education and then you have tertiary education. If I could recall what the psychologists and educationists say about the ability of certain segments to benefit from certain types of education; they say that all education after primary is secondary; immediately after primary is secondary, and that secondary education consists of grammar school, modern school, as we call it, and you have technical schools.

It was proven that no more than 22 per cent of the population can benefit from grammar school type education, meaning education where you do mathematics,

science, and languages, and you seek to have schools like Queen's Royal College, St. Mary's College and all these types of schools. Then you have the modern schools where they do more commercial work and so on, then you have the technical schools. Whenever you see a government purporting on one hand to give complete secondary education—which is a good thing—but at the same time dismantling the technical aspect of education, they are either totally ignorant of what they are doing or they have an ulterior motive. [*Desk thumping*] I want somebody to explain it to me, and it has to be somebody who knows about secondary education and was taught in that secondary education system.

What the Government has done is throw all the primary school children—some people said that they made zero in the composition, and you are putting them into a secondary school, but be that as it may, I do not understand if you write a composition how you could get zero, but somebody told me that, so I will take it; however they corrected it, the people got zero. Do not misunderstand me by any chance, some of those children who may have made zero may have other skills. When I say other skills I mean skills involving technical subjects and certain things of that kind, and certain subjects of that kind.

When you send them into a secondary school or into a secondary system in which you are removing the technical area of that programme, you are telling me that you are sending them in there to fail. If you know that, then it is malicious and evil; if you do not know it you are guilty of what we in catechism call “culpable ignorance”, and in each case you are guilty of that.

There are a number of technology centres. I passed in Debe, and I must congratulate the Member for Oropouche; he has a very nice technology centre being built there. Is that going to be part of COSTAATT? I have not seen that institution listed on the Schedule here. You see, Mr. Deputy Speaker, they say that you have to pick sense from nonsense. The hon. Member for Tobago East is accustomed to interfering with things of which he has no knowledge. He spoke of an Institute of Technology which is in existence, and then spoke of that as something else not part of this College of Science, Technology and Applied Arts of Trinidad and Tobago. How is it happening? I would get back to that further.

Anytime the Member for Tobago East stands up it is his wont to tell us what the People's National Movement did and did not do, to try and put words in the mouth of Members on this side.

[MR. SPEAKER *in the Chair*]

Firstly, let me for the record state that the People's National Movement built 80 secondary schools. I know you like to tell us that that is what Eric Williams

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did and that that was in Eric Williams' era, but then when you want to talk about corruption you could only find O'Halloran and Prevatt, so we are telling you that the 80 secondary schools are ours too. The PNM also built two large technical schools, and you know them, San Fernando Technical Institute and John S. Donaldson Technical Institute.

I noted that while he kept attacking the People's National Movement's education system, he also—in a kind of backhanded way, and under his breath—acknowledged that all they are doing here now is bringing together a number of institutions that were all—or if not all maybe only one was not built under the PNM's stewardship. Eastern Caribbean Institute of Agriculture and Forestry (ECIAF) may be the only one. Government Vocational Centre; John Donaldson Technical Institute; Joint Services Staff College; the Niherst Colleges; San Fernando Technical Institute, all of them, or the vast majority, it may be only one that was not done by the PNM.

3.25 p.m.

The first thing you need to do is to pay special attention to the fact that you met a very good foundation on which you are now building or propose to build, you have not built anything yet. If some people in those schools have not done as well as they should have done—the hon. Member for Tobago East went to Queen's Royal College, but he did not do very well there. He likes to tell people he is bright, but he did not do very well at Queen's Royal College. If he has done well today, although he does not pronounce his words very well, whether Spanish or anything else, hooray for him, but do not try, using the very foundation built by the PNM to say what the PNM did not do. Do not say that. If you read Hyperion you would know as Keats would have said: “Can the tree look down on the earth from which its fruits rise, or can the birds that nestle on the tree look down on the tree because it cannot move?”

I am saying Mr. Speaker, that this Bill to provide for a College of Science, Technology and Applied Arts is a step in the right direction and, as already stated by the hon. Member for Diego Martin Central, we on this side will support it, but I think there are some areas which I would like explained. Are we going to have in this college, day release arrangements where students or persons in industry could leave industry and come into the college and be suitably trained? I understand there is going to be an input by industry. I also would like to know whether we would have sandwich courses whereby persons who are to be taught

would go to university or college for a year or two and then do some time in industry and get the practical experience.

You see, I work in the oil industry and I know when you came out of university with your engineering degree, you were first made a trainee engineer, after two years, if you worked well and learnt what was taught in the field, you would be made an assistant engineer, and after four years, you would become an engineer because an academic degree does not make you an engineer. There is a way to get around that because you can also do it by a mix of academics and practice and a mix of academics and experience. You will find that a number of persons who are employed in certain disciplines in industry are also quite brilliant. I have the experience of knowing a former Managing Director of Petrotrin who went to university very late, but he was brilliant there and the reason was he had the experience of having worked in industry and we need to know that.

Above all, this Government has spoken a lot on tertiary education but university education for the citizens of Trinidad and Tobago has moved from a stage where at one time they paid no tuition fees to now when the tuition fees have increased substantially. Of course, when you have money you are able to provide more for the people. There was a time from 1986 to 1994, even up to 1997 or 1998, when Trinidad and Tobago was under serious financial constraints, but this is a lucky Government. We have the price of oil being at levels that we did not have since 1981.

I want them to tell us whether it is the intention of easing the burden on the parents of those persons who are going to university and also to what extent the fees charged—I should not say it that way, I should say; will there be any fees charged for the College of Science, Technology and Applied Arts and if so, what kind of rates are we talking about?

I see industry will be giving 50 scholarships. If today we have 9,000 students as they say and we are trying to get these students in tertiary institutions—is it in tertiary institutions, or in the various Colleges of Science, Technology and Applied Arts? When you tell me about 50 scholarships coming from industry, it is a joke you are making. When I was at the age to go to university—and we are talking about a long time now—I remember Canon Max Murphy would get 89 scholarships for people from Trinidad and Tobago to go to universities in the United States of America. So when you are telling me that big industries are making plenty money, you have the audacity to talk about 50 scholarships; that is a joke.

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If we are talking about an increase in persons going on to higher education, we should encourage industries to encourage their employees to go to school. They will benefit because they will have more productive workers. They would be able to add some academics to their already practical experience and that would also benefit the employer. Secondly they would feel more satisfied and feel they are moving forward and that will be of benefit, because of being satisfied, they would move, work and produce better and even if they do not produce better for that employer, because they are better qualified, and they have more motivation, they are likely to do other things.

That is why we support this legislation because too often you have persons going to university and when they are qualified they come out, put their hands in their pocket and say: "I bright now, I qualified, 'way mih wuk'?" Part of the reason for that is that we need to point out to a number of persons who are so fortunate to benefit from tertiary education that this country has contributed to your education and their duty is to so conduct themselves and business and whatever they are doing to be able to employ others. Unless we create more employers in this country, we will never be able to address unemployment.

An institution like this if handled properly, if given the proper guidelines and curriculum mix will be able to do a tremendous good for the country generally. There is a statement made from time to time in law that those gentlemen of the law who get their first-class honours study more, get PhDs and become professors. Those who get their upper second class honours, they do well and become judges and the others, work hard and make money and they also employ people. So the same thing would happen. These persons who would be going to the College of Science, Technology and Applied Arts we expect them to be what I would say the salt of industry because they may not have had the same academic ability to get into university because it is very competitive. The Member for Tobago East is a fitting example, not very bright, but he has managed to acquire plenty qualification, so even though they have not been able to do very well, most likely they would be able to contribute tremendously to the development of the country.

I am saying that a college of this kind is important and if handled well, can contribute to national development so therefore, I would have expected the hon. Minister who came here purporting to move the Motion to explain in a more detailed manner the *raison d'être* of the school and how the curriculum would be so arranged and managed in order to advance national development. This is what it says in the explanatory note.

“It is envisaged that COSTAATT will be an organisation, responsive to community, national and regional needs, by serving as a major catalyst for the attainment of sustainable, equitable and democratic development.”

These are laudable objectives and if that is what we see the College of Science, Technology and Applied Arts to be about, then I would expect him, when he replies, to show us how this would happen, how the curriculum would be geared to do it. I want to know if you are going to have people studying somewhere to determine why is it in Parrylands—just bordering my constituency and where some of the children from my constituency go to school—Petrotrin is poisoning them?

3.40 p.m.

I want you also to be able to tell me—*[Interruption]* Shut up, you are an embarrassment to yourself, to your family, to the country and to the position that you hold. Shut up! *[Interruption]* Do not worry about that, I do not have the \$12 million in the bank. *[Interruption]* Yes, possibly, and that is why you cannot go up for election again, they want the lady now, thank God for that.

Mr. Speaker, I want to know whether people, in these schools, would be trained to analyze the emissions so they would be able to say why they are poisoning people there. While they are telling us that no H²S is coming out of the ground and people are still showing the symptoms of H²S poisoning, I want the Hon. Member to tell me why in No. 4 Road, Palo Seco there are more people with tumors than anywhere else in the country.

I would also like to know why there are more asthma cases in Couva South next to Pt. Lisas than anywhere else. Those are some of the things I want to be sure that the College of Science, Technology and Applied Arts of Trinidad and Tobago will deal with. That is what I want to have you explain. I want you to also explain to me what kind of relationship would COSTAATT have with the University of the West Indies. Would there be professors and lecturers moving backwards and forward between them? If one has a certain degree from the college would one be able to get into the University of the West Indies at a certain level? I want to know that because, Mr. Speaker, the most arrogant set of academics—some of them—are in the University of the West Indies. *[Interruption]* You shut up, you will not be there anyway, please, *de mortuis nihil nisi bono*.

Mr. Speaker: May I appeal to the hon. Member to do that which the little book says and speak to me, recognizing that you are sometimes provoked to speak directly to a Member.

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May I appeal to Members on the other side to observe the rules of the book? Hold your peace. We have the whole night and I assure you that there is nobody on this side that would be denied the opportunity to talk. Hold your fire. Do not do anything that would be construed as provoking the Member on his feet to answer you instead of speaking to me.

Hon. Member, please continue.

Mr. H. Bereaux: I thank you very much, Mr. Speaker. I think I, too, should not have allowed myself to be provoked by the hon. Minister of Distance Learning and Member of Parliament for Arima, seeing that he is in the last days of his presence in this honourable House.

I was asking, Mr. Speaker, whether there would be any credits going from the college to the University of the West Indies. I am asking that question and seeking some clarification in respect of that because I know that there is a certain arrogance—I call it academic arrogance—existing in the University of the West Indies. I could recall that happening whereby persons would come with very good academic degrees from abroad, trying to do law, for instance, and they would tell them at the University of the West Indies that they have to start from first year. Those same persons would get into Cambridge University and Oxford University. I know of someone who got into Cambridge and started from the second year. Be that as it may, that is all right, Mr. Speaker, if you have money to go to England and get a degree you could go to Cambridge and spend the other two years. A person of humble means, however, who would have travelled upwards through COSTAATT— and since we are passing a Bill here to give some power and to place some reliance on that college for national development, we want to be sure that there would be some sort of credit system.

I really want to suggest from that standpoint that I believe it should not only be with the University of the West Indies. Since we are creating a community college, we should seek to have international relationships as it says here. The hon. Minister did not say anything about it so if I am talking about it now it is because he did not explain what it is. By saying that, I do not only mean in respect of students, I also mean in respect of lecturers and I will tell you why.

We are dealing with higher education and cross-fertilization is not only for plants, it also operates in terms of academics to some extent. I have always said that there is a certain level of incestuous academics in the University of the West Indies in the sense that we do not have our professors from the University of the West Indies going into other universities abroad in sufficient numbers. We are

not, somehow, able to attract other professors from abroad coming into our university, so that there is always this academic fertilization that goes on when you have this kind of interplay.

The hon. Member for Tobago East also mentioned that we think music is for carnival and chutney, you know, trivializing. I want to tell him, if he grew up in a home that think that and if that was his concept until he went abroad and studied and has now learned music is important, that is not so with most people. I grew up in a home with a piano and we were not rich but that is the culture we have. If he does not know about that he should ask people. If he was not fortunate enough to be around—

Mr. Speaker, it is a typical thing, a person who is unable somehow to measure up to the standards of those who should be his peers, he always looks on other persons to bring them down.

That is why he comes here all the time and he speaks about the failure of certain ethnic groups and when a Member says, “But my child was among the first 100”, he tries to twist it around and dismiss it because he would like to believe, Mr. Speaker, that he is the only intelligent or educated person of his ethnic group; but that is not so. He is not even good like that and he must recognize it. He cannot make any money in his own business—would not repay his loan to the state—he may delay to pay it, which is all right. We all owe, but he should pay it to the state.

3.50 p.m.

So, Mr. Speaker, I just want to point out and to end my contribution by saying that this is a very important step forward, but it is a step forward which could not have been taken had it not been for the very important groundwork done by the People’s National Movement. [*Desk thumping*] You see, all they are doing is, just like they keep doing in other things, they coalesce or try to bring together in one institution the various institutions located all over the country, which were put there by the PNM and then say, “We bring the College of Science, Technology and Applied Arts”.

So too, Mr. Speaker, the hon. Member for Caroni East purported—said he was going to give “water for all” and I told him, “If you do that and you are able to give water for all, especially in my constituency, I would go on your platform and congratulate you”, and he did not want me. I take it that he did not give water for all because he did not want me on his platform. But then he turns round, Mr. Speaker, and says, “We are going to give to 80 per cent”.

Mr. G Singh: No, I did not say that.

Mr. H. Bereaux: Well, it was his Prime Minister who said that. *[Interruption]* Whatever—well, they will give to 80 per cent, subtly trying to give the impression that nobody in Trinidad got water all the time before they came. You know, those old tricks do not hold, Mr. Speaker. They only gave to 11 per cent because 69 per cent were getting water all the time. They should admit they did something incremental, and that is all it is.

Then they said, “Secondary education for all”, apparently trying to give the impression that they met nobody going to secondary school, but there were a number of persons—plenty went to free secondary school under the PNM, including many of those on that side *[Desk thumping]* and including the Member for Tobago East who had a PNM Minister of Education talk on his behalf so he could get into Queen’s Royal College. *[Desk thumping]* He has never said that yet in this Parliament, Mr. Speaker. John Donaldson did it; spoke to Mr. Haynes, the Principal of QRC, and he has the audacity to come here to try to ridicule the PNM! *[Desk thumping]* *[Interruption]*

What? He would never do it? I am doing it and I am the Member for La Brea. *[Interruption]* I do not know. No, I am not saying he is not entitled to have a Minister speak for him; I am saying that he should be careful when he comes here and tries to castigate the PNM and turn all the education—the PNM has done a lot for education, and that is written in the history of this country. *[Desk thumping]* We do not purport to have never made a mistake. Those persons who have never made a mistake have never done anything. Once one is a performer one is likely, even if it is only in the exuberance and the desire to do so much for the people, as we desire to do for the people of Trinidad and Tobago, to have made errors. Having made errors, when we see a Government coming, Mr. Speaker, to coalesce and to bring together what someone else did, to try to improve it or to bring that in order to meet the demands and the imperatives of a new era, we say fine.

We will look at it and tell them where we think they should correct it, but we will support it, Mr. Speaker, because we are continuing. You see, this is the continuing development of Trinidad and Tobago. So too, we should not have the country, Trinidad and Tobago, existing today without a sea link between Tobago and Trinidad. We should have, instead of two ferries, three, because in our time under the PNM’s stewardship there were two. So if this Government was about progress, and our progress in that direction, then we would have had not one or none, but we would have had three. So that is one of the points I wanted to deal with to some extent. I am not leaving anything he said—*[Interruption]*

Mr. Speaker: Hon. Members, the speaking time of the Member for La Brea 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. H. Breaux: Mr. Speaker, [*Desk thumping*] I thank hon. Members for extending my time and I realize the person who said "No" really does not mean that. The brilliance of this contribution is of such that even the other side—[*Desk thumping*] [*Laughter*]

Mr. Maharaj: The Member talks like Mr. Assam.

Mr. H. Breaux: Not really. This is substantially higher than his. I may not have his mid-Atlantic drawl or brogue but I do have a lot more sense in it.

Mr. Speaker, I want to deal with this question of when the hon. Member for Tobago East spoke about ethnic niches and certain ethnic groups having certain abilities and so forth. What upsets me with him is that I do not know if he has a problem with his ethnicity. Because we have Colin Powell who is of Jamaican origin in the United States becoming the Joint Chief of Staff. We have our own—a number of people of Caribbean roots—holding substantially high positions in the States and, as a matter of fact, being wealthy. He may not know of them but I know of several. I did transactions with a number of them when I was practising law in another place.

When I looked at the Canadian Olympic team and saw the athletes, especially when I saw the female quartet for the 4 x 100 relay, I thought they were from Antigua or Kenya or somewhere, [*Interruption*] or even La Brea. I see, Mr. Speaker, the nuisance has moved to another place. [*Laughter*]

Mr. Speaker: Regardless of what your views are, I think I would prefer you not to refer to an hon. Member of the House as a nuisance.

Mr. H. Breaux: Yes, Mr. Speaker, I obey you.

Mr. Speaker: Whatever you may think, you must not refer to him as such in the House.

Mr. H. Breaux: Yes, Mr. Speaker. The problem is, Mr. Speaker—and I do not want to question your ruling. I will not do it. Maybe I did not use the language properly. I should have said that the nuisance is coming from a different direction. That would have been different.

Mr. Speaker: Indeed.

Mr. H. Breaux: But I am not even saying that. [*Desk thumping*] [*Laughter*] So I was saying, Mr. Speaker, when I saw the Canadian team I thought that they might have been from Antigua or Nigeria or anywhere else, so too the US team and so too a number of other teams. I mean, when the hon. Member for Chaguanas picked the millennium sports people and I looked at the list, although they received some flack for it, one would want to think that the composition of the country is different. It is not, because different people have different skills, but because we will find maybe a preponderance of one group in a certain way, it does not deny that there are other members of another group who are equally competent. It is because that is how we are made up, Mr. Speaker.

I want to take umbrage at the continuing behaviour of the Member for Tobago East and the reason I am dealing with him at length today is because I know he does not have long. He will not tarry in this place for very much longer, so I want to be sure to have it on the *Hansard* that I have dealt with him comprehensively. Finally, Mr. Speaker, we on this side, notwithstanding some of the minor differences we may have in the way things have been done, support this legislation. Thank you. [*Desk thumping*]

Mr. Barendra Sinanan (*San Fernando West*): [*Desk thumping*] Mr. Speaker, let me assure Members on the Government Benches that I would be short, perhaps 20 or 30 minutes. I am pleased to participate in the debate on the Bill before us, “An Act to provide for the establishment and administration of the College of Science, Technology and Applied Arts of Trinidad and Tobago and for matters connected therewith”. Immediately, Mr. Speaker, I go to the first paragraph of the Explanatory Note and it reads:

“This Bill purports to establish a tertiary level educational institution to be known as ‘The College of Science, Technology and Applied Arts of Trinidad and Tobago’ (hereinafter referred to as “COSTATT”), formed on the basis of the integration of the several colleges and training institutions set out in the Schedule.”

I now go to the Schedule, because this is what interests me in the Bill before us. When we go to the schedule we see six institutions mentioned here. Of particular interest to me are the John S. Donaldson Technical Institute and the San Fernando Technical Institute. Now, earlier on in his contribution, my colleague, the Member for La Brea, indicated to you and the House that technical education in the composite schools seem to be on the wane. In other words, it would appear to us that sufficient attention is not being paid to technical education in the composite schools.

We have two institutions that I know of, the John S. Donaldson and the San Fernando Technical Institutes, that are devoted exclusively to technical education. To gain entry into any of these institutions is very difficult. It is even more difficult to get into these schools than it is to get into the so-called prestige schools. The standards are extremely high. I will go so far as to indicate to you, Mr. Speaker, that it is easier for a graduate of either one of these technical schools to gain entry to the United States of America, Canada or the United Kingdom based on a certificate issued from these schools.

I know of a particular case of a businessman in San Fernando, a wealthy man, who applied to go to Canada on the basis of his substantial wealth. He was turned down. He enrolled, got into the San Fernando Technical Institute, got a certificate in welding and was able to obtain migration status. He was able to migrate to Canada on the basis of that technical welding certificate. That is what it is.

What I am saying is that students coming out of these schools are very highly regarded. It is difficult to gain entry in these schools and once you come out you are well prepared and could hold a job in any part of the world.

4.05 p.m.

Mr. Speaker, we have heard earlier in the Member's contribution the situation with respect to the technical vocational wing at the Signal Hill Secondary School that seems to be in limbo. Again, I get the impression that the Government is not paying sufficient attention or no attention at all to technical education. Why is the Government doing that? I am not sure. Here it is the Government is proposing secondary education for all and, yes that is admirable. Obviously, it will be admirable and will work if all the systems are in place. We are seeing lately that all the systems have not yet been fully in place to accommodate that concept of secondary education for all.

Mr. Speaker, let me ask you a hypothetical question. If you go home at six o'clock this evening and there is a burst pipe at your residence, do you know the name of a plumber that you can call to fix that pipe? If you go home and there is a problem with your electrical supply, do you know the name of an electrician you could call?

Hon. Members: Yes.

Mr. B. Sinanan: I doubt very much and if anyone of you do, then you are an exception. Here it is we are concentrating on putting children into Model Schools simply because we want to say to the public—it is an election year and we are electioneering with total disregard to those children—that these children are in a

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school. Mr. Speaker, not all students are capable of receiving an academic education. Some of these students are capable of receiving and assimilating technical education. What this Government should be doing is building more technical schools exclusively for technical purposes where we can have electricians, plumbers, carpenters, welders, masons and even pipe fitters.

Mr. Hinds: Even pipe fitters!

Mr. B. Sinanan: Perhaps, not too long from now, I know a particular Member would qualify to perhaps be a tutor in one of those schools in that particular subject.

Mr. Hinds: The Member is absent today.

Mr. B. Sinanan: I am not talking about the Member for Siparia.

Mr. Hinds: Is it not the Minister of Education?

Mr. B. Sinanan: Mr. Speaker, the point I am making is this. If we are on this road to secondary school education for everybody then what would happen is that we will end up with no electricians, plumbers, welders, masons, carpenters and so on. There will be a high percentage of dropouts in these schools if we do not monitor the system, and those students who the Government is herding into these Model Schools, perhaps, somewhere along the line some of them will succeed and, perhaps, somewhere along the line the Government should think about introducing some method of testing to see whether those students—and students also in other secondary schools, not only in the Model Schools—would be more capable and receptive to receiving a technical education, and not just running them through the system and passing time to say that they have gone to school for five years.

Mr. Speaker, it is unfortunate that we have reached a situation in this country today where some parents send students to school just to receive a school meal. That is so in this country. The children go to school because their parents send them in order to receive a school meal, so that the parents will not have the responsibility of looking after them during that 8—4 period, it happens. I am suggesting to the Government to look carefully at their whole education concept and build more technical schools. There are only two schools in this entire country devoted solely to technical education.

Mr. Speaker, there are areas of high unemployment in this country and wherever there is high unemployment you will find, especially boys, either liming on the side of the street or if they happen to have a net and a ball, they would play

basketball, and when they are not doing that they are going to rob somebody. I am saying to Members that these young boys are very intelligent; they have common sense; and they are very good with their hands. They should be put in a technical school. The Government should build more technical schools.

I listened to the Minister of Education, sometime this week, when she said that the Government is going to build 14 more secondary schools. I am asking her to build 7 technical schools out of those 14 schools, not only in Trinidad but also in Tobago. [*Desk thumping*] I am not sure whether there is any school in Tobago solely for the purpose of technical education.

Miss Nicholson: “Yuh tired hear meh say that here.”

Mr. B. Sinanan: It is true. Over and over again, the Member for Tobago West complains about no technical school and the one school in Tobago that has a wing is not furnished. Mr. Speaker, if we continue this way and based on what the Government is proposing, secondary school for all let us assume that all those students were to get through and pass and go on to tertiary education, we would then have no plumbers, masons, carpenters and so on. We will only have either professional people—

Miss Nicholson: But we need everybody.

Mr. B. Sinanan: We need everybody and I am appealing to the Government to pay more attention to technical education. The Attorney General in his contribution spoke about young people in the age group 15—19. He said 34 per cent of the unemployed in this country consist of young people in that age group. Well, if that is so, find out the areas in which these young people are and build technical schools so that they could go and learn a trade. Obviously, they will not be able to go to the John Donaldson Technical Institute or San Fernando Technical Institute because the entrance requirements to those schools are extremely high. We have to bring down the level a little so that we can accommodate—not all the students—but some of the students that the Government is sending to these Model Schools.

Mr. Speaker, whilst the concept of universal secondary education is good, to me, the Government is doing the children no good by putting them into a secondary school system just to pass time. At the end of five years they will be worse off and also the country. If we were to build more technical schools and put them there, I think, it will serve the children and the country very good.

Mr. Speaker, even in terms of the Unemployment Relief Programme, I have been to a couple of these sites and there are people calling themselves plumbers

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and carpenters and they do not know anything about it. They do not know anything about carpentry or masonry but they are calling themselves carpenters and masons. This is a way of perhaps better equipping people who are in the employ of the Unemployment Relief Programme where you can have them coming out of some school and into that system, and instead of paying them money to do nothing, you will pay them money to do something because they have the technical education and expertise to do what they are hired to do.

4.15 p.m.

Mr. Speaker, I hope the Minister would address my concerns in his reply. I am saying to the Government that in looking at its education policy, it should pay more attention to technical education. It is missing in the whole concept and philosophy of education.

We need more technical schools. The John S. Donaldson Technical Institute was built somewhere in the 60s—I stand corrected. The San Fernando Technical Institute was built probably somewhere in the late 60s or the early 70s. Those are the only two institutions in the entire country of Trinidad and Tobago devoted solely to technical education. I say that we only have one other school, the National Energy Skills Centre programme.

Dr. Griffith: We have MIC.

Mr. B. Sinanan: Okay. I am telling you it is difficult to get into those programmes. We need more technical schools. Yes, I agree. We have the MIC and the NESC programme. [*Crosstalk*] That is not enough. We need more technical schools and we need them where there are high levels of unemployment, especially among young people. [*Crosstalk*]

Mr. Speaker: Order please.

Mr. B. Sinanan: Before I take my seat, I am appealing once more to the Government, in terms of the school building programme it is on, pay attention to technical education and, perhaps, build more technical schools in the country.

I thank you, Mr. Speaker.

Miss Pamela Nicholson (Tobago West): Mr. Speaker, I make a brief intervention in this debate. I rise to support this particular trend that has been taken to bring all the tertiary institutions together to come up with the College of Science, Technology and Applied Arts of Trinidad and Tobago.

I have a little problem. My problem is how we develop and move into these institutions today. We have a situation with two in the same schedule, the

John S. Donaldson Technical Institute and the San Fernando Technical Institute. We have a situation where, over the last five years, they have been totally run down by this Government, the same Government that has been promoting the development of the College of Science, Technology and Applied Arts.

As Minister, I visited those two institutions over the term when I was there and one of the problems in both institutions is that nobody cares. Funding for the institutions—many of the areas were closed down because they could not get funding to deal with those institutions. One wanted to know, why the contradiction from the Government.

The Tobago situation, which I would like to say a bit about—I have been raising a particular question here. I had it debated. I talk about it every time I have the opportunity. When we came into government, that is that Government of which Tobago was a part and of which Tobago made a government, we met the tech/voc wing of Signal Hill already constructed and what was supposed to be done was to furnish the institution and to supply it with teachers. The whole technical aspect of training is very, very important, particularly in Tobago. I agree with the Member for San Fernando West when he talked about certain areas, certain trades and certain skills that are needed and left unattended.

Over the last five years, very little care was paid to those areas until recently when this Government, getting funding from certain big business, you call it, in the energy industry, came up with the National Energy Skills Centre, to undermine those two institutions, which are, the San Fernando Technical Institute and the John S. Donaldson Technical Institute, to refuse to allow the tech/voc wing of Signal Hill to be implemented.

There is a situation in Tobago, just as the Minister said, where there is great difficulty—it is important—to get people with skills and trades. That particular problem was felt very strongly when the last hotel was built in Tobago, that is, the Tobago Hilton. Out of the tradesmen, the skills that were there, if 15 per cent of the people came from Tobago—and it was said that the employees would come from Tobago and so forth—we had very many from Tobago. The problem is because we do not have an institution in Tobago to train our young people in that area.

It was only recently that I saw, again, under the same National Energy Skills Centre, the Member for Tobago East pushing for a skills centre in Roxborough. I have always articulated that yes, we want one in Roxborough, but why are they not furnishing Signal Hill? Why are they not putting in teachers at Signal Hill? Roxborough will take some time to construct. Signal Hill is already there. Put in

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the furnishings and put in the teachers because we want skilled men and women and we want trained people in trades. Signal Hill is there in limbo right now.

There is a situation in Signal Hill where, after the library in Scarborough almost crumbled when there was the earthquake in 1997, this Government promised it would give at least \$10 million to refurbish it immediately. Scarborough, Tobago, does not even have a proper library. Last year, the librarians refused to go back into the building and that was the time when people decided, probably we could use a section of the tech/voc wing to put the library. It is there. We need \$10 million to \$15 million to refurbish. The country is on a high from an economic perspective. That has not been done.

Then, we have a situation now, where there is no school to put the 628 children. Another section, probably about 150 children are being put in the tech/voc wing, when the needs are really for the skills. We want the tradesmen. We want skills in every area possible, particularly for the building industry. That is a very important industry in our development. People can be creative in that area but this Government has refused to pay attention to the tech/voc wing of Signal Hill. It has refused to refurbish the Library in Scarborough.

But, today, they are coming to tell us that they are very concerned and it is very important for us to set up the College of Science, Technology and Applied Arts of Trinidad and Tobago. Coming out of the same tech/voc wing, technology could be addressed in the school. The tech/voc wing of Signal Hill could have been an arm of, let us say, the John S. Donaldson Technical Institute or any of these institutes, where the Tobago child would remain in Tobago and get training in Tobago but it is an arm of, probably, John S. Donaldson, an arm of Niherst, or whatever it is. That is totally ignored by the Government so you see total contradiction in what they are talking about.

If this is to be important, I suggest that the tech/voc wing of Signal Hill be made use of in the way it should be made use of. Put in the technical equipment there that I have been struggling for five years to get them to put in there. Put the trained personnel there, so that the Tobago child can remain in Tobago and be trained. [*Desk thumping*] Use that arm; it could be an arm of the John S. Donaldson Technical Institute so that they could do the same examinations, because there would be the trained teachers at the level of those institutions.

That is why I feel very angry whenever I rise here to talk on bills like these. I do not like to watch them. They are devious people. They do not care. They only care about one part of the country. Tobago is a part of the unitary state of Trinidad and Tobago. [*Desk thumping*] The Explanatory Note states:

"This Bill purports to establish a tertiary level educational institution to be known as 'The College of Science, Technology and Applied Arts of Trinidad and Tobago'..."

I believe that the tech/voc wing should be on the schedule as an arm of, probably, the John S. Donaldson Technical Institute, or on its own. It could be there, where the Tobago child is trained in Tobago; where the Tobago child is given the skills needed in Tobago and could also supply some of those skills in Trinidad.

It should not be a situation where, when we want skills or tradesmen in Tobago—today all those skilled people and tradesmen are coming from Trinidad. I see a problem with that. Perhaps, the Member for Tobago East does not see a problem with that. I also believe that Signal Hill should be addressed before Roxborough, because the building is there. That is what I have been arguing all the time. He should not be trying to undermine the system politically because it will take two or three years to build Roxborough. Signal Hill is there five years ago so it is eight years that will pass before we get Roxborough, and Signal Hill should have been addressed. I have a problem with that.

Mr. Speaker, the situation in our educational system in Tobago, I am raising again. We have problems because it has a link with this. The 628 children—those in Roxborough in the same constituency of the Member for Tobago East, are in a hall sitting—112 students. They are supposed to be children whom the Member for La Brea said plenty of them made nought. Up to now, we do not have teachers employed in Tobago who can do the remedial work with those children in Tobago. Remedial English teachers; remedial maths teachers; they want remediation work for at least one year before they can be put into the secondary structure of education. One is not seeing any action.

I have appealed to the Minister of Education to intervene in the Tobago problem. We also have another situation where, as I articulated in the budget debate, a number of teachers have been taken away from the number one high school in Tobago to be made principals. All the English teachers of Bishop High School are now principals. Bishop High School does not have English, Mathematics, or French teachers. These languages are very important, especially for our tourism situation.

4.30 p.m.

There is a problem for the children in sixth form, where the principal has to struggle here, there and everywhere to see if she could get someone to teach the

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sixth formers English. The form I children who won their positions in the best high school in Tobago were excited when they went out to Bishop High School, the No.1 school, and they were greeted with no English, Mathematics, or French teachers. The Government is devastating the children's minds. The Members opposite can mumble, because all the schools in Trinidad are being addressed.

Naparima Girls' College is well addressed, they got 100 scholarships after the A'level examinations; St. Joseph's Convent San Fernando is the same. The Government is building high schools in every nook and cranny in Trinidad, but with respect to Mason Hall Secondary School, not a stick has been put on the ground as yet. When we came into Government, Mason Hall Secondary School was one of the No.1 schools on the World Bank programme to be constructed. All of that is important, because the children—[*Interruption*] just one sentence, Sir—has to come out of that system and some of them would decide: "Well, I want to go into the tertiary aspect of education." Some will decide: "Well, I want more of the academic aspect." That is why the Government must address what is happening at the primary level. The primary level needs a total overhauling in Trinidad and Tobago. The problem at the secondary level is because of the weaknesses in the primary school. Nothing is being done at the primary level: retraining of teachers, overhauling of the training colleges, paying teachers and getting them to work.

Whenever questions on Tobago are raised here, it is always the Chief Secretary. The education is under the Tobago House of Assembly, but we, and the Tobago House of Assembly, have been guided by the Attorney General who gives legal advice to the Government and guides the Parliament, that the Cabinet of the country has the ultimate responsibility in running the country. We expect intervention from the Minister of Education and the Cabinet of Trinidad and Tobago.

Mr. Speaker, the last thing I would like to say is that I believe the tech-voc wing of Signal Hill Secondary School should be addressed so that the Tobago child can be trained in Tobago and be a part of this new structure.

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

Mr. Speaker: Hon. Members, the sitting is suspended for half of an hour.

4.34 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

The Minister of Tobago Affairs and Minister in the Ministry of Finance, Planning and Development (Dr. The Hon. Morgan Job): I must start with the comments of the Member for Tobago West. I empathize with her concerns, being

a Tobagonian myself, but it is indeed the case that the Government has been paying attention to the issues in Tobago.

One of the first Cabinet Notes that I delivered had to do with setting up an institution in Tobago with the same focus as John Donaldson Technical Institute or San Fernando Technical Institute. The Cabinet did not refuse to do it; it is there on hold for further discussions. While that was going on, the proposal which I brought to Cabinet came up, to say while we are discussing this, why do we not build a skills centre in Tobago? We are going along with that. It should have started this last financial year but, for the fact that we had some delays with the Tobago House of Assembly providing certain kinds of information which the architects needed.

As I speak to you, I have to make a decision concerning the people who won the tendering and, if indeed, we need to re-tender—because there were some problems with them wanting to scale down the size of the project and stuff like that—I hope to resolve that within the next fortnight or in a short order. The training needs of Tobagonians are not abandoned as is being put forward by people. The people who are getting training that we are planning to do at Roxborough; some of them are now working in Kuwait and other parts of the world. When they get the accreditation that they will there, the curriculum has to do with plumbing, welding, electrical installation and other modern kinds of art. There is no question in my mind that the statement accusing the Government of not seeking after the interests of the people in Tobago is invidious.

Two days ago, the Tobago arm of COSTAAT had a graduation ceremony where, more than 35 persons graduated in information technology, psychology and counselling. In Tobago, COSTAAT has set up a state-of-the-art computer lab, with state-of-the-art classroom facilities which deliver quality education to people in information technology, associate degree in business, British Technician Certificate in construction, and an associate degree in applied languages. I also know that the National Energy Skills Centre has delivered computers and has carried out training courses in computer literacy at Roxborough and other centres in Tobago.

Altogether, I cannot say that we are getting the best of all possible worlds. Nowhere is that done. I am sure if you go to Singapore, Korea or Japan, there are people there who would say that we need better than we are getting now. I need to re-emphasize that the allegation that the Government has abandoned Tobago's training needs is not entirely true. Even if I would concur with the Member for Tobago West; that part of the problem has been a long chronology of neglect.

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I remember the Member for Diego Martin Central saying that in his view, when Mr. Robinson was the Prime Minister, there was too much focus on Tobago. He said that, it is in the *Hansard*. I remember the Member for Diego Martin West saying that the deep-water harbour was a duck pond. Another Member said: “Why are they extending the Crown Point runway?” All these set of invidious criticisms. If they were living in a more literate society that read records, it would come back to haunt them. When you add it up together, it is a condemning of that side.

5.10 p.m.

Let me just spend this time more productively going over some of these matters and then I will deal with the criticisms of the Member for La Brea. Mr. Speaker, the statement made by—I think it was the Member for Diego Martin Central and also the Member for La Brea saying that section 28 of the Education Act has been repealed is not exactly true; it is not true. The relevant parts of the Education Act being repealed are sections 42(c) and 5(f).

There is no intention to abandon technical institutions such as the John S. Donaldson Technical Institute and San Fernando Technical Institute, as seems to be a fear among the Members who spoke. So if I might summarize it again: there is no intention on the part of the Government to dismantle the existing institutions that deliver technical education at the John S. Donaldson Technical Institute, the San Fernando Technical Institute and wherever else they may be doing it.

I also wish to put on record that the whole Niherst Act is not being repealed. Only that part, in particular, section 12(d) which relates to the Niherst colleges and the function of Niherst, in that regard, is being repealed.

The Member for Diego Martin Central also finds that no consultations have taken place with the trade unions and the institutions that are going to be combined under COSTAATT. In fact, over the last three years there was a long chronology of consultations involving all the principals and faculty of the constituent elements of COSTAATT. There have been 18 months of consultations on the human resource issues contained in this Bill, with the unions and the representatives of all the units intended to be an integral part of this arrangement. Mr. Speaker, I also want to put on the record that this Government is not on a course to dismantle any of the technical/vocational systems that we have in the country. In fact, Cabinet has always insisted that one of the things that we need to do in this country—which is why I quoted that article from Tobago.

Remember in my presentation, I did quote some gentleman called Creft from Tobago saying something, to wit, that what we needed to do was to forget teaching children Shakespeare or exposing them to it, because all they want is—well, he said that; I quoted him. It was an article in the *Tobago News*, and I found it very offensive that you should predetermine from primary school who should be a mason, carpenter, doctor or engineer. [*Interruption*] Exactly, that is a kind of fascist, invidious, destructive kind of idea. How could you write that in the newspaper in this day and age?

Remember when there was Osmond High School and Progressives and all these places; in Trinidad here, Elizabeth's College. Many people started off there and ended up doing well. Indeed, those schools, if you look at their track record, might have made a better contribution, in some sense, to providing opportunities for poor people of the Indian and African lower classes, than some of these junior secondary schools and all like that, which we know from the record.

I am quoting from Carl Campbell here, a reputable educator, professor of history on the Jamaica campus of the University of the West Indies, also a foundation member of the university's history department in Trinidad, a steward on the Jamaica campus for 22 years. He published several articles on the social history of 19th and 20th Century Jamaica and Trinidad. He is the author of *Colony And Nation, A Short History Of Education In Trinidad And Tobago*, and so many other things. Therefore, I cannot imagine that a gentleman like this is warped by the mind of Morgan Job.

I am fortunate to have read these things last night, so I could put them on the record, because I have been saying them all the time, and the people from the Opposition do not want to listen to it. You can only change something that you understand and that you know about; that is what I am trying to tell them. I have never said that the PNM and Dr. Williams did not want to expand secondary education or did not do it; I have always admitted that. But I have admitted—and I refuse to relent in my crusade to mobilize this nation to understand that many of the people who end up in jail, many of the people who are unemployable, many of the little girls who turn out to be “child mothers” as women, were products of a destructive education system; that is the fact, this is what he is saying here. Later on in my presentation, I will quote what he said.

As far as technical education is concerned, what the Government is seeking to do is build and create a seamless system of education in which distinctions between technical/vocational and academic is neither as rigid or as stark as it was in the past. Technical education of an applied nature will continue to be delivered

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by the College of Science, Technology and Applied Arts of Trinidad and Tobago on the John Donaldson campus or the San Fernando campus of COSTAATT, not only at the existing levels, but at high levels. In other words, the plan is to embellish what is going on at this time. Also, at Metal Industries Limited at Macoya, this process will be ongoing.

There are other institutions which are also part of a rationalization of the tertiary sector. The National Energy Skills Centre (NESC) and the skills development centres are now dedicated to this purpose of improvement, of continuous embellishment. We have also created the Trinidad and Tobago Institute of Technology; in addition, there is the National Training Agency whose responsibility it is to coordinate training through existing institutions to match market demands, principally in the area of technical skills and competence.

I need to emphasize that there is no strategic intent on the part of this Government, no strategic imperatives, to dismantle any technical institute or any of the existing training institutions in Trinidad and Tobago. Indeed, the intention is that through COSTAATT and a range of other initiatives, to strengthen, to increase, to embellish and deepen the value of applied skills and a range of areas including technical and technological fields. In my presentation I did talk about all that.

Another issue that was raised has to do with sandwich courses, as raised by the Member of Parliament for La Brea. There would be day release and sandwich courses to accommodate working students, and to ensure that graduates have hands-on practical experience. In my presentation I did mention that one of the things that the College of Science, Technology, and Applied Arts of Trinidad and Tobago is intending to do is what has already been a matter of practice in Sweden—where you create the institutional arrangement so that people who are in midlife, or whatever stage, can get back into the tertiary sector, do the same courses and get the same kind of retraining skills that are normally expected to be available only to people just out of high school, people in the age group 18—24, people who you find on the undergraduate campuses of the world.

In other words, what we are saying is that the College of Science, Technology and Applied Arts of Trinidad and Tobago is also dedicated to the purpose of making a catchment for undergraduate education for all the people in a country, not just the teenagers and the early twenties.

With respect to access, of course, I did say that the College of Science, Technology and Applied Arts of Trinidad and Tobago has to be in competition with the other institutions in the market that are offering educational opportunities

for that catchment, whether they be the Internet, foreign universities or the University of the West Indies, Roytec or many of the private sector things that are going to come up.

Mr. Speaker, you and I did not predict 10 years ago that we would have the Internet. There are so many things that we did not predict 10 years ago. We did not predict 15 years ago that everybody would have a cellphone, so many things, and the way the technology is moving at a vertiginous pace—I did talk about banking, I could have talked about so many other services. What doctors do now, 10 years from now many of the people who have been trained would not find a job as a doctor because technology and other kinds of practitioners would take over their kinds of work. So we know this is happening, and, therefore we have to plan for all that, we have to get people into that.

Therefore, you cannot have a situation in the College of Science, Technology and Applied Arts of Trinidad and Tobago where, because you do not charge fees you cannot deliver the range of courses and the quality of courses you have. I said here in this Parliament on some other occasion that my mother used to tell me the Chinese say “cheap thing no good”, so if you do not have a value on something you do not have to pay for it. I do believe that people in this country understand that. Currently, all Niherst students absorb between 25 and 30 per cent of the cost of their degree programmes. In COSTAATT there will be a mix of approaches to financing education.

The scholarships we referred to earlier represent only a start. The college intends to significantly increase the number of merit and need-based scholarships that they offer. A comprehensive financial aid system would also be introduced, and in areas where no tuition fees are now charged, a modest fee structure will be gradually introduced so as not to cause disruptions to the college's goal of increasing enrollment.

Mr. Speaker, I might also add at this point in time that it is my intention, as I am wont to do when something bothers me a lot, to bring it to the attention of the Cabinet. I have every intention to restate a case I had, *en passant*, raised in Cabinet last year or sometime, where I said that we ought to find the resources to ensure that any student who has four “As” at the A’level, gets a scholarship. I find it very disconcerting and disturbing that a parent would come to me, as they did yesterday, and say, “My daughter got four “As” and she cannot get a scholarship, when there are other people who have ‘Cs’ and ‘Ds’, together with two ‘As’ maybe, and they get a national scholarship.”

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I am not going to apologize for saying what the father told me, that he believes that his daughter did not get a scholarship because she is of African descent. I did not tell him at the time that I know a colleague of mine in Cabinet whose son had four “As” I think in the same group of subjects—physics, mathematics, chemistry, general paper, and did not get a scholarship. But this is the kind of society we live in, and you have to deal with that.

When they are criticizing me for dealing with these things, they are forgetting that every year in the calypso tents a whole section of calypsonians are only singing about race. Cro Cro sang a calypso which said that most of these Indians who go to St. Augustine Girls’ High School, Fatima, St. Mary’s College, and the convents, buy their places, they bribe to get their places; this is what people believe. Everybody clapped Cro Cro loudly, because in their minds he is talking the truth. In their minds when they hear some politicians say that these Syrians, all they know is to sell cloth, they do not understand that some of the Syrians who are selling cloth have MBAs; they went to university.

If you read the educational statistics in this country, which most of them do not, Syrians are a minority group just like French Creoles, and these people, have the highest tertiary education participation of any definable ethnic group in this country. Proportionately they win more scholarships than everybody, because every year some Syrian or French Creole is on the list of national scholarships, and how many of them are here? These are the statistical facts.

If you look at the percentage of people of African and East Indian descent who have tertiary education, it is miserable; it is less than 2 per cent. These are the facts; you can get it from the Central Statistical Office (CSO). Nobody deals with that, but they go out and spread all this propaganda which means a lot in terms of the politics of this country. I am dedicated to making sure that I do my part, whatever they say, to make sure that people understand the difference between belief and truth, between what the facts are and what the inferences from the facts tell you, and what is propaganda, so they would have to listen to that.

The Government is strongly of the view that education paid for is valued, but we are also of the view that educational access which discriminates against the poor is morally inappropriate, and this is the reason we are not only looking at fee structure, in how you escalate fees. This was a problem at the University of the West Indies also since this Government came into power. Remember there was a problem with what proportion of fees people pay at the university, and they

wanted to strike and all like that, and it all has to do with modernizing these things. You have to make a balance between ensuring that the investment does not provide an incentive for waste.

Many people go to the University of the West Indies and take five and six years to do a three-year degree course. A lot of it might be because those people have an incentive; it is not their money, it is not their investment, so they do not really care. So we have to balance these kinds of things with the social necessity, with the imperative of creating a wide access for as wide a cross-section of people as possible.

I did say the College of Science, Technology and Applied Arts of Trinidad and Tobago, the University of the West Indies and all these institutions have to modernize their curriculum, their equipment and their delivery system, and this is not free. It would cost something, so you have to get resources to do that, therefore, everybody has to contribute.

5.25 p.m.

With respect to curriculum development, this would be driven by intensive community base and the national level need assessments. What that means is that we need to look at what the real situations are. Indeed, when I was mentioning that we need to do more research into these sort of things like ethnic specialization and the circumstances that allow certain people to appear to be more proficient in business than other people, we need to do more research in these areas.

The Member for Tobago West was talking about remedial education in Roxborough and other parts of Tobago, and we need to do more research on the link, the nexus between parents and the outcome of their children. I know this because I am a social scientist myself; I did Natural Science at A'Level and after that; and I understand statistics and all these things, and there is no question. The fact is that people from the upper strata—Karl Campbell talks about it here, and I am going to quote it later—that is people in the Trinidad context: we are talking about the French Creoles; the Whites, the Syrians and these people—their children disproportionately monopolize the so-called prestige schools here. It is not because their brains are made up differently; it is because of the culture they bring to schooling, and that culture has to do with the attitude of the parents; with the extra curricula activities that the parents involve the children in, to make them more competitive in areas where competition would matter when they go to a junior secondary school or a prestige school. So we need to get more research into exactly how these things work.

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So that when you are in Roxborough, Tamana, Rampanalgas, or Felicity, for example, the people whose children, because of their culture; because of the kinds of parents who are in a better situation because of their knowledge to help them. So all these kinds of things are what we are talking about; community base and national level needs assessment. These are some of the most important needs that we are talking about. It is the same thing with business. When you go down Frederick Street, or wherever you go in this country, there are certain kinds of people in certain kinds of businesses and you have to ask yourself: Why is it they do not succeed at a higher level? So we need to find out more about all these things.

We need to programme advisory committees comprising community representatives of business and industry, to review and evaluate the colleges curricula, to ensure their ongoing relevance and their ongoing internal and external efficiency. By which I mean internal efficiency to what extent curriculum is being delivered to the cohort of students. I will say that if you take internal efficiency as a criteria to evaluate the PNM education system they would fail miserably.

The fact is, up to 80 per cent of some cohorts of students did nothing. They went to school for five years and by every measure, failed. So that the internal efficiency of the system was abysmally low. It was a disaster; a danger to people. By external efficiency of the system we mean to what extent, the curriculum, when it is imposed, prepare children to deal with the world outside that we expect them to deal with; in terms of the job market or life skills; who is going to be a good and proper citizen, in terms of the moral outlook and all of that.

The compliance to instructional academic standards; I just mentioned them. COSTAATT would be a market driven, high quality, educational institution. In my presentation I did talk about all of that in terms of how COSTAATT is going to be responsive to the globalization of the world market and the exposure of people to choices outside of Trinidad and Tobago, while they are still living in Trinidad and Tobago. What is happening is that national borders are becoming less and less important in terms of restricting people's choices. Twenty years ago you could only choose the goods and services within your national border. You had regulations; you had rules; you had laws that created high walls and barriers and Government would say what you can look at.

As I am speaking to you somebody can download from the satellites all the pornography, all the violence, whatever. Something that is going on in Bangkok and Hong Kong, wherever. That is the kind of world that we are living in and we could buy things on the internet. So that we are living in that kind of world and

you have to structure the arrangements and COSTAATT has to be part of that kind of world. That is what it means.

In terms of its relationship with the University of the West Indies, the credit-based system which would be introduced in COSTAATT would enable graduates to transfer credits, not only to the University of the West Indies, but also to many other regional and international colleges and universities. Indeed, we are in dialogue with the university with regard to articulation in several programmes. The Attorney General did mention, when he intervened, that the people at the University, Mr. Compton Bourne and Dr. Allistair Mc Intyre, the Vice Chancellor, were also in on this. Let us say, however, the vision and developments in tertiary education are consistent with the recommendations, not only of Caricom but also of the former Vice-Chancellor of the University of the West Indies, Sir Allistair Mc Intyre, and the current principal of the St. Augustine Campus, Prof. Compton Bourne. So that there has been widespread concurrence throughout the region that what we are doing is an important initiative in the context of Caricom. And as you know, Trinidad and Tobago has always been—ever since the days of the Imperial College of Tropical Agriculture, when they set up the University College of the West Indies—integral in the efforts of the Caribbean people to get into higher and tertiary education.

In terms of international relationships as I am on that, several of the existing institutions, which would constitute COSTAATT, after the passage of this Bill, already have relationships with international institutions. Programmes of various kinds have been established with the support of friendly international institutions. Some of the institutions with which collaboration arrangements are currently in effect, or are being negotiated, are the University of Central Florida, Film and Master University; the Institute of Environment and Health; the Michener Institute of Canada for Radiological Sciences; George Washington University for Teacher Training; Monroe Community College for institutional streamlining; the University of West Virginia for Applied Language Training.

I just want to make a final few brief comments on some of the comments of the Member for La Brea, because I think it is important that we leave on the record whatever is needed to clear up in the minds of the public, the deviousness of those people who want to misconstrue, deliberately, statements that I make. Mr. Speaker, General Colin Powell, is a good example of what I have always been talking about and the Member for La Brea does not understand. In the United States of America there are the best universities in the world. You see the results of those universities in institutions like the Silicon Valley Business Sector.

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And if you go on the university campuses of the United States of America and all the research institutions, and at Silicon Valley you will see marginal participation of Black Americans. The ancestors go back to civil war days in those places. They are under-represented like the American politicians in the Senate, who are doing their best to change their situation.

But at the same time that is happening—for the benefit of the Member for Diego Martin Central—we know, without a doubt, that the children of West Indian parents, as a minority group in America, are excessively over represented in science, in banking in the military in every area. They, as a minority group, demonstrate quite clearly the point I am making. That, in the Trinidad and Tobago context, there is ethnic specialization that is a burden to this country. That is what I am trying to point out. I am not saying that General Powell and these people are not there, I know they are there. But they are a good example of why my call to the Trinidad and Tobago politicians, especially those in the PNM, must heed what I am saying instead of refusing to understand the importance of what I am saying.

In the United Kingdom there is also evidence that the children of African refugees—I am talking about people who went to the United Kingdom after the Biafra war in Nigeria; or after the war between Eritrea and Ethiopia; or after the several civil wars all over Africa. The children of these Africans in the United Kingdom are competing at the highest levels and doing as well as the immigrant children of the people who Idi Amin chased out of Uganda at that same level. While at the same time, the children of Jamaicans in the United Kingdom are at the bottom of the barrel. There is too much evidence about that. You could download it from the internet. I have books on that. And what it is telling you again, is that the problem is not kinky hair and black skin, it is culture. It is the children from Africa, in the United Kingdom, who bring a certain kind of cultural imperative to schooling that the Jamaican children do not bring, because of their different cultural antecedent.

5.35 p.m.

This is what explains what is going on in Trinidad. So therefore, Mr. Speaker, I am trying my best to get the Member for La Brea and all these people to understand that I am not a stupid person. I am saying these things because in Trinidad and Tobago what they are doing is going out and politically animating ethnic anxiety, animating a set of wrong ideas to believe that if we have a so-called, as Leroy Clarke says, black government in power, all the problems that

create ethnic hysteria and shame among the Afro-Trinidadians will suddenly disappear. They will not. Since 1956 until now we have more than enough evidence that it cannot work.

One cannot set up any PNM black government in Trinidad and Tobago to do an affirmative action programme which is to impose burdens and inequalities on other ethnic groups so that they will feel that this is the new Jerusalem come unto them. This is what Karl Campbell is talking about here when he says—*[Interruption]* I am not wasting the Member's time because he is deliberately misconstruing what I am saying and I will say what I have to say, okay!

“Studies have indicated that children from the higher socioeconomic groups perform better in this examination than children of lower socioeconomic groups because of the superior home environment and parental support, better teachers in schools and even perhaps the cultural bias of the examination.”

All these things are here and, Mr. Speaker, there are several committees that were set up to explain that the lower-class people of African descent in Trinidad and Tobago have been damaged unfairly, and inordinately so, by the education system that they have.

So this propaganda they are going out there to tell people that PNM education is the best thing that ever happened to them, is a devious thing, because if we are going to have this attitude, we will never solve the problem. We will never help those people because “the best thing that ever happened is PNM education”. When we look at Dr. C.V. Gocking between 1979 and 1980, a committee chaired by Dr. Gocking—A concern for quality was already apparent in the three reports for the teacher education committee chaired by Dr. Gocking.

That was not the only one. In 1984, Prof. Max Richards of the Faculty of Engineering was part of a working party dealing with this same question about what to do about these people in the junior secondary and the 14 plus exam. Then in 1982 there was the St. Clair King Committee—all these committees—then there was Victor Bruce in 1981. I mentioned the paper by Paula Mark and so many others who have made the same point, and because they never dealt with it we have the problems we have.

So I will keep on saying these things in the national community because I understand full well that envy and jealousy know no bounds, and in an election season it is very easy to symbolically exploit people's feelings of anxiety and shame and not focus on the real problems, and promising them the new Jerusalem when the issue of income earning, income disparities, educational disparities and

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sociological outcomes in the society have much to do with bad education that was given to some people and the fact that because of some people's cultural position they got better education. That is what we have to focus on, not on creating demons and devils of people in this Government. So I need to say these things, Mr. Speaker.

Having so said, I think I have one last thing to say, which is that the Member for San Fernando East did say publicly, and I quote:

“I know that there are in the PNM a lot of thieves and I know that when the PNM comes to power these thieves will want to railroad the PNM.”

You know, we have to deal with that in the sense of the same issue that I am raising, that we have to look at a lot of the politics in Trinidad and Tobago in a different kind of way.

I have here an article in my hand where Lara Pickford-Gordon was discussing what a professor said about what explains the backwardness of Jamaica and of Trinidad and Tobago in respect to the failure to do better with tertiary education. The fact that we are putting less than 10 per cent of our people into tertiary educational institutions, more than anything else, helps to explain the kind of ethnic diversity in outcomes in the economy which people are attributing to some kind of racist machinations on the part of this particular Government. So I want to just put those things on the record and, Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, I think that we have two lists of amendments that have been circulated. I take it that everybody has the two lists?

Clause 1 ordered to stand part of the Bill.

Clause 2.

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

Dr. Job: Mr. Chairman, I beg to move that clause 2 be amended in terms of the amendments circulated as follows:

A. Delete the definition of ‘appointed member’;

B. In the definition of ‘Service Commission’ include the term ‘Statutory Authorities Service Commission’ in appropriate alphabetical sequence.”

Question put and agreed to.

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

Clause 3.

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

Dr. Job: Mr. Chairman, I beg to move that clause 3 be amended in terms of the circulated draft as follows:

“Delete and replace as follows:

‘There is hereby established a body corporate to be known as the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT) (hereinafter referred to as ‘the College’).’”

Mr. Hinds: Mr. Chairman, in respect of that clause 3(a), I see we have the words “socially responsible” describing educational programmes in the fourth line. I want to suggest that the hon. Member take a look at that because it is describing a programme as socially responsible. I do not know if that should not be—*[Interruption]*

Dr. Job: Would saying “socially responsive” be better for you, Sir, Member for Laventille?

Mr. Hinds: Yes, I find—*[Interruption]*

Dr. Job: Socially responsive.

Mr. Hinds: Responsive?

Dr. Job: If we say “responsive” instead of “responsible”—“socially responsive”.

Mr. Maharaj: Mr. Chairman, the intention was to have “socially responsive”, so it is a typographical error, but we could amend it one time.

Dr. Job: So Mr. Chairman, we will put “socially responsive”.

Mr. Chairman: Yes.

Question put and agreed to.

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

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Dr. Job: I beg to move, Mr. Chairman, that clause 4 be amended in terms of the circulated draft as follows:

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“Insert after the word ‘Trustees’, the following:

‘(hereinafter referred to as ‘the Board’).”

Question put and agreed to.

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

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 5 be amended according to the circulated draft as follows:

“Insert the words ‘the Board’ between the words ‘thereof’ and ‘shall’.”

Mr. Williams: Mr. Chairman, I have a question with regard to clause 5(a), where it talks about “grant and confer academic awards” and so forth. In the definition “award” says degree, diploma, certificate and so forth and it is just a question of information. What level of degree? Is it an associate degree, a full degree, a graduate degree, a post-graduate degree? What level of degree, and should we not define it?

Dr. Job: Well degrees—they confer academic awards. Degrees and awards go up to the level of bachelor’s. They would not grant Ph.Ds. COSTAATT does not grant—*[Interruption]*

Mr. Williams: I am not sure. I got the impression that only associate degrees were going to be offered by this. I mean, let us clear this up. Is it a Bachelor’s degree? Are we going to Master’s, Ph.D. and so forth?

Dr. Job: I am advised that there is merit in not specifying because we are in an evolving situation and one would not want to have to come back to Parliament if—*[Interruption]*

Mr. Valley: *[Inaudible]*—from a Bachelor’s degree

Dr. Job: Well, this is not what—I am advised that we need to leave the situation open so that if the situation evolved where we thought that we might want to give an M.Sc. or an MA degree in teacher education, we should not be constrained by law.

Mr. Valley: *[Inaudible]*

Dr. Job: I, myself, do not see any particular merit in the constraint and I do not know that I am being persuaded of that.

Mr. Williams: In that regard, again, just for information, because I did not hear it in the debate, in one of the previous clauses that we just passed, as it relates to this, we talk about meeting internationally acceptable standards and so forth. It appears to be part of the mission statement of COSTAATT. Are we seeking to have any particular type of accreditation internationally and, if so, should we not consider prescribing what sort of accreditation we would like to have? I mean, I do not know enough to know, so I am asking.

We just say we are going to meet internationally accepted standards. We have had other legislation come before the Parliament where we have debated those kinds of things about accreditation and standards and we are saying it here, it is in the mission statement apparently, but what do we mean by it? In the debate none of the Members on the other side brought that before us. So what does that mean in this regard?

5.50 p.m.

Mr. Maharaj: If you look at clause 5(1)(p) it says:

“to join or co-operate with any institution of learning, government department, public or private body, company or association to promote mutually beneficial activities consistent with the aims of the College;”

So it gives the scope to do it but you do not want to put in all the specifics. It has the power to do it.

Mr. Williams: Mr. Chairman, for instance, as I understand it, the University of the West Indies was accredited with British systems which had collateral arrangement with other universities. So, I could go, let us say, to the United States of America with a university degree and gain recognition and acceptance. What standard are we setting for COSTAATT so that we would achieve this laudable objective of being internationally recognized?

Mr. Chairman: Hon. Members, I think we are going a little outside of the committee stage. If there is a suggestion that one should change something and put something in, by all means we could do it but we cannot open up the whole debate again at this stage. So what is the proposal? No, I do not want to silence you.

Mr. Williams: I was merely asking for information with regard to this matter, because during the debate phase we did not hear this from the other side, so I was merely asking, with regard to these specific things, what would have prescribed these issues here, be that as it may.

Dr. Job: Mr. Chairman, just to finally make a comment, I did say that COSTAATT is making arrangements and listed a whole lot of universities like Georgia Tech University; the University of Florida; McMaster University and others that we are making arrangements with. It needs to be said that the question of accreditation and licensing is a matter for national policy. I do not know that there is any merit in trying to put that in this Bill.

Question put and agreed to.

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

Clause 6 ordered to stand part of the Bill.

Clause 7.

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

Dr. Job: Mr. Chairman, I wish to amend clause 7 as follows:

- “A In the marginal note delete the words ‘appointed members’;
- B In subclause (1) delete the word ‘appointed’;
- C In subclause (2) delete the words ‘in respect of an appointment to the Board under section 6(1)(a)’;
- D In subclause (3) delete the words ‘an appointed member’ and substitute the words ‘a member’;
- E In subclauses (4) and (6) delete the words ‘An appointed’ and substitute the words ‘A member’.”

Question put and agreed to.

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

Clause 8.

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

Dr. Job: Mr. Chairman, I wish to amend clause 8 as follows:

- “A In subclause (2) delete the words ‘In the case of a member of the Board appointed pursuant to section 6(1)(a)’;
- B In subclause (4) insert the words ‘after consultation with the Board’ between the words ‘may’ and ‘declare’.”

Question put and agreed to.

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

Clause 9.

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

Dr. Job: Mr. Chairman, I wish to amend clause 9(2) as follows:

“Delete the word ‘Deputy’ and substitute the word ‘Vice’ wherever occurring.”

Question put and agreed to.

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

Clause 10.

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

Mr. Breaux: Mr. Chairman, this is most unsatisfactory and I am really upset about coming here with these amendments at this time. We wanted to have a look at it because this is an important Bill, and the Government throws these amendments at us and expects us now to comment on it. The Attorney General is noted for telling us that we are not doing our homework and so on. How can we do the homework with it here like that? I just want to register my total disapproval and disgust at the manner in which this has been presented.

Mr. Maharaj: Mr. Chairman, I do not know if the hon. Member read his paper, but the amendments were circulated with the Bill. *[Interruption]* Were the amendments not circulated today?

Hon. Members: No, Sir.

Mr. Maharaj: Mr. Chairman, even if the amendments were not circulated with the Bill it came when the debate started on the Bill.

Hon. Members: No.

Mr. Maharaj: Yes, it was on the table when the debate started on the Bill.

Mr. Valley: No, it is only the first one. It is only long after I spoke, this big list of amendments came.

Mr. Breaux: Mr. Chairman, it is irrelevant. We are dealing with something that is important, and even if the big list of amendments came first—we are not on a cross-shouting match—that is not the point. The point is if the Attorney General intends to present this to us—any kind of honest work—we expect to have it before. This is totally improper.

Mr. Chairman: May I say to the hon. Member that I heard him, and may I say that it is quite possible that we could do clause by clause and not do clauses which are not in contention. What we just did were clauses 10 to 14, in respect of which there had been no notice of change. Indeed, what we are doing is any one of those clauses with respect to which there is a suggested amendment, is being done individually.

Mr. Breaux: Mr. Chairman, the point is that we had a Bill here and the hon. Ministers went through and dealt with the Bill in principle. This was not part of it. What we read and debated is not this. It is not correct.

Hon. Member: This is not substantial.

Mr. Breaux: We did not ask you to determine what is substantial. You determine that for yourself.

Mr. Maharaj: Mr. Chairman, I think we have to be fair to ourselves. It is not unusual that if a Bill is being debated, at the time when the debate starts the amendments are circulated. If on the floor of the House it is thought that those amendments are so substantial that the person or persons cannot really consider the matter then, obviously, there is a way of dealing with it.

6.15 p.m.

The point I am making is that if there is an employee on secondment to another person, he does not become an employee of the board. You cannot say he is an employee on secondment, he is not an employee on the board. It has to be put in another form of words.

Mr. Maharaj: Mr. Chairman, with the greatest respect to the hon. Member for La Brea, I really do not see that. What this is doing is making it quite clear what the position is. I do not see any problem with it. I understand what he said. *[Interruption]* I think I depend on the draftsman for that advice. They have told me that there is no need for me to do it that way.

Question put and agreed to.

Clause 31, as amended, ordered to stand part of the Bill.

Clause 32.

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

Dr. Job: Mr. Chairman, I beg to move that clause 32 be amended as follows:

- “32(1) A. In subclause (1) delete the word ‘to’ occurring after the word ‘assent’ and substitute the word ‘of’
- (2) B. In subclause (2) insert the words ‘excluding employees transferred on secondment’ after the word ‘Board’”

Question put.

The committee divided: Ayes 15 Noes 6

Maharaj, Hon. R. L.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Noes

Valley, K.

Robinson-Regis, Mrs. C.

Bereaux, H.

James, Mrs. E.

Nicholson, Miss P.

Williams, E.

Amendment agreed to.

Clause 32, as amended, ordered to stand part of the Bill.

Clause 33.

Question proposed, That clause 33 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 33 be amended as follows:

“33. Delete and substitute as follows:

“ 33. The superannuation benefits which have accrued under a pension law to a person who exercises the option under section 29(5)(a) or who transfers in accordance with the provisions of section 30 shall be preserved at the date of his employment by the Board, and such person shall continue to accrue superannuation benefits under the relevant pension law up to the date of commencement of the pension fund plan or the date of his transfer, whichever is later, on the basis of the pay, pensionable emoluments or salary applicable to the office, in the Public Service, statutory authority or scheduled TLI, which he held immediately prior to his employment by the Board.”

Question put and agreed to.

Clause 33, as amended, ordered to stand part of the Bill.

Clause 34.

Question proposed, That clause 34 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 34 be amended as follows:

“34 A. Delete and substitute as follows:

“34.(1) Where an employee of the Board who had exercised the option under section 29(5)(a) or who had transferred in accordance with the provisions of section 30 and who is eligible for superannuation benefits under a pension law dies or retires or is retrenched or his post in the Board is abolished prior to the establishment of the pension fund plan and at the date of his death, retirement, retrenchment or the abolition of his post, he was in receipt of a higher salary than the pay, pensionable emoluments or salary referred to in section 33, the superannuation benefits payable to the employee or his estate shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary referred to at subsection (1) and those payable under a pension law on the basis of the pay, pensionable emoluments or salary referred to in section 33, shall be paid by the Board

Mr. Bereaux: Mr. Chairman, I have never heard the term “the pension fund plan”. Is that different from a pension plan? Here we have “pension plan” and “pension fund”. The fund means the money in the pension plan. Is there something different? I just want an explanation.

6.25 p.m.

Dr. Job: Mr. Chairman, I am advised that in the margin where we have “Payment of superannuation benefits by Board prior to the establishment of the pension fund,” that we really should have “pension fund plan” there, and that the amendment (b) replaces what we have as 34(1).

Mr. Chairman: Would you repeat that; you said that in the margin—

Dr. Job: In the margin where we have “pension fund”, we want it to say “pension fund plan”, and that we are now replacing what is 34(1) as circulated.

Mr. Chairman: Does that answer your question?

Mr. Bereaux: I just wanted an explanation. It is the first time that I have encountered the term “pension fund plan”. I have encountered a pension plan, and the money held under a pension plan is the pension fund. I have never seen that term used in that manner. I am asking, is it something new or is it a different way to call a pension plan or a pension plan fund?

Mr. Maharaj: Mr. Chairman, perhaps, I can be of some assistance. I am told that with private plans like Niherst it is a pension fund plan, and in the public sector it is a pension fund.

Mr. Bereaux: I never worked for the public sector when we dealt with matters of this kind, and I have seen several plans.

Mr. Maharaj: I am told and I have been given that information by someone who is very distinguished and very experienced on the private sector.

Mr. Bereaux: Yes, me too.

Mr. Maharaj: I am not disputing that you are distinguished, but I was just giving some explanation.

Mr. Bereaux: I take your explanation.

Mr. Maharaj: That explains the two differences.

Question put and agreed to.

Clause 34, as amended, ordered to stand part of the Bill.

Clause 35.

Question proposed That clause 35 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 35 be amended as follows:

“A. Delete subclause (1) and substitute as follows:

‘35.(10) Where an employee of the Board who had exercised the option under section 29(5)(a) or who had transferred in accordance with the provisions of section 30 and who is eligible for superannuation benefits under a pension law and is a member of the pension fund plan dies, retires or is retrenched or his post in the Board is abolished, he or his estate shall be paid superannuation benefits by the pension fund plan at an amount which when combined with the superannuation benefits payable under section 33 is equivalent to the benefits based on his pensionable service in the Board and calculated at the final salary applicable to him on the date of his death, retirement, retrenchment or the abolition of his office.’.

B. In subclause (2) insert the word ‘final’ before the word ‘salary’.”

Question put and agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clause 36.

Question proposed, That clause 36 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 36 be amended as follows:

“Delete the word ‘body’ and substitute the word ‘authority’;”

Question put and agreed to.

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37.

Question proposed, That clause 37 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 37 be amended as follows:

“Delete and substitute as follows:

‘Any collective agreement or other agreement applicable to former officers or employees in the Public Service or a statutory authority who exercised the option under section 29(5)(a), shall be valid and binding on the relevant representative association or trade union and the College and shall be deemed to be registered under the

Chap. 88:01 Industrial Relations Act.’”

Question put and agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38.

Question proposed, That clause 38 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 38 be amended as follows:

“Delete the words ‘statutory body’ and substitute the words ‘statutory authority’.

Question put and agreed to.

Clause 38, as amended, ordered to stand part of the Bill.

Clauses 39 and 40 ordered to stand part of the Bill.

Clause 41.

Question proposed, That clause 41 stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that clause 41 be amended as follows:

“Delete and substitute as follows:

“Act. No. 20 of 1984 (1) The National Institute of Higher Education (Research, Science and Technology) Act 1984 is amended by repealing section 12(d).’.

Chap. 39:01 (2) The Education Act is amended by repealing sections 4(2)(c).’.”

Mr. Chairman, in the amendment to clause 41 there is an exception. In the circulated draft we have under 41(2):

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“The Education Act is amended by repealing sections 4(2)(c) and 5(f).’.”

I would like “and 5(f)” to be deleted, so there should be a full stop at 4(2)(c).

Mr. Bereaux: I did not hear what the Minister said, the last word with respect to the Education Act.

Dr. Job: I was saying that on the circulated draft it reads:

“(2) The Education Act is amended by repealing sections 4(2)(c) and 5(f).’.”

I am asking that a full stop be put before “and” and delete 5(f).

Mr. Bereaux: I want to make a comment, please. We note here in subclause (1) that it says:

“The National Institute of Higher Education (Research, Science and Technology) Act, 1984 is amended by repealing section 12(d).’.”

In the original Bill we had that the entire Act was to be repealed. I just want to make the comment that some of the comments which we made, based on what we thought was going on here, would be totally out of sync. This is the nature of what we are having to face; I think it is most unfair.

We make a comment based on what is here, and then after we speak you bring in this and say, that we are only doing this. We definitely would have looked at it differently. This is a colossal change. Here we have an Act that deals with higher education, and we thought that you were taking the Niherst colleges, putting them somewhere else and you were now getting rid of the Act altogether; we are now told it is only clause 12(d) that is being repealed.

If we have to do the work properly, we have to take back that Act and look at it thoroughly against the background of this Act, and it is unfair that we have to do that. So we should get an explanation. It should not be only that it is done, somebody should explain why it is being done and how it is we are not prejudiced or changed in our approach. You cannot do it like that.

Mr. Maharaj: Mr. Chairman, I understand the feelings of my colleague, the hon. Member for La Brea, but if he wants us to find Act No. 12 of 1984 for him and bring it to him for him to look at 12(d), I have no problem with that.

Mr. Bereaux: I would like to see it.

Mr. Maharaj: Okay, if we could stand this down—

Mr. Bereaux: What I mean is that it is not so much to find it for me, if such a substantial change is being made, the Minister should say, “Well, we are not removing Niherst now, entirely repealing the Act, because there are still certain other things under Niherst which will be dealt with,” and he could show how and why he is only now moving a section. Remember the entire import of our contributions were based on the understanding that there would be no more Niherst.

Mr. Maharaj: Mr. Chairman, while we talk about it, I am sure if the Member gets the Act he can look at it.

Mr. Bereaux: You could tell us, because you are presenting the Bill, not me.

Mr. Maharaj: I do not like those kinds of things, because we have to get through with this tonight.

Mr. Bereaux: We will get through it tonight. I am not hurry to go home.

Mr. Maharaj: Therefore, if the Member wants some time to read section 12(d)—[*Interruption*]

We obviously anticipated some of the comments that he would have made, and the technical people and the people dealing with policy anticipated that, and took into account, obviously, what they anticipated he would have said. So I am sure that he would have recognized that he was standing on very firm footing when he made those comments. I think that he should congratulate himself.

Mr. Bereaux: No, you should congratulate me.

Mr. Maharaj: I do congratulate the hon. Member for La Brea, Mr. Chairman.

Mr. Bereaux: I am just pointing out what is happening. [*Crosstalk*]

6.40 p.m.

Mr. Maharaj: Mr. Chairman, he has taken our word for it.

Question put and agreed to.

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New Clause 42.

Mr. Maharaj: Mr. Chairman, I propose a new clause 42 which reads as follows:

“The Minister may amend the schedule by order, subject to negative resolution of Parliament.

New clause 42 read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Mr. Valley: I think we ought to know exactly what are the new institutions. I suggest rather than the negative resolution, that it should be a positive resolution of the Parliament.

Mr. Maharaj: But the negative resolutions—

Mr. Valley: It is just laid on the table. No, no, I am saying that constructive notice is when you require affirmative resolution.

Mr. Maharaj: I think the Parliament would just be loaded with matters of affirmative resolution.

Mr. Valley: Mr. Chairman, I think it is important. Here we are talking about this Government giving PhDs and all types of things, really I think we need to know constructively, what are the institutions that we would be adding to the Schedule.

Mr. Maharaj: Mr. Chairman, I think the hon. Member would know that the negative resolution does not mean to say that Members would not know; Members would know—constructively, it is just not laid on the table. That is actual notice. I do not want to seek the help of the hon. Member for Arouca South. If it is laid on the table and you read it, that is not constructive notice; that is actual notice. So that what you then do, according to the Act, is that you file a Motion for it to be annulled. So it is not that we are doing it in the dark.

Mr. Valley: It would benefit us, you know, because we are going in Government just now. So you better decide whether you want it or not.

Mr. Maharaj: So it is not whether one is in Government or not, it is what is best for the Parliament. Because if you put all these things with affirmative resolution then no Government would be able to—

Mr. Valley: I understand what you are trying to do. There is the Schedule that lists certain institutions and you want to add some other institution, and I am saying that really the Parliament ought to determine; if it makes sense, there would be no debate.

Mr. Maharaj: Mr. Chairman, I think a negative resolution does not mean to say Members of Parliament would not get actual notice.

Mr. Valley: The process is quite different.

Mr. Maharaj: I know. What it means is that the Government has to come with a Motion and it has to be debated. Whether there is an agreement or not, there must be a debate and a Motion moved. On the other hand, if Members have actual notice of it and it is felt that it should not be done a Motion is filed to annul it.

Mr. Valley: So go ahead, we will change it.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 42 added to the Bill.

Mr. Maharaj: Mr. Chairman, in respect of the list of amendments that we just looked at, I just wanted to make sure that Members understood it, when you said that clause 2 of the Bill was to be amended in terms of the draft; it included both drafts because this has a clause 2 also.

Mr. Chairman: It is a clause 2 that included both—anything that is related to clause 2 in the amendment.

Schedule.

Question proposed, That the Schedule stand part of the Bill.

Dr. Job: Mr. Chairman, I beg to move that the Schedule be amended in terms of the circulated draft which reads as follows:

“The Schedule is amended in the item described as “NIHERST Colleges by adding the word “management” after the word “business” and by inserting another item as follows: “the Metal Industries Company.”

Mr. Valley: Mr. Chairman, is there a reason that you are not including the Institute of Marine Affairs and the Caribbean Industrial Research Institute at this time?

6 50 p.m.

Question put and agreed to.

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

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

House resumed.

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

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, we will do Bill No. 1, the Petroleum (Amdt.) Bill, then we can do the Motion because we did not have the amendments at the time, and then we can do—well, we can do the Motion with the Senate Amendments and then we will do the Bill entitled, “The Sentencing Commission”, and then we will see what time it is.

Mr. Speaker: So we will do Bill No. 1?

Hon. R. L. Maharaj: Bill No. 1.

Mr. Speaker: Then?

Hon. R. L. Maharaj: Then the “Senate Amendments”, “Motions”, that is the Motion to amend the Summary Offences Act, the Praedial Larceny Act, the Children’s Authority and the Children’s Community Residences, Foster Homes and Nurseries Bill, and then we do the Sentencing Commission Bill; and I think we could leave it like that for now.

Agreed to.

PETROLEUM (AMDT.) BILL

Order for second reading read.

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, I beg to move,

That a Bill to amend the Petroleum Act, Chap. 62:01, be read a second time.

Mr. Speaker, it is my privilege to introduce a Bill—*[Interruption]*

Mr. Valley: I am sorry, I really do not want to disturb the Minister, but I know this Bill was deferred in the Senate because the Regulations were not circulated. *[Interruption]* Well eventually, but where are the Regulations? I mean, I have the Bill but again we do not have the Regulations. It is a one-clause Bill. We do not have any problem with it, on the face of it, but obviously we would like to see the Regulations, Mr. Speaker, and if they were to help us, we might be able to get out of this Parliament early and we can therefore go on to the election. *[Laughter]* That is all we are concerned about at present, Mr. Speaker, but we do not have the Regulations.

Mr. Maharaj: Mr. Speaker, we have the Regulations. What we could do is stand this down and go ahead with the Senate Amendments to the Praedial Larceny Bill so he can look at the Regulations. *[Interruption]* Well, okay. The Bill is to give power to make regulations and the Regulations is a subsidiary piece. If the Member wants to look at the Regulations, he could look at the Regulations.

[Discussion off the record]

Mr. Maharaj: Mr. Speaker, I notice that Members do not recognize the Parliament is in session and they obviously have not—*[Inaudible]*

7.05 p.m.

Hon. G. Singh: Mr. Speaker, the Petroleum Act, Chap. 62:01, gives the Minister of Energy and Energy Industries wide jurisdiction to regulate and supervise the petroleum industry. As you are aware, the energy sector is quite dynamic and, from time to time, situations arise which are not specifically addressed in the law, and which will require amendments to the law to be adequately addressed. The current Bill before this honourable House is intended to address such an issue.

Mr. Speaker, there are instances where foreign contractors are required to perform certain petroleum-related activities in Trinidad and Tobago for limited periods. In some cases, no form of protection is accorded to local contractors with whom these contractors do business and, as a consequence, local creditors to these contractors can be seriously compromised in the event of financial failures and/or improprieties on the part of the said contractors.

The amendment to the legislation contained in the Bill before us will introduce a system for the licensing of contractors, both resident and non-resident, and a guarantee of financial responsibility from non-residents for the benefit of their local creditors. This is consistent with internationally accepted practices and business norms.

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Mr. Speaker, I will now review the principal tenets of the Petroleum (Amdt.) Bill. The amendment pertains to section 29 of the Petroleum Act, Chap. 62:01. This section would be amended by inserting a new paragraph as follows:

“(na) for regulating the conditions to be observed by contractors and agents of licensees;”

Mr. Speaker, the Bill is designed to make provision for the President to make regulations under the Act, with respect to contractors, agents and licensees. To achieve this, regulations would be made under the Act for the assent and signature of the President to establish procedures to be observed when contractors are required to conduct certain activities in the industry.

In concluding, it is to be noted that hon. Members will recall a recent incident in the energy sector where local creditors made the very complaints that this legislation will address.

7.15 p.m.

I refer to an issue which arose concerning substantial sums of moneys owed to local creditors who had supplied goods and services to a sub-contractor, when the contractors unanimously agreed to terminate the sub-contractor's agreement for breach of contract based on low performance rates in the performance of an agreed seismic programme.

Upon termination of the contract, the contractor failed to meet his obligations to a number of local creditors who experienced great difficulty in recovering moneys owed by the sub-contractor who left the country and appeared to be insolvent.

Mr. Speaker, the proposed enactment of this Bill is to avoid recurrences of this and similar situations. The Bill makes provision for the licensing of sub-contractors who work for licensed contractors under the Petroleum Act, Chap. 62:01. The proposed legislation is designed to regulate certain activities of licensees, agents and contractors who work for licensees or contractors. The manner of regulating of such sub-contractors' activities would be provided for in law. The awarding of a licensee to the sub-contractor is pursuant to Regulation 3(2) of the Petroleum Act, Chap. 62:01.

Now that the Regulations have been circulated to hon. Members, I feel assured of the support of this honourable House in this regard as both sides agree that our energy sector must be developed for the benefit of our citizens and this, no doubt, includes our corporate citizens as well.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, this Bill is to amend the Petroleum Act, Chap. 62:01.

It says at clause 2 that:

"The Petroleum Act is amended in section 29(a) by inserting a new paragraph as follows:

'(na) for regulating the conditions to be observed by contractors and agents of licensees;'"

Mr. Speaker, the petroleum industry has several strange arrangements, sometimes strange to the law, and the hon. Minister, in piloting this Bill, alluded to one situation where a contractor conducting a seismic survey in Trinidad and Tobago, hired certain local contractors and did not pay them. As a result of that, they brought this Bill here. What he did not tell us is that those local contractors who did not get paid were not paid, or if they did not get paid, it was because of the ineptitude of the Minister of Energy and Energy Industries.

The Petroleum Regulations, as I can recall, paragraph 42(f), I think—I do not have it before me—outlines first, that any contractor or any licensee in the petroleum industry must make use of as much local input as possible and it does give the Minister certain powers to enable a licensee, not necessarily a contractor or an agent of a licensee, to meet commitments to local contractors.

I am submitting, Mr. Speaker, that if the Minister had used the powers available to him in the Petroleum Regulations properly, he would have been able to deal with the problem in respect of those contractors.

Mr. Speaker, I am very glad that we have brought the matter of the Petroleum Act here today because, as you know, the petroleum industry is in the constituency of La Brea. In the days when the price of oil is high, you find that area, normally buoyant and booming and, usually, when the price of oil is low, you find that it goes into a slump. What is significant on this occasion is, we have the price of oil being \$30-plus a barrel over a period of more than a year—high prices of oil—yet, we have a situation where the constituency of La Brea, St. Patrick West in general, is in a state of depression. I put that directly at the doorstep of the management of Petrotrin to some extent first and, by extension, the Minister of Energy and Energy Industries.

Mr. Speaker, you find that whenever the price of oil is high—first, I should deal with it from the standpoint of budgeting. When you budget in the oil industry, you budget in priced scenarios where you have a price and you budget

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for a price maybe a dollar or two lower and a price a dollar or two higher. You work various activity levels to deal with the price. When we say we have a certain size of reserves in the country, we are dealing with reserves based on the economic ability to produce those reserves. What you find is, as the price climbs, the ability to produce certain wells will be enhanced.

Usually, as the price goes up, the activity level in the oil-producing areas goes up. But what we have found, somehow or the other, because of the lack of foresight resident in the management of the company or companies involved, that concomitant increase in activity has not taken place.

In addition to that, there is a particular bias in the hiring of contractors to service the oil industry. That, we see today in the areas of the oil industry, in La Brea, Palo Seco, Los Bajos, Siparia and Erin—Rancho Quemado. We see a number of oil workers displaced at a time when the industry is producing oil and the price it gets for its product is very high. That tells us there is something amiss in that area and it cannot be in production only. It has to be in the way in which they are handling the industry.

That is the first thing I want to point out, that there is gross negligence or mismanagement in the oil production. I will give you an instance of it. There are persons working in the oil industry who were temporary workers over a period of time and there are these temporary and casual workers to, in a way, deal with instances just as we have now, where the price goes up, you increase the employment and more temporary and casual workers come in.

What we are having in respect of Petrotrin is, they are stopping the company rigs. Now, I know in years gone by, when the price of oil was \$25 or \$28 a barrel, there were 30 workover rigs working. They do not even have eight now. They are putting company rigs in mothballs, as it were, and hiring contractor rigs. The contractor rigs are coming in from outside the area and bringing in their own people. There are people who are involved in casual labour working one week, sometimes, in four months, whereas previously, they were working one week on, one week off. There is a serious hardship in respect of the industry.

I have seen these Regulations and they point particularly to the foreign contractor who is here and actually doing work, carrying out seismic or other work, on behalf of certain licensees—licensees meaning persons licensed under the Petroleum Act to drill or to do certain works under the Act. But there are other forms of licensees operating very prolifically. I am talking particularly of those companies involved in lease operatorships. I want to focus on one particular abuse that is had and I focus on that abuse in respect of a particular company.

Mr. Speaker, what you find is these companies in some of the cases have 50—100 wells and they produce them as contractors for Petrotrin, which is the main oil company on land. Because they are working outside of the main company operation, sometimes they do not have the same union agreements or if they have the union agreements, they are of a different nature. One understands why that was so. It was so because although they are required to pay the minimum wage—and I will come to that—paid by the oil company, yet, because they have lower overheads, they are better able to produce wells that the oil company, or Petrotrin, because of its high overheads, will not be able to produce. It was a good way of maximizing the production.

But what you find is, there are a number of those companies—and I know of one in particular. Some of them are good; others are not so good and some are downright bad. I do not want to make any form of generalization, but I know of one company in particular and I have evidence of it—Optimal Services Limited. I think I have mentioned that name in this House already. That company does not operate or does not observe the Minimum Wages Act of this country. *[Interruption]*

7.30 p.m.

The Member can point to him, because the Member for Nariva, and Minister of Labour and Co-operatives was informed by me, in writing, about it. He was given all the facts. Not only was he given all the facts, names of his officers were identified: officers to whom the particular aggrieved worker complained. The pay sheet for the week was provided, plus the money paid to the particular worker. All that evidence was provided to the hon. Minister.

In addition, there was a member of the Minister's ministry who worked in San Fernando, who was supposed to have investigated it. When he investigated it, and the aggrieved worker complained, they just went back to their boss. He went to Port of Spain to complain. They told him that he should write the Minister. He is my constituent, so I wrote the Minister on his behalf. To date, nothing has been done. Do you know why, Mr. Speaker? The shareholders of that company, up until quite recently, their names were Gopeesingh.

Gopeesingh is a very well-known name in the circles of the supporters of that Government. When I pointed out to him, I told him—*[Interruption]* The Minister should not put up his hand now, because I spoke to him in private and gave him every opportunity, as a Minister of Government, to deal with a case of impropriety in his Ministry, and he did nothing about it. *[Interruption]* At least he did not reply to me. I am the Member of Parliament who reported it to him. I am putting it on the record of this honourable House that that is what happened.

These regulations purport to deal with the big, that is good. Apparently it was not too clear with the Minister of Energy and Energy Industries as to how he should handle it. Whereas it purports to deal with that, where it comes to small people, the Government pays more attention to it. Time and again, I have always said that this Government does not discriminate, they treat all poor and small people badly. I told the Minister about it and he did nothing.

Mr. Speaker, the Member for Chaguanas does not sit here. I am making a contribution and I am dealing with facts, and he is disturbing me. I would appreciate very much, if you can indicate to him, if he has anything to say, he can eventually say it but, would he please stop disturbing me. I do not know if it is because I am dealing with a sore point, and an Achilles' heel of this Government. He is upsetting me. I am still going to talk.

Mr. Speaker: The Member is clearly entitled to the protection of the Chair. The Speaker will normally intervene when it is coming through to him as being a bit too much and going beyond a certain point.

A Member could draw to the Speaker's notice that things are coming through *sotto voce*, being heard only by him and putting him off. This is what he is claiming. I would ask the Member concerned to desist from this. It is not right, he is entitled to be heard. If even one does not like what he is saying, one would have an opportunity to speak. Please proceed.

Mr. H. Béréaux: We have a situation in this country, at this present time, where even companies of that size—though not very large—are large enough, and their shareholders are financially capable to pay the proper wages. The employees are working 12 hours per day, and not being paid time and one half, as required by the law. When those workers seek the protection of the Ministry of Labour and Co-operatives, they are being victimized.

There is a certain amount of collaboration between the management of the company and the officers of the Ministry of Labour and Co-operatives. When it is reported—I did not report it on the floor of this House; I reported it in writing to the hon. Minister of Labour and Co-operatives—you hear nothing about it.

I can only conclude that that was the case, because of the shareholders of that company. What is worse, they sought to divest themselves of the company recently. They may not even be the owners today, and the worker is left to catch. I want to bring that to the attention of this House.

There are other elements in terms of what happens. These small companies are serving an important purpose, in the sense that they are producing wells that

the large companies cannot deal with, and they are serving a proper purpose. There is the question of the conditions of work and the pollution in the area. There is also the question of workmen compensation. There are other things, and I believe that a lot of it hinges on the Ministry of Labour and Co-operatives.

As you know very well, Mr. Speaker, whenever a person suffers injury on the job, that person has two claims, depending on the nature of the injury: the workmen's compensation claim, which is a statutory claim which amounts to whatever the disability is—4 years' salary is taken and a percentage is taken, based on the percentage of the disability. Also, if it is that one's injury was caused by the negligence, either of the company itself or by one's fellow worker, there is common law claim which one can make against the company. However, the law states, once you have collected workmen's compensation, the statutory limitation for making such a claim is one year.

I have pointed that out to this Government on more than one occasion in this honourable House. When I first pointed it out, the hon. Minister of Labour and Co-operatives told me: "You used to work for the oil company, why all yuh did not do it then?" I pointed out to him that it is a government action, we needed to have the law changed in respect of the ability of the worker to claim under the common law for negligence, to remove that discrimination in the period of limitation. He asked me why the PNM did not do it. I said, "I am pointing it out to you." But they have amended a number of laws having to do with labour, Mr. Speaker, and they have scrupulously kept away from it—scrupulously kept away from it. The whole regulation of that, they have scrupulously kept away from that and a number of workers, when they are collecting their workmen's compensation, they are no wiser and when they think about it, they have lost their opportunity to claim. Some of them are maimed for life and that is a failure of this Minister of Labour and Co-operatives because he cannot claim not to have been advised as to that.

7.40 p.m.

We are regulating the oil industry and I do not want this Parliament only to think in terms of the big contractor who did not get money from the foreign contractor or the foreign entrepreneur who came here and did work in this country. We have to think also about those of our constituents and our citizens who are being robbed daily because of this particular portion of the law.

I am dealing with the oil industry, Mr. Speaker. They have come here to selectively do something and pat themselves on the back. These very contractors

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that they are seeking to protect whom, if you had a good lawyer to deal with it, you would have been able to handle under the provisions of the general obligations of the licensee in section 42 of the petroleum regulations. Those regulations include a number of things and the Minister could have used his authority under section 42 of the petroleum regulations to deal with these matters.

You see a number of things in these regulations. Section 42 states:

“A licensee shall perform such of the general obligations specified...

- (d) maintain appropriate and proper records containing full data of all operations;
- (e) keep in Trinidad and Tobago...
 - (ii) the quantity of petroleum...
- (f) minimise the employment of foreign personnel, ensure that such employees are engaged only in positions for which the operator cannot, after reasonable advertisement...find nationals of Trinidad and Tobago...”

And there are a number of things, and above all:

- “(i) pay reasonable compensation for any loss, damage or injury which may be caused by him, or by his agents or servants, to any other person in respect of such person’s rights of any description;
- (h) exercise all possible care in order to avoid....”

Mr. Maharaj: Would the Member give way for me to move a procedural motion?

Mr. Beraux: Sure.

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, pursuant to Standing Order 10 (11), “A Minister may, without notice, move that the House continue to sit until the conclusion of the business on the Order Paper or of any matter specified thereon.” I wish to move that the House do continue to sit until the completion of this matter and until the completion of Motion No. 2 on the Supplemental Order Paper, dealing with the Senate Amendments to the Summary Offences Act; Motion No. 3 on the Supplemental Order Paper dealing with the amendments to the Praedial Larceny Prevention (Amdt.) Bill and Bill No. 2 on the Order Paper, the Establishment of a Sentencing Commission.

Question put and agreed to.

PETROLEUM (AMDT.) BILL

Mr. H. Breaux: Mr. Speaker, in addition to that, before any company can do any work in Trinidad and Tobago, any licensee—in order for a company to become a licensee, it must have a licence, obviously, and that licence agreement, when properly negotiated, includes all those problems. Everything you see in here, if the licence is properly negotiated, you will have all the protection for the local contractors, all the protection for the use of local industry, all the protection ensuring that the various bonds are set up. These are usually put into the licence agreement.

Some of these contractors bring equipment into Trinidad and Tobago for which they do not pay any licence and they just pay a bond. I do not see any reason that the ministry should not have arranged protection for these contractors. As a result of that, I say as good as these regulations are, as important as the amendment is, the non-existence of this amendment should not have caused the harm which the contractors suffered. Because, if my memory serves me right, when the Minister took the necessary steps to call in the licensees and the contractors, the Trinidad and Tobago contractors were paid. *[Interruption]*

As I was saying, when the Minister of Energy and Energy Industries called in the licensee and the contractor, and I am certain, pointed out to him the liability which he has under his licence, the contractors were paid. It took him a while to do it. That is because he did not know what to do. But if he had been properly advised, or if he knew his job properly, we would not have had that problem.

This Government—*[Interruption]*—I am not yet ready to support it. We come here with regulations in respect of helping contractors. We have regulations in respect of pollution. We have regulations and also the environmental standards in respect of emissions. At another time I read in this House the serious harm which was done to constituents of mine as a result of emissions coming from the petroleum industry and to date they have not been compensated in any way. The company just goes on its merry way, after having made \$200 million in profit and paid \$50 million in dividends to Government because of the oil price.

I am happy about that, but in the same context, the same company that is doing such harm to the environment, doing such harm to the area in terms of unemployment—and I know you have seen the facilities down there—they are now seeking to get rid of the Palo Seco Sporting Club. They are saying they want to give it to the ministry. But I want to put on record in this Parliament—because it will not stop here if something is not done—that the Palo Seco Sporting Club

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was given to the club members by British Petroleum before it left this country. The members of the sporting club maintained it for a few months. I know they will tell me that there was no documentation. But we know about contracts and we know that a contract for land must be in writing, except where there has been part performance. I hope the Minister replying would remember at least that basic piece of law. I want them to know, therefore, what happened after Trinidad Tesoro took over. Trinidad Tesoro Petroleum Company maintained the sporting club. They did not own it; they just maintained it for the members.

I am putting this Government on notice and I am sending it to the wider community, do not touch the Palo Seco Sporting Club and try to give it to any of your friends because it does not belong to Petrotrin. Additionally, they are doing a number of things. None of the roads where they have their tenants are maintained. They are actually bringing the areas of Palo Seco/Los Bajos into a state of depression. And this Government talks about roads. On the one hand they have Petrotrin fixing roads in Palmiste, and doing nothing in Palo Seco and Santa Flora. That is the kind of thing that you are seeing, actual destitution of the areas. Although they have a duty under the Petroleum Regulations to do certain things in the area they are not doing them and we are now coming here, typically, to help a few of their friends. When I say, friends, I mean their "big shot" friends. I am not alleging any impropriety, I am just saying that they move only at a certain level.

As I say, no attempt at making the law clearer can ever be faulted. An attempt to make sure that the contractors, and in the oil industry the local contractors, have their sums of money owed to them paid on time, can only do good for the contractors themselves and, by extension, the wider community. But the contractors themselves must observe certain proper practices when it comes both to fairness of hiring and making sure that they employ people from the area in which they operate. We have seen that going on and I am most concerned about it.

Whereas I am prepared, and we on this side are prepared, to support this particular legislation, I just wanted to sound a little warning and to tell the Government that what they need to do is not only to deal with the big contractors, but generally to pay particular attention to the cries of the individual workers in the oil industry, and in fact, to ensure that there is equity in the treatment of the industry to all areas under which they operate. I see the hon. Attorney General is passing some laws in respect of the proceeds of crime and in respect of the protection of witnesses.

7.55 p.m.

I just want to say that shortly, as soon as they are passed, we are going to have to deal with them in respect of persons involved in Petrotrin and the manner in

which they are in a feeding frenzy, trying to dispose of the assets of Petrotrin before the administration changes. It seems as though they know something that we do not know, and they feel that they do not have much time again before they finish doing what they are doing. So they are very hurry about it. I sound a warning to them and I say thanks to the Attorney General, let us put in more of those laws. We would use them on those persons whom they all may have put there but who are definitely making do with the company's property as though it is their own.

So without much ado, we, on this side, support this legislation.

Thank you.

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, I want to congratulate the hon. Member for La Brea for his contribution with respect to supporting the legislation. He saw the necessity and he is acutely aware of the circumstances that gave rise to this piece of legislation.

It is clear, that the impact of globalization and the generous finds of oil and natural gas we have made in Trinidad and Tobago, have given rise to an aggressive and significant oil and natural gas sector. As a result, given the nature of the businesses associated in that sector, they are global in their reach and global in their approach to business and what we are doing here is attempting to protect our local businesses and I know that he shares that point of view.

In fact, it is unfortunate that a similar piece of legislation was not passed earlier on in the contracting and the civil works contracting arena. I can recall that a firm employed in the Uriah Butler Highway extension left a Trinidadian contractor, after litigation, with empty pockets. That resulted in many people being left out of work and, in fact, it bankrupted that particular contractor who employed hundreds of people. So this is a step in an attempt to redress this in the oil sector.

In his contribution, the hon. Member made certain remarks, which I feel it would be remiss of me if I allow them to go unscathed.

The Member for La Brea said that this Government does not discriminate. We treat all poor people the same. And he is very right. Because it is this Government that increased Old Aged Pension to \$722.00. [*Desk thumping*] It is this Government that increased Public Assistance so that individuals can get \$222.00 and a family of four can get \$720.00. We do not discriminate. We treat all poor people with that kind of embrace. We are very universal in our approach and access to the social amenities because we lay emphasis on the social values in our society.

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The next point made by the hon. Member dealt with the Workmen's Compensation Act. I know that the hon. Member toed the party line and did not support the Occupational Health and Safety Act. I am hoping that when the Industrial Injury and Disability Compensation Bill comes before this Parliament, that the hon. Member will find the testicular fortitude—because he has demonstrated that he is not in support of the Workmen's Compensation Act—and he will find that level of fortitude in order to support the Industrial Injury and Disability Compensation Bill.

He made certain allegations against the hon. Minister of Labour and Co-operatives and the hon. Member for Nariva and the officers in his Ministry, with respect to a firm called Optimal Services Limited. Mr. Speaker, I will deal with that.

First, I want to deal with the issue of the Workmen's Compensation Bill. This Bill, would repeal the Workmen's Compensation Act. The Bill in its final draft, was approved by Cabinet and will be introduced to Parliament at the earliest opportunity. The hardships, problems and anomalies arising out of the existing Workmen's Compensation Act, Chap. 88:05, were brought to the attention of the hon. Minister of Labour and Co-operatives through the following submissions. And I want the hon. Member to take note of the date of these submissions.

One, review of the Workmen's Compensation Act, Chap. 88:05, by the Registrar, Supreme Court, December 12, 1996.

Two, comprehensive review of the Workmen's Compensation Act *vis-a-vis* the National Insurance Employment Injury Benefit. That is the first draft, November 1997.

Three, the workplace injuries and limitation periods; the Law Commission of Trinidad and Tobago, March 14, 1996; complaints by trade unions and employers' organizations. In this regard, the hon. Minister of Labour and Co-operatives had been discussing with the Attorney General at the level of the legislative review committee the amendments to the existing legislation to improve the operations of the Act. The Attorney General has since then drafted a Bill which is one to provide for the compensation of workers for illness, injury and disability sustained during the course of employment.

Two, to broaden the scope and ambit of the present Workmen's Compensation Act; to consider the provisions of the proposed Occupational Safety and Health Bill and to provide for a claim of breach of statutory duty under the proposed Occupational Safety and Health Bill. So that in this disability the Employment Disability and Compensation Bill, it is intermittently linked to the Occupational

Safety and Health Bill. So I am hoping that the Members support both. He did not do so on the first occasion, but then the second time around for the hon. Member might be sweeter.

The third requirement is to harmonize the provision of the National Insurance Employment Injury Benefits under the National Insurance Act, and those of the existing Workmen's Compensation Act. To correct hardships, problems and anomalies arising out of the operations of the existing Workmen's Compensation Act.

Mr. Speaker, this matter has been dealt with comprehensively so that the hon. Member should really pay homage to the hard-working Minister of Labour and Co-operatives. [*Desk thumping*]

I now want to deal—[*Interruption*]

8.05 p.m.

Mr. H. Breaux: Mr. Minister, before you go on—I am sorry to interrupt you—you have not dealt with the removal of the limitation period of one year in respect of common law homes.

Hon. G. Singh: I am happy to be reminded by the hon. Member. Yes, yes, we have removed that and the limitation period would be for four years. You see, Mr. Speaker, there was a change, by the Limitation of Certain Actions (Amdt.) Act, 1999.

Mr. Breaux: No, no, that was not removed. I raised that.

Hon. G. Singh: Mr. Speaker, it would also be repealed—[*Interruption*] Hold on. This new limitation period would be providing for a period of four years to file an action in the High Court or to bring a claim before the compensation board. So we have taken care of all your concerns.

Mr. Breaux: When you bring it and I have looked at it, we will support it.

Mr. Maharaj: It has been passed already.

Mr. Breaux: No, not that Act.

Mr. Speaker: Order, order.

Hon. G. Singh: Mr. Speaker, I want to deal with the second issue related to what the hon. Member dealt with in dealing with the issue of Petrotrin. You see, Mr. Speaker, the hon. Member, as is common knowledge in this honourable House, was the senior attorney in Petrotrin for over a decade.

Mr. Breaux: Two decades.

Hon. G. Singh: Two decades; so he is pretty ossified and well established in that institution. I want to read into the record from the *Petromission* No. 3 August 2000:

“50M For Shareholder

Petrotrin pays first dividend

PETROTRIN paid a dividend of \$50 million to its Shareholder, Corporation Sole at the Office of the Minister of Finance earlier this month.

This is the first time that Petrotrin—or any of its predecessor companies (Trintoc and Trintopec)—has achieved the kind of financially robust position to facilitate such a worthwhile corporate obligation.”

[*Desk thumping*]

“The dividend covers a \$20 million payment for fiscal year 1998/99 during which time profit after tax amounted to \$143 million, and an interim payment of \$30 million for fiscal 1999/2000, for which net earnings at end-July amounted to \$141 million. By end-September, net earnings are projected to be in the vicinity of \$200 million.

Chairman...Baldeosingh, in presenting the cheque to Finance Minister Brian Kuei Tung said: ‘Clearly we have moved from survival to a growth mode and I wish to commend the collective effort of employees and management who are ‘Making it all happen together!’ This demonstrates what can be achieved through prudent management, taking a different view of things and believing in ourselves.’”

The article continues, Mr. Speaker:

“By law the Shareholder is entitled to an annual dividend.

Since its inception in 1993, Petrotrin made no dividend payments to the Shareholder as profits were marginal. The Chairman said: ‘Having changed the way we do business and by continuously transforming our corporate culture, we all feel a greater degree of pride as we repay the Shareholder for the confidence reposed in us...this occasion is unprecedented!’”

Mr. Speaker, I can go on to quote at length the article but what it clearly demonstrates for us is here it is, a state enterprise that historically has lost money, is today making a profit, paying dividends to the shareholder.

The hon. Member knows better than you and I, Mr. Speaker, the evolution of Petrotrin and its predecessor companies and the whole idea of the kind of

plantation culture that emerged in that enterprise. It took care of the sporting fields, the roads and the other things, with respect, that were not part of their core competence. What is clearly emerging as part of the corporate culture now is that they are divesting themselves of those responsibilities and passing them to the relevant governmental organizations. That is the corporate culture that is emerging. That is the corporate culture that is transforming Petrotrin into a profit-making enterprise. So goodly hon. Member for La Brea, clearly in his time there was a different corporate culture that did not give rise to profit-making. Now there is a corporate culture that is giving rise to profit-making.

The third point made by the hon. Member, which is a very serious point, because he made certain grave allegations against the Ministry of Labour and officers of the Ministry of Labour—[*Interruption*]

Mr. Speaker: Hon. Members, I think that this would be a convenient point at which to suspend the sitting for 45 minutes for dinner. The sitting is suspended for 45 minutes. We will come back at 9.00 p.m.

8.12 p.m.: *Sitting suspended.*

9.02 p.m.: *Sitting resumed.*

Hon. G. Singh: Mr. Speaker, just before we took the break, I was dealing with three issues raised by the Member for La Brea. The Member indicated to this honourable House that a company called Optimal Services Limited did not observe the Minimum Wages Order and that he had informed the Minister of Labour and Co-operatives about this matter.

Mr. Speaker, in addition to the Employee and Injury Disability Benefits Bill, which I spoke about earlier in my presentation, the Ministry of Labour and Co-operatives, under the current Minister, in an attempt to modernize and revise our labour laws and industrial relations legislation which had become obsolete and in dire need of change—these laws, as you will recall were inherited from the pre-independence era—a new legislative package was drafted, and that included health and safety requirements in the workplace; basic conditions of work; industrial relations and cooperative societies; and legislation to amend the Minimum Wages Order.

It is this administration that amended the Minimum Wages Order and the Act. The order allows for a minimum of \$7.00 an hour for lowly skilled personnel, and the Act allows all workers to have access to the court in order to enforce this Order. With respect to the particular complaint made to the hon. Minister of Labour and Co-operatives, I have been advised by the Minister that the complaint

was, indeed, made by the hon. Member for La Brea. The matter was investigated first by an officer of the Labour Inspectorate. As the procedure goes, the report is then reviewed by a senior labour inspector, who makes contact with the employer with the intention of having the matter resolved without the intervention of the Industrial Court. Mr. Speaker, if this fails, the matter is reported as a dispute to the Industrial Court for the determination. The particular matter in question raised by the Member for La Brea is currently being investigated.

Mr. Speaker, I place on record this process because the hon. Member for La Brea indicated to this House that—and I tried to take some notes as he was speaking—there exists a certain amount of collaboration between the management of the company and the officers of the Ministry of Labour and Co-operatives. Now, PNM wants to provide a lot of fallacious allegations, if only to catch the media. If there is any measure of collaboration which gives rise to a conflict of interest between the duties and responsibilities of the officers of the Ministry of Labour and Co-operatives in the performance of their duties, then the hon. Member owes Parliament and his constituent a duty to report that matter to the relevant authorities and in such a fashion that the matter can, in fact, be taken up by the Services Commission and, therefore, the necessary—

Mr. Bereaux: Mr. Speaker, would the Minister give way, please? I reported the matter to the Minister in writing. I did not talk it here first in Parliament.

Mr. G. Singh: Mr. Speaker, the hon. Member would know that merely making an allegation in writing is insufficient to cause the threshold to move into the arena of making the matter a disciplinary one before the Services Commission. *[Desk thumping]* So merely making an allegation is insufficient, and there is a duty and a responsibility to provide the necessary evidential basis to cross that threshold.

Mr. Speaker, I have dealt with these matters raised by the hon. Member for La Brea. It is clear, on both sides of this honourable House, that the purpose of this amendment is to provide that measure of comfort for creditors to the subcontractors or agents of subcontractors or licensees with whom they do business. Having regard to the tremendous developments taking place in the petroleum sector, this legislation is not just timely, but urgently needed.

Mr. Speaker, we are now about to embark on the construction of two additional LNG trains which would involve approximately US \$1 billion of which US \$150 million is contractually committed to local value added. This is not to mention the significant contractual commitments to exploratory activities under

the production sharing contracts. Having regard to the extent of the local content and expansion of this sector, it is clear that we have a duty and obligation to protect our citizens in this regard, and it is with this confidence I am certain that Members on both sides would support this amendment and the regulations.

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

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

9.10 p.m.

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

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

House resumed.

Bill reported, without amendment, read the third time and passed.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I announce that in respect of Motions Nos. 2 and 3, the Opposition has agreed and would have no objection if all the amendments are done together. That is to say, the Clerk can read all at the same time in respect of the Summary Offences (Amdt.) Bill and if the Speaker considers it in order, in the Praedial Larceny Prevention (Amdt.) Bill, all can be read at the same time, *en bloc*.

I should mention for the record, so that people would know, these are the amendments as a result of a Select Committee which was appointed and which has come up with those amendments.

SUMMARY OFFENCES (AMDT.) BILL

(Senate Amendments)

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I beg to move,

Be it resolved that the Senate amendments to the Summary Offences (Amdt.) Bill, 2000 listed in Appendix I be now considered.

Question proposed.

Question put and agreed to.

Clause 3.

Senate amendment read as follows:

Delete clause 3 and insert the following clause:

3. Section 2 of the Act is amended by repealing the definition of “cattle” and substituting in the appropriate alphabetical sequence the following new definitions—

“farm animal” includes—

- (a) any bison, buffalo, horse, donkey, mule, ox, bull, cow, steer, heifer, calf, ram, ewe, sheep, lamb, goat, kid, hog, sow, pig or swine;
- (b) any tool, machinery, equipment or material used in the rearing of animals or in the production of animal products; and
- (c) any other animal, tool, machinery, equipment or material which the Minister may, by Order, direct to be included within this definition;

“livestock” includes any farm animal or poultry or the carcass, head, skin or any other part or product thereof;

“poultry” includes any fowl, chicken, turkey, duck, goose or other bird and the eggs, feathers or product from any such bird;

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

Question proposed.

Mr. Hinds: I think it appears a little awkward to have “farm animal” include (a), (b) and (c) when (b) and (c) are things like tools, machinery, equipment and so forth. It does not seem to make sense.

Secondly, in respect of (c), it should be “by order” rather than “be order” and in respect of “livestock”, that is probably definitional “or the carcass” as livestock. Maybe that is simply definitional, but the other two points.

Mr. Sudama: Mr. Speaker, this is merely a matter of definition. As you are probably aware, in the old days, there was no machinery; farm animals carried out the function of machinery. It is just merely a definitional matter. This was considered by a Select Committee of the Senate and we agreed that the matter should be dealt with in that way.

Mr. Hinds: Would you adjust “by order”?

Mr. Sudama: Yes, “by order”. That is a typographical error.

Question put and agreed to.

Clause 4.

Senate amendment read as follows:

Immediately after clause 3 insert as clause 4 the following new clause:

New section 4.

The Act is amended by inserting immediately after section 14 the following new section:

Inserted

Stealing livestock

14A. Any person who steals any livestock is liable—

- (a) on first conviction, to a fine of not less than two thousand dollars and not more than twenty-five thousand dollars and to imprisonment for a term of not less than one year and not more than five years; and
- (b) on a subsequent conviction, to a fine of not less than five thousand dollars and not more than thirty thousand dollars and to imprisonment for a term of not less than two years and not more than seven years;

Renumber all subsequent clauses.

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

Question proposed.

Question put and agreed to.

Old 4(a).

Senate amendment read as follows:

Delete the words “with hard labour”, wherever they occur.

Delete paragraphs (c) and (d) and substitute the following:

“(c) all fish and other aquatic life;

(d) all agricultural, forest and aquatic products, tools, machinery, equipment and materials; and”

Summary Offences (Amdt.) Bill
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In paragraph (e) delete all of the words after the word “machinery” and insert the words “, equipment or material used in agricultural production”.

In paragraph (e) delete the word “closed” and substitute the word “enclosed”.

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

Question proposed.

Question put and agreed to.

Old 7(a).

Senate amendment read as follows:

Delete sub-clauses (i) and (ii).

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

Question proposed.

Question put and agreed to.

7(b).

Senate amendment read as follows:

Delete and substitute the following subclause:

“(b) in subsections (1) and (2) by deleting the word “poultry” and substituting the words “farm animal”; and”.

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

Question proposed.

Question put and agreed to.

7(c).

Senate amendment read as follows:

Delete in line 10 the words “or produce” and insert after the word “fertilizer” the words “, fish or other aquatic life, tool, machinery, equipment, material or product”.

Insert after the word “fertilizer” in line 16 the words “, fish or other aquatic life, tool, machinery, equipment, material which is a product of agriculture or

which is used in agricultural production.” and delete all of the words occurring thereafter.

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

Question proposed.

Question put and agreed to.

Old 8.

Senate amendment read as follows:

Delete.

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

Question proposed.

Question put and agreed to.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

(Senate Amendments)

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I beg to move,

Be it resolved that the Senate amendments to the Praedial Larceny Prevention (Amdt.) Bill, 2000 listed in Appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 3.

Senate amendment read as follows:

- 3(a)
- (i) Insert after the word “produce” the words “livestock and poultry”.
 - (ii) Substitute the word “definitions” for the word “definition”.
 - (iii) Delete the word “;and” at the end of the paragraph and insert the following definitions:

Chap. 11:02 “ ”livestock” includes any farm animal mentioned in section 2 of the Summary Offences Act, any poultry or the carcass, head, skin or any other part or product thereof”;

“poultry” has the meaning assigned to it by section 2 of the Summary Offences Act;”; and”

- (b) Delete paragraph (b) and substitute the following “by inserting in the appropriate alphabetical sequence the following new definitions:

Act No. 35 of 1995 ““company number” means the number issued to a company under the Companies Act, 1995; “certification of registration” means a certification of registration issued under section 3;

“Farmer’s Registration Card” means the Card issued by the Minister to farmers;

“Minister” means the Minister to whom responsibility for agriculture is assigned;

“Praedial Larceny Squad” means the Squad established under section 2A;

“registration number” has the meaning assigned to it under section 3;

Act No. 37 of 1989 “VAT registration number” means the identification number borne by the certification of registration issued under section 27 of the Value Added Tax Act, 1989.

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

Question proposed.

Question put and agreed to.

New Clause 4.

Senate amendment read as follows:

New Clause 4 Insert a new clause 4 to read as follows:

4. “The Act is amended by inserting after section 2 the following new section:

“Establishment of
Praedial Larceny
Squad

2A. (1) There is hereby established a Squad which shall be known and designated “the Praedial Larceny Squad”.

(2) The Squad shall consist of such number and ranks of officers as may be assigned by the Commissioner to carry out the provisions of this Act.

(3) A member of the Squad shall have all of the powers and be entitled to all of the immunities conferred by this Act upon any constable.

Chap. 15:01

(4) In this section “officers” include any member of the Police Service established by section 3 of the Police Service Act and any member of the supplemental bodies of Police established by the Supplemental Police Act and Special Reserve Police Act”.

Chap. 15:02

Chap. 15:03

Renumber the subsequent clauses.

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

Question proposed.

Question put and agreed to.

Renumbered 5.

Senate amendment read as follows:

Delete and substitute as follows:

“Section 3 of the Act is amended—

(a) by repealing section 3 and substituting the following sections:

“Registration as a seller of agricultural produce or livestock 3. (1) This section does not apply to persons who have been registered as farmers and issued with a valid Farmer’s Registration Card.

(2) Every person who sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the weight of twenty-five kilograms or more shall be registered in the manner provided in this section.

(3) Every person required by this section to be registered shall apply to the Minister in the prescribed form.

(4) Every application for registration shall be accompanied by such fee as the Minister may prescribe.

(5) Where a person applies under this section to be registered the Minister may cause such person to be registered and shall issue a certification of registration in the prescribed form.

(6) Every certification of registration issued under this section shall—

- (a) be for such period as may be prescribed;
- (b) bear a registration number; and
- (c) bear the date of issue and the date on which the registration shall expire.

(7) Every person registered under subsection (5) shall cause his certification of registration or a copy of it to be conspicuously displayed on his person or at the place from which he sells, trades in, deals in, supplies or otherwise disposes of the agricultural produce or livestock or in each such place, where there is more than one.

(8) A person who being required under this section to be registered—

(a) sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the weight of twenty-five kilograms or more without a valid certification of registration issued in accordance with subsection (5); or

(b) fails to comply with subsection (7), commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year.

(9) Notwithstanding subsection (2), any other person may apply to be registered under this section and where such an application is made it shall be governed by this section.

3A.(1) In this section—

Memorandum of sale or delivery for agricultural produce or livestock

“memorandum of sale or delivery” means any document, invoice, receipt or bill which contains the particulars set out in subsection (2);

“producer” means any person who rears, cultivates, grows or stores any agricultural produce or livestock and subsequently sells, agrees to sell, trade in, deal in, supply or otherwise dispose of such agricultural produce or livestock;

“purchaser” means any person who purchases, agrees to purchase or otherwise obtain possession or custody of any agricultural produce or livestock of the weight of twenty-five kilograms or more;

“retailer” means any person who sells, agrees to sell, trade in, deal in, supply or

otherwise dispose of agricultural produce or livestock, but does not include a producer;

“wholesaler” means any person who purchases, agrees to purchase or otherwise obtains possession or custody of agricultural produce or livestock disposes of such agricultural produce or livestock;

(2) Every producer, wholesaler or retailer shall, at the time of the sale or delivery of agricultural produce or livestock of the weight of twenty-five kilograms or more, give a memorandum of sale or delivery to the purchaser or other person obtaining possession or custody of the agricultural produce or livestock setting out—

- (a) the registration number, VAT registration number or company number of such producer, wholesaler or retailer;
- (b) the date of the sale or delivery;
- (c) if the retailer is not a supermarket or grocery, the type and quantity of the agricultural produce or livestock sold or delivered; and
- (d) if the agricultural produce or livestock is purchased, the price paid therefor.

(3) A person who gives a memorandum of sale or delivery in accordance with subsection (2) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a constable or authorised person.

(4) Every wholesaler or retailer who receives a memorandum of sale or delivery in accordance with subsection (2) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a constable or authorised person.

(5) A person who fails to comply with the provisions of subsection (2), (3) or (4) is liable on summary conviction to a fine of not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

Power to stop and search any person carrying etc. agricultural produce or livestock

3B. (1) Any constable or authorised person may, without warrant, stop and search any person whom he has reasonable cause to suspect is carrying agricultural produce or livestock which has been unlawfully obtained or is in control of any heap, stall or other collection of agricultural produce or livestock which has been unlawfully obtained.

(2) Where in the course of a search carried out under this section agricultural produce or livestock is discovered, the constable or authorised person may require the person-

- (a) to produce a memorandum of sale or delivery or a duplicate of such memorandum of sale or delivery referred to in section 3A; or
- (b) to give an account of how he came into possession of such agricultural produce or livestock.

(3) Sections 7(3), 8 and 9 apply to this section with such modifications as may be necessary.”

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

Question proposed.

Question put and agreed to.

9.25 p.m.

Renumbered clause 7.

Senate amendment read as follows:

- “Renumbered 7
- (i) In line 9 of subclause (1) substitute the word ‘3A’ for the word ‘3’”
 - (ii) Delete subclause (2) and renumber subsequent subclauses.

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

Question proposed.

Question out and agreed to.

Renumbered subclause (2).

Senate amendment read as follows:

- “Renumbered subclause (2)
- (iii) In line 8 delete all the words occurring after the words ‘ownership’ and substitute the following:
‘shall be required to give an account to the satisfaction of the constable or authorised person by what lawful means he came into possession of such agricultural produce or livestock’.

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

Question proposed.

Question put and agreed to.

Renumbered subclause (3).

Senate amendment read as follows:

“Renumbered subclause (iv) Delete and substitute as follows:

(3)

‘If the person referred to in subsection (1) alleges that he was employed as a driver, carrier, agent or servant to convey the agricultural produce or livestock he shall be required to give an account to the satisfaction of the constable or authorised person of the person by whom he was employed and of the circumstances of his employment’.

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

Question proposed.

Question put and agreed to.

Renumbered clause 8.

Senate amendment read as follows:

Renumbered clause 8

Delete and substitute as follows:

“Power to
arrest and seize

8. If upon being required to produce a memorandum of sale or delivery or a duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership, or to give an account under section 7, the person in charge of the vehicle or other means of conveyance does not produce the memorandum of sale or delivery or duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership, or does not give an account, or, if he produces a memorandum of sale or delivery or duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership or gives an account that in the opinion of the constable or

authorised person is not genuine, the constable or authorised person may regard that person as a suspected person and may-

- (a) arrest that person and any other person whom he has reasonable cause to suspect;
- (b) seize any agricultural produce or livestock that the suspected person was found conveying; and
- (c) seize any vehicle or other means of conveyance or any parcel or package whereby the suspected person was conveying the said agricultural produce or livestock.”

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

Question proposed.

Question put and agreed to.

Renumbered 11.

Senate amendment read as follows:

- “Renumbered 11
- (i) Insert a new paragraph (a) to read as follows: ‘(a) by inserting before the word ‘carrier’, whenever it occurs, the word ‘driver’;
 - (ii) Renumber paragraphs (a) (b) as (b) (c) respectively.
 - (iii) Substitute a full stop for the semi colon after the word ‘Fund’”

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

Question proposed.

Question put and agreed to.

*Renumbered 11(c).**Senate amendment read as follows:*

- | | | |
|----------------------|--|---|
| Renumbered
11 (c) | Taking of
Photographs of
agriculture
produce etc. | (iv) Delete paragraph 13A(c) and substitute with ‘13B(I) A photographer who shall be a member of the Praedial Larceny Squad shall, within seventy-two hours of the seizure of any agricultural produce or livestock alleged to have been unlawfully obtained, take such photographs as may be necessary of any such agricultural produce or livestock and complete Form 1 of the Second Schedule. |
| | Second
Schedule | (2) The photographs shall be taken in the presence of the person who claims to be entitled thereto and, wherever practicable, in the presence of the suspected person and both persons may sign Form 2 of the Second Schedule. |
| | | (3) Where a person referred to in subsection (2) refuses to sign the Form 2 the police photographer shall make a note of the refusal on the Form 2 and shall date and initial the note.” |

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

*Question proposed.**Question put and agreed to.**Renumbered 12.**Senate amendment read as follows:*

- | | |
|------------------|---|
| Renumbered
12 | (i) In line 2 delete the word “and” after the word “Act” and, also delete paragraphs (a) (b) and (c). |
| | (ii) Delete subsection (2) and renumber subsequent subsections. |

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

Question proposed.

Question put and agreed to.

Renumber 12(2)

Senate amendment read as follows:

“Renumbered 12(2) Delete the opening paragraphs (a) and (b) and substitute as follows:

‘A person who is placed under police supervision under this section shall—

- (a) notify the officer of the following information:
 - (i) his name and, where he uses one or more names, each of those names;
 - (ii) his home address;
- (b) at least fourteen days before any change of residence or home address, for any period whatsoever, inform the officer of the new residence or home address;

Delete the word “to” appearing at the beginning of paragraphs (c), (d), (e) and (f).

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

Question proposed.

Question put and agreed to.

Renumbered 12(4).

Senate amendment read as follows:

“Renumbered 12(4) Substitute the word “(5)” for the word “(6)” appearing at the end of the clause.

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

Question proposed.

Question put and agreed to.

Renumbered 12(5)(a).

Senate amendment read as follows:

“Renumbered 12(5)(a) Delete and substitute with:

‘if it is proved to his satisfaction that the person has failed without reasonable excuse to comply with any requirement of the order, revoke the order and deal with the person for the offence in respect of which the order was made in any manner in which it could deal with him if he had just been convicted by that magistrate of that offence’”.

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

Question proposed.

Question put and agreed to.

Renumbered 12(6).

Senate amendment read as follows:

“Renumbered 12(6) Delete the proposed section 15B.

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

Question proposed.

Question put and agreed to.

New clause 15.

“New clause 15 Insert a new clause to read:

(i) “The Act is amended by inserting after section 27 the following new section—

‘Forging or
counterfeiting
certification of
registration

27A. Any person who forges or counterfeits or causes to be forged or counterfeited any document purporting to be a certification of registration under this Act is liable to a fine of five thousand dollars and to imprisonment for one year.’”

(ii) Renumber the subsequent clauses as 16 and 17.

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

Question proposed.

Question put and agreed to.

Renumbered 18.

Senate amendment read as follows:

“Renumbered 18 Delete paragraph (a) and the word ‘(b)’ appearing at the beginning of line 9 and add all the words appearing in the former paragraph (b) after the word ‘amended’”.

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

Question proposed.

Question put and agreed to.

New clause 19.

Senate amendment read as follows:

“New clause 19 Insert a new clause 19 as follows:

‘The Act is amended by inserting immediately after section 30 the following new sections:

‘Special powers of Magistrates in relation to minimum penalties 31. (1) Subject to subsection (2), this Act shall have effect notwithstanding section 68(2) of the Interpretation Act.

(2) A magistrate shall not be bound to award any minimum penalty provided for in any of the sections of this Act in any case in which, for special reasons which shall be recorded by the magistrate on the face of the proceedings, he considers some lesser penalty appropriate, or in which the person convicted is a child or a young person as defined in the Children Act, but in any such case he may deal with the offence in any manner in which he might have dealt with the

Chap. 46:01

same as if the section had not provided for a minimum penalty.

32. The Minister may by Order amend the Second Schedule.

33. The Minister may make regulations prescribing any matter that is required or permitted by this Act to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to the purposes of this Act”.

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

Question proposed.

Question put and agreed to.

New clause 20.

Senate amendment read as follows:

“New clause 20

Insert a new clause 20 as follows:

‘The Act is amended by—

- (a) renumbering the Schedule as the First Schedule; and
- (b) inserting immediately after the First Schedule the following new Schedule:

‘SECOND SCHEDULE

THE PRAEDIAL LARCENY PREVENTION ACT

(section 13B.(1))

Return of Photographer

FORM 1

I

.....
(name, rank and number of photographer)

Praedial Larceny Prevention Bill

Wednesday, October 4, 2000

of
photographer

(address)

did ontake
photograph(s) of

(date)

(number)

.....
(quantity, if known and type of agricultural produce or livestock and any distinguishing marks)

and the said photograph(s) was/were shown as numbers

.....

(number of exposures)

on the photographic camera model/serial number

(model and serial number of camera)

which I used to take said photographs.

Date

Signature

THE PRAEDIAL LARCENY PREVENTION ACT

(section 12B.(2))

Return of Witness to
taking of Photographs

FORM 2

I of
(name of person) (address of person)

..... was jointly† present with†
on at
(date) (place)

..... and witnessed the taking of
photographs
(number)

of
.....
(quantity, if known and type of agricultural produce or livestock)

by
.....
(name, rank and number of photograph)

Date

Signature/Mark

Identification Card/Driver's Permit Number

Witness to signature or mark
(photographer)

† Delete, if either the person who claims to be entitled or the suspected person is not present.

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

Question proposed.

Question put and agreed to.

9.35 p.m.

Mr. Sudama: Mr. Speaker, I just want to point out on page 7 certain typographical errors. It should read in the fourth line:

“the constable or other authorized person may require”

instead of “required” as stated here.

“the person—

(a) to produce a memorandum of sale”

Instead of “a memorandum or sale”. Those are the two typographical errors to be adjusted.

Question proposed.

Question put and agreed to.

SENTENCING COMMISSION BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a bill to provide for the establishment of a Sentencing Commission and for other related matters be read a second time.

Mr. Speaker, may I say that this Bill got the full support in the other place. The Bill is as a result of a study done by the Law Commission in which it was discovered that over a period of time in Trinidad and Tobago there have been a lot of criticisms from all aspects of life concerning the disparity in sentencing, and the Law Commission did an overview of sentencing in Trinidad and Tobago and made proposals for reform. Among the proposals for reform was the question of having some form of commission which would produce recommendations, or a form of commission within the judicial arm in which there can be practised directions given as to criteria and guidelines for sentencing.

The Law Commission looked at two models. One model is what operates in the United States of America, where the Sentencing Commission is within the

judicial arm itself, and the judges and judicial officers decide what the sentencing guidelines should be. The other model is where members of the public can participate, and the experts outside the judicial arm can analyze and look at sentencing and make recommendations to the judicial arm. What the Government opted for was the latter model, where recommendations can be made to the judicial arm and members of the public and the experts can participate in what should be recommended for the Judiciary to accept sentencing.

Mr. Speaker, I think all of us know that sentencing—that is to say after a person is found guilty of an offence,—what the court would give as punishment, forms an important part of the criminal justice system. There are certain messages which a sentence should send, and one of them, obviously, should be a message to the public that the court, on behalf of the public, does not sanction that kind of behaviour. One of the other messages is that the court should not purely serve it as a punishment, but it should be given, having regard to all the circumstances, taking into account all factors and even rehabilitation.

I want to say at the outset that this Bill before us does not, in any way, bridle the wide discretion that the courts have in imposing sentencing. As a matter of fact, this discretion is to be found in section 68(1) of the Interpretation Act, Chap. 3:01 which provides:

“Where a punishment is provided by a written law for an offence against the written law, the provision indicates that the offence is punishable by a punishment not exceeding that provided.

Subsection (2) says:

“Where in any Act or statutory instrument provision is made for any minimum penalty or fine, or for any fixed penalty or fine, as a punishment for a criminal offence, such Act or statutory instrument shall have effect as though no such minimum penalty or fine had been provided, or as though the fixed penalty or fine was the maximum penalty or fine, as the case may be.”

Therefore, if hon. Members were minded to look at the Bill they would see in clause 5(3) that the following words appear:

“Nothing in this section limits any discretion that a court may have in determining a sentence.”

I think I should make that point very, very clear, because it is not the object of this Bill to take away the discretion which any court has in passing sentence. As a matter of fact, even if there is a sentencing commission under this Bill, with the

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broad guidelines of sentencing it is clear that the object of the Bill cannot take away the discretion of the court.

Mr. Speaker, if we were doing this at another time I would be longer, but I have here a dossier consisting of about 50 pages in which, over a period of time in Trinidad and Tobago, there has been a lot of disparity in sentencing. I would mention some of them in my contribution. That there has been a great disparity of sentences, as well as the apparent inadequate sentences imposed by a court, is well known.

For example, in the case of the *State v Oscar Wilson* in 1995 a man who had raped and indecently assaulted an 11-year-old girl was sentenced to six years' imprisonment, although the maximum term was life imprisonment. While in the case of the *State v Sherwyn Ashton*, a man who had raped the common law wife of his friend was sentenced to five years in prison. Although the maximum term for rape, as I said, is life imprisonment, in Trinidad and Tobago life imprisonment does not normally exceed 15 years, unless, obviously, Parliament takes steps now, in particular legislation, to say so.

In the case of Edwin Farfan the Court of Appeal acknowledged that there is a jurisdiction for a term of life imprisonment imposed by a competent court, but the Judiciary, in that case, said that life imprisonment—according to them—does not mean life imprisonment, and that it cannot exceed imprisonment for more than an average of 13 to 15 years.

There are several instances in the public press where reference was made to what appeared to the writers to be woeful inconsistencies in the sentences handed down by the courts. In the *Trinidad Guardian* of December 8, 1997, for example, Mr. Israel Khan, one of our leading criminal lawyers, had this to say:

“It is not uncommon in this jurisdiction that a certain judge on a particular day would sentence an accused person to 15 to 20 years for a particular crime, while another judge presiding in the court next door in the same building under the same roof would sentence another accused to 7 to 10 years for the same type of offence committed under similar circumstances, and having the same sort of antecedents pertaining to its character as the accused who is being sentenced to 15 to 20 years.”

In the *Trinidad Express* of May 21, 1997, reference was made to social psychologist Mr. Derek Chadee's lecture, which was entitled “Sentencing, A Social/Psychological Assessment”. An extract from the article reads as follows:

“According to Chadee a wide disparity between sentences by different judges has caused public concern. He cited the five-year sentence imposed on Christopher Sirjoo by Justice Anthony Lucky for killing his wife and attempting to murder his two children. He compared it with a sentence of Justice Lennox Deyalsingh passed on Everton Mack for causing grievous bodily harm to his wife, 25 years and 30 strokes.”

An interesting article by Francis Joseph appeared in the *Trinidad Guardian* on November 23, 1997 headed:

“Lucky escape for Centeno”

Again, in the *Trinidad Guardian*, dated November 28, 1997 by Miss Dana Seetahal an article was headed:

“Sentencing, luck of the draw”

In her article Miss Seetahal drew attention to the inconsistency of sentencing imposed both by magistrates and judges. For instance, she attracted attention to the harsh inconsistency of two sentences inflicted by a magistrate in two separate cases for possession of marijuana. She also cited a case where a cloth retailer was fined for the illegal possession of a firearm, while another man who pleaded guilty to the same offence, was jailed for 12 months.

Another instance cited by Miss Seetahal was a fruit vendor who stabbed a man in the course of an argument was found guilty of manslaughter and was sentenced to life, not to be released for 30 years; while the other person, the same man referred to as Centeno in Mr. Joseph’s article, was put on a bond—for the same offence—for \$25,000, to keep the peace for three years. It is only right to say, however, Mr. Speaker, that on appeal by the state, Centeno was given a term of imprisonment for three years, while that of the fruit vendor was reduced to 10 years; still a difference in the two sentences.

Miss Seetahal concluded her article with these words:

“It seems to me that what the recent sentencing patterns display is a lack of consistency in sentences by judges or for that matter magistrates. What is needed is some degree of certainty that if a person offends in a particular way he will be treated like others similarly circumstanced. Justice should not depend on the luck of the draw as in lottery system.”

The publicity in the newspapers in relation to the disparity of sentences was again given in a *Newsday* editorial of November 1997—I am doing 1997, but I wish to assure the House that it was the same thing in 1998, 1999 and now in

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2000—in which distinction was drawn between the man who broke into the house of the Minister of National Security and stole a number of household items and was sentenced to two years in prison; whilst another man found guilty of cuffing a two-year-old child, who died from the blow, was given a suspended sentence. This was the Garfield Joseph case, who, on the state's appeal, was sentenced to three years' imprisonment.

Mr. Speaker, not only in this jurisdiction has there been criticism in the newspapers about the inconsistency of sentences. In a letter written by a member of the public in the *Barbados Advocate* of March 18, 2000, after drawing attention to the number of inconsistencies in sentencing, the writer laments as follows:

“What must be more frightening in the seeming inconsistency, is how the accused and/or guilty are treated. Note that some are granted bail, while others are not. Some are given the maximum sentence of 15 years, while another is given 8 years. We have one who was given two seven-year terms, but they are to run concurrently. Where is the consistency? What message is to be derived from these sentences?”

One can argue that each case has its own extenuating circumstances. However, the accused, the Judiciary and the country at large must know of the problems that arise when it is left to the discretion of the judge to determine if these monsters, or alleged monsters, will be granted bail or be given a light, heavy or concurrent sentence.

We need to be far more specific in what a judge can and cannot do in this and all other criminal matters.”

9.50 p.m.

Mr. Speaker, no Government can ignore or should ignore the voice of the people really in dealing with a matter as important and as crucial to their lives as the criminal activities of others and to the sentencing which the court imposes when they are found guilty. To turn one's eye in the other direction would amount to ignoring the need for a system of administration of justice in which the public must have confidence. As I stated, the courts have a wide discretion in sentencing and it is expected that each case would depend on the particular circumstances.

If I may just refer to a passage from a book called *Sentencing by Emmings, the second edition* and I quote:

“Sentencing disparity' arises when cases which are similar in relevant aspects are dealt with differently, or, where cases which are differently in

relevant aspects are dealt with similarly. Disparity is a form of injustice, since it means that the sentence which a person receives for committing a particular offence will often turn on which particular judge or bench of magistrates is dealing with the case.”

As I said before, there are, in fact, sentencing commissions in various other territories. It cannot be said, therefore, that this is an invention of this Government or of this Attorney General. For instance, in New South Wales in Australia there is a vibrant sentencing commission, whose functions, among other things, is to issue an annual report detailing the work of the commission for the previous years.

Let me, however, quote from the Annual Report of 1998/1999. That report states in precise terms what are the functions of such a Commission in these words. And I quote:

“A major function of the Commission is assisting courts to achieve consistency in approach to the sentencing of offenders. The Commission’s objectives in this area are to reduce unjustified disparities in the sentencing imposed by the courts, to improve sentencing efficiency generally, and to reduce the number of appeals against sentencing.”

If I may adopt these words, this is the object of this Bill, trying to get such a Commission to assist the courts in achieving consistency in the approach to sentencing of offenders and to reduce unjustified disparities of sentences and to improve sentencing efficiently generally and to reduce the number of appeals against sentencing.

In Clause 5 of the Bill one would see the functions of the Commission. The functions of the Commission are to:

- “(a) collect, analyze and disseminate sentencing data;
- (b) develop sentencing guidelines and principles and arranges of sentences of specific offences and categories of offences,
- (c) periodically review sentencing guidelines and provide a framework for the setting of maximum penalties...;
- (d) make recommendations regarding the revision of maximum penalties, the nature of particular offences...;
- (e) conducting research or inquiries into the administration of justice and report the results of its research, inquiries and investigations and make

recommendations for change, reorganization and general improvement of the administration of justice.

- (f) Publish a bi-annual bulletin summarizing leading sentencing decisions; and
- (g) conduct public education programme to inform the public about sentencing and to promote public understanding of sentencing practices and procedures.”

One would see that it is to assist the courts; it is to do studies; it is to do research; and it is also to get the Members of the public involved in the administration of justice and making the recommendations.

“(2) The findings and recommendations of the Commission...shall be prepared in the form of a report which shall be laid in Parliament by the Minister and submitted to the Chief Justice and Chief Magistrate.

(3) Nothing in this section limits any discretion that a court may have in determining sentences.”

Factors for sentencing guidelines:

- 6.(1) In developing sentencing guidelines and in seeking to promote a consistent approach to the sentencing of offenders, the Commission shall give due consideration to all relevant factors, in order to suggest the sentence to be imposed on a person found guilty of an offence. It is proportionate to the seriousness of the offending behaviour.
- (2) In seeking to achieve the purpose stated in subsection 1, the Commission shall give due consideration to:
 - (a) harm caused by the commission of the offence;
 - (b) public concern generated by the offence;
 - (c) current incidence of the offence,
 - (d) the seriousness of the offending behaviour;
 - (e) the need to prevent crime and promote respect for the law by—
 - (i) providing for sentences that are intended to deter the offender or other persons from committing offences of the same or similar character;

- (ii) providing for sentences that facilitate the rehabilitation of offenders; providing for sentences that allow a court to denounce the type of conduct for which the offender is engaged, and ensuring that an offender is only punished to the extent justified by the nature and gravity of his offence. His culpability and degree of responsibility for offence, and the presence of any aggravating or mitigating factor concerning the offender and of any relevant circumstances.

- 7(1) The Commission shall consist of seven members appointed by the President from among persons or organizations interested in sentencing reform as the President thinks fit.
- (2) The President shall appoint a Chairman from among those persons appointed under subsection (1).
- (8) The appointment of Members of the Commission as first constitution and every subsequent appointment to the Commission or change in membership shall be published in the *Gazette*.

Clause 9 deals with the tenure of office for three years.

Clause 10 deals with the disqualification if the Member—

- (a) is a member of—
 - (i) the Senate;
 - (ii) House of Representatives,
 - (iii) a Municipal Corporation or Statutory Board; or
 - (iv) the Judiciary or Magistracy;
- (b) is a legal officer employed by the State;
- (c) is an undischarged, bankrupt; or
- (d) has been convicted of an offence...”

Then it talks about the acting appointment of the Chairman, the revocation of appointment, the resignation, remuneration and very important, clause 15 which states:

- “(1) The Commission shall be located in such place as is provided by the Government, and its address shall be published in the *Gazette* and in two daily newspapers.

- (2) The Commission may hold meetings in public or *in camera* for the purpose of performing any of its functions under the Act.
- (3) The Commission shall meet at least once per month, and the quorum shall consist of five Members of whom one shall be the Chairman or the acting Chairman under section 11(1).
- (4) The Commission shall meet at least once per month and the quorum shall consist of five Members, of whom one shall be the Chairman or the acting Chairman appointed under section 11(1). The Commission may invite any person to attend a meeting and to give unsworn evidence.

Mr. Speaker, one sees that the Commission would have the power to be able to invite the public to get their views, *et cetera*. And then it has the power, in clause 16, to employ staff, and they could appoint a council to assist the Commission.

Clause 19 says:

“The Commission is not subject to the direction or control of any person in the exercise of its functions.”

Then the immunity for liability of proceedings in clause 20, and no statements were made or documents produced.

The Commission could be admissible in any proceedings and the Commission shall prepare a report of its activities; and the Attorney General shall cause the report to be laid in Parliament as soon as practicable on a yearly basis. What has happened in other jurisdictions, for example, in England, the court itself, over a period of time, has been able to issue guidelines for sentencing.

Unfortunately, we were not so privileged in Trinidad and Tobago and over the years we have not been able to have those guidelines. We have had judgments, however, which have stated what is the purpose of a sentence but we have no guidelines in sentencing. I say this, because it is important to note, that over the years, notwithstanding the views expressed by the public, by the newspapers, by the church and by the lawyers. As a matter of fact, in the other place I produced a report and I have not gotten it back from the Parliament. It is an article by Mr. Desmond Allum which I circulated to other Members. Writing in “The Lawyer” some years ago, he analyzed the issue and discussed it, and it seems as though he was calling, not only in respect of sentencing but in respect of some machinery, so that some of these matters could be looked at from time to time.

I know the hour is late but I think this is a very important measure which would be able to produce some assistance to the administration of justice and it is not, in any way, interfering with the discretion of the court; it is not, in any way, by established principles interfering with the independence of judges or magistrates. It is a matter in which members of the public have a stake; have an interest and want to ensure that the administration of justice functions efficiently so that the public would have greater confidence. I beg to move.

10.00 p.m.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, we on this side acknowledge that there has been some difficulty in respect of the disparities in sentencing as applied by different courts constituted differently and, in some cases, on the same date—as absurd as that. In the United Kingdom, because of the use of technology in the legal process—criminal justice process—it is now possible for a judge sitting in Manchester at 10.20 a.m. to see the judgment handed down by a judge in Nottingham at 10.00 a.m. That has assisted in many ways in resolving the question of the disparity that reared its head in that jurisdiction, and indeed in any jurisdiction where one does not have the application of that kind of technology and other methods to resolve those problems.

One of the ways that the judges of England sought to deal with that problem is by having retreats, training seminars as it were, because it became quite clear that there were significant disparities. So from time to time, led by the Lord Chancellor or the Lord Chief Justice or so, they would meet and they would converse and they would disseminate this information to assist, but it would only be a matter of time before the thing goes awry again. So I listened to the Attorney General. I was not aware that they had sentencing commissions in any part of the world, a standing commission as this legislation proposes, but it does not offend my sensitivities.

I rather suspect—well, not suspect, we feel that, yes, it is a plausible way of trying to approach what is clearly a problem in our jurisdiction. Of course it is arguable that those disparities only occur in their starkest form very occasionally. I am not so satisfied that it is as prevalent as some people might make it out to be, but yet it requires attention and we think that this is one of the ways that it can be approached, so we agree with the thing in principle.

In respect of the actual provisions here—and I do not want to prolong this debate—but fresh in my mind is the inquiry just conducted by Lord Mackay of

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Clashfern into the administration of justice. In fact, I read only today that the report was handed over to our President, and I rather suspect that the Attorney General may have become aware of some of the details of that report because he is able—he is very able in things like that. But at any rate, Mr. Speaker, we are seeing here, strangely enough, in clause 5(1)(e), one of the functions of this commission is to, and I quote:

“conduct research or inquiries into the administration of justice and report the results of its research, inquiries and investigations and make recommendations for change, reorganization and general improvement of the administration of justice;”

Mr. Speaker, this is a standing commission that would exist on a permanent basis once this legislation is put in place and, when we talk about inquiries into the administration of justice, those words could take us as far as Lord Mackay’s inquiry took us. Of course, that is an inquiry set up under the Constitution, but essentially the function would be the same. Would this standing commission that is supposed to be looking at sentencing look at things like delays and appointment of judges and, of course, whether the Attorney General attempted to interfere with the independence of the Judiciary and the matters that attracted the attention at great public expenditure? I have listed the exorbitant amounts of money we had spent on that in terms of advertisement and other things, but we must still wait to see whether it was worth the millions of dollars on which it rested.

I am very concerned about this particular function and I am not going to take a combative position on this. I know the Attorney General is very combative. I am simply asking that we—*[Interruption]* I too am a man of peace but I am simply asking that we have a look at this, at least, because when it comes to conducting research and all of that, all that is fine and quite suitable to a commission of this nature, but to stretch its functions to the extent of being able to engage in inquiries into the administration of justice in this very general sense, that troubles us greatly on this side and we really do hope that we would not engage in combat over this and that some adjustment would be done to that particular part of it, seeing that they have gotten clear signals from us that we are in principle agreed with them and we should proceed accordingly. So I will proceed from that promptly, Mr. Speaker.

One of the things that caused that particular provision to trouble us is because in clause 19 under the side note, “Independence of the Commission”, it says:

“The Commission is not subject to...”

Let me wait until the Attorney General resumes his place. This is important. Clause 19 says:

“The Commission is not subject to the directions or control of any person in the exercise of its functions.”

A person in law is a natural person or a body corporate, so to speak, and it amazes me and I know it is an oversight. I know the Attorney General is responsible for piloting this legislation. I know he would have had a read of this, but it must have escaped him that he is now proposing to this Parliament that a commission be accountable to no one. Those could not be the words or the intention of the Attorney General.

When we dealt with service commissions under a Constitution (Amdt.) Bill, his main plank of attack was that no institution or person in this country must be without the responsibility of accounting to someone, someplace. He said that, whenever an action is brought against the Judiciary or a judicial officer, it is the Attorney General under the Constitution who must answer. When questions are raised in the Parliament, it is the Attorney General who must answer. So that this provision is wholly inconsistent with the thinking of the Attorney General in all matters of this nature past.

I would like him again to have a look at this and to reconsider whether he really wants a commission, whether, in fact—first of all, tell me, I may be entirely misreading this provision, but if my understanding of it is accurate, I want to know whether the Attorney General really intends that this commission not be “subject to the directions or control of any person in the exercise of its functions.” Of course, in a further provision in clause 20(1), in relation to what the commission does, once it is done in so-called “good faith”, no member should be subject to any personal action, liability or demand. So it means that in terms of liability, direction and control, none of those will apply to this commission. Is that what the Attorney General really intends? If so, he must justify it.

Mr. Speaker, another provision tells us , and this is the provision that says the provisions of this legislation would not affect the judges’ right—5(3). I am so sorry. Clause 5(3) says:

“Nothing in this section limits any discretion that a court may have in determining a sentence.”

But this section deals with the functions of the commission. So that provision in 5(3) deals with the clause 5 so it limits its application to clause 5 alone. Mr. A. G., are you with me?

Mr. Maharaj: Yes.

Mr. F. Hinds: Because it said, “Nothing in this section”. So outside of that section there is still no answer to the question as to whether the recommendations of the standing sentencing commission should or would influence the discretion of the courts as it applies to sentences. Does the Attorney General want me to give way?

Mr. Maharaj: No.

Mr. F. Hinds: So that, if the application of that is only in respect of its functions, and its functions are to collect, analyze and disseminate data, to develop sentencing guidelines and principles and ranges of sentencing for specific offences and categories of offences, well it means therefore that, yes, these functions do not affect any discretion that the court might have. Okay. But that takes us back to the point I was making a while ago, because if the judges are still free to exercise the discretion that they always had, it means that what the commission does is merely to recommend and the courts would not be bound by it, it simply provides guidelines.

I could see a situation where—let us take, for example, the commission recommends generally a ban between three years and five years for robbery, although the sentence in the statute is 10 years—not aggravated robbery, some simple robbery. The sentence in the Larceny Act would be 10 years and let us say they say for a simple robbery where no weapon was used, where there was no excessive beating of the victim and, let us say, the value of the item stolen was less than \$10,000, the judge must come within a range of three to five years’ sentence and Mr. Justice X or Madam Justice Y in about four or five cases over a short period of time applies a sentence of seven years.

While nothing in the section limits the judge’s discretion in applying the sentence on the same terms, I could see the judge being open to criticism because the commission has a right, under this, to educate the public about the very guidelines and what is happening in terms of the administration of justice re sentencing. Nothing stops that commission or its members from saying, “Look, Judge X or Judge Y has been applying sentences of, say, seven years, and we recommended three to five years”. You know, given normal human conduct, that would be a criticism against the judge. The judge would come in for some public scrutiny and his judgment would probably be called into question.

10.15 p.m.

Mr. Speaker, I am just making the point so that the recommendation of the commission is not binding on the judge, but I can see that we can arrive at

situations easily where there could be a conflict between what the commission is saying; what judges are saying; or a particular judge or magistrate might be doing, well within the law, but there may still be conflicts. It is something that is probably unavoidable but the Attorney General may just want to consider that.

Mr. Speaker, that represents one of our major concerns with this Bill, the question of the commission not being subject to the directions or control of anyone. So we applaud an effort to do something which is clearly a bit of a problem. I would like the Attorney General to take into account that matter and to explain, at least, to what extent this commission would be under some kind of control, and also just to refer him again to my concerns about the very far-reaching provisions in clause 5(1)(e) in respect of inquiries into the administration of justice. Mr. Speaker, apart from these matters, I would like to conclude by saying that we otherwise lend our support to these measures and we look forward to hearing the Attorney General's response when he gets on his legs again.

Mr. Speaker, I thank you. [*Desk thumping*]

Mr. Hedwidge Breaux (*La Brea*): Mr. Speaker, I just want to make a short contribution in respect of this Sentencing Commission Bill. Now, the hon. Attorney General quoted a number of instances in which certain distinguished attorneys and other persons have mentioned and commented on the disparity in sentencing as it operates in the courts. He has also pointed out that in several instances where this disparity appears, the prosecution in some instances appealed and there was redress either increasing the sentencing or reducing them in some instances.

Mr. Speaker, I could recall when the question about giving the prosecution the right to appeal came in this honourable House and one of the reasons for doing so was for this very disparity in the case or in the results of the case. Now, we will all like to see fairness and equity prevail, but the nature of society is such that from time to time we need to deal with matters to ensure that there is fairness and equity. We have a system of courts and judges, and I am always extremely concerned when I see there is anything to do with a tendency to interfere, or appearing as though we are interfering with the freedom and independence of the Judiciary in the discharge of its responsibility under the law.

I know that the hon. Attorney General said that there is nothing in this Bill that will prevent or in any way interfere with the freedom of the judge to exercise his or her discretion in sentencing, but I beg to disagree with that. Mr. Speaker, if there is a Sentencing Commission and it goes about and does a number of things which are listed under the functions of the commission—and I quote:

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- “(a) collect, analyse and disseminate sentencing data;
- (b) develop sentencing guidelines and principles and ranges of sentencing for specific offences and categories of offences;”

Mr. Speaker, the Attorney General cannot tell me that there is no attempt to interfere with the discretion because if you develop sentencing guidelines and principles and ranges of sentencing for specific offences and categories of offences, in fact, what you are doing is putting the judicial officers on rails and it is like a train.

You will say I am not going to tell you where the train will go and the driver could go where he wants, but you will know definitely where he cannot go because he is on rails. The driver of the train may have the ability to stop somewhere between one point or another, but that driver cannot move off and go in another direction in which the rails do not run. So saying that they have the discretion, let us face the fact of what we are doing. We are taking away to some extent or circumscribing in some way the discretion of the judges. I am not saying we do not want to do it, but I am saying let us look at it straight in the face and recognize what we are doing and I quote:

- “(c) periodically review of sentencing guidelines and provide a framework for the setting of maximum penalties and ranges of sentencing developed pursuant to paragraph (b);
- (d) make recommendations regarding the revision of maximum penalties, the nature of particular offences and the categorization of offences as to degree of seriousness;”

Mr. Speaker, the Sentencing Commission appears to me to be a commission that should be providing this information which it gathers to the Judiciary as opposed to providing it to the wider public. We have to be very careful, and as I say, I am looking at this in a very open-minded, or should I say, in a non-partisan manner. We are dealing with an extremely important and serious matter here and we have to be very careful that we do not throw the baby out with the bathwater.

Mr. Speaker, I could understand there are a lot of reasons. There are some sociological reasons, like cultural and maybe class reasons, why there is this disparity in sentencing. So, maybe this disparity in sentencing points to something about the education of our lawyers and the people in the profession such as to what extent they have studied penology and certain other disciplines; or to what extent we want to look at how our judges are trained; or the training which persons who are appointed to the Judiciary must undergo.

10.25 p.m.

Mr. Speaker, what you do not want to do is to have certain persons get there; certain persons put on a commission who start to fix up how the judges must behave and they, too, have their own prejudices. They come to that commission and they say, "We have to straighten out these judges", as the case may be. What you find is, there is a commission made up of persons and it is quite clear, as stated at clause 10:

"No person is qualified to be appointed a member of the Commission who—

- (a) is a member of—
 - (i) the Senate;
 - (ii) the House of Representatives;
 - (iii) a Municipal Corporation or Statutory Board;
 - (iv) the Judiciary or Magistracy;
- (b) is a legal officer employed by the State;
- (c) is an undischarged bankrupt; or
- (d) has been convicted of an offence involving dishonesty or fraud."

I am more concerned with a person looking for membership of the commission under clause 7 which says:

"The Commission shall consist of seven members appointed by the President from among persons or organisations interested in sentencing reform as the President thinks fit."

I have a real problem with that. First, with all due respect to the President and, in fact, to his or her need, or his or her desire, to do what is correct, I do not want to have people who may have their own prejudices, who may be from an organization interested in sentencing, so they have their axe to grind. It is true that they must base their decisions on some research, or should—they are coming there setting guidelines. If we find that some of them come who believe—and there are people in our community who believe that for rape, it should be castration. It could be a capital offence. There could be all these strange things.

I heard a man or woman commenting on the television this morning talking about how we should treat gays and lesbians when I was taking my exercise this

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morning. We have to be extremely careful about this. We see no definition as to the discipline and the antecedents of the persons who should be on this commission. If we want to be that careful, I am saying we have to say somebody, a sociologist or someone like that, and we have to be really careful as to the background of the persons who will occupy those positions because we could very well figure that we set guidelines and we have a group of—for want of a better word—"weirdos" who have come on to this commission over a period of time and they are now setting guidelines for the judges to follow. We are lawyers.

If you even have these guidelines which have been set for judges to follow, to what extent, when these guidelines are published, will a lawyer be able—suppose the guidelines are set there and the judges have full discussion as we say. These guidelines are not meant to interfere in any way with the discretion of the judges. I am a defence lawyer. I get a copy of the guidelines and appeal against the sentence of my client and I point out that the sentence put down by the learned judge, Mr. Justice whoever he is, was not in keeping with the guidelines as set down by the Sentencing Commission. Did he take certain things into consideration? I go before another court of appeal and say, "You should reduce the sentence on my client." Then, a whole series of appeals could arise from this.

That happens, Mr. Speaker, when we import contraptions from other jurisprudence into our jurisprudence. Now, I believe that something must be done in respect of sentencing to have it more, as I say, there should be some way that we should not, in our sentencing, go back to the old adage of equity being as long as the Chancellor's foot.

The way we should do this is, in the first instance, I think there is need to discuss with the department of criminology, sociology or whatever at the University of the West Indies to bring that cadre of academics into some kind of collaboration with the judges—the Judiciary. Let them brainstorm the thing, come to the Parliament and bring it back to us as legislators so that we can see what has come out of that interaction. In fact, what we are saying here and what we are recognizing is that the education of our Judiciary is not complete. I have no problem with that.

In other jurisdictions when you are qualified in law, you choose to be a defence lawyer, a prosecutor, or a judge. You are trained along certain lines and you get the other accoutrements of the calling in the legal profession which you propose to follow.

We do not do that. We have it whereby you are trained in law, then, you may be a defence lawyer today; you may be a prosecutor another day and, sometimes

you end up as a judge. Obviously, some people may not have studied any sociology or psychology and they have to now deal with punishment and sentencing. We come from different backgrounds. The judges have their own prejudices. If you are a macho man and you are a judge and a man slaps or beats up his wife or does something like that and you believe in that kind of behaviour, you are likely to be softer on him. If you are a person of a more enlightened breed, you may feel that you need to respect the wife and that type of female.

This commission here is not good at all. It is going to cause problems. Definitely, we must look at it in a manner which would tend to resolve difficulties, because I am seeing this here as being another limb upon which we could have appeals against sentencing.

Mr. Speaker, since 1977, I have been exposed to some things I had never been exposed to before. I have seen the courts; I have seen the magistrates and the judges and how they behave. I look at things in a totally different way. You could tell how some people behave and when you know their backgrounds, you realize why they have a different approach. How are you going to have a commission dealing with sentencing and that commission has no judge or legal person on it? Yet, the commission must tell you how to sentence people. What qualifications have we put here for those persons who are going to be on that commission? I want to know. Tell me. Maybe I have not looked at these persons. All it tells me is that the President will pick somebody, person or persons, from among groups of people who are interested in sentencing.

So I might put, to use a name—he does not believe in the death penalty.

Mr. Maharaj: If he is the President.

Mr. H. Breaux: No. I will not be the President. Let us not worry about that. I am telling you I do not know and I have to assume.

Remember, we are living in a country today where we have witnessed open dissent between the President of the Republic and the Prime Minister, so I could expect anything.

Mr. Maharaj: Do not quarrel.

Mr. H. Breaux: No. You are interfering with me and I am the voice of reason. [*Desk thumping*] You notice I have listened and I am not upset about it, I am just presenting what is, in my view, a different perspective, and I want you to listen to it as coming from a man who is very experienced. I am elder than most of you in this Parliament and I have seen and heard many things. I am looking at this

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and right now, I am thinking about posterity. I am not thinking about aspiring to anything. I am thinking about posterity. I already have all the posterity I need, not very much, but all I need.

There comes a time when this Parliament and this country need to be advised in a rational way. It is not just jumping and picking up and figuring the American system is this and we are going with that. No. It cannot be done. It should not be done, because we have not thought this thing out.

You published a biennial bulletin summarizing leading sentencing issues. How is that going to determine that a sentencing decision is leading? Conduct a public education programme to inform the public about sentencing and to promote public understanding about sentencing. Who are the experts on sentencing? How do we know? This is a pile of "pie in the sky". You say a leading sentencing decision. How does the decision become leading? Who determines what is leading? Is there not a judge? So, the judge makes a leading decision and you analyze it and say, "This is a leading decision."

Mr. Speaker, this is not well thought out at all. It is definitely not well thought out. The Government has the ability to pass legislation and this might seem innocuous.

10.40 p.m.

The Government has the ability, and they could very well pass this Bill. I believe that this type of thing needs to be put to a select committee. It needs to be studied carefully. I feel we should look at the Bill and have public comment on it, so that people can look at the pros and cons.

I know the hon. Attorney General is trying and willing to make his mark on the jurisprudence of this country. Take it from me, he has done so. The Attorney General has done some things that are totally unwise. In any event, whatever people may say about him, they cannot say that he is not busy. I commend him for that. But what we are doing here is only going to cause problems. We have to examine this Bill.

The Attorney General said he wanted to do a short address. It does not matter how many examples the Attorney General gave about disparity in the way the guilty parties have been sentenced, there is a problem. The way to solve the problem cannot be to take a commission of persons, chosen by the President—without any guidelines by the President—or whoever is advising him. That cannot be the way, Mr. Speaker. There are so many experts.

The Attorney General was the head of the Human Rights Bureau in this country: a bureau with one man, one president, and one everything. But what does

he do now? He has removed Trinidad and Tobago from the protection of the United Nations Human Rights provisions. He said it is for a good reason. Maybe it is. I am willing to give him the benefit of the doubt. But, by the same token, what we are doing here is not proper; all it does is it recognizes that we have a problem in Trinidad and Tobago with respect to the disparity of sentencing and we have to do something about it.

I humbly submit that this Bill, which we have brought here to be passed, is not the way in which we should do it. It is not that portions of this Bill may not be utilized and that we may eventually have a sentencing commission, but it needs to be thought out. I do not want to say that we will not support it. I do not have any such mandate at this time. However, I definitely know that this is unfinished, and needs to be dealt with in a more complete fashion.

I am humbly suggesting that this Bill be referred to a select committee; where we can look at it and definitely have some comment from the public about it. The lawyers have commented on it, and they have commented decisively, to some extent. Those are the lawyers who write a lot.

Mr. Speaker: Hon. Members, the speaking time of the Member for La Brea has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. F. Hinds*]

Question put and agreed to.

Mr. H. Breaux: Mr. Speaker, I would not be taking all that time. The lawyers have had their say, though not all of them. A number of the prominent lawyers at the Criminal Bar have had their say and they are pointing in a certain direction. The psychologists and sociologists have not had their say. We have a number of things to decide within the law such as:

- what is life?
- how do you sentence?
- what is natural life? Is it for the rest of ones natural life?
- how does the society look at rape?
- how does the society look at possession?
- how does the society look at growing of marijuana as opposed to cocaine?

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A number of things like these are still to be dealt with. *[Interruption]* Sorry coca. I am speaking about growing of marijuana as opposed to possession and trafficking.

We in this Parliament have also turned around and set minimum sentences. When we were doing it, I am the person who have consistently spoken against minimum sentences. As I said at times, and I will say it again, that is limiting the discretion of the judge.

The Attorney General, for all his energy, appears to be a control freak. *[Interruption]* I cannot agree. I am not upset with him. I understand the problem. He is so energetic, that he wants to get everything in line. He is upset with anything but perfection. What he may think is perfection may not be for other people.

The morays of the society change over the years. Things we tolerate today, we would not have tolerated at another time. We have a multi-cultural society. I stress cultural, because certain cultures look at things differently. All of this mace/network is there, and we are trying to straighten that out. *[Interruption]* No, not that mace it is maze. As a result of that, I want to humbly recommend that this Bill be sent to a select committee and, more importantly, we also get the comments of the public.

The Parliament should actively solicit the assistance of the relevant faculties of the University of the West Indies to be involved in this. Moreover, maybe what we should do is to provide assistance for the Judges and Magistrates in training in sentencing seminars and so forth, so that they could have a better appreciation of how sentencing should be done, as opposed to trying to beat them over the head or put them on rails and determine where they are going.

10.50 p.m.

Mr. Speaker, as I say, I do not like what we have here, but I agree that we must do something. I confess that I do not know how to correct this in its entirety. If one asks me to put something to deal with the sentencing, it would take me quite a while. I would need a lot of advice. I am not advancing anything here more than saying there must be training and exposure on the part of the Judiciary, there must be greater thought put into this and, also, there must be collaboration.

I thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I know it is very late, but I think the record of this Parliament must reflect that the hon. Member for La Brea said that he

recognizes that something must be done but he does not know what should be done. What he is sure should not be done is to have such a commission in this form. As it is now, any member of the public is entitled to criticize the Judiciary for sentencing. As it is now, any newspaper or any lawyer who is courageous and who is not a jelly would be able to criticize judges for sentencing.

What this commission does, according to the Bill, is to do exactly what a private individual can do and to make recommendations. Any lawyer—the hon. Member for La Brea, in the discharge of his duties as a lawyer, owes a duty not only to his client in court, but the whole history of the legal profession is that lawyers owe a duty to the public. They must get involved in the life of the community and they ought to stand up when wrong is done. In the discharge of the duties of the hon. Member for La Brea as a lawyer, he can do exactly what we are trying to do in this Bill. In other words, he could analyze, criticize and make recommendations.

This Bill, therefore, is putting a structure in place so that it would be institutionalized by the state so that people from the university, psychologists and everybody else, would look at sentencing, study it and make a report to the Judiciary and to the Chief Magistrate. How will that affect the independence of the Judiciary? It is so far-fetched that I cannot understand. It may be that if the hon. Member for La Brea had read the Bill and studied it, we would not have been subjected to 75 minutes of him saying nothing, with the greatest respect, because that is exactly—

Mr. Bereaux: That is your opinion.

Hon. R. L. Maharaj: Mr. Speaker, I do not intend in any way to be offensive, and I am not offensive, but here it is that I explained the Bill. I said that this is purely to make recommendations. I was amazed that an elected Member of Parliament would say that this is not a matter for the public. This is a matter that the commission must do and pass the information to the Judiciary. I would want to go to La Brea and tell the people in La Brea that when a judge or a magistrate sentences a man, who committed rape on somebody's daughter, to six months' imprisonment, that one's Member of Parliament says that, "That is not a matter for you. That is only a matter for Judiciary and the magistrate"—

Mr. Bereaux: Go and tell them. Who is stopping you?

Hon. R. L. Maharaj: When judges and magistrates do not give sentences which the public expects according to law, it is an injustice to the country, to the victim and the public and people have a duty to criticize and to make

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recommendations. That is why Mr. Ambad, in 1936, as editor of the newspaper, criticized the judges for their sentencing. He criticized them and what happened?

The authorities of the day were probably like the Member for La Brea who thought that was a contempt of court, and because of the system in the colonial days here, they said, “No. You cannot do that to a judge”. Judges were like gods. One could not criticize them. What happened? The Privy Council said in that famous case that justice is not a cloistered virtue. It must be able to stand the scrutiny of right-thinking men, members of a society, and that is exactly what we are doing here.

Mr. Speaker, we are not living in an age in which people, even judges, presidents or prime ministers are not accountable for what they do. That used to be the day when the king could do no wrong. We have gone past that. Men, women and children have lost their lives in struggle in order to fight to be emancipated from the yoke of those injustices.

Mr. Speaker, America was founded because people took up arms in order to fight for liberty. The Boston Tea Party. No taxation without representation. So the Judiciary, the magistracy, when the public is paying money for them, they are accountable in the administrative aspect to the public. *[Desk thumping]*

Last night on television, there was a debate with the two candidates for the presidency of the United States of America, and some of the questions which were being asked, an important part of the debate, were issues which judges decide, and if one becomes president, what would one do with the appointment of judges? What kind of judges one would put there? Here it is that it is being recognized that what judges do affects people's lives.

Mr. Hinds: The system of appointing judges there is different!

Hon. R. L. Maharaj: I could now understand—*[Interruption]*

Mr. Speaker: Order please!

Hon. R. L. Maharaj: I could now understand why this country, for a period of time, did not get any improvement in certain fundamental areas. *[Desk thumping]* I could picture the hon. Member for La Brea as a lawyer before the courts. The judge makes a point and the hon. Member agrees because he is afraid to offend, and one cannot be a lawyer if one is so afraid to speak and to criticize. *[Crosstalk]* Here it is—

Mr. Speaker: Order please!

Hon. R. L. Maharaj: I am seeing a situation in which I could also see why it is that some persons could not stand up to very powerful interests in the country, and that is why this country has been like that for so many years.

Mr. Hinds: I ask a sincere question of the Attorney General. You are not gel. You are willing to speak out. Why did you not answer the question and say publicly that you, as Attorney General, told your Government that the airport contract was illegal? Why did you not speak out?

Hon. R. L. Maharaj: Mr. Speaker, he comes with that again. If he believes that contract was illegal, he should go to Mr. John Grant and give him the evidence.

Mr. Hinds: What about you?

Hon. R. L. Maharaj: I am talking about a matter involving the administration of justice in which the hon. Member for La Brea got up and said he did not know what to do. The Member for Laventille East/Morvant, from the same political party, said he agreed with this measure. It is a good measure. It came from the other place. The PNM said this is a very good measure. They support it.

The Bill in the other place lasted for a very short space of time, yet this is unimportant. I would have thought, as elected representatives of the people, they would have understood that what has been happening—and they are lawyers—I told them that in the United Kingdom, the courts themselves put guidelines. I told them that in this country, notwithstanding anything, they have not done anything about it, and from the decisions in the court, when there was a right of appeal given to the state, one sees still the disparity in sentencing.

I told them, but perhaps I can read one of their own: a man who was supposed to be the Attorney General in the last administration, Mr. Desmond Allum. For whatever reason he was not. If I may quote from his paper, *Sentencing and the Use of the Imprisonment System in Trinidad and Tobago* by Desmond Allum, 1992:

“Thus the sentencing power has been handed over substantially to the discretion of individual judges, and more alarmingly, to individual magistrates who are not bound to act within any defined guidelines or within the framework of a sentencing policy and are not accountable to anyone, save their brothers in the Court of Appeal who are similarly without guidelines but are even more unaccountable.

The laws which empower judges and magistrates to impose these sentences do not provide any guidelines from which the objectives of sentencing might be

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gleaned so that the sentencers do not know what considerations or what criteria are to be taken into account by their colleagues. At the most important stage of the criminal process, a state of affairs which at one and at the same time promotes inconsistencies frustrates any analysis.

It is submitted that judges and magistrates have found themselves entrusted with this function, not because of any relevant training or wisdom which they are known to possess, but by default because they happen to be representatives of the state closest to the events which they have most recently adjudicated upon.

The adjudicatory function, however, is quite different from the sentencing function, the determination of guilt or innocence, that decision as to what society's response should be as finding of guilt is not at all a legal matter."

Then he goes on to say that they should get the assistance of persons who are, in effect, experts in this field.

Mr. Breaux: Very good.

Hon. R. L. Maharaj: How would they get it? By making these people judges? It goes on:

"It is strongly submitted, however, that it is the duty and function of Parliament to debate sentencing policy and to establish guidelines, whether directly or indirectly, through an appropriate agency and keep them constantly under rebuke."

That is exactly what we are doing here. We are creating an agency in which there will be guidelines devised by the public, given to the Judiciary, and if it is that the Judiciary has not acted, a government would be entitled to come to Parliament and establish guidelines and the people would decide.

Therefore, what is all this thing about interfering with the independence of the Judiciary? [*Words expunged*]

Mr. Speaker: That word should be expunged.

Hon. R. L. Maharaj: I ask you to forgive me. I withdraw it. I do apologize. I most sincerely apologize. Mr. Speaker, to take 75 minutes of an hon. Member saying nothing—[*Interruption*] Take 75 minutes of the hon. Member for La Brea saying nothing, and then saying that this affects the independence of the Judiciary, and then the Member for Laventille East/Morvant talked about a commission of enquiry into the administration of justice. All these matters showed that the Government was totally justified in having a commission of enquiry.

Without any further contribution in this matter, I beg to move.

Question put and agreed to.

Bill committed to a committee of the whole House.

House in committee.

11.05 p.m.

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

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Hinds: Mr. Chairman, in respect of clause 5(1)(e), since you accept, in principle, that the term “inquiry into the administration of justice” could be very, very, very widely construed and/or interpreted, I would want to suggest that since we are, in effect, speaking about inquiries as they relate to sentencing specifically, for clarification purposes and for the removal of doubt, we should simply structure that term by saying specifically, “inquiry into the administration of justice as it relates to sentencing.” That is a suggestion.

Mr. Maharaj: Mr. Chairman, the administration of justice is not confined as the hon. Member knows, to what is decided in court. The entire administration of justice could have impact on sentencing. Obviously, what is done here is to put the research into the administration of justice, an enquiry, and the recommendation, insofar, as it would, obviously, improve the administration of justice.

This was in the other place and there are lawyers who looked at it. I do not think I would want to change this at this time, having regard to the time-frame constraints that are on me. Even though at another time I may have accepted it, because I had time, on this occasion, I do not. If for some reason there is a problem, I would come back, or any other administration would come back.

I should also put on record that the hon. Member had talked about clause 5(3). Since this section deals with the functions, this is a section which makes it clear that it does not affect the discretion of the court in determining a sentence.

Clause 5 ordered to stand part of the Bill.

Clauses 6 to 22 ordered to stand part of the Bill.

House resumed.

Bill reported, without amendment; read the third time and passed.

Adjournment

Wednesday, October 4, 2000

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, October 06, 2000 at 12 noon. The Government on that date, intends to debate the Integrity in Public Life (No. 2) Bill; the Constitution (Amdt.) (No. 5) Bill and the Constitution (Amdt.) (No. 6) Bill. These three Bills were the subject of a Joint Select Committee and got the unanimous support in the other place. They need a specified majority.

The Opposition Chief Whip indicated to me that we should finish what we have to do on Friday by 6.00 o'clock, but I indicated to him that if it is not finished we may have to sit on Saturday in order to complete it. Mr. Speaker, we also would like to do Motion No. 4, the Senate Amendments to the Children's Authority Bill and the Senate Amendments to the Children's Community, Residences, Foster Homes and Nurseries Bill. The Opposition Chief Whip was aware of what we are going to do, I indicated to him what we intended to do and he gave me that assurance. So I would like to put it on record and to put the fact, the other option that we would have.

I would also mention that if there are any other Senate Amendments from any matter, that would also be included in what we are supposed to do.

Mr. Speaker, I beg to move.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.15 p.m.