

*Leave of Absence**Friday, July 20, 2005***HOUSE OF REPRESENTATIVES***Friday, July 20, 2005*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from the hon. Member for Pointe-a-Pierre (Miss Gillian Lucky), requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Arima Corporation for the year ended September 30, 1999. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
 2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro/Rio Claro Regional Corporation for the financial year ended September 30, 1999. [*Hon. K. Valley*]
 3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro/Rio Claro Regional Corporation for the financial year ended September 30, 2000. [*Hon. K. Valley*]
 4. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period July 2002 to September 2003. [*Hon. K. Valley*]
 5. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period October 2003 to June 2004. [*Hon. K. Valley*]
 6. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period July 2004 to September 2004. [*Hon. K. Valley*]
- Papers 1—6 to be referred to the Public Accounts Committee.*
7. Annual audited financial statements of First Citizens Holdings Limited for the financial year ended September 30, 2003. [*Hon. K. Valley*]
 8. Annual audited financial statements of First Citizens Holdings Limited for the financial year ended September 30, 2004. [*Hon. K. Valley*]

Papers 7 and 8 to be referred to the Public Accounts (Enterprises) Committee.

9. The Family Proceedings (Amdt.) Rules, 2005. [*Hon. K. Valley*]

ORAL ANSWERS TO QUESTIONS

**List of Projects and Programmes
(Details of)**

17. **Dr. Adesh Nanan** (*Tabaquite*) asked the hon. Attorney General:

Could the Attorney General provide this House with a list of all projects and programmes involving state enterprises, statutory authorities and other state institutions in which parliamentarians have been engaged by the State, as well as the amount of moneys paid for their services since January 2002 to the present time?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, as you can see the Attorney General is not here but I have the answer, which says: The question as is posed is contrary to Standing Order 18(1)(g) which states:

“A question shall not be asked:

the answer to which can be found by reference to available official publications.”

Section 25(2) of the Exchequer and Audit Act, Chap. 69:01 stipulates:

“The Auditor General shall set out in his annual report all payments made out of public moneys to a member of each House of Parliament (other than the salary and any allowances paid to him as the Minister, President or Deputy President of the Senate, Speaker or Deputy Speaker of the House, Parliamentary Secretary or as a member, and any pension paid to such member) by stating the name of the member receiving the payment, the total amount which he has received and the service or services in respect of which the payment was made.”

The latest report of the Auditor General on the public accounts of Trinidad and Tobago, dated April 25, 2005 was laid in this House in April this year, and along with the report for the previous year, contain most of the information up to September 2004, being sought by the hon. Member.

In the circumstances, information now being provided is for those state enterprises not covered by the above mentioned reports of the Auditor General. The following state enterprises, statutory authorities and statutory corporations have indicated that they have engaged the services of parliamentarians during the period January 2002 to April 2005 as follows:

1. First Citizens Bank Limited (FCB) Nil.
 Parliamentarian: Hon. Fitzgerald Hinds.

Project/Programme	Period/Cost
Provision of legal Services by firm of Hinds and Company which was appointed to the panel of attorneys of First Citizens Bank Limited Group.	May 2004—June 2004: Nil

2. Petroleum Company of Trinidad and Tobago Limited, total amount paid \$33,126.00. Persons involved are:
 Parliamentarian: Miss Gillian Lucky

Project/Programme	Period/Cost
Provision of legal services	March 2002—February 2003—\$23,000.

 Parliamentarian: Dr. Fuad Khan

Project/Programme	Period/Cost
Provision of medical services	August 2004—January 2005—\$10,126.

3. Urban Development Corporation of Trinidad and Tobago Limited (UdeCott)—\$120,750.
 Parliamentarian: Mr. Hedwige Bereaux

Project/Programme	Period/Cost
Provision of legal services re: Acquisition of lands from Trintoc and Trintopec for use in the government housing programme	January 12, 2004—April 2005—\$20,000.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme

Provision of legal services
re: Boundary dispute and eviction
of Furness Trinidad Limited

Period/Cost

March 02, 2004—
April 2005—\$51,250.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme

Provision of legal services
re: HCA No. S1839 of 2004—
UdeCott vs. Furness Trinidad
Limited—claim by UdeCott for
damages for trespass by the wrongful
occupation by the defendants of 3,373
sq. ft of building space and 2,120 sq. ft.
of car park at Richmond Street

Period/Cost

October 11, 2004—
April 2005—\$45,000.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme

Provision of legal services
re: Deed of variation
Richmond Street

Period/Cost

January 11, 2004—
\$4, 500.

4. National Housing Authority (NHA)—\$189,621.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme

Provision of legal services
re: Vesting of state lands in
the NHA by Vesting Act and
subsequent Vesting Order

Period/Cost

January, 2003—April
2004—\$12,000.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme	Period/Cost
Provision of legal services re: Completion of Vesting Act and presentation of same for enactment, vesting 22 housing projects in NHA of the aggregate value of \$32,640,000. being fees on performance of services	March, 2004— \$156,800.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme	Period/Cost
Provision of legal fees re: Settlement of legislation for incorporation of the Housing Development Corporation of Trinidad and Tobago; general advice	July, 2004— \$22,500.

Parliamentarian: Mr. Hedwige Bereaux

Project/Programme	Period/Cost
Provision of legal services re: Rationalization of NHA Estates in Tobago with respect to the Tobago House of Assembly Act	September, 2004— \$10,321.

5. Trinidad and Tobago Postal Corporation (TTPost)—\$29,877.

Parliamentarian: Mary King

Project/Programme	Period/Cost
Provision of professional re: Market research for TTPost's retail network	February to March 2003—\$29,877.

**Jerningham Junction Community Centre
(Commencement of)**

33. Mr. Manohar Ramsaran (*Chaguanas*) asked the hon. Minister of Community Development, Culture and Gender Affairs:

Could the Minister inform this House when construction of the Jerningham Junction Community Centre would commence?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, we do not have the answer as yet for question No. 33. Members know that today would most likely be the last day before we go on recess, so we would have sufficient time to ensure that there is a response when we come back.

Mrs. Persad-Bissessar: But the question would lapse.

Hon. K. Valley: No, the House is not being prorogued.

Mr. Speaker: Hon. Leader of Government Business, this seems to be a fairly simple question. I am imploring you to have the answer forthcoming.

Hon. K. Valley: In writing?

Mr. Speaker: Yes, you can, in fact, send it in writing.

Hon. K. Valley: Mr. Speaker, both my assistant and I would do yeoman service with respect to that.

Mr. Singh: I hope the yeoman service would extend to the written questions? You have three written questions outstanding and this session is now coming to an end. They are fairly simple questions also, Mr. Speaker, and one would think that perhaps the Leader of Government Business may undertake to write to the hon. Member for Chaguanas who asked these questions. They are very simple questions and I think the hon. Minister could give that undertaking also.

Hon. K. Valley: I would so do, Mr. Speaker.

Question, by leave, deferred.

**DEFINITE URGENT MATTER
(LEAVE)**

Regular Incidence of Kidnapping for Ransom

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, in accordance with Standing Order No. 12 of the House of Representatives, I hereby seek your leave

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to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance, namely; the current national calamity of dreadfully regular incidence of kidnapping for ransom.

The matter is definite since it refers to the kidnapping for ransom of 36 citizens in the first half of 2005. The matter is urgent since the national community has continued to experience immeasurable grief and anger at the continued failure of the Government to stem the tide of kidnappings, notwithstanding all the crime plans.

The matter is of public importance since this national disaster points in the direction of a collapse of the State's protective agencies under the management of the Government, and suggests once again that the Government has failed to protect the citizenry.

Mr. Speaker: Hon. Member, the leave which the hon. Member for Oropouche seeks is denied. May I remind him that he could utilize Standing Order No. 11 or a Private Member's Motion.

FINANCE BILL

Senate Amendments

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Speaker, I beg to move the following Motion in my name:

Be it resolved that the Senate amendments to the Finance Bill, 2005, listed in Appendix I on the Supplemental Order Paper, be now considered.

Question proposed.

Question put and agreed to.

Clause 2.

Senate amendment read as follows:

Delete clause 2, renumber clauses 3 to 20 as 2 to 19, Parts III to XVII as Parts II to XVI respectively.

Sen. Enill: 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.

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Clause 13 as renumbered.

Senate amendment read as follows:

In subclause 13(b) as renumbered in relation to proposed section 17A of the Income Tax (In Aid of Industry) Act—

- (a) delete the word “2003” occurring in subsection (1) and substitute the word “2004”; and
- (b) delete the word “2002” occurring in subsection (2) and substitute the word “2003”.

Sen. Enill: 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.

Clause 19 as renumbered.

Senate amendment read as follows:

Delete clause 19 as renumbered and substitute the following new clause:

Commencement 19. Notwithstanding any law, Parts VI, VII, VIII and X shall be deemed to have come into operation on January 1, 2004.

Sen. Enill: 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.

EDUCATION (AMDT.) BILL

[Second Day]

Order read for resuming adjourned debate on question [July 11, 2005]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Hon. Members, on the last occasion the hon. Minister of Education had spoken for 11 minutes, I now call upon her to continue.

Sen. The Hon. H. Manning: Mr. Speaker, at the last sitting of Parliament I outlined the rationale for the amendment of the Education Act, Chap. 39:01, so that the Bill would address longstanding irritants and drawbacks. Today, I will highlight the irritants and the expected positive outcomes that would result when the amendments take place.

Firstly, Mr. Speaker, I will talk about the human resource issues, the existing fragmentation of the human resource management functions in the teaching and education service between two service commissions, which currently exercise their constitutional responsibilities for certain human resource functions such as appointments, promotions, transfers, discipline and termination of personnel. That would now be removed since all the positions would now fall under the purview of the Teaching Service Commission.

Secondly, reclassification and compensation plan. This plan initially did not entirely address the special needs of members of the teaching service. In this regard, while I am happy to report that a new classification and compensation plan, unique to the teaching service, has already been successfully introduced, the amendment to this Bill before this honourable House would allow all members of a unified teaching and education service to fall within the purview of this new classification and compensation plan. This is a situation which at present does not exist.

The Bill would at last bring to an end the anomalies in pay between school supervisors and those whom they supervise. It would also create unique career paths for all the actors in the unified teaching service.

Only yesterday in the other place, the Minister in the Ministry of Finance in his debate on the Finance Bill, 2005 called for the school supervisors who are part of this Education Bill to be considered. Clause 16 of the Bill makes provision for the inclusion for pension purposes of certain allowances paid on or after December 06, 2002 to the holders of the offices of School Supervisors I, II and III; Director of School Supervision and the Chief Education Officer, pending the transfer of these offices to the Teaching Service Commission.

In December of 2000, Government had agreed to the payment of interim allowances to school supervisors, the Director of School Supervision and the Chief Education Officer, pending the transfer of the said offices to the Teaching Service Commission.

These officers are the reporting officers to school principals and they perform a vital role in the management of our education system. The intention of Government

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is that these interim allowances should be treated as emoluments to be taken into consideration in the calculation of the pension of these school supervisors. Unfortunately, the pension's legislation is not very clear and there have been varying opinions as to whether these interim allowances should be included in the computation for pension purposes. Mr. Speaker, as the law currently stands, allowances such as personal allowances, inducement allowance and house allowance are specifically included as pensionable emoluments.

As I indicated earlier, the offices of school supervisors, the Director of School Supervision and the Chief Education Officer are critical in the management of our education system. These officers, many of whom have since retired, have served our country selflessly in the pursuit of an improved structure for our children. The least any government could do is to treat these retired officers properly in their most vulnerable moments when their spending powers have been whittled away.

In addition, both the Task Force on Education and the Cabinet-Appointed Committee referred to above saw unification and de-linking as one of the critical success factors in the process of reforming the structure of the education system. On completion, this would result in a dynamic restructured entity, fully equipped to deliver quality education at every level of the system, from early childhood to secondary and adult education.

I assure this honourable House that the Government of Trinidad and Tobago is committed to full realization of this process. It is important to note that a number of studies and reports have validated this Government's policy aimed at revamping and retooling the education system. For example, the United Nation's millennium goals; the Caricom Plan on Education; the Government of Trinidad and Tobago's Vision 2020 and the Ministry of Education Strategic Plan 2002—2006.

Mr. Speaker, I now turn to the specific provisions of the Education (Amdt.) Bill, 2005. Clause 3 amends section 53(1) of the Education Act which describes the composition of the unified teaching service and now includes as members of the teaching service, those persons who held office in the civil service and are now being transferred to the teaching service. The listing of these persons and the relevant offices are included in the Third Schedule to the Education Act. Mr. Speaker, some 40 posts in the civil service are involved and would result in some 300 incumbents being transferred to the teaching service. The unified teaching service described in section 53(1) of the Act would now comprise of offices in the teaching, administrative and technical streams as well as certain other offices which interact directly with the education process.

Clause 4 amends the Education Act by inserting after section 56 a new section 56(A), allowing for the President to make regulations prescribing the terms and conditions of employment of the holders of the professional, administrative and technical offices.

Additionally, section 56(B) provides for the holder of these offices to continue to enjoy the terms and conditions of employment that are at present applicable to them. This subsection therefore preserves the terms and conditions of service which were peculiar to the former civil servants until such time as regulations are promulgated to identify the terms and conditions that would be applicable to them as members of the teaching service. These regulations would have of necessity to address issues of leave arrangement and certain allowances now peculiar to the former civil servants, and which differ significantly from those applicable to teachers.

2.00 p.m.

Mr. Speaker, I would like to inform this House of the proposed changes adding sections 74M and 74N of the amendment to the Bill before this honourable House.

Firstly, I would like to propose that section 54M be deleted in its entirety and be replaced with a new section 54M as has been circulated. The reason for this proposed alteration to the existing amendment is simply that the procedures detailed under Part III of the Industrial Relations Act, Chap. 88:01, for recognition, registration and certification of recognized majority unions, were incorporated into the Education Act to provide administrative resources to the Minister of Finance to enable him to exercise his authority of affording recognition to the recognized majority association or union in the teaching service under section 74(1). As a result of this, the statutory reference should be to the Education Act and not the Industrial Relations Act.

Mr. Speaker, the same consideration applies to section 74 N, which is to be altered by replacing all references to the Industrial Relations Act, Chap. 88:01, to correspondingly appropriate references to the Education Act as detailed in the recently circulated amendments.

Section 74O, preserves the constitutional rights of officers to form or join associations with trade unions of their choice. In addition, the same right accorded to TTUTA to be registered as a trade union at section 74(2) is now extended to any other alternate association and union.

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Section 85—again, this is to ensure inclusion within the ambit of the Education Act, of those officers de-linked from the civil service.

Mr. Speaker, I trust that my incursions into the legal arena will have helped hon. Members to appreciate more fully the rationale.

Clause 6 and section 85(2)(c) of the Education Act, by deleting the word “teachers” and substituting the phrase, “members of the Teaching Service”, this amendment would ensure that the regulations made under the Act take into account the unified service which now includes positions other than teachers.

Clause 7 makes provision in the Act for the inclusion of a third schedule to include all the offices transferred from the civil service to the teaching service. This was necessary since the First Schedule covers exclusively teaching posts in schools and institutions. A third schedule allows for flexibility in dealing with the terms and conditions applicable to the former civil servants, as well as issues of union representation. Until such time as the matter is determined by the Registration, Recognition and Certification Board, the status quo of union representation as exists at present is maintained.

Mr. Speaker, I present this Bill to this honourable House, a Bill which I indicated earlier on was long overdue.

I now look forward to its successful passage and to the support of the speedy completion of the process of unification of the teaching service by the transfer of offices from the civil service to the teaching service, and the de-linking of certain arrangements applicable to those offices from the public service. I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, let us remind ourselves that on Monday, July 11, 2005 while the Minister was well into her presentation, on this very Bill, we saw what the quality of life in Trinidad and Tobago had become when a bomb exploded, and in this Parliament, an hon. Member on that side said it was God applauding the PNM.

I heard the Minister speaking about quality education, Vision 2020, and I ask the question: Is the Minister aware of what is happening in the schools under the education sector?

On that very day, I walked with the editorial of the *Guardian* newspaper, and the headline for that editorial was “Crippling our children before they begin to live”.

I refer to this as another example of long, overdue measures in the Ministry of Education, just as the Minister has said that this Bill to amend the Education Act has been long overdue. That is very true. It was put into their White Paper since 1993 that there should be de-linking of the teaching service from the public service, and that we should unify the teaching service and have a unified teaching service.

It took the United National Congress, when they came into Government in 1997, to adopt that White Paper as policy. It took the UNC in 1998 to act upon that policy and to put the measures in place which have brought us years later to the point where we are today with this amendment.

Mr. Speaker, it is set out clearly that we should de-link, unify, and in 1998 the then Cabinet and my colleague, Dr. Adesh Nanan, who was the Minister of Education took to the Cabinet a Note on the issue of de-linking. He set out the case for de-linking the teaching service from the public service.

He said in that Cabinet Note that the matter of de-linking had been raised once again by the Trinidad and Tobago Unified Teachers Association, and others in the education sector. I am speaking of what was done in 1993, of what the PNM had placed as policy in their White Paper. They did absolutely nothing about it as they have done absolutely nothing about anything within that White Paper.

Mr. Speaker, there was a task force set up for the removal of the Common Entrance Examination and at the same time, they also recommended that this exercise of de-linking should take place. The White Paper presented very clearly why the de-linking should take place. The issue included the development of a unified education service, including all positions in the Ministry of Education from the level of the Chief Education Officer down to teacher, inclusion of all these positions in a single bargaining unit, de-linking of the paying and other compensation in the education service from those of the civil servants and other public servants. Development of a new governance structure for education, including revised functions for a renamed teaching service commission to just human resource matters in relation to the leverage above principals; a human resource division in the Ministry of Education dealing with all levels of staff, but applying changed rules and regulations and delegation of the school human resource responsibilities to principals.

Mr. Speaker, that was in 1998, and the then Minister recommended to the Cabinet, and which the Cabinet accepted, that a committee be set up to address the issue of de-linking and to report back to the Cabinet. Cabinet therefore, agreed

in principle in 1998 to the unification of the teaching service and de-linking of that service from the public service. They agreed to the appointment by the then Minister of Education, Dr. Nanan, of a committee to consider all the issues to unification and the de-linking exercise and these included:

- a. Legal and constitutional implications and requirements of unification;
- b. The impact on the private and assisted education institutions;
- c. Response of current stakeholders to the new concept;
- d. The extent to which this new direction is in harmony with the projections for public administration;

The committee to be set up should be comprised of a representative from:

- a. The National Advisory Committee on Education;
- b. The Permanent Secretary of the Ministry of Education;
- c. The Chief Personnel Officer;
- d. The Director of Public Administration;
- e. A representative from the Attorney General's office;
- f. A representative from the Ministry of Finance;
- g. A representative from T&TUTA;
- h. A representative from the Public Services Association;

This committee met in 1998 and continued to meet and came back to the Cabinet with its report in 1999. By that time I had been given the responsibility for the Ministry of Education and we took a Note to Cabinet with the report of the committee. The contents of that report were noted by Cabinet and Cabinet agreed that we get the comments from PSA. We agreed that the committee considered that the move to education was very feasible because it required only simple amendments to the Education Act. There would be no disadvantage to the officers involved in replacing the First Schedule in the teaching service and moving back into the teaching service would not change the status of public officers.

With respect to de-linking, they said there would be minimal impact on constitutional legislative amendments and that it would have been in line with a new public administration programme and that could realistically be obtained in a very short time. The Cabinet then agreed, at the end of 1999, that there would be partial de-linking of the education service from the public service and there would

be unification in the following critical areas: teaching, education, administration, educational management, curriculum planning development, and implementation and supervision. *[Interruption]* This is my Cabinet Note. I have a very good memory. I have an excellent memory. Partial de-linking being undertaken on a phased basis and that meant that you would implement a separate compensation plan for members of the teaching and education services. This became very important, because for the first time in the history of Trinidad and Tobago, the UNC Government gave to teachers the highest salary increase ever, lifting them into the status as professionals, and they deserved that salary. However, all the others in the administration of education at the higher levels above principals, were still locked into the public service and the compensation plan for those within the public service was below the compensation plan that had now gone into the professional ranks of the teaching service. And, therefore, there was that great imbalance where you had people at that level of supervisors were senior to principals, and their salaries were much lower. The whole concept of unification was to bring them in, in such a way that they would be able, in terms of the hierarchy of the teaching service, to have their rank and their place and their compensation packages. The committee so recommended and by January 2001, the Cabinet had totally agreed with the plan and gave the instructions for drafting of the amendment to the Education Act.

Mr. Speaker, when we left that Ministry in 2001, we had left a draft Bill to amend the Education Act. All that was needed were the few clauses which removed those now in this Schedule from the public service into the teaching service. It has taken from 2002—2004 and June 2005, we are now hearing about a very simple amendment and I have to ask: Why is that so? The Minister says it is long overdue. What were the problems? No explanation has been given why it took so long for a simple clause to be brought before the Parliament.

Mr. Speaker, I was told today that the Member for La Brea was hired to draft and to give advice on legislation which is to come for enactment before the Parliament. I do not know what took the Ministry of Education or the Chief Parliamentary Counsel (CPC) so many years to bring what was already before the Parliament.

When I saw the amendment Bill last week, I understood partly what was happening. We had drafted the simple amendment which contains the clause to allow members in the public service to come into the teaching service and so the amendment to section 53 of the Act was there. But they took three or four years to add into this amendment a provision to deem the PSA as the collective bargaining

unit for those members who were moving across to the teaching service. Clause 5 says:

“74M. Subject to the Industrial Relations Act, the Public Services Association of Trinidad and Tobago shall be deemed to be the certificated recognized majority union under Part III of the Industrial Relations Act for the bargaining unit comprising holders of the offices listed in the Third Schedule.

74N. An application for certification of recognition under Part III of the Industrial Relations Act shall not be entertained or proceeded with where the application is made earlier than two years form the date on which the amendment comes into force...”

Mr. Speaker, this was a provision that was totally unconstitutional and in breach of the International Labour Organization (ILO) Conventions in relation to labour and collective bargaining, in breach of the Industrial Relations Act and above all, in breach of the rule of law. It is a provision that the PNM seems bent on always using. They used the identical wording in the Regional Health Authorities (Amdt.) Bill, 2004 which was brought by the then Minister of Health. It was introduced in the House on January 27, 2004. It was passed with a simple majority on March 05, 2004; it was introduced in the Senate in March 2004 but never saw the light of day and it lapsed. It was in this House, Members on this side pointed out that you cannot breach the Constitution by deeming any trade union to be the designated union of workers.

The Constitution provides in section 4 very clearly that there be freedom of assembly and association. The case law has shown us that those two are disjunctive. So that freedom of association is a separate right and freedom of assembly is a separate right. Freedom of association, the case law tells us the jurisprudence is clear, and it includes the right to join a trade union of one's choice. That is the Constitution.

Section 54 of our Constitution tells us Parliament has the power to alter, to change, to amend, to abridge, to abrogate any of the rights, but Parliament can only do so with a special majority in accordance with the Constitution. Parliament has the power but that power is subject to certain conditions and procedures being followed.

Mr. Speaker, in addition, even where Parliament passes legislation abridging fundamental rights and it obtains a special majority in the Parliament, the Constitution makes it very clear that such abridgment, abrogation or breaching of

rights must be reasonably justifiable in a society which has a proper respect for the rights of freedoms of the individual.

When we talk about getting a special majority in the Parliament—and there are several pieces of legislation this Government has brought and passed without the requisite majority—when we talk about the Opposition not giving the special majority, that is not at all that you need to have, numbers and hands raised. The reason why the Opposition, at times, does not give you that special majority is because the provision that you are bringing, the law that you want to put in place, is not reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual. The burden is twofold: one is to obtain the special majority as required by section 54, and the other is to ensure that the measure is reasonably justifiable in a democratic society.

Mr. Speaker, there can be no way that a measure such as is being proposed, and as was proposed in the RHA (Amdt.) Bill 2004—which, unfortunately lapsed and they have never brought it back—and was also contained in the Civil Aviation (Amdt.) Bill 2003, with the identical provision, to deem the Public Services Association, the union without the special majority.

In this particular amendment Bill, the only thing that changed from 2001 to present, is a provision put in to deem the PSA as the union, and, secondly, to prevent any application for recognition of certification of a new union to be done within the two years. I have asked the question before: Why did this Bill take three years to come before this House when the supervisors and others were complaining bitterly that they were receiving salaries that were way below the work that they were doing, the level and the rank and the hierarchy that they stood at? The morale amongst those was seriously undermined. Many of those persons left the service; high calibre persons left because of that.

What we had done when we agreed to the de-linking, when we agreed that the salaries of the teachers should be increased by the high margins, we provided for interim allowances so that those within the supervisory and the administrative staff, while they were awaiting the legal documents to place them within the teaching service, they would be given an interim allowance.

Mr. Speaker, that interim allowance was increased, I think, at one time. I do not know where it has reached but it still has not gone to the levels at what the principals have been getting. Even if you say that you were going to take those allowances—the Minister mentioned it and, in fact, when Minister Enill spoke on the Finance Bill, there were provisions within the Finance Bill for amending

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certain provisions in the Pensions Act to take into account these emoluments, these allowances as being part of your pensionable moneys, so those who retire would get a higher pension even though their salaries were not at this level. However, those allowances are still below the levels that they should have been getting and, therefore, I ask the Minister to consider whether a mechanism can be found for the public servants who are now being brought into the teaching service to allow for them to get the right pension in terms of what their salaries should have been because the allowances did not take up the slack completely. They have been seriously prejudiced. Some of them are retired and are living on pensions way below what they are supposed to receive. Why? Because the legislation was not brought before the Parliament in a reasonable time, and because it took so many years for this simple amendment to come before the Parliament.

I welcome the first part of the amendment which transfers these persons into the teaching service which had its genesis within the UNC. We provided the draft Bill for that part of it, and we are very happy that is happening for those teachers.

Mr. Speaker, on the issue of quality education, I hear all the rhetoric: revamping, reforming and revising, high quality service and yet in this day and age and on the same July 11, when I walked with this newspaper, the headline in the editorial, “Crippling our children before they begin to live”—let me just read a part from the article.

“If ever there was a mission that called for interministerial collaboration, it would be one designed to educate the children in Trinidad and Tobago as they come into an awareness of their personal and social responsibilities.

Two chilling stories in the *Sunday Guardian* told eerily similar stories of mature men taking advantage of young, naïve girls with devastating consequences.

One 14-year-old girl is out of school, under watchful maternal eye after her mother gave up on getting any response from the principal and teachers of her child’s school, even after complaining to everyone she could find.

Another 14-year-old girl is in the hospital, after giving birth in confusion and ignorance, evidently severing the umbilical cord with her teeth and trying to hide her child in a shallow grave.”

Mr. Speaker, horror stories. You would recall those headlines when this young girl attempted to bury the child in the forest.

“According to students at the first child’s school, ‘lots of sexual activity takes place in the school’ describing a situation in which playful subterfuge has taken on a new kind of meaning, with sex in abandoned classrooms and in deserted corridors as the payoff.

Even in Trinidad and Tobago, a country which can boast of epic double standards when it comes to human sexuality, selling out appearances of both foreign pastors and porn stars, clearly we can no longer pretend that there are no consequences. Children of today are growing up without a clear understanding of their role as adults in the making.

It is naïve to hope that potential intervention and routine classroom supervision are enough to curb the adventuring of children entertained by music and videos that are increasingly explicit in descriptions of the pleasures of human interactions.

Nor can we expect children to respond appropriately in sexual situations to which they have never been exposed. The predators who lure these children are clearly undeterred by the jail term and fine of \$15,000, so we must diminish opportunity by offering information.

The spectre of sex education always brings out the worst in the obsessively prudish among us, but we can’t assume that there is no formal way of educating children about sex that they aren’t learning about it anyway, and probably doing so in the worst probable circumstances.”

Mr. Speaker, we left a draft plan and programme for what is called “Health and Family Life Education in the Classrooms.” What has become of that that this is happening in our schools? There is no information going out to the young ones; they have no way of protecting themselves or taking care of themselves because they have no knowledge. Knowledge is power; so that is another measure which is long overdue resulting in the crippling of children, as the headline puts it, before they even begin to live. What is happening with the Health and Family Life Education Programme?

I remember a few years ago when there was a group going around giving condoms in schools, and giving condoms free and, of course, all those who were against that said that was not the answer, the answer is education. We raised the question then: What has happened with the Health and Family Life Education Programme for the schools because that is where the answer lies? That was a project not done only in Trinidad and Tobago, it was a Caricom project that was

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assisted by the United Nations Educational Scientific and Cultural Organization. There was all that assistance, all the consultation; the whole documentation, planning and the programme. Where is it? Why is it that every plan, every programme, everything is in the making, everything is being piloted, everything is being drafted? Look at what is happening with the de-shifting exercise. Only three schools were de-shifted in the last four years. The de-shifting programme would have taken up by now and there would have been 19 to 20 schools de-shifted. The shift system is a horror within the education sector imposed on the children by the PNM. They have never attempted to remove it.

The Prime Minister, in his capacity as the Minister of Finance comes here every budget with a long list of 20 and 30 schools to be de-shifted, 41 primary schools to be built, 30 primary schools to be built—and not a single one. We want to know what is happening with our children out there when at the hierarchy in the Ministry where the planning and implementation is taking place, nothing is happening.

They hired Mr. Chin Aleong—the Minister came and told us about SEMP and what a great man he was with the local school boards and he was the one who started the local school boards. We know about it. Dr. Nanan and I know about it. They never renewed his contract. I did not hire him. I met him in the Ministry of Education. He was a good technocrat. Then they brought in a man to take that position at \$50,000 per month. [*Interruption*] Not Burgess, this is another person. Burgess is collecting \$90,000 per month for what, I do not know, in the Ministry of Education. Another person has taken over the job that Mr. Chin Aleong held as head of the Secondary Education Modernization Project.

My information is, and I do not know if it is true, that this gentleman has so not performed that they are now considering not renewing his contract. So you paid him the \$50,000 every month for a two-year contract and up to today—again, what has happened with all the plans? The Minister told us how many technical operates—big conference at the Crowne Plaza with contractors and about technical upgrades for \$300 million about two years ago. Only money, money, millions, but on the ground nothing is happening. And they are talking about quality education.

Where is the quality education for the children of the Biche High School, a school built five years ago? A task force was set up, a commission of enquiry, and they cannot find the report and at the end of it, where is the quality education for the children of Biche who have to travel from 4.00 a.m. to go to school when there is a building standing in Biche?

Mr. Speaker, earthquake came, storm came, floods came and that Biche High School is still standing today. But the spite and the malice the PNM have for the children of Biche having to get up at 4.00 a.m. to take a bus and travel to far out areas. That is why the school was put there in the first place.

When the Member for Diego Martin talked about building schools for parrot and “douen” these children had nowhere to go. It was the UNC that went to all the rural areas and built the high schools so that children could go to a school right in their area, and then you want to know what is happening in the education sector. It is happening, in my respectful view, because the Ministry of Education is not performing. We only hear of plans and programmes, local school boards, and again, we are told how great this was. Just like this amendment Bill, that we would get quality service in the school sector. We are going to decentralize. What has happened with the rest? What has happened with the whole decentralized process in the Ministry of Education? It just has not happened. *[Interruption]* Mr. Speaker, I will talk to my friend after and tell him why I am quarrelling. Although I do not think I am quarrelling, quite frankly. I am seriously upset as everyone in this country is upset. When it comes to one’s children one must be upset.

Mr. Speaker, every year in the budget billions are being allocated to the Ministry of Education but as said by the Member for San Fernando West and the Member for Diego Martin West, there is no return for the money that is being put in. In fact, the Member for Diego Martin West went so far and stood in this Parliament and attacked the Ministry of Education—but not delivering and not performing.

That sector is the most important sector in the country. It ranks second to health because children are the priority.

2.30 p.m.

I started to ask the question about local school boards. Up to today, while we have hundreds of government schools in the country, only about 35 school boards have been appointed. They have been appointed, but they have not been legally established. The Education (Amdt.) Act, which put into place the local school boards and the regulations thereunder—the Minister came here and amended the regulations—provide that the Minister shall, by Order, appoint these local school boards.

Up to today, not a single Order has been made. They are paying them. They are giving them stipends. They are receiving the money, but not a single Order

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has been made. They are paying hundreds of thousands of dollars to outside consultants for legal advice. Minister, I would respectfully suggest that you hire Mr. Bereaux. Perhaps he can give you legal advice for those hundreds of thousands of dollars. He will have to demit the parliamentary seat because that is conflict of interest.

We brought the Education (Amdt.) Act to appoint local school boards, which we thought was a good thing to do. The Minister agreed, but she has not done it properly, yet they are taking money out of the Consolidated Fund to pay the stipends for these boards and to provide moneys for them.

I have said that the Education (Amdt.) Act in dealing with local school boards, that the regulations provide that the Minister shall by Order appoint the boards. The Statute Act and the Interpretation Act tell us what is meant by Order. [Interruption] If you know it, why do you not do it properly? It is coming four years later. By the time it gets here, you will be out of office. [Interruption] When is that date? Is it in your back pocket?

The Regional Education Districts, which was a central plan for the decentralization of the education sector, has also been put on hold. Has any been set up? Is there any functioning as it should? What has happened with the whole decentralization thrust? Tell us.

I have another concern with the amendment itself. The amending Bill talks about the President making regulations. How can you have the President making regulations for these new staff that you are bringing into the teaching service? This is clause 4.

“56A. The President may make Regulations prescribing the terms and conditions of employment of the holders of professional, administrative and technical offices.”

Mr. Speaker, I was of the view that the terms and conditions of employment are the terms and conditions of employment as negotiated by the bargaining unit for the workers. This is why you are taking steps to have these workers continue to be represented when they come into the teaching service. What regulations are the President going to make? You cannot proscribe or prescribe the terms and conditions of employment of workers. Dr. Moonilal, as an industrial relations person, will bear me out, that those terms and conditions must be negotiated between the collective bargaining unit, the union, and the employer, the Ministry of Finance, through the CPO. What regulations are they giving the President power to make?

Let us make it very clear. “President” in this context in the law means the Cabinet, that is, the Executive. What condition does the politician want to make for these persons? They have their collective bargaining rights under the ILO and the Constitution and will negotiate their terms and conditions. I respectfully ask the Minister to withdraw the first part of clause 4. I would also ask the Minister to withdraw completely any attempt to proscribe and deem the union to be the bargaining unit, which is clause 5.

With those few words, I thank you.

Mr. Speaker: The hon. Member for Couva South. [*Crosstalk*]

Mr. Kelvin Ramnath (*Couva South*): I thank you, Mr. Speaker, for your intervention. For the benefit of the Member for Diego Martin Central, I had the opportunity of doing a post graduate Diploma in Education and I was a registered teacher in the province of Quebec. I did have the opportunity to have some assignments at Billings High School and in the South Shore of Montreal. I thought I should say that because the Prime Minister is getting very excited about why I would get up and speak. I am sure he has other things to excite him, Mr. Speaker. If he does not, he should make amends and seek to have such excitement delight him.

I thought this a significant Bill because I had hoped that the Minister would have said something about the benefits that would accrue to these defenceless parents and children, who have to put up with an education system that is simply not working. I understand the difficulty in which the present Minister finds herself and I understand how difficult it is when you choose not to follow the precedent set by a progressive government of the UNC during the preceding period. The Member for Siparia so eloquently articulated the initiatives taken by the then government. I am not here to list these accomplishments. They are there for all to see.

I visited Tamana recently and went by Coryal to discover that in the middle of a very rural area was a building that was like a university, when you compare it with what exists in the Caribbean. I remember the Vessigny High School. I think it is the La Brea constituency, built by the UNC and completed while they were in office.

Mr. Bereaux : Hon. Member, I know you did not say it intentionally, but the sod for the Vessigny High School was turned during the administration of the PNM in 2002 and it was built thereafter.

Mr. K. Ramnath : I am quite sure that you have monitored the situation. You have not built anything, so you should not really be proud of that. They have come up with no new ideas for any new schools, for any improvements, and all we hear is a lot of talk. They have no ideas. None!

This Prime Minister, who talks about ideas, had the President of Venezuela make him into a “bobolee” because of his lack of diplomatic initiatives, so do not talk about ideas. He lost 60,000 barrels a day in the premium market for Petrotrin’s and this country’s oil because he is totally incompetent. Do not get me angry here today.

I saw him two nights ago driving by my house in Petrotrin. I monitor him carefully.

Mr. Manning: I was on my way to a victory celebration.

Mr. K. Ramnath: That occurred next door to my house inside of Petrotrin, you know, so I monitor you.

In light of all the problems we are experiencing with respect to education, we hear nothing coming from the Minister except terms like quality education, retooling and revamping of the education system, as if she is totally unaware of the pains that parents have to go through to ensure that their children get a mediocre education.

A senior Anglican clergyman, only a couple days ago, lamented the state of education in the country and went so far as to suggest that the Government should hand over the whole education system to the denominational boards. When such a statement emanates from someone like an Anglican priest, a very conservative gentleman, it tells us that people have recognized that we are in a crisis position.

We hear about these school boards. I went to deliver an address at a school in my constituency not so long ago and was introduced to a number of people who told me they were on school boards. I really was not taken aback. Every single one of them could be identified as a PNM hack; a PNM party official. *[Interruption]* I am telling you what experience I had. I wondered to myself under what type of guidelines these people were working. What are they going to bring to this education system? What experience do they have in educational administration and management? Then I realized that these positions were created so that they can “CEPEPize” the teaching service as they have “CEPEPized” everything else in the society, where they hand-pick people, where they take taxpayers’ money and dole it out to party supporters and claim that it is an

initiative to create entrepreneurs or to create educational administrators. *[Interruption]*
 No, we are creating “Rowleys” and all those in Tobago who are stealing material.
 I hope you were not a part of the wheelbarrow gang as well. *[Interruption]*

Mr. Speaker : Order, please!

Mr. K. Ramnath: Then I asked myself whether the Prime Minister, who went to Presentation College and the hon. Minister of Education, who comes from San Fernando—

Mr. Manning: And who went to the convent.

Mr. K. Ramnath:—and who went to convent, have forgotten the enormous invaluable contribution made by former principals, administrators and teachers from the very system from which they came. I wonder if they have forgotten the people from Fatima, QRC and St. Mary’s; and they have forgotten Anna Mahase and Dr. Allan McKenzie and all these people who are sitting at home and perhaps looking forward to assisting the country; people who have eminently qualified themselves as educational administrators. I think Dr. McKenzie was the principal of the eminent Member for St. Augustine.

If Dr. McKenzie left the PNM because the UNC was intellectually and morally superior and he was fed up with the corruption inside of the PNM and the low level of educational attainment of the Prime Minister and so forth, do not blame Dr. McKenzie. Select him as a person to advise you on how to run schools as he did for 33 years as principal of Naparima College.

Have you forgotten Dr. Michael and the brothers Pierre, who were in Chaguanas, who took the children of the sugar cane fields and made them into the finest professionals in the country? Have you forgotten Anna Mahase or are you punishing her for having also abandoned the PNM? There are so many people from the Anglican Church, the Catholics, the Presbyterians, the Maha Sabha and so forth. We recognize how important it is to have denominational boards’ input into the educational system, so much so that today a fine high school is being constructed in McBean by Pastor Cuffie and I can tell you that in a few years it will be one of the best high schools, producing some of the best students in the country.

The government schools are failing and, while we welcome the school supervisory staff moving in their rightful place, that will not in any way enhance the quality of education in our schools in Trinidad and Tobago. One third of the students who register at the Arima Senior Comprehensive School are attending

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school. The other two-thirds have abandoned school. The violence that permeates the environment of young people continues unabated. One day it is football that causes it, the next day it is some Carnival fete that causes it—a set of excuses day after day, while the entire system crumbles, as my friend from Siparia says.

The problem in this country under the present Government is that if you do not declare your loyalty to the PNM, you are not called upon to serve. When, from the pulpit and from different positions in society people are calling on the nation to lend a hand in seeking to deal with the serious problems that afflict our young people and the society and there is a government that says that you have to wave your balisier before you can be even called to service, you are not going to reach anywhere in the society.

Had it not been for the continued support of the churches and parents in the school system, the schools that produce the finest children, including St. Gabriel—I presume the Minister went there—would not have achieved the levels they have. Those people run a school without even recognizing that there is a government assisting it. They run a school without regard to governments in power. They run it because of their commitment and love for society. They do not get their allowance on time and they have to go cap-in-hand to get their one-third contribution on an ongoing basis. Yet these are the same schools—and Mr. Speaker, you know what I am talking about because like myself, you are an upright Presbyterian—which operate well.

I congratulate the Exchange Presbyterian School, a school that has taken children from Exchange Village, Basta Hall, Esperanza and the rural areas and have produced the finest passes at the Secondary Examination Assessment (SEA) level, without any—

Mr. Valley: [*Inaudible*]

Mr. K. Ramnath: You are really behind time. I do not want to discredit any of the schools in my constituency. They worked hard and the teachers worked hard. Look at Exchange Presbyterian School as an example of a school that has produced several of the students in the first hundred.

I look at the sacrifice that the teachers and supervisory staff in Couva make. The supervisory staff in Couva are next door to my constituency office. I interact with them. Why is this system not prevalent everywhere in Trinidad and Tobago? Why can we not have these model schools across the island? Why is the Ministry of Education hopelessly inadequate? The Ministry of Education is not in a position to provide the leadership that will make these schools model schools.

Do you know what is happening now? Now, instead of children going on vacation, they are going to SEA lessons throughout this entire holiday period. Instead of the children living a balanced life, they have to go through the trauma of preparing for these examinations because if you want to get into Naparima Girls High School, you have to get 98 per cent. If you want to get into the convents in San Fernando, you have to get 98 per cent; or Presentation or Naparima Boys: all of the schools run by the churches.

One of the exceptions is the Couva Government Modern Secondary School. There is something tremendously important about the contribution made in that community of Couva. Some of the schools—the San Fernando Government Secondary School, the Tunapuna Government Secondary School, the Couva Government Secondary School—have excelled. You should try to find out why. Why are none of the junior secondary schools and the senior comprehensive schools excelling when they have far better conditions? If you go to that Couva Government Secondary School, you would be ashamed to see the infrastructure. The Parent-Teachers Association has for years been advocating better conditions for these children and we are still waiting.

The Minister talks about these plans that will create quality education consistent with their vision for 2020 and there is not a single word about what they are going to do about the children in Biche. If the school cannot be reopened, why do they not build a new school? If there is a geological fault that prevents them from occupying the school, build a new school! They can build anything that they want to, when they want to.

When we were using initiative to implement progressive work as a government, we were accused of all forms of corruption. A Deputy Speaker of this Parliament is in receipt of hundreds of thousands of dollars and that is not conflict of interest. It is not seen by the police as an effort to influence the award. You sit, but you should be the subject of police investigation. How can you be Deputy Speaker of a parliament and a member of a ruling party and be receiving contracts from the Government to which you belong—hundreds of thousands of dollars? You may not have given yourself the contract, but you might have influenced others in your party to give you the contract.

And we want to set examples for the children. [*Interruption*] Of course, if you got \$500,000, I must be speaking nonsense. That should not be allowed to happen in this country. I can understand a Member of Parliament, if he is in the Back Bench, or a Member of the Opposition, seeking work outside, but I

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cannot see a committee chairman, who is investigating the Government, being on the payroll of the Government.

I do not attend those meetings anymore. When you go before a committee and a man is charged, and the Speaker declares a prima facie case has been made out for the man to go before the committee and you end up suspending the Member from the Parliament, have you ever heard such nonsense?

The Speaker is chairman of the committee, chairman of the parliamentary procedures and demands that you remove him from the Parliament. That is what goes on in this country—a judge is his own cause—and while we are doing all of that, we are talking about retiring allowances for public servants. There are public servants who are school supervisors, who are now being moved into the teaching service and we are told by the Minister that their pension will take into account their allowances and so on.

I am very pleased, but there are other public servants who do not get those allowances, whose pensions are not calculated on their allowances but on their salaries. Their pensions are calculated purely on salary. If their appointment is within a certain period from the date of their retirement, they are not entitled to their pension being calculated on their final salary. Someone can be appointed a senior public servant one year before he is due to retire and when that person retires he will not benefit from having worked in that higher range.

This Government wants to change the Constitution on a daily basis without sitting and talking with the Opposition or to vested interests in the society and among the people. They want to come here with all kinds of piecemeal changes without talking to the wider society. They have to start talking to the public about the state of education in Trinidad and Tobago. The Ministry has failed. I am not here attacking the people who are employed by the Ministry. It is the duty of governments to articulate policy and to ensure that it is implemented.

If as a Member of Parliament, as indicated by the Member for Diego Martin East, you get \$10,000 a month and under the present pension law, when you serve 15 years in the aggregate, you get 50 per cent, you get \$5,000 a month. When you serve 20 years, you get \$6,600 a month based on the present salary. When I calculated my pension at the end of 1991, after having served, my salary was \$2,970 a month, after serving for 15 years. I realized then that I had to re-enter politics to do something about a system that was simply not working in the interest of politicians. Instead of my colleagues on the other side, and the Member for Diego Martin East, joining me in the struggle—I salute him for the work he is

doing in the House Committee—the Member for Caroni East knows what I am talking about—instead of the Member for La Brea, who perhaps is at the end of his career, struggling with the rest of us to change the retirement allowance rules—he realizes that the best way to deal with his retirement is to collect \$500,000 and \$600,000 for doing nothing for the Government.

3.00 p.m.

Mr. Bereaux: Hon. Member, I prefer to do that than to take things from NM Kaizen. Talk about the gifts you accepted from Kaizen, you crook!

Mr. Speaker: No, please.

Mr. Bereaux: I apologize.

Mr. Speaker: Have that matter struck from the record.

[By order of the Chair remarks withdrawn]

Mr. Bereaux: I apologize. You can take it off.

Mr. K. Ramnath: I feel very sorry for him today. I still want to know what he is talking about.

Mr. B. Panday: That is how they operate.

Mr. K. Ramnath: I am not offended about things like that. I am sure that he can produce evidence that I have taken gifts. But the evidence is there to suggest that, as a member of the ruling party, he has collected more than \$500,000 under false pretences. He should be publicly investigated by the Integrity Commission, for whatever that commission is worth. When you want to retire gracefully, you should contribute to the process of ensuring that your fellow colleagues participate, so that they can be remunerated properly. There is a process by which you do so.

The Member for Diego Martin Central is fully aware of the work that was done to facilitate this process, so that a decent retirement allowance could be made available to members of the public.

While we salute the supervisors and the people in the administrative staff for having now been brought under the teaching service, there are many persons in the public service and in the Parliament of Trinidad and Tobago who must be attended to. I am not ashamed to make out a case for people who sit in this House

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and contribute enormously and have a great responsibility, to have a decent retirement allowance made available to them when they retire from service to the nation.

The House Committee, as you know, made certain recommendations that were taken to Cabinet and the Cabinet has rejected those recommendations to pay a Member of Parliament an allowance for attending committee meetings. Sometimes you are called upon to attend three committee meetings per week and you are not offered—apart from the meagre salary that you get—an allowance, because many people cannot carry out their responsibilities with respect to employment elsewhere, as a result of the demand of the parliamentary system.

If you look at the Order Paper, you will see that there are 17 Bills before the Parliament at this time and you will see several Motions; all of which require research to be done by Members of Parliament and yet we are considered to be part-time employees. We are almost at the level of the CEPEP, in terms of how we are treated, of course, not the contractors. I am talking about the workers. I did not come here to make a plea for my friend from Diego Martin Central, who understands me. I am sure he does not have any other income than what he gets from Parliament as a Minister.

Dr. Moonilal: What he gets at the bar.

Mr. Valley: That is not income.

Mr. K. Ramnath: Let us examine the issue of retirement allowances for all public servants, as we have done in the case of the supervisory and administrative staff that is moving over. I want to ask the Minister of Education whether she has thought of constructing a school building in a hurry for children of the region between Sangre Grande and Rio Claro. I think it is now a waste of time for us to come here and talk about Biche High School because, as far as they are concerned, not opening the school is a continuing act of punishment of the people of the eastern counties, for voting UNC. Having committed a grave error in not opening the school, they are now ashamed to open the school. The school has lights, power, security guards, an entrance, and there are no structural defects, in spite of the Minister seeing some pools of water. The defects which occurred there have to do with landslips which can be dealt with. The Leader of the Opposition has always said: “If you have a problem fix it.” These problems can be fixed. Since you have decided, “I am going to punish you, and I am not opening that school,” why not build another school? Right now the Member for Nariva will tell you that the children have to be bussed, via Plum Mitan, to

Manzanilla and they have to go to Sangre Grande and Rio Claro. The Plum Mitan Road, between Biche and Manzanilla has serious landslips. The Minister is aware of that. I am not hearing, after four years, a single statement in this quality education drive of the PNM, that they are going to construct a school for those children.

Mr. Singh: The forgotten children.

Mr. K. Ramnath: What is this talk about revamping and retooling the education system and quality education from pre-school to adult education? The usual thing is plenty talk.

The success, that is the University of Trinidad and Tobago, is totally due to the initiatives of the UNC—totally!

Mr. Imbert: Boy you are something else!

Mr. K. Ramnath: A former Minister changed the name from TTIT to UTT and did nothing else in the process. Do you know what was interesting? When the UNC established TTIT, the head of that institution was Prof. Julien, under the UNC. The board of that institution consisted of the partnership between industry and government. Do you know what the first batch of students that graduated from the University of Houston, a prestigious institution in America, did when they came into office? They removed that programme entirely and they claimed to have instituted a programme under the aegis of the University of the West Indies, which is yet to start. The students who are now graduating, are graduating with a Diploma of Technology from the Southern Alberta Institute of Technology. No change has taken place. Nothing has happened at the TTIT, now renamed the UTT. But a Minister of Government—it looks as though once they demit office they start a programme of criticism, another Minister who was given the responsibility for tertiary education—was talking about a university and an institution in the middle of a cane field. Do you understand their psyche? They have problems with people who live within cane fields. Of course, my friend from Diego Martin Central came like me from the middle of the cane field. He came from Mc Bean.

Mr. B. Panday: That explains it.

Mr. K. Ramnath: His recognition of the contribution made to higher education was limited to criticizing.

[MR. DEPUTY SPEAKER *in the Chair*]

I welcome you to the Chair. I trust that—

Mr. Deputy Speaker: There will be no altercations.

Mr. K. Ramnath: You will, but—

Mr. B. Panday: But you can continue the argument.

Mr. K. Ramnath: I will be speaking to the Chair.

Dr. Moonilal: You will be speaking to La Brea.

Mr. Deputy Speaker: You can speak to me. There will be no altercations.

Mr. K. Ramnath: The only contribution he could make and the only recognition that this Minister could give to the work that was done in establishing the Trinidad and Tobago Institute of Technology was that it was built in the middle of a cane field. Unlike his predecessor, this successor, Mr. Montano, had no contribution to make, with respect to tertiary education, except to criticize what those before him did. Point Lisas is in the middle of the cane fields, and the best place to house an institution that provides the technicians, technologists and engineers for the region of Point Lisas would be from the cane field.

Mr. Manning: I see.

Mr. K. Ramnath: Why would you want to build the Institute of Technology in Port of Spain, when you cannot build a flyover to move people quickly from Port of Spain to the outskirts of Trinidad? And you see what? What did you see, Mr. Prime Minister? You should be proud.

Mr. Manning: I see.

Mr. K. Ramnath: I want to tell you like the University of the West Indies, the University of Trinidad and Tobago at Point Lisas takes in people on the basis of academic qualifications, always did. It had nothing to do with GATE and the Dollar for Dollar programme. Admission is based strictly on entry qualifications. If you want to change admission to the medical school by expanding the criteria to playing steel band, mas and soca and community service, go ahead and do that. We believe in excellence and we believe that the entry qualifications should be on the basis of academic achievement. That is what we did at the Trinidad and Tobago Institute of Technology.

You are not going to enter these programmes unless you are qualified. The failure rate has been astronomically high because a programme which was intended for grade 12 in Alberta—the Member for St. Augustine will bear me out—which is equivalent to A'levels is being offered to students in Trinidad with O'level qualification and as a result the failure rate was high. What should have happened there was that the students should have been admitted to do a three-year

programme as they do in Ontario. As you know, that programme is entirely out of the Southern Alberta Institute of Technology. In Ontario, the entire programme for O'level entry is on a three-year basis. What has happened now, recognizing that the failure rate is very high, a decision was taken to send O'level students for one year training at the San Fernando Technical Institute and I think at the John S. Donaldson Technical Institute as well, to prepare them for entry into the two-year Southern Alberta Institute of Technology programme for the Diploma of Technology.

The contribution I am speaking about, which has come from my friend from Diego Martin East, has been zero. I am not surprised he was removed. The problem is you cannot recycle rubbish and expect to get anything progressive out of it. All this recycling of Ministers is really recycling rubbish; a term very well known in his vocabulary. *[Interruption]* I am hearing some kind of croaking in the distance.

Mr. B. Panday: I thought it was cackling.

Mr. K. Ramnath: We will leave the Chairman of the THA to deal with those kinds of interventions. As you know, the Chairman of the THA does not want to see them.

Instead of congratulating the Members for Siparia, Caroni East and Tabaquite for their bold initiatives to improve education, what we had was a litany of woes and criticisms being enunciated from the other side and today they have not come up with any plan or programme that will make the average parent feel that he or she can now see some improvement in education in the country and some relief from the difficulties that parents currently experience today.

[MR. SPEAKER *in the Chair*]

The results from the Government institutions are depressing. They have taken the most prestigious school in this country and turned it into a junior secondary school called Queen's Royal College. That is a virtual junior secondary school. The Member for Port of Spain South attended there. I do not know if anybody else attended. That was a school of excellence.

Dr. Moonilal: Port of Spain South?

Mr. B. Panday: I did not know he went to school.

Mr. K. Ramnath: That was a school that produced very important scholars; QRC. It was a school from which great leaders emanated. When we spoke of

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education in Trinidad and Tobago, we spoke about colleges like QRC. They have turned that into a virtual junior secondary school. You do not hear anything about QRC. I think the only thing you probably hear is that Brain Lara went there.

Hon. Members: He went to Fatima.

Mr. K. Ramnath: I am not really too interested in who goes to those schools but what is important—you know they supported my argument. If he went to Fatima, thank God for the Catholics that they are able to produce a bright young person. The PNM boasts about Eric Williams being a scholar at QRC, CLR James and all of its great—Do you know why the public service is so devoid of talent today? It is not only because the Government does not pay them, but because we do not have the scholars that QRC produced; the people who used to head—*[Interruption]* Do not ask me, you should know about that. There are no more scholars. The scholars are from Naparima Girls, St. Augustine Girls and Fatima. Like the hon. Minister from the Convent in San Fernando; these are the scholars.

Dr. Moonilal: You are stretching the argument. We understand the point.

Mr. K. Ramnath: We are speaking today about quality education, Vision 2020; quality education to subserve Vision 2020. Were it not for these private educational entrepreneurs—*[Interruption]*

Mr. Valley: What is your central thesis?

Mr. K. Ramnath: Were it not for quality education—

Dr. Moonilal: Because he did not call your name as a scholar, you get vex.

Mr. K. Ramnath: I know, like him, I am now going to make a statement; one which has to do with the tremendous contribution being made by private institutions to higher education. When you look at the programmes being offered by SBCS, SAM, the Institute of Tertiary Education and the Automation Technology College, the Prime Minister knows of the efforts those people are making to train technicians.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. *[Hon. P. Manning]*

Question put and agreed to.

Mr. K. Ramnath: There is now a programme at the SBCS School—I do not know the principal—the MSc degree in health safety and environment and a BSc degree in health safety and environment. The University of the West Indies has no such programme. The University of Trinidad and Tobago has no such programme.

Mr. Manning: Yet.

Mr. K. Ramnath: I do not want to do like you and live in a dream world. I am making a statement of fact. We are talking about a modern society. We have committed ourselves to a number of international protocols in the area of health and safety in the environment. We are talking about the Occupational Safety and Health Bill, which was passed in this Parliament, which will be and must be implemented in the very near future. At the same time, where is the institutional support for training our people to fill the gaps that exist in industries today?

Foreign consultants will make a killing. When we were planning all of these things, we should have had programmes in place. Quality education has to do with providing an education which is relevant to the needs of the society. You can look at many other areas in our operations as a country and see the gross deficiency, but they have no plans. Their plans are to create a University of Trinidad and Tobago, by simply changing the name of the Trinidad and Tobago Institute of Technology and being very upset that the UNC located it in California, next to five methanol plants, ammonia plants and steel mills.

Mr. Valley: Just to correct the record, that is not what was upsetting. What was upsetting was that nobody other than your clique knew of the existence of the Trinidad and Tobago Institute of Technology. That was upsetting.

Mr. K. Ramnath: I always feel honoured to give way because it makes a total fool out of people in whose hands temporary power now reside. This is a senior Minister saying that they are not upset about where the school is located, but about a clique. He is describing the sons and daughters of taxpayers and the employees of major international companies, as being part of a clique.

Mrs. Persad-Bissessar: What about Julien who was the principal?

Mr. K. Ramnath: Let me remind him that Prof. Julien was the chairman of this organization.

Mrs. Persad-Bissessar: So he is part of the clique.

Mr. K. Ramnath: He continues to be the chairman of the board of this institution which was set up. The Member for Diego Martin Central in his usual style—*[Interruption]*

Mr. Valley: Let me ask a question.

Mr. K. Ramnath: I like to get you annoyed because you come up and say the same nonsense you say all the time.

Mr. Manning: Give the boy way.

Mr. Valley: Tell me when, since the existence of TTIT, during the period of the UNC Government, did we ever see an advertisement in the newspapers requesting applications from students for TTIT?

Mr. Singh: All the time.

Mr. K. Ramnath: I did not see any application for legal consultancy that was given to the Member for La Brea. I did not see any application for consultancy given to other Members of Parliament; I did not see that. If the Member wants to find out, I am not in a position to give him that information here. He can file a question to the Minister of Science, Technology and Tertiary Education from another place and he will provide that, or the Member can meet him in the Cabinet. Do you understand how misinformation can create bitterness, especially in the minds of a man who has come from the bosom of the cane field? He is betraying his very own.

Mr. Valley: And a lover of fair play.

Mr. K. Ramnath: Absolutely. You must practise it. I do not know how many other people have had the same opportunity as Acker so that we could have established fair play in selling out BWIA. I do not know about that. Do not get me angry here today; I have only a few minutes left. I continue to make this point, because I am genuinely concerned about educating our youths.

Today, the University of Trinidad and Tobago is offering a wide range of programmes, as they have in the past. It has nothing to do with who is temporarily assigned. In fact, they are so efficient about looking after the UTT, they have changed three Ministers in three years. The present one, I do not know what are his qualifications for administering tertiary education; that is an insult to the nation. You could have put the Member for Arouca North. He might have done a better job. I would like to see—

The same argument was used against the UNC for the state of affairs at the John S. Donaldson Technical Institute, a lot of misinformation. When the Member for Caroni East clarified the issues, they neglected that institution while they were in government for 20 years. What happened at John S. Donaldson Technical Institute was as a result of 20 years of decline and 20 years of neglect. When the

children come out of the secondary school system, what are the options available to them? The hon. Minister is saying quality education from early pre-school to adult. What adult education is taking place in the country that we can really say would redound to economic benefits of persons and the country? What adult education? This country had, when the PNM took office, trade schools across the country. Shell had a trade school; BP had a trade school; Texaco had a trade school; Caroni (1975) Limited and T&TEC had one. They were very successful training institutions, housed within these companies, and like everything else, they disappeared.

One of the foremost institutions in training of technicians was the San Fernando Technical Institute and the model was expanded to the John S. Donaldson Technical Institute. It so happened that the opportunities for employment for people in the north were not as good as those who were living in Point Fortin, Santa Flora and La Brea. They have neglected La Brea. La Brea is now Trinidad and Tobago's third world, except that the Member is now collecting big money for consultancy.

When you look at what they did to adult and technical education, they should not come here today or at anytime and talk about quality education. The San Fernando Technical Institute had all that was required way back in the 1950s to produce the finest technicians and technologists in the island. In fact, all of the middle jobs in the Pointe-a-Pierre Refinery, which at that time employed over 5,000 people, were manned by graduates from the apprenticeship programme, as well as the San Fernando Technical Institute. The San Fernando Technical Institute had a programme of O'levels, where you do basic academic courses, plus technical courses. There was a day release programme, where O'level student apprentices working in the industry would go there and spend two days per week, full time, and they would graduate with the City and Guilds Diplomas. All of that has been destroyed by this Government committed to quality education. All of the apprenticeship programmes have been destroyed.

They now say that we have something called On-the-Job Training. OJT is approximately three months of temporary employment, to give people a CEPEP wage. They have "CEPEPized" the apprenticeship programme. Young people who are looking for something to do will join the OJT Programme for six months, but very little training takes place. If you come in my department, of course, you will be well trained. They should look at their performance and it will tell them something.

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If the University of the West Indies had not countered attempts to interfere with the admission requirements, our institution would have lacked recognition in any part of the world. Left to them, they will set up a Caribbean degree for medical students and a Caribbean degree for O'level and A'level students in the name of Caribbean integration and forget what is important in this global environment, where people have to compete internationally, where standards have to be that our people can move from country to country; not from island to island. There is nothing in those islands that will cause us to move. Who is going to move in those islands? The Prime Minister wants to create a Caribbean State, because he wants to be Prime Minister of the Caribbean. This country is too small for him. He needs to have the Grenadians and Vincentians under him and they need to have a place to come to. Why has the Bahamas refused to participate in so many things? It is because they do not want people to be entering their country willy-nilly. He should learn from the Bahamians. They make no bones about it. They have to study the implications and impact that any treaty will have on their country.

Quality education is not about making school places available. It is not about talking about GATE. I want to say something about GATE. I want to know how many students in Trinidad and Tobago, since GATE was established, have been given full tuition. How many students, under the GATE Programme, have been given full tuition by the Government, free of charge? The Government had said that the Dollar for Dollar programme deviates from GATE, because under the Dollar for Dollar programme you pay \$1 and I pay \$1 and that under GATE we pay your full fees, if you are deserving of it. How many students have you sponsored?

Mr. Manning: Fifty plus.

Mr. K. Ramnath: They have not improved on what we implemented as a government. What has been the improvement? How many persons have benefited from GATE over and above what the previous government gave under the Dollar for Dollar programme? Give us the figures.

Mrs. Persad-Bissessar: The Prime Minister said 50.

Mr. K. Ramnath: They were looking to fill a vacancy in the Ministry of Works and Transport. [*Interruption*] Stay quiet and see if you can fix the potholes in the roads and the ramps along the Solomon Hochoy Highway.

Mr. Speaker, if I might just return. We are talking about international competitiveness. We are talking about making our people ready to work in any

part of the world. We are talking about preparing industry in Trinidad and Tobago, so that industry can become competitive. Yet, the educational institutions and opportunities are inadequate to prepare our people. Private institutions are filling the gap.

The Automation Technology College and Mr. West from San Fernando publishes hundreds of distinctions and credits that his institution, housed in a building on Rushworth Street; hundreds of people—we publish failures in the Government institutions in the country—so much so that he has expanded his institution into Chaguanas and is now moving into Point Fortin. No Government institution is providing that kind of opportunity for young people. He is providing the technicians and the City and Guilds Graduates in San Fernando and Chaguanas. Another private institution is called Trinizuela.

We have senior comprehensive schools which are totally irrelevant to our needs, because the people at the Ministry of Education—there are some people there who have been operating in the Ministry for 100 years, whose advice you were seeking. They are telling you that you must zone. Instead of building on what you have; on the excellence that has been achieved by the institutions in this country, their answer is to zone. Naparima College must now be converted into a junior secondary school the way the Government converted QRC, because it has this insatiable appetite to see the people of Pleasantville go to Naparima College. Me too! I also have this appetite to see all our children attend institutes of excellence. Why do we not create the mechanisms that will train them, so that they can attain that level to enter the prestigious schools? Their answer is zoning. It is called school padding. There was house padding. The Elections and Boundaries Commission has defined the boundaries so the Government has started putting up houses everywhere inside those boundaries. They are house padding.

The next step is to destroy all the institutions of excellence and school pad and believe that will solve the problem. It will not solve the problem. It starts with pre-schools, elementary schools, teacher education and what the Member described as counselling of parents and children. It starts with showing respect for human dignity and not giving them a CEPEP job and making them feel that is what they are worth. They do not have to apply for it. The party group applies for them and if you want to get a few votes because you feel that you are likely to lose, you start to pave roads even on election day. Twenty-three roads were paved at the back of my house and the regional corporation was not even aware of it. But they will not consult the Government of Central Trinidad, which is the regional

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corporation, to get a priority. As far as they are concerned that is how government ought to operate. The Government is setting no example of excellence. Look at this House you see excellence on this side.

Mr. Speaker, when I got up to speak it was because I was very upset about the continuation of this propaganda. Every time we meet it is propaganda about housing for people. There is no policy. People cannot get housing based on merit, because you have to be recommended by a party group. You cannot get jobs based on merit because you have to come from a certain party group.

The Prime Minister stood in the country and said that CEPEP is going to create a racial tolerance to the country. I heard him say that. He institutes affirmative action. He shuts down Caroni (1975) Limited and institutes a programme in which no Caroni (1975) Limited worker could get work. He defends—I admire him for that. He is very honest about his devious plots. I think he will go down as being a brighter man than the former Prime Ministers of this country, excluding the Member for Couva North.

Mr. Manning: Is the beard he “fraid”.

Mr. K. Ramnath: One thing about this Prime Minister is that he has an agenda. Those who believe he is foolish do not understand his agendas. His agenda is affirmative action. His agenda is staying in power at all costs, even publicly investigating the Ministers he wants to get rid of. He is an extremely brilliant man. If he could sit in this House and listen to a Deputy Speaker collecting nearly \$1 million—[*Interruption*] Under \$ 1million. I will find out the truth. The Prime Minister does not see anything wrong with that. What do you think motivated him to establish a commission of enquiry into one of his senior Ministers who ran for the leadership? He said that his most difficult moment in politics was when he was faced with a challenge from the Member for Diego Martin East. [*Interruption*] This was the lady who was crying in the wilderness for “wuk, jus de odder day”.

Mrs. Job-Davis: I have no tears.

Mr. K. Ramnath: Do you understand how well disciplined the PNM is? Disciplined, because they have to protect the hidden agenda.

I became very concerned when I heard the Minister coming with this fundamental change in law and policy to put some public servants under the teaching service, without coming here and saying one word about how we are going to improve the lives of our people, not a word about how we are going to

ensure discipline in schools, how we are going to motivate those young people who are bored with the curriculum. It is boredom that has set in the school system. They have no interest in studying what you want them to study. People want to learn bricklaying, cabinet making and tiling. They do not want to do that for six months. They want to go to school. They want to learn to measure and they want to do their Mathematics. They want to do some business courses, so when they come out—There is such a great demand for skilled labour in this country that if we had properly trained our young people, put them through four years or five years of training, and let them learn how to become businessmen, as well as tradesmen, then today we would not have had the problems that we have in the junior and senior secondary schools. They are not interested.

The Minister has repeatedly produced statistics to show the very poor grades the SEA students have made in Mathematics and English and the percentile attainment in this examination, yet they send them to school to learn Spanish, French, Mathematics, History and all these subjects. In the first place, they were not literate enough to get more than 25 marks in some of these subjects at SEA.

The teachers have been complaining to the Ministry of Education. The supervisory staff has been complaining about the poor performance of the children, and yet we have no plan enunciated with respect to what we are going to do with this large number of children who are literally put into the dustbins of history at the end of the SEA Examination.

I think it is time for the whole country to rise up against an incompetent government. We are collecting far too much money to get what we are getting. Do you know what is interesting? It was the Minister—the gentleman who contested the leadership of the PNM against the present Prime Minister, the Member for Diego Martin West—who publicly stated that were it not for the contribution of his wife and private tuition, his children would not have attained. That is true of so many parents in the country. The country is not getting its value for money when it comes to education. When a senior Government Minister could be so critical of the Government to which he belongs, then either he has come to terms with reality, or he has a problem with his Prime Minister and believes that if he attacks the Minister of Education that will be an attack on the Prime Minister. Nevertheless, he is making an important statement, that is, if you ask the population how they feel about value for money, they will tell you that they are not happy.

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I think we owe it to the people of the country to come up with some kind of plan to be discussed nationally. The school boards cannot and will not work because you should elect those school boards. Those school boards should be ultimately elected where people who have a stake in education, that is the parents in the community, should have the opportunity to decide who sits on the school board.

The tax-paying public should decide that, as is done in the metropolitan cities around the world. So that these kinds of amendments will not add any value to the present state of education. What we need is to have a well articulated plan that is debated across the country with denominational boards that have been successful in providing education at great cost to themselves and in consultation with parents, as well as students, to come up with a plan that will benefit this country.

Thank you very much.

The Prime Minister and Minister of Finance (Hon. Patrick Manning):
Mr. Speaker, I intervene in this debate at this stage to—

Mrs. Persad-Bissessar: Defend my spouse.

Hon. P. Manning: Yes, I do that too—to make a very brief intervention, but one which I think will put in a much clearer perspective, for the benefit of all hon. Members, the approach of this Government, not just to the education system in Trinidad and Tobago, but to the whole process of governance and the philosophy that we bring to the table as we seek to take Trinidad and Tobago forward to developed country status.

One of the things that we always say to our Members of Parliament on this side is that whenever you speak in a debate you will do well to restrict our remarks to the issue that is before us. In the instant case, we are debating a Bill to amend the Education Act, Chap. 39:01. It is the Bill for the unification of the teaching service. I have to confess that there is very little in the contribution of my good friend from Couva South that allowed us to maintain contact with the issue before us. Under normal circumstances, I consider the Member for Couva South one of the more eloquent speakers in this Parliament. Even when someone believes he is good, he has to prepare. The contribution made by the Member for Couva South today told us that he came to this Parliament completely unprepared to debate the issue in respect of which he just spent almost 75 minutes of parliamentary time making very little contribution to the advancement of truth, as we seek it, in our deliberations in this Parliament.

He was very generous in some of his comments. In one case, for example, he considered the Prime Minister an extremely brilliant man, for which I would like to thank him very sincerely. Not many people in this country describe the Prime Minister in those terms. Therefore, whenever the Prime Minister is so described, he is very grateful for it. Perhaps, I ought to draw the attention of hon. Members to a phrase which has been made popular in its Latin incarnation. It goes like this: *timeo Danaos et dona ferentes*; I fear the Greeks, especially when they bear gifts.

Mrs. Persad-Bissessar: Presentation College Latin.

Hon. P. Manning: It is I. The Member for Couva South accused the PNM Government of having no new ideas and not following the precedent set by the government that preceded us in office. What is that precedent? For what has the government that preceded us in office become famous in the education system? For what have they become famous? They took a decision in 2000 to bring about universal secondary education. They provided a school place for every student coming out of the primary school who required a space in the secondary school system.

Mr. Valley: Election gimmick.

Hon. P. Manning: On the face of it, a very laudable objective. It reminds me of a similar objective they had in that case it was water; “Water for all by the year 2000”. That objective was very laudable. What was the effect of the way they did it in education? They, without any preparation whatsoever, hurriedly put together in the context of an election campaign, that was to come in 2000, arrangements that saw some of our primary school students being housed in facilities that they termed “education facilities”; in some instances, housed upstairs of a rum shop and in some instances, as in the case of the garage that they converted to a school somewhere on London Street.

Mr. Imbert: Never used.

Hon. P. Manning: Never used. As the PNM came in, we had to move them out post-haste. The effect, incidentally, of doing what they did, did not take into account what they were beginning to deal with was the bottom 30 per cent cohort of the education system and, therefore, those in need of special attention, in terms of the education that you seek to provide them, as they move from the primary to the secondary school system. None of that was taken into account. It was not a question of quality education; it was a question of seeking to advance the individual in any particular way to prepare that individual for life in Trinidad and Tobago.

It was not in their intention, at all, to do anything for the students. Their main objective was to be able to say in the election campaign that was to follow, that they provided a school place for every student coming out of the primary school system. The upshot of it is that many of the students went into schools that were not prepared for them and, therefore, while they found themselves with a place in the school, they did not find themselves with access to education. The teachers were not there. The lab facilities and classrooms were not there. Virtually nothing was in place. What they did was that they put them there and then these same students—not being able to cope to the extent that they were exposed to any education at all or the standard of education to which the students of superior education abilities were exposed—found themselves not learning in the school system. As they saw their counterparts progressing, learning and preparing to graduate from the secondary school system into tertiary education, finding themselves at the end of the day without any proper education and about to leave school with no hope, they therefore began to create problems in the school system. You see it.

Mr. Ramnath: You have no proof.

Hon. P. Manning: You see it particularly when exam time is coming in the school system and it is accentuated when they are about to leave school at the end of their period in school. The PNM came into office and met that system.

Mrs. Persad-Bissessar: I just want to understand you. Are you saying that the students who are leaving the system and writing exams have no future? None of those students who have written those exams have left school. They have not. The five-year students have not left the schools, they are there—all the new schools.

4.00 p.m.

Hon. P. Manning: Mr. Speaker, the hon. Member for Siparia is not correct. Indeed, the first crop has already left the school system. They have already left! They are not stupid. When they were asked to write the examination at the end of every academic year, they knew what was before them. They hardly learnt anything. The teachers were not there and, therefore, not being exposed to education, they were causing problems in the system.

The principals have been complaining time after time and the new PNM government is now faced with this situation. We had to take steps to minimize it, because we could not eliminate it completely. That is why today the Government has to embark on an education system at a rate—construction of educational facilities —

Mr. Ramsaran: Where?

Hon. P. Manning:—that is unprecedented. It is about to come. [*Laughter*] Mr. Speaker, if the hon. Members opposite would like to engage in a discussion about the implementation of the Government's development programmes, we could engage in that, but that is not what we are discussing here this afternoon. Suffice it to say, that the actions taken by them—irresponsible as those actions were—resulted in students not learning anything in school, and thus causing problems in the school system. When they leave school, they are causing problems in the society at large because they felt cheated by an education system that was not equitable in the way it treated with various students.

The options of that were that law-abiding citizens of Trinidad and Tobago now have to face the wrath of those students—the wrath of those ill-prepared students—because they were unfortunate to live at a time when we had a government that was more concerned about being able to say to the national community that it was providing education for all when, in effect, they may have provided a school place with precious little. The last thing was much worse than the first, Mr. Speaker, that is the precedent they have set.

Mr. Speaker, let me tell you something else about that government and the way they conducted their business. They picked projects that had a political content. In other words, they selected their projects to say that they have done this, even if it was done in an isolated way and even if it was not sustainable. They did it in a particular way to be able to say that they did that. That was their approach.

Mr. Speaker, when one looks and contrasts the approach of the government that preceded us and the approach of the PNM today, it marks the difference between those who aspire and those who achieve. You are going to see it clearly.

Hon. Member: You are in a campaigning mood.

Hon. P. Manning: Mr. Speaker, we have been accused by the hon. Member for Couva South, my very distinguished colleague, whose debating skills I have the highest regard for, and who has fallen short this afternoon for reasons best known to him. In the Member's contribution this afternoon, in relation to the school boards, he said that the PNM was not interested in excellence; and that the PNM was not interested in utilizing skills on school boards. He applied it to the wide education system, and said that to be able to have your expertise used by the PNM Government's you had to be a member of the party group. That is what he

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said. Mr. Speaker, let us examine it. If that is the view of the hon. Member, let us examine it to see whether there is any merit in his argument.

Mr. Speaker, the plans that are being implemented in the education system had its genesis in the year 1992, when the then PNM government put together a team of experts to do a policy document. That was our educational Bible for the year 2003. It resulted in a report of a task force on education. This was the result of it. Let me for a moment examine the composition of the team of persons who did it, in the context of the comment made by the Member for Couva South, that to be used by the Government of the PNM, you had to be a member of a party group.

Mr. Speaker, the chairman of that team was the very distinguished Prof. Carol Keller, Dean, Faculty of Education, University of the West Indies; to which party group does he belong?

Mr. Ramsaran: We do not know.

Hon. P. Manning: Okay, so there is a possibility that he may belong to one. The next person is Mrs. Maureen Manchouck, Acting President, National Institute of Higher Education; to which party group does she belong? We do not know. Not so? Is that what the Member for Chaguanas would now say?

Dr. Ewart Taylor, Lecturer, Faculty of Education, University of the West Indies; to what party group does he belong?

Mr. Ramsaran: We do not know.

Hon. P. Manning: The Member for Chaguanas said he does not know, but he might belong to a party group. Okay, let us pass on.

Ms. Carol Logie, Lecturer, Faculty of Education, University of the West Indies; to which party group does she belong?

Mr. Kenrick Seepersad, Director of Curriculum Development, Ministry of Education; to which party group does he belong?

The Member was particularly caustic in his comments about persons who have served in the education system and he cited two examples: one was a former principal of Naparima Girls High School and the other was a former principal of St. Augustine Girls High School.

Mr. Speaker, Mrs. Edna Borde-Williams, Principal II, junior secondary school; a principal with experience in the junior secondary school system; to what party group does she belong?

Mr. Holison Gift, Director, Educational Planning Unit, Ministry of Education; to which party group does he belong?

Mr. Ibrahim Ishmael, Principal II, senior comprehensive school; to which party group does he belong?

Mr. Ramnath: I said the school boards were based in the district. As the Prime Minister, your brilliance in misleading is evident.

Hon. P. Manning: Mr. Speaker, I started off by saying that what we try to inculcate in our Members of Parliament on this side is that when you are discussing a matter you stick to the issue that is before you. Mr. Speaker, he was at large this afternoon, even violating the instructions of his Chief Whip. In terms of the speaking order, he even violated that. He was in full flight. When he began his contribution on that matter in relation to the school boards, he was so confident in what he was saying that he broadened it to a policy position of the PNM and the way we conducted our business and, therefore, I thought it necessary to spend some time on the issue. Let us move on.

Mr. Speaker, Dr. Esla Lynch, Special Educator; to what party group does she belong? Mr. Speaker, I go on again.

Mr. Ramsaran: You gone back with that.

Hon. P. Manning: Sr. Paul D'Ornellas, a former principal of St. Joseph Convent in San Fernando and a nun. She is a Roman Catholic nun; to what party group does she belong? On what basis what she chosen! Was it because of our subscribing to excellence in education or was it because she was a party hack as the hon. Member for Couva South would have us believe?

Mr. Justin Paul, Director, Technical/Vocational Education and Training—

Hon. Member: He is a PNM.

Hon. P. Manning: We brought into the task force expertise in technical/vocational subjects. We saw that as an essential part of an educational system that was designed for a country making a significant intervention in the technological fields, based on the availability here of natural gas and oil.

Dr. Eric Drue, now deceased Guidance Officer, Ministry of Education; to which party group did he belong?

Dr. Karen Moore, Guidance Officer, Ministry of Education; to which party group does she belong?

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Ms. Savitri Pargass, First Vice-President of the Trinidad and Tobago Unified Teachers Association (TUTTA); to which party does she belong?

Mr. Speaker, what did the hon. Member for Couva South say to us this afternoon? What would he have us believe?

Mr. Ramnath: I never referred to that report.

Hon. P. Manning: Fr. Gerard Pantin, Director, Servol Life Centre; to what party group does he belong? To what party group!

Mrs. Nella Todd, Teacher Educator, Valsayn Teachers' College; to which party group does she belong?

Dr. Clyde Maurice, Educator; to which party group does he belong?

Mrs. Pamella Benson, Library Services, Office of the Prime Minister.

Mr. Josh Henry, Administrative Services and Human Resource Manager, Trinidad Cement Limited—the private sector.

Dr. Claudia Harvey, Acting Permanent Secretary, Ministry of Community Development, Culture and Women's Affairs—

Mr. Ramnath: You really do not have anything to say; you are killing time. .

Hon. P. Manning: Mrs. Yvonne Pinder—Mr. Speaker, killing time! Mr. Speaker, they got up in this Parliament and they played fast and loose and said things in an offhand manner that sounded right, giving an impression that they were entirely correct. When we on this side decide to use the time allotted to us to set the record straight, they do not like it. Mr. Speaker, if they do not like it, they know what to do! We have a right in this Parliament to get up and place our case, in the very same way, they have the right to get up and do the same. If they want to use it to mislead the country, be our guests. We stand for truth and we are going to set the record straight.

Mr. Speaker, there was also Mr. Lennox Bernard.

Dr. Eastlyn McKenzie, Educator, Tobago and an Independent Senator; to what party does she belong?

Mr. Ramnath: It might be PNM.

Hon. P. Manning: Mr. Speaker, what I am trying to say to you is that whatever they say to us from those Benches must be carefully examined before we accept it as the truth. They speak with glib tongues and say anything as long as they consider it necessary to advance the case that they are making.

Mr. Speaker, far from what the hon. Member for Couva South would like us to believe, the PNM did not select its people to form the task force to determine the structure and future of the education system on the basis of any association with the political party. We selected our people on the basis of our commitment to excellence. [*Crosstalk*] Mr. Speaker, he had his chance. At any rate, there is the hon. Minister of Education to come.

Mr. Ramnath: She has nothing to say.

Hon. P. Manning: Do not say that! On our side, we are never short of information and the ability to speak. [*Desk thumping*] Mr. Speaker, I choose to use the task force report because these persons whom we put together went around the country. First of all, it took them 10 months to do this document, and after the 10 months they consulted nationally on this document for one year and two months. At the end of two years, we had a paper that we were ready to make into a White Paper on education. Whatever is being implemented in the education system today is on the basis of this strategy. We know why we did it. We did it because we subscribe to excellence in education in the way that we conduct our business. We also knew that we would not always be in government, and we were mortally afraid that if we lost an election and a new government were to come into power, they could have completely derailed the paths on which we have placed the education system and, therefore, the people of Trinidad and Tobago. Do you know something? That is exactly what happened. [*Desk thumping*] We came back into office in the year 2001, on Christmas Eve Day, and do you know what we found?

Mr. Ramsaran: Four years now!

Hon. P. Manning: That is just the start. We have many more four years to go. [*Desk thumping*] I would not worry too much if I were you. We will be here long after you have gone and long after we have committed your political soul to the political dustbin.

Mr. Speaker, with respect to the task force, what happened was when the UNC came into office between 1996 and 2001, they completely ignored this document with the philosophical underpinnings that were clearly outlined in it and they chose to proceed on a frolic of their own in the education system. That is why we come back into Government today, finding ourselves virtually having to take up where we left off in 1995. Between 1995 and 2001, hon. Members opposite did not see the wisdom of pursuing a policy and a strategy that was determined by experts in the field and which was used as a basis for consultation from

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stakeholders inside and outside of the public sector, and which at the end of the day, met with the approbation of a broad cross section of persons across the country. On that basis we adopted it as the Government's policy, which is why—this book should have been obsolete.

Mr. Speaker, in the year 2005, we should not be referring to this report at all. This should have been implemented and we should have been moving on. The fact of the matter is that we have to refer to it today because it was not implemented, because hon. Members opposite had a different approach, with their new ideas, from the approach that was so carefully worked out on the basis of widespread consultation by the PNM government between 1992 and 1995.

Mr. Ramnath: You came here unprepared.

Hon. P. Manning: Mr. Speaker, I do not want to go—

Mr. Ramnath: Did you ask the Leader of Government Business to speak?
[*Laughter*] Did you get permission?

Hon. P. Manning: Mr. Speaker, just for the record, one of the things that we learn in the PNM is that we respect whosoever is set in authority. The PNM teaches that with the party groups.

Mr. Ramnath: You did not obey your leader.

Hon. P. Manning: You could be sure that as Prime Minister of this country, I would never stand in this Parliament without seeking and obtaining the approval of the Leader of Government Business. [*Desk thumping*] I speak today because I received the approval of the Leader of Government Business. That is for those who did not know. It is not like you all. When you got up to talk I noticed the consternation on the face of the Member for Caroni East. [*Laughter*]

Mr. Singh: The Member for Couva South had my permission.

Mr. Valley: Well then, you lied to me. You told me that he was not speaking.

Hon. Member: That is not true.

Hon. P. Manning: Mr. Speaker, I understand the dilemma of my good friend. We saw when the Member for Siparia said to the Member for Couva South that they planned this since last week. When that was said, the Member for Caroni East was dumfounded as if when the planning session was taking place he was not there. The Member for Couva North studiously continued reading his book, completely oblivious to what is going on around him in his own political party.

Hon. Member: He does not want to listen to you.

Mr. B. Panday: When I am finished I will lend it to you.

Hon. P. Manning: It is okay. I would be very pleased to see what you read and to see what addles your brain. The Member for Couva South is obviously watching very closely what the Prime Minister does. He remarked that he saw me pass in front of his house a few nights ago. He is right. I did, in fact, pass in front of his house. I was on my way to visit his boss in Petrotrin, Mr. Malcolm Jones because, among other things, I wanted to discuss with Mr. Jones the PetroCaribe agreement; the very agreement to which the hon. Member for Couva South made some reference here today. I was about to visit Mr. Jones on my way to San Francique, just before going to our victory celebrations on the basis of our very resounding win and the defeat of Members opposite in the by-election on Monday. [*Desk thumping*] [*Crosstalk*]

Mr. Valley: That night was a real losing night. They also lost the \$20,000. [*Crosstalk*]

Mr. Imbert: You could believe that. Somebody put a purse down and it disappeared. [*Laughter*]

Mr. Valley: Among friends.

Hon. P. Manning: Mr. Speaker, I really did not want to make any reference to it, but I have to. We read in the newspaper that a former minister of government on the UNC side put down her purse with \$20,000 in the UNC headquarters while a group of friends were sitting and having a chat and drinking some tea. The next thing she knew the money was gone. [*Laughter*] Mr. Speaker, one of two things happened: either one of them stole it or she stole it herself. [*Laughter*] Mr. Speaker, I hope they set up an internal investigation—

Mr. Imbert: An enquiry.

Hon. P. Manning:—to see who stole it. If they want to bring excellence and perfection to that investigation, it must be headed by the distinguished Member for Couva North. [*Laughter*]

The PetroCaribe agreement in respect of which the Member for Couva South felt that we have been done in—it is a proposal that is on the table. I do not want to spend too much time on PetroCaribe here today. When we met in St. Lucia, I was able to explain to fellow Heads of Government—the Caricom Heads authorized the Prime Minister of Trinidad and Tobago to enter into discussion

with the Venezuelan government to see whether we could not restructure the proposal that the Venezuelan government put on the table in a manner to ensure that nobody is disadvantaged.

Mr. Ramnath: Which they signed.

Hon. P. Manning: Mr. Speaker, they signed it because they were aware, and the President of Venezuela gave the assurance that we would continue the discussions if anybody is disadvantaged. I am in a position to say that we believe that there is an approach to that matter that would meet the requirements of everybody. I am about to write President Chavez of Venezuela, and we are going to discuss it, so it need not detain us or the Member for Couva South.

Mr. Speaker, what really brought me to my feet today was the statement by the Member for Couva South that we have neglected La Brea. That is what really brought me to my feet. Mr. Speaker, I was the Prime Minister when we took a decision to establish an industrial estate in La Brea that we called Labidco. I was the Prime Minister. I was the very proud Prime Minister to have been associated with that and heading a PNM government, because we recognized a number of things about the social conditions in La Brea. The fact that La Brea had the potential for one of the best deepwater harbours in Trinidad and Tobago and that there could be a meeting of objectives if we used a site in La Brea as a location for industrial development, based on the availability of natural gas and a proper deepwater harbour and, at the same time, impacting significantly on the social situation which we acknowledged was substandard, as it relates to the people of La Brea. We acknowledged that.

Mr. Speaker, there were challenges in it from the start and we always knew it. When the hon. Members came into office they stopped the project after we spent \$120 million on the harbour. We left a deepwater harbour in La Brea; and they stopped the project without seeking to put anything else in place.

Mr. Speaker, let me tell you something else. At that time, Farmland had agreed to put a plant in La Brea. They had already agreed to do it. I have always said that when you live in south Trinidad, in relation to the petroleum industry, there are very few secrets. I could now say—the person is no longer in Trinidad—that one of the engineers on the project came to me and spoke to me about the matter. Do you know what they did? They brought in consultants and they virtually instructed the consultants as to the result that they wanted. They used the consultant's report to discredit the industrial estate in La Brea.

Mr. Speaker, the time that happened, we had already agreed on a gas price for Farmland. Farmland got a break on the gas price because they were the first

industry going into a new industrial estate. It was a greenfield industrial estate. I think the break was about 20 cents per mmbtu. That was the break. Farmland is not stupid. When they saw that report they went to them and told them two things. They said that in light of this report they cannot build in La Brea and since their plant was ready to go, if they were not allowed to build now they would have to go elsewhere.

Mr. Speaker, do you know what they did? They bought that and they allowed Farmland to go and build in Point Lisas—not in Point Lisas but one and a half miles to the north, off the estate at the same gas price. A preferential price was given to Farmland because they were going into La Brea.

Mr. Speaker, two things then followed. The State had to pay for a corridor from the plant to the port to allow the plant to be able to export its products at the port a mile and a half away. It cost the National Gas Company (NGC) through their nose. It cost them \$106 million to do that. The minute they gave that gas price to Farmland, they triggered a most favoured nation clause in the contracts of the other gas producers making ammonia in the Point Lisas Industrial Estate. Everybody else came and said, “me too”. Do you know what the upshot of that was? They had to give the same price to all the users of the industrial estate in Point Lisas that were using gas for ammonia production. There are now 10 plants doing that. I do not have the exact figures here, but it cost the Government and the people of Trinidad and Tobago over \$500 million. That was the price, and it is a continuing thing because the gas price is permanently affected by that decision that they have taken. It would have been 20 cents higher had they not sought to play politics with an industrial estate and the lives of the people of La Brea—paying fast and loose and deciding for political purposes to adopt this position; the option of which was to cause all of us to pay dearly.

Mr. Ramnath: You have no basis for that.

Hon. P. Manning: And then they come to this Parliament and accuse us—

Mr. Ramnath: You are misleading the country. You have no proof of that.

Hon. P. Manning:—of being irresponsible in the conduct of our public affairs.

Mr. Ramnath: You are making a statement based on information which you claimed to be private information; you are making a baseless conclusion without identifying the consultant; and you are accusing the consultant of doctoring a report. As Prime Minister, do you do things like that?

Hon. P. Manning: Mr. Speaker, I did not even need to refer to the consultant because the facts speak for themselves.

Hon. Members: No, no.

Hon. P. Manning: Mr. Speaker, let it not be said that I am using the cloak of parliamentary privilege to say these things.

Mr. Ramnath: Yes.

Hon. P. Manning: I have said it on the outside more than once.

Mr. Ramnath: But you did not call any name.

Hon. P. Manning: The only reason why Malcolm Jones, Prof. Julien and I were not locked up in this matter was because they had no basis for so doing. They investigated the matter three times, trying their best to find some basis for locking up the three of us but, of course, you know, we conduct our business in a manner very different from them. [*Desk thumping*] It is a credit to us that none of us from the former government is before the courts of Trinidad and Tobago. On that government, so far six of them are before the courts. Six! They are talking about integrity! They want to question our integrity in the matter. [*Crosstalk*]

The Member for Couva South talks about—an instance where he was uncharitable—me wanting to create a Caribbean state because I want to be Prime Minister of the Caribbean, and that there is no other reason. Mr. Speaker, I was not born a Prime Minister. It is a means to an end; the end being a high standard of living for the people of Trinidad and Tobago.

Mr. Speaker, in 1995 when we lost the election I left the office graciously. I did not give any trouble. Mr. Speaker, the record would show that when the hon. Member for Couva North lost the election in 2001; how long did it take him to get out of the Prime Minister's residence?

Mr. Ramsaran: A month.

Hon. P. Manning: Mr. Speaker, there is a joke among Caricom Prime Ministers that I will tell you about. A team from Caricom came here to talk to me, well as Prime Minister at the time, and to talk to the Leader of the Opposition, shortly after the 18/18 situation. I met them in the Prime Minister's office and the Leader of the Opposition met them in the Prime Minister's residence. They said that he was very gracious. He offered them tea; he offered them a snack. Mr. Speaker, you would not believe it, but they were sure that Trinidad and Tobago had two prime ministers. They were sure of that. [*Laughter*]

Dr. Moonilal: What did the results say?

Hon. P. Manning: Mr. Speaker, he gave them some truisms and they talk about it today in hushed tones. Do you think “politics has its own morality” is the only statement for which the Member for Couva North is famous? There are gems that go beyond that, but I would not detain us today.

Mr. Speaker, I would have the Member for Couva South know that in excess of 70 per cent of all trade in Caricom involves Trinidad and Tobago in some way. It is the question of securing our vital interests. [*Desk thumping*] It is not the ego of the Prime Minister of Trinidad and Tobago. [*Desk thumping*] They do not understand it!

Mr. Speaker, I do not want to resume this discussion after the tea break. I do not want to do so. Therefore, I would take my seat at this time because the time has run out. I would just like to say that the matter before the House today, which was not addressed at all by the Member for Couva South, is a matter that this Government has considered carefully. It is incorrect to say, as the Member for Siparia has said, that we need a special majority to pass the amendment that we have here. That is not so. We have in no way taken away from any individual the right of freedom of association. The individual is free to leave the union or join the union if the individual so wishes. The point really was merely a political argument that had no basis in fact.

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

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

4.30 p.m: *Sitting suspended.*

5.00 p.m: *Sitting resumed.*

Dr. Adesh Nanan (Tabaquite): Mr. Speaker, thank you. I rise to make a contribution on the Education (Amdt.) Bill, which is before the House this afternoon. Mr. Speaker, I was flabbergasted this afternoon with the Prime Minister’s contribution. This afternoon, under the cloak of parliamentary privilege, the Prime Minister made a reckless and irresponsible statement with respect to the UNC government doctoring a consultant’s report that he said led to the movement of the Farmland project from La Brea to Point Lisas.

Mr. Speaker, the statement is reckless and he has produced no proof. It is no wonder, in the eyes of the population, they have no confidence in the Prime

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Minister. [*Desk thumping*] I base that on the fact of recent events. Mr. Speaker, by a vaps, and almost midday, the Prime Minister announced that all workers should go home. There was gridlock in Port of Spain. Students were stranded; commuters were stranded.

Mrs. Manning: There was no school.

Dr. A. Nanan: Persons had to walk home. Mr. Speaker, that reminded me of the 9/11 scenario and the recent events in London. When I listened this afternoon and I heard the Prime Minister talking about a plan from 1993 onwards and calling the names of eminent persons in a report, I am basing my contribution on that particular contribution.

Mr. Speaker, the House would recall that I was the Minister of Education from 1995 to 1999. I would give you the situation from 1995 to 1999 and to show that the Prime Minister was totally wrong when he said that we ignored that plan. Mr. Speaker, we followed that plan. When we went into office we adopted the White Paper, although it came from the PNM. He made a statement about the UNC government picking political projects. How could we pick political projects when we built a pre-school in Laventille? [*Desk thumping*] We built a pre-school in Laventille, and we had discussions with the Member for Port of Spain South—the negligent driver. Mr. Speaker, my apologies.

Mr. Speaker, we held discussions with the Member for Port of Spain South about schools in Port of Spain. It was not that we isolated the country and said that the UNC was dealing with the southern part of the country! There was no nepotism and no favouritism. I have said that many times in this House, and to hear the Prime Minister talking about political projects; that is again an irresponsible statement. I would continue to show the irresponsibility of the Prime Minister in his contribution this afternoon.

He mentioned that we ran down the John S. Donaldson Technical Institute and that the UNC used the Trinidad and Tobago Institute of Technology (TTIT) for its own benefit. When we came into government in 1995 the education system had collapsed. There was no education system in 1995. We had to rebuild the entire education system and to put it in a context.

There was a World Bank loan which was negotiated by the PNM, but it was dormant. If you asked them when they negotiated and signed that loan—when we went into the government nothing was happening. That is what is happening today.

Mr. Speaker, I want to inform you that when you dream for the future you need to contribute to the present. [*Desk thumping*] You cannot dream for the future and do nothing in the present. That is what we are seeing with the PNM Government. They are doing absolutely nothing in the present. They are talking about Vision 2020 in the future. They must come here and account! A Minister cannot come here and bring a Bill and say that they are going to move the civil servants into the teaching service. That was a UNC plan.

What have you done for the education system? For the Prime Minister to get up here and defend the Minister of Education is totally irresponsible. [*Desk thumping*] The Minister should come here and account to the Parliament. The Minister cannot stand here because he was not informed, and he does not know what is happening in that Ministry. That Ministry is supposed to be one of the best performing ministries!

Mr. Speaker, when I travel and I see what the Caribbean is doing with education, I feel sorry for Trinidad and Tobago. We had that programme in place because we went and negotiated the IDB loan. It is not easy to get a loan. You have to compete with the whole Caribbean when you are getting a loan. We got the loan from the IDB to strengthen the secondary education system and they have left it dormant. Mr. Speaker, I speak from my heart because I feel sorry for the children of Trinidad and Tobago.

Mr. Speaker, they talked about how the UNC had school places for everyone. They did not even read the White Paper. If they had picked up the White Paper, they would see that universal secondary education was part of the document. Why did you all not read it? A programme of readiness was supposed to be put in place so that when those children move from the primary school, they would have attained a certain level to reach the secondary school. That was the plan. It was not a plan for political mileage! When you hear that kind of statement coming from the Prime Minister, he was uninformed. He needs to be informed properly before he comes to this House and make irresponsible statements. I would continue because I am debating the Prime Minister.

Mr. Speaker, the Prime Minister made reference to a task force of eminent persons and he asked questions about their political affiliation. Mr. Speaker, we have no quarrel with the task force. The task force did a very good job in terms of what they put for the education plan. What we are seeing today, in 2005, is dormancy in the Ministry of Education. The Minister must be called to account. I do not know if the Minister is not being advised properly, because the Prime

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Minister made reference to a consultant, so I am making reference to consultants. There are so many consultants in that Ministry that they are totally lost at sea in that Ministry.

Mr. Speaker, if you look at the Education (Amdt.) Bill, you would see in the Third Schedule of this particular amendment that the Chief Education Officer and the Director of School Supervision—I want to point to the Director of Curriculum Development.

When the UNC government was in office in 1995 the curriculum was in shambles. There were so many different things being taught in different schools, we had to synchronize and ensure that there was a uniformed programme that was taking place.

Mr. Speaker, reference was made in this House about me heading the task force for the curriculum development. There was a kind of a sly remark about the Minister of Education heading the curriculum task force. I headed that curriculum task force for the main purpose of directing the development of the curriculum so that it would be relevant to the children of Trinidad and Tobago. We worked with the primary schools.

The curriculum task force worked in synchrony on what would be the planning for the next few years. When we finished the curriculum it was relevant. We had representation from that task force. We had Pamella Benson, whom the Prime Minister talked about from Library Services and we also had Kenrick Seepersad. Mr. Speaker, there was an approach by the UNC government—a calculated and committed approach—to develop our education system for a 21st Century visioning.

Mr. Speaker, we come here from time to time and hear about large projects in these budget debates and we see a whole list of line-budgeting taking place. When the Member for Diego Martin Central came to this House and said that they have a Variation of Appropriation Bill and they were taking \$18 million from the Ministry of Education because the programme did not get off the ground—I always comment on how hard it was initially to get \$18 million to go into the budget, and when that has to be retracted it hurts everyone. It is demoralizing to the Ministry staff.

We heard mention of school boards, and the Director of Curriculum Development is a very important position in that Ministry. That Director of Curriculum Development is now being transferred from the civil service to the teaching service.

Mr. Speaker, in 1999 there was an increase in salaries for teachers and there was not an equivalent increase for members of the civil service. I want to ask the Minister—I understand that in terms of compensation—if she is going to give retroactive payments to those who are already there—in terms of their 1999 positioning, when you bring them from the civil service to the teaching service? Of course, if they are retired, you would need to benchmark the figure. You would probably need to go retroactively to give them that equivalent status. These officers are paramount in terms of the positioning of the education system.

The Director of Education Services and the Director of Education Research and Evaluation, when you look at the situation now in our country—I do not know if the Minister of Education is aware that our students should not be within a small island mentality. Our students should be thinking globally. [*Desk thumping*] In terms of thinking globally, you need to have that kind of thought pattern so that our students now would probably be able to cure cancer and to come up with those kinds of solutions, rather than this small island mentality. The students must be thinking globally, and you need to position the curriculum in such a way that these students would be able to think globally.

Mr. Speaker, because of a Caribbean decision, when you go and follow blindly into a programme like CAPE, that particular programme takes you back; it goes back into a lot of recall and that kind of recall was outdated. How can our students now have enough time to think outside the box? Trinidad and Tobago must be positioning itself in terms of competition. Our students, when they get up in the morning, they must be able to move away from the small island mentality and be more globally positioned in terms of the education system. That must happen now. [*Desk thumping*]

Mr. Speaker, in Barbados the primary school children are given a laptop. Now, I know there is a problem in terms of computerization of the schools but probably you could go to the laptop scenario, where it is very simple to purchase a laptop and, of course, give instructions. If you are going to develop computer labs, you need to have infrastructure in place and security arrangements. That is the kind of thinking that the Minister of Education must come to the House with. It must not be a political intervention. The Minister must not come here and say, “There are going to be laptops for everyone in the year 2007.”

Mr. Imbert: Like water for all.

Mr. Ramnath: And we did that.

Dr. A. Nanan: Mr. Speaker, we must not play politics with the education system. The UNC did not play politics with the education system and the PNM must not be allowed to play politics with the education system. [*Desk thumping*]

Mr. Speaker, when we think of the education system, we are developing our country and we are developing minds. The thinkers around the education Minister must be able to think about things globally. They must not be trapped. Now, it is very easy to be trapped in a situation where you are just outing fires all over the island. If there is a plumbing problem in a school, the media runs with a mike in front of your face; and if you go to a next place, they would ask you another question about the school children who were hospitalized. You could get bugged down with these small things. The Minister must be isolated to some extent and let the staff of the Ministry handle those matters.

The Minister must be able to position the office in such a way to let the staff handle it. There must be—in terms of the management aspect—management by objective. That is the Japanese approach. So you must operate in a situation like that. Let the staff do what they have to do. [*Interruption*]

5.15 p.m.

I am hearing rumblings from that side, but I will ignore that. [*Interruption*] They do not understand that, they have to understand that. They must understand that, because if that is taking place then you would be able to have enough time to concentrate on, and project what you want to see probably in your Vision 2020, as the case may be, but you must contribute to the present. You must make that intervention now, and to come here and say that in 2005, it is the UNC policy that is causing indiscipline and violence in schools, that is a terrible scapegoat analysis there.

Mr. Ramnath: Total rubbish!

Dr. A. Nanan: Total rubbish. I humbly apologize for that statement, Mr. Speaker. But it is absolute foolishness—according to the Member for Diego Martin East—to come with that kind of statement in the House. What are you saying about our students? We heard here of a plan to deal with the students who are probably slow learners. Every single thing that I am saying this evening is a part of the White Paper and a part of the policy. It is nothing new.

What about the regional education districts? That was part of the loan components, and in case they did not know, the World Bank loan speaks to the de-linking of teachers or civil servants, so that they are a unified service. That is

part of the loan programme, the World Bank Loan says that, and it is part of that document, so there is nothing new. The loan says that you must be able to move them into and have unification of the teaching service. In 1995, what did we face? In 1995 we faced a situation where there was a World Bank Loan, dormant. There was a situation of total disrepair in our schools, so we needed to rebuild the infrastructure, as well as restructure the curriculum. That is what we started to do. We took the loan; we placed the personnel in the unit that was set up for the loan, and we implemented it. We were able to draw down the money from the particular loan. Not like the PNM Government, they cannot meet the conditionalities and they have to come for money from the general revenue. The unit was in place and we were able to implement, we build pre-schools right through the country. When they came into Government they said that the figure that we had allowed, \$250,000, if I recall, was too low, they could not use it and they ceased pre-schools construction. They came now and said, in the next budget, we are going to build pre-schools throughout the country. This time they did not build a single one when they had the money.

Mr. Ramnath: Total shame!

Dr. A. Nanan: Total shame. The money was there; the loan was there; they did nothing. So that is why when I said in my opening remark, you could dream for the future, but you need to contribute to the present. We are seeing no contribution from the PNM Government in terms of improving the education system in this country; none. I will go on, because I need to show the House beside the curriculum, we were dealing with other areas. This bilingual situation was part of the UNC plan. The Member for Diego Martin Central speaks about trade and the requirement for us to be bilingual. We were introducing conversational Spanish, but the problem was—and the Prime Minister said that we picked political projects. One of the problems that we encountered was that we did not advertise our achievements. We were too busy trying to build more schools and house the children. [*Desk thumping*]

Mr. Ramnath: That is a brilliant point.

Dr. A. Nanan: So we built the pre-schools. We built them all over the country.

Mr. Ramnath: Focus on delivery; delivery, delivery.

Dr. A. Nanan: When we build those pre-schools, they were built with building codes to become hurricane shelters. Do you know that there is an impending storm threatening Trinidad, and not a single notification of where the

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shelters are going to be and if the shelters are going to be manned in this country? In the United States, the storm trackers, from the time a storm leaves the Caribbean, they start to have evacuation plans in place, moving thousands of people away from the coastlines and from the areas that could be hit.

Mr. Ramnath: Now, with Imbert there, hopeless.

Dr. A. Nanan: And now they move thousands from the Florida Keys, and it just brushed a part of the Keys, but the people moved.

As I opened, I said that the Prime Minister sent home everybody; that was a gridlock situation in this country. If there was a real disaster; if there was a massive amount of rainfall on the Northern Range, everybody would have drowned in Port of Spain that day. There would have been massive chaos in Port of Spain. We need to plan. We hear nothing from the Minister of Planning and Development about how they are going to plan for a disaster in this country. We are only hearing about billboards being pulled down every day.

Mr. Ramnath: No ideas.

Dr. A. Nanan: No ideas, nothing. Probably you need to hire a Japanese to come here and plan for the whole country and take it and implement it.

Mr. Ramnath: Now she attacking DOMA.

Dr. A. Nanan: Absolutely no foresight in terms of planning for this country. No evacuation, nothing. People in low lying areas are subject to the wrath of the elements. Chaguanas, Brasso, Tabaquite, Flanagan—flooded, nobody coming. Not that we expect anybody to come. No plan!

Mr. Ramnath: No planning, no planning.

Dr. A. Nanan: And it is not like we have four seasons; it is only two seasons we have. What will happen if we had four seasons?

Mrs. Robinson-Regis: Well boy, if we had four seasons, that would be problems.

Dr. A. Nanan: There is nothing, and I went on to that to show you that the shelters in this country—we need to get the planning right; we need to get the building codes. If you walk around in other Caribbean Islands, you would see the majority of the houses have these steel connectors to the woodwork, to prevent the roof being blown off. The eaves on the houses are reduced, so that you do not get that “balloony” effect and the lifting of the roof.

Mrs. Robinson-Regis: We are talking about schools, what does that have to do with this Bill?

Dr. A. Nanan: This has to do with this Bill because the shelters that are being set up are part of the schools.

Mrs. Robinson-Regis: Oh Lord, boy! *[Interruption]*

Dr. A. Nanan: You were not here before, and your Prime Minister expanded the debate, so you could speak on anything. *[Crosstalk]* So you have that “balloony” principle where the lengthening of the eave would cause a lifting of the roof. So you have to design. That is why when they design—*[Interruption]* Member for Diego Martin East, you would be speaking after.

Mr. Ramnath: He could not design anything. The wall fall and the stadium fly away.

Dr. A. Nanan: That is why I said, in terms of planning, we need to plan. In fact, that particular storm Emily, just missed Trinidad and Tobago. There was a high pressure ridge that was sitting there, holding that storm, and by the hands of God, it just moved that storm track north, and they look at me in amazement. That is the passion I have for this country. *[Desk thumping]* I was out of this country and I was calling, because there was a stupid report—sorry, Mr. Speaker—coming here, that they have downgraded from a hurricane to a storm. This thing never reached hurricane strength, it was always a storm. It was forecasted to become a hurricane by the time it reached the islands. So what are they downgrading from?

Hon. Member: How you reach there, we are on education?

Mr. Ramnath: That is an education Minister.

Dr. A. Nanan: All about hurricane shelters and the schools. So, Mr. Speaker, we need to get our priorities right. *[Interruption]* The schools, I was speaking about building codes, because it is important. Last year, in Tobago, they opened shelters and the schools—a 10 or 20 mile-per-hour wind had passed in there, it would have been blown away.

Mr. Speaker: I think you made that point sufficiently, so you need to move on.

Mr. Ramnath: Brainless people.

Dr. A. Nanan: Mr. Speaker, I want to deal with the Director of School Supervision. In fact, I think I would come down one after the other, on the schedule. So let us start with the Chief Education Officer. The role of the Chief

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Education Officer is paramount in that Ministry. The Chief Education Officer has the responsibility for supervision of the entire education system, apart from the Permanent Secretary. We have seen in that Ministry that the Chief Education Officer—I would say—has been marginalized. What we are seeing is a group of consultants coming in, and advising the Minister. The Director of Schools Supervision seems to be overworked.

When the transfer is made of the Director of Schools Supervision in the civil service to the teaching service, I have to ask the question: Is there going to be a new structure? Because under the World Bank loan there were supposed to be regional education districts, that would reduce the pressure on the ministry. You would have had the regional education districts where you would see competent individuals do the screening for primary school children with respect to—

Mrs. Robinson-Regis: On a point of order, Mr. Speaker. Standing Order 36(1), on the issue of relevance. As far as I understand it we are debating amendments and what the Member is raising is not relevant and he has not been relevant.

Hon. Member: But did you hear your Prime Minister? [*Crosstalk*]

Mr. Speaker: Order! Order please! No, he is now back to being relevant, he was straying before. [*Laughter*] But hon. Member, you need not shout, because when you were closer to me, I could have heard you then. So you need not shout now that you are further away from me. Please continue. [*Crosstalk*]

Dr. A. Nanan: Mr. Speaker, I apologize for shouting, but it is a very passionate subject, especially when the children of this country are being jeopardized in terms of education, and somebody has to speak out with respect to this situation. I was making reference to the regional education districts. The regional education districts—

Mr. Singh: Complete your sentence.

Dr. A. Nanan: The regional education districts would be set up in such a way as to give a better uniformed approach to the education system.

I thank you. [*Desk thumping*]

Mr. Valley: Mr. Speaker, I want to put on the record that I think my colleague, the Member for Diego Martin East, is desirous of participating in this debate.

Mr. Speaker: He is not here and I would give him every opportunity to participate if he were here. Unfortunately he is not here, so that I recognize the Minister of Education.

Mr. Valley: He is coming. [*Crosstalk*]

The Minister of Education (Sen. The Hon. Hazel Manning): Thank you, Mr. Speaker. I want to thank the Members on the other side for participating in this debate. I want to start with what it is we are here for: “An Act to amend the Education Act, Chap. 39:01”, and basically, what we have been talking about is an attempt to make sure that the education system is de-linked and unified into one teaching service. It would appear as though we went all over the globe in this debate, but I want to bring it back on track, and bring it back by talking about the quality education that the Ministry of Education, at this point in time, is putting in place. We are putting in place quality education based on the Task Force on Education Policy document 1993—2003.

That task force document, after two years of research, has asked that we, in the first instance, ensure that all our children receive education. The premise of the task force is that every child can learn. Our aim is to ensure that all our children learn through a quality system. Therefore we started off in the early childhood sector, where we have put in place, one, a new curriculum and new standards. The standard document is right now before Cabinet, it is now a White Paper. It would soon be brought to Parliament, after which we would ensure that there is legislation.

Dr. Nanan: Thank you for giving way, Minister. Are you aware that that is already done as part of the World Bank loan?

Sen. The Hon. H. Manning: It was not laid before Parliament; we are now laying it in Parliament. In the year 2002, when I got there—hon. Member for Tabaquite, through you, Mr. Speaker, I have been hearing here a lot of things already being done—we have found a lot of things not done. [*Desk thumping*] And that particular document was not done. We had to spend our time going up and down this country, talking to stakeholders. We spoke to over 2,000 caregivers; 2,000 people in the sector, to be able to come up with our White Paper. The changes that we have made were extensive changes to the Green Paper, that we developed based on the research that was done by the former administration. Then we had to do the stakeholder meetings up and down the country; made extensive changes to that Green Paper, and we are now laying in Parliament the White Paper. The White Paper would be brought to Parliament in a very short time.

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I want to say coming out of that, we have already started putting in place a curriculum, and I am talking quality education here. The early childhood sector never had a curriculum, and therefore we are also putting in place a curriculum for the early childhood sector to ensure that there is quality education; that everybody is doing the same thing right across the board.

We have also, an architect's design of an early childhood prototype. So we have a structure. We have started to roll out the construction of the early childhood centres; we have seven at this point in time where contractors are being hired; we are going to turn the sod maybe by next month or so, so that we would be able to start building 40 in the first instance, and 50 every year from now on. I am saying this because the hon. Member for Tabaquite talked about using the early childhood centres as shelters.

There is a particular early childhood centre called the "Basdeo Panday Early Childhood Centre", and I would really like to advise that when there is a storm or an earthquake coming, make sure that nobody goes there. Just today we had an assessment done on the early childhood centres, and we were told that there is no frame in that particular early childhood centre. So I would really like to advise that nobody goes there to shelter, while in the meanwhile, we make sure that something takes place—[*Interruption*] They have to demolish it, yes.

Mrs. Robinson-Regis: Where it is?

Sen. The Hon. H. Manning: In New Grant or somewhere. Therefore, we have been putting things in place to ensure a quality education system. I want to go on to the primary schools system. We have put in place the National Test. The National Test at Standards 1 and 3, those two levels. And we have discovered that the number of education districts doing well at the National Test is really very low. Of the eight education districts, three of them have done well: Victoria, Caroni and St. George East—really very low. We have identified the schools—we are making the report very public—ranked the schools, and we have started putting support in the last 60 schools. Last year we did it; this year we are going to do another 60 schools, as we support the schools to ensure that we produce a quality education. This was never done before. We are talking about 30 to 40 years of no action in the education system. People were tinkering all the time. We are talking about now going into the system and doing fundamental changes and reform. So when I hear on the other side about nothing being done, I want to say that much more is being done than they ever did in the six years that they were there.

One of things we have discovered as we move towards putting the new quality into the system is that we have seen an improvement in a large percentage of our students who are doing SEA. For the first time this year, 66 per cent, almost two-thirds of our students have entered five-year to seven-year schools. That has happened because we have been changing our junior secondary schools into five-year schools; our senior comprehensive schools into seven-year schools. Over the last three years we have converted or de-shifted the Marabella Junior Secondary, Siparia Junior Secondary, Mount Hope Junior Secondary, Aranguez Junior Secondary, and there is one more that I cannot remember. We have de-shifted those schools from junior secondary schools into five-year schools.

We have also converted the twin comprehensive schools that we can marry with these schools. For example, the Marabella Senior Comprehensive school; the Siparia Senior Comprehensive School, et cetera, as we make them seven-year schools. So for the first time in a very long time—again, I want to talk quality education—we have been able to remove over 3,000 to 5,000 children from receiving one and a half to two hours less schooling, and to ensure that they get five or seven years of schooling on a continuous basis, not having to break it at some point in time in Form III, and then go over to the senior comprehensive schools at another point in time.

So, when we talk quality, we also talk about the national curriculum. The national curriculum which has been put in place since the year 2003, talks about traditional subjects. There are five traditional subjects and three non-traditional subjects. The five traditional subjects consist of Spanish; Mathematics; Science; Social Studies which includes Geography and History; and English. And the non-traditional subjects which consist of Physical Education; Visual and Performing Arts and Technology Education.

This year, for the first time in this country, 375 students of the 500 students in the region, taking the CXC examination in physical education came from Trinidad and Tobago, where 16 schools registered for visual and performing arts. When I got there in 2001/2002, only two schools were doing visual and performing arts, no school was doing physical education. So that is something that is in the system now; very broad to accommodate all of our students, because we believe that all our students could learn, we just have to find the way to make sure that they learn. [*Desk thumping*] Soon we would be bringing to Cabinet technology education that would be CXC examinable.

We are introducing into the system a Caribbean Vocational Qualification (CVQ) that would be on par with the traditional CXC subjects of Mathematics,

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English, et cetera. So we are putting quality into the system; assessing what our students are doing and making sure that the system is working. We have started that with the assessments in Standards 1 and 3, and that assessment has gone on to Form III, where we have put in place the National Certificate of Secondary Examination (NCSE). At Form III, we are doing this 14-plus examination right across the board to ensure that our students are being continuously assessed, so that if there are problems, we can support students and make sure that we ensure that things are improved along the way.

I want to come to another quality initiative in this school system, and that is the local school boards. This evening we had a lot of talk about the local school boards and the people who are on the local school boards. I want to say to you, Mr. Speaker, that we have been able to put in place local school boards based on the experience of the religious schools. We have looked at how the religious and the denominational schools operate; we have taken from them the board that has made it very easy for them to manage the schools and we have put that in place. There are 86 government secondary schools in this country; we have put boards in 61 of those 86 government schools. [*Desk thumping*]

Right now, during this vacation period we have identified the last 25 schools; have written to the last 25 board members, and training should start very shortly. We have been told that special kind of people were on the board; our kind of people were on the board. I want to say that the board consists of the Principal, the teachers—and I do not know if they are our kind of people—the students, a representative from the NPTA; a representative from TTUTA, and then community representatives. Those people come from within the system and elections are held within these organizations, that would nominate their people, and then within the board itself, they would hold elections to identify who the chairpersons would be, et cetera. We are not hands-on on the boards, they are there doing their own thing; they are developing their strategic plans and rolling out their strategic plans to assist the principals to make sure that the schools become well managed and well governed. Again, our move towards quality education.

The Member for Siparia—who unfortunately is not here—was talking about crippling our children. I want to say that we have put in place a student support services division. For the first time in the history of this country, we have put in place psycho-social support in our school system. There are now school social workers for the first time; there are diagnostic and prescriptive officers; there are more guidance officers; there are psychologists and counsellors, all in the school system and supporting the children.

In the schools that did not do very well in the National Tests, we have put this psycho-social support into those schools in the first instance, as we move our way up; as we hire more people and put them into other schools, as we have more people to ensure that the other schools are well serviced. The report that we received just today about what is happening in the schools due to the psycho-social support—In one particular educational district, over 30 parents have been taken before the courts for abusing children; and a number of children have been taken from their homes into safe homes. So, for the first time in this country, we have been providing psycho-social support, looking after the children in the school system.

It brings me to Health and Family Life Education (HFLE) and the establishment of a programme in the school system for health and family life education. The Health and Family Education curriculum was updated by UNICEF, working in conjunction with us, the Caribbean and Caricom members. Training has taken place; a number of teachers have been trained and right now we are rolling out with this programme in the primary school system.

5.45 p.m.

In the secondary school system we have started to develop the Health and Family Life Education (HFLE) programme and the abstinence programme that everybody is screaming about, is part of that HFLE programme. A programme that teaches self-confidence, a programme that teaches sexuality, a programme that talks about HIV/AIDS and all the other issues that deal with health and family life.

Mr. Speaker, I want to go back to the Bill before us, and to say to the hon. Members on the other side that when I got to the Ministry of Education in the year 2001 to 2003, the Bill I was told that went before Cabinet in 1999 was on a shelf and not one thing was happening with that Bill. We began talking to the staff members of the Ministry. The reason that Bill took so long was because the stakeholders involved with that Bill—that was on a shelf, when we pulled it out and dust of dusted it off—they started to say to us that they were not in agreement with what was in that Bill.

We had long and continual talks with TTUTA, we had long talks with PSA; PSA more than anybody. We kept talking to PSA because PSA was not really very happy about what was happening. We had long talks with our supervisors, long talks with the Chief Education Officers and our Curriculum Officers. Other officers made representations because they felt they were not satisfied with what

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was on that original Bill. We had to sit with them, members of the Student Support Services Unit, the Guidance Officers, the Curriculum Officers, the Chief Education Officers and the supervisors and work out a whole new approach to what was in that Bill.

I want to put on record today, our Permanent Secretary, Angela Jack who, fortunately, came from the CPO's office, understood the issues and together with the human resource staff of the Ministry and our lawyer, they were able to work out and make the changes to that Bill. What we discovered was not a good Bill put on a shelf in the Ministry since 1999. We had to make sure that all our stakeholders were included; we had to make sure that the PSA and the Ministry of Education had to maintain the existing status quo. That is why we made the adjustment to that particular clause in the Bill, to ensure that there is a transitional period, a period where the members of the staff who are in the PSA would have two years to move over to TTUTA, if they so wish, and they can do that even before. All of that came out with the negotiations that we had.

Mr. Speaker, I do not want to go on and on, I like to stay on the point and not go all over the place. I really would like to end by saying that we have quality education in the Ministry of Education. We have put in place quite a number of initiatives to ensure that there is continuous assessment, to ensure that there is continuous talking and to ensure that when we come here and we present a Bill, as we have done with this one, we are clear where we are going, we are clear with what we have to do.

The fact that I have been told that Minister's Orders for Appointments of Members had not been done, and therefore I am doing the wrong thing. Mr. Speaker, the Order for Appointments of Members of the local school boards was promulgated just very recently, maybe last month, and therefore we are working on it. We have started working on it already, to be able to put in place the administrative arrangements. We know what we are doing, we are talking it through and being very targeted and really relevant to what we are doing. Therefore, I put this Bill on the table for consideration and approval by all. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

Clause 5.

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

Mr. Valley: Mr. Chairman, I beg to move an amendment to clause 5 as circulated as follows:

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|---|---------------------------|--|
| 5 | A. | Delete proposed section 74M and substitute the following new section: |
| | “Representing association | 74M. The existing association representative of the holders of offices listed in the third Schedule shall continue to those officers”. |
| | B. | In proposed section 74N: |
| | | (a) Delete the words “under PART III of the Industrial Relations Act”, and substitute the words “under section 72”.; and |
| | | (b) Delete the words “section 38(2) and (3) of the Industrial Relations Act” and substitute the words “section 74(2) and (3)”. |

Mr. Chairman, I am sorry, in clause 5 there is a further amendment to the amendment. Clause 74M, after the word “officers” we add “until such time as the Registration, Recognition and Certification Board certifies otherwise”.

Question put and agreed to.

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

Clauses 6 and 7 ordered to stand part of the Bill.

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

House resumed.

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

FAIR TRADING BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move,

That a Bill for the establishment of a Fair Trading Commission, to promote and maintain fair competition in the economy, and for related matters, be read a second time.

Mr. Speaker, this Bill seeks to provide an appropriate regulatory and competition policy framework for Trinidad and Tobago. The genesis of this legislation dates back to our last term in office, the period 1991—1995. I am sure Members will recall that competition policy and law were proposed as a fundamental part of our economic reform programme in our manifesto for the general election of 1991. In 1994, we engaged the Adam Smith Institute out of the United Kingdom to assist in developing an appropriate competition policy framework for Trinidad and Tobago.

That consultancy study which was entitled “Further Development of the Economic Reform Programme of the Republic of the Trinidad and Tobago” was commissioned in February, 1994 and had the following three objectives as its work programme.

Firstly, the study was supposed to develop a revised regulatory framework for the electricity sector in line with Government’s strategy of introducing competitive elements to the sector.

Secondly, they were supposed to review the current structure of the telecommunications sector in light of the increasing competition between different technologies and the de facto monopoly of Cable and Wireless and to develop an appropriate regulatory structure focused on the accommodation of new entrants to the market—you see how far this reform of the telecommunications sector dates back.

Thirdly, and this is what is of importance to us here this afternoon, it was supposed to support the establishment of these new regulatory structures identified above, with the introduction of general competition policy. In other words, antitrust policy for the whole economy, taking into account the size and other specific characteristics of the Trinidad and Tobago economy.

The final reports on each aspect of the study were delivered in September, 1994 and with respect to the competition policy aspect of the study, the

consultants advised, firstly, that the development of an appropriate competition policy framework for Trinidad and Tobago was becoming increasingly critical in light of the economic reforms being undertaken, including the legislation on antidumping and unfair trade practices. It was affected also by our initiative with respect to trade liberalization and the divestment of state enterprises. You would recall that in that period, 1991, when we came in, there were some 87 state companies and of course when we left in 1995, there were merely 47; we had a very active divestment programme.

The consultants opined that these reforms were designed to increase competitive pressures, but in the absence of the required institutional and legislative structures, the objectives of the reform programme were likely to be frustrated by restrictive business practices. And thus, the consultants concluded that a comprehensive competition policy framework for Trinidad and Tobago was necessary to engender the efficient allocation of resources, the effective protection of consumers and consumer choice and the establishment of clear rules of the game for investors.

We developed the following recommendations:

The said legislation should be enacted to establish a small independent competition policy authority with layered powers.

Secondly, the scope of the competition policy should extend beyond horizontal and vertical restrictive business practices, cartels, mergers and monopoly powers to include consumer protection, intellectual property rights, utility regulation, industrial or development policy and general barriers to entry and exits.

The law should be applied equally to all firms—where is my colleague?—including state-owned enterprises and as well locally-based foreign companies and that Government should not be exempted from the legislation.

However, after preliminary discussions with the World Bank, the United Nations Conference on Trade and Development (UNCTAD) and the Fair Trade Commission of Jamaica, it was clear that much work with respect to the further development and implementation of the competition policy was required and it was clear that finalization of the policy initiative would only likely be done or completed in the medium term. It was seen at that time, that the process of finalization involved refining and elaborating on the draft framework articulated by the consultants. It also required the drafting of relevant legislation; it meant or

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required designing and establishing the appropriate institutional framework and it needed, above all, some level of training, which is still required, as well as public education.

In order to further the development of the appropriate regulatory environment, the Cabinet was approached to accept the report, which they did in principle, the final report of the Adam Smith Institute and established committees to look into the different areas of the study. As I mentioned, one study dealt with the electricity sector and there was a committee established under the Ministry of Public Utilities to consider the recommendations of the report.

Part 2 of the study dealt with the telecommunications sector and there was a committee established under the chairmanship of the Division of Science and Technology in the Office of the Prime Minister, as it then was. The committee with respect to Competition Policy Framework was chaired by the Ministry of Trade and Industry and comprised representatives of the Ministry of Consumer Affairs, Ministry of Finance, Investments and the Ministry of Planning and Development.

The mandate of that committee was to review the recommendations of the consultants and identify the preferred options.

Secondly, it was supposed to devise a programme of public education which would involve the preparation of a Green Paper on competition policy for public discussion as well as a schedule of conferences and workshops to sensitize the various publics on competition policy issues.

Thirdly, it was supposed to establish links with regional and international organizations engaged in activities related to competition policy.

Fourthly, the committee was supposed to seek technical assistance for the finalization of the policy, the drafting of legislation and the design and establishment of the appropriate institutional structure for a competition policy framework for Trinidad and Tobago.

Lastly, it was required to submit to Cabinet quarterly status reports on the progress that they were making.

Mr. Speaker, the committee sought and obtained approval of the then Cabinet for the appointment of Maxwell Stamp, PLC a British consulting firm to assist in finalizing and implementing the competition policy framework for Trinidad and Tobago. That was in 1997. We started in 1994 with the Adam Smith Institute; they reported and a committee was established to consider the proposals, to seek

technical assistance. That committee sought the approval of the then government to appoint Maxwell Stamp a British consulting firm and got the approval of the Cabinet; that was in 1997, as I said. That firm was recruited by the Commonwealth Fund for Technical Cooperation on behalf of the Government of Trinidad and Tobago.

Emanating from that Maxwell Stamp Report, was a Green Paper, a proposal for a Fair Trading Act and that Green Paper is here, the Competition Law for Trinidad and Tobago: A Proposal for a Fair Trading Act which was published in 1998/1999. In the Green Paper one sees an outline of the market structure and business culture here in Trinidad and Tobago, of how that impacts on competition in the market. It also targeted and addressed particular problems that were manifest in the economy. The Green Paper, specifically, pointed to the need for prescribing anti competitive agreements rules setting out what constituted abuse of dominant market position and merger control regulation in Trinidad and Tobago.

The Green Paper provided the rationale for the proposals to be included in what was to become the first draft of the Fair Trading Bill and the draft Bill was prepared and circulated. I have here a copy of the first draft of the legislation prepared by Maxwell Stamp for the Government of Trinidad and Tobago and this was in 1999. What one sees clearly, is an initiative started by PNM government in the period 1991—1995, was continued by the successor government. They having accomplished a first draft of the legislation in 1999 and here we are today attempting to complete this process, in the few hours we have before we take a recess in 2005. It is taking us some 11 years to have this accomplished, which perhaps is short in the life of the country.

After the first draft of the Bill was done, it was circulated for comments from the private sector as well as from local and internationally recognized competition law and policy experts. Subsequently, some of the issues raised in these consultations were studied and led to changes being made to the initial draft of the Bill and many of these comments have been incorporated into the present Bill before the House.

Mrs. Persad-Bissessar: Say I beg to move.

Hon. K. Valley: No, oh God no. I would like to, but I think I ought to do some justice to this legislation.

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Mr. Speaker, as a matter of fact, we were making changes to this Bill even in the period 2003—2005. Of course, competition legislation is new to Trinidad and Tobago and while one is sure that there must be protection against abuse of monopolistic power, there was varying opinion as to how far one ought to go.

Mr. Speaker, the Bill seeks to promote equality, which should result in fair competition. I think it is a fact that barriers to competition such as the abuse of monopoly power, anti competitive mergers and anti competitive agreements, all serve to curb economic growth and development and tend to have distorting effects on the growth of industry. The result of unfair competition include lost sales, lost market share, a decline in revenues, a decline in employee wages and benefits for producers which is caused inter alia by price undercutting, price depression and suppression.

The major objective of the competition policy of the Government, as reflected in the Bill, is to strengthen Trinidad and Tobago's ongoing trade liberalization and economic reform programme which could be undermined by the anti competitive business practices of firms operating in the domestic market. The enforcement of the Bill was laid to welfare benefits for consumers and entrepreneurial opportunities for producers as firms become more efficient, offer better products at lower prices and leave open opportunities for market entry by competitors. By its prevention of abusive monopolies the Bill will also help encourage economic activity amongst small and medium size enterprises and allow for the free flow of goods and resources. Once enacted, the legislation will ensure that unfair competition would be minimized as illegal mergers, cartels, dominance of market position and consumer interest would all be captured in the proposed legislation. A proper functioning Fair Trading Bill will also ensure significant capital investment by the local industry.

The legislation is necessary because even in this age of free trade and trade liberalization it has become increasingly necessary to retain fair competition which requires, where necessary, some form of intervention on the part of the State. Under the proposed legislation, new offences would be created to prohibit anti competitive behaviour, such as abuse of monopoly power and agreements to fixed prices. Additionally, a new institution called the Fair Trading Commission will be established. The commission will be empowered to conduct investigations into complaints of anti competitive conduct and to impose penalties, subject to judicial review. The major beneficiaries of this proposed Bill, the business sector

have made several contributions towards the formation of the proposed legislation. It is envisaged that with the implementation of this proposed legislation the business sector in Trinidad and Tobago would benefit tremendously.

6.15 p.m.

The rigours of being a small, developing, dependent, open economy in a globalized environment will not be totally eradicated, but to some extent, the Bill, once properly implemented, will serve to level the playing field in an environment that seeks to equate unequal partners.

Since the 1990s, the Government recognized that with trade liberalization, there needed to be a move towards a global fair trading environment, facilitative towards the growth and development of industry in Trinidad and Tobago. In fact, the paradigm of openness, which is now a reality, requires an environment where all barriers to competition are removed, allowing industry to grow; thus one has to have the right regulatory framework in place, given the new paradigm.

In the early 1990s, we recognized that barriers to competition, such as the abuse of monopoly power, anticompetitive mergers and anticompetitive agreements, all served to curb economic growth and development within countries and tend to have distortions on the growth of industry. That is what informed our quest to engage the Adam Smith Institute in that period. Of course, that initiative complemented the other initiatives the Government was taking at the time such as anti-dumping legislation, liberalization of the exchange rate and removal of the negative list, which all formed part of that period. I now wish to look at some of the clauses in the legislation.

Through the enactment of this Bill, the Government seeks to introduce legislation whereby all unjustified, anticompetitive practices are unconditionally prohibited and subjected to fines. There are provisions prohibiting agreements and concerted practices which prevent, restrict or distort competition in Trinidad and Tobago, unless they are exempted under the legislation. There are also provisions prohibiting the use of dominant positions. The Bill applies, generally, to most types of commercial conduct and most sectors of the economy.

Clause 3 sets out the situation where the provisions of the Bill would not apply; that is the exemption provision. The Bill will not apply to trade unions; intellectual property agreements and the activities of professional associations to promote professional standards designed for the protection of the public. This is the most recent amendment: it will not refer to banks and other non-bank financial

institutions which fall under the purview of the Securities Industry Act of 1995. It will also not apply to companies that fall under the Telecommunications Authority Act of 2001 or to other business or activity so declared by order of the Minister. “Minister” here means the Minister with responsibility for trade and industry.

In clause 3(2), the Bill will apply to public utilities to the same extent as all sectors of the economy. However, the responsibility for the Bill’s enforcement, in this regard, is with the Regulated Industries Commission; except in the case of a merger or competitive agreement that falls within the purview of the Fair Trading Commission. As in the case of public utilities, the Bill has delegated authority to the Public Utilities Commission, unless we are talking about a merger that falls within the purview of the Fair Trading Commission. One would see, as we go along, that mergers, per se, are not bad; they are bad if they are abused or if they reduce competition in the marketplace. There are certain tests that we will look at in a while.

Dominance is not, in itself, a problem under the Bill. For instance, mergers generally will not be opposed; however, the proposed merger will be investigated if it is felt that the merged entity might engage in anticompetitive behaviour. Regardless of their size, competitors are always welcomed to our markets on the condition that they act fairly and respect the rules. A merger will not be discouraged or stopped on the grounds that it will create a bigger competitor; size and success are the characteristics of a competitor. However, if there is a chance that the merged entity will engage in anticompetitive behaviour, it is there that a problem would arise.

An anticompetitive agreement is designed in clause 17 to include any agreement that fixes price directly or indirectly; limits or controls markets, technical development or investment; that shares markets or sources of supply; applies the similar conditions to equivalent transactions and thus places some trading partners at a disadvantage to others or makes contracts subject to extraneous conditions.

Under clause 4, the Fair Trading Commission is created. The commission will consist of not less than three nor more than five commissioners appointed by the President under clause 26(1). The commission will report annually to the Minister who will lay its report before Parliament, as stated in clause 42(5).

The Fair Trading Commission will be a quasi judicial body, acting independently of Government. Its functions and power are outlined in clauses 5 to 12. Generally,

it will be responsible for keeping business conduct in Trinidad and Tobago under review, so as to become aware of the restriction or distortions of competition when they occur, considering complaints whether from consumers or businesses or encouraging voluntary associations representing them. It will also be responsible for diffusing information about competition policy, both to the business community and to the public at large.

It will also be responsible for keeping the general effectiveness of the Fair Trading Act under review, as experience develops, and advising the Government on any changes if needed. It must also advise the Government on laws and public policies affecting competition. It must conduct investigations of the affairs of any business enterprise with a view to detecting contravention of the Act on its own notion or on complaints from any person. It must also prevent new monopolies from being created through mergers or otherwise in contravention of the Act. That is what is important; it is not simply the fact that one is a monopoly or that firms are merging, it is whether the merger or monopoly would be in contravention of the Act. It must take steps to prevent monopolies, where they exist, from abusing their power and must declare certain business practices as, per se, abusers of monopolies. One sees that certain actions, certain agreements, as I mentioned a while ago, per se, abuses of power, are disallowed under the legislation.

It must also apply remedies under the Act and, where required, apply to the Fair Trading Tribunal for remedies against anticompetitive conduct. It will also exercise powers for the acquisition of information and evidence required in an investigation. The Bill also allows the Fair Trading Commission to intervene to prevent agreements which fix prices or conditions for the supply of products and to prevent abuses of market power which has the effect of removing real competition; as well as controlling mergers which would, potentially, also remove competition. The commission will aim to ensure that consumers are not forced to be subject to unfair trading practices.

Under clause 6 the commission may apply to the High Court for a determination of a contravention of the Act. The court in such a case would have the power under clause 43(1) to hear applications by the commission to, inter alia, impose fines; regulate prices in any industry; prohibit or restrict the transfer of shares; prohibit an agreement from being made or carried out or the determination of any agreement. All decisions of the commission will be subject to appeal to the High Court under clause 43(1).

The Fair Trading Commission will thus have extensive powers of policy development investigation and decision. The commission is intended to be somewhat interventionist; however, this would not be to the extent that it hinders economic growth and results in inefficient small-scale production, which cannot benefit economies of scale.

Under clauses 13 to 16, there are provisions regarding mergers. Mergers, per se, are not prohibited; however, where the assets of the merged entity exceed \$50 million and at least one of the merging enterprises is carrying on business in Trinidad and Tobago, the prior permission of the commission is required. So when two or more firms are being merged and the assets are more than \$50 million, they must have the prior permission of the commission. When such permission is granted, such a merger is deemed a qualifying merger. Permission will be granted where the commission is satisfied that the proposed merger would not affect competition or would not be detrimental to the consumer or the economy. The commission must also ascertain from the Securities Exchange Commission that the procedures required by the Securities Industry Act have been followed. That is contained in clause 13(6) and refers, in particular, to section 6 of the Securities Industry Act. Of course, this provision will ensure that both consumers and investors are protected when a merger occurs.

Where the enterprises in a merger's assets exceed \$50 million and permission is not obtained or sought, for that matter, the resulting merger is deemed an anticompetitive merger and is disallowed. Actions against such mergers are set out in clause 16 and include orders not to proceed with the merger. The commission can order that a merger not take place or the commission may order that a divestment take place. In a situation in which on coming into being of the legislation there is such a merger, the commission may give the firm some time to divest, because it has discretion to accept undertakings to divest the merger.

Provisions against anticompetitive agreements are in clauses 17 and 18. The Bill prohibits situations where groups of two or more businesses conclude agreements to restrict, distort or prevent competition and which has the effect of monopolizing the market in Trinidad and Tobago or any part of it. Such agreements include agreements to fix prices directly or indirectly, limit or control markets and so on. In other words, if you are trying to carve out or share up the market, then that is anticompetitive and is wrong.

Under clause 18, the commission will have the power to order the parties concerned to terminate agreements or trade practices that are anticompetitive and

where there is no compliance the commission can apply to the High Court to impose a fine on the businesses that are in breach of the law.

Mr. Speaker, in clause 19 one sees a provision for a transitional amnesty for anticompetitive agreements that were in effect before the coming into force of the Act. Under this provision, the commission and the enterprise may enter into agreement as to the manner and timetable for the phasing out or the termination of the anticompetitive agreement or practice. If the enterprise does not terminate the agreement or practice within the time period agreed, it commits an offence and on conviction is liable to a fine of \$100,000.

Under clauses 20 to 25, there are provisions regarding the abuse of monopoly power. We have dealt with mergers; we are now dealing with monopoly power. This is described as a situation where an enterprise occupies a position of strength that would enable it to operate in the market without effective constraints from its potential competitors. An investigation will be commenced if the allegation is made against an enterprise that controls more than 40 per cent of the market. When you are looking at a firm controlling 40 per cent of the market, other things being equal, such a firm is going to be investigated. This percentage measure of market control is, however, variable by the Minister; it can change.

The abuse will be defined as making use of monopoly power with the purpose or effect of either exploiting the customer whether by charging excessive prices or otherwise—in other words, that is deemed exploitative abuses—excluding other companies from the market or inhibiting their freedom to compete in it. That is termed “exclusionary abuses”. Again, one sees for a fact that monopoly is not the problem. The problem is if there is an abuse of that monopoly power.

Clause 21 provides for instances of abuse of monopoly power. The commission has the power under clause 23 to request the cessation of abusive conduct; to accept undertakings to abandon anticompetitive conduct and to apply to the High Court for the order under clause 43(1). The Bill thus aims to ensure that anticompetitive agreements do not occur. It is not the form of the agreement that is important to the commission’s point of view, but rather its effect on competition that will apply to horizontal as well as vertical agreements. The penalty for breaches will be sufficient to hurt the offending firm and provide a serious disincentive to further anticompetitive conduct.

The Bill thus contains provisions which seek to outlaw and deal with abuses in the industry that will be to the detriment of consumers and to the market generally. The criteria for what constitutes an abuse of a dominant position are set

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out in the Bill and include directly or indirectly imposing unfair purchase or selling process or other unfair trading conditions; for example, unfair low prices; unfair high prices; limiting production, markets and technical development to the prejudice of consumers.

Part IV of the Bill deals with the constitution of the commission; the administrative aspects; the terms of office of its commissioner; termination of appointments; temporary appointments of commissioners; remuneration and resignation. Part V deals with the staff of the commission and related matters and the day-to-day running of the commission. We talked about the appointment of the executive director, who shall be the Chief Executive Officer (CEO) of the commission, and shall be in charge of the day-to-day operations. [*Interruption*]

Mrs. Persad-Bissessar: I beg to move.

Mr. Singh: It is not fair trading at all. [*Laughter*]

Hon. K. Valley: Punishment—I was up whole night last night—you were doing something and you were losing money. [*Interruption*]

Part VI of the Bill deals with the finance report and auditing requirements of the Commission. The Bill requires that the commission submit for approval of the Minister, on or before a specified date, estimates of its revenue and expenditure for the following financial year. In Part VI it also deals with the funding of the commission, which will consist of such amount as will be appropriated by Parliament; grants for special purposes that may be made available by the Minister and any other moneys that may become payable to or vested in the commission in respect of any matter incidental to its functions. The funds and resources of the commission shall be used for remuneration, fees and allowances of the commissioners; salaries, fees, allowances and other payments due to the staff of the commission; capital and other operating expenses and other authorized expenditure.

Part VII sets out the powers and jurisdictions of the High Court, which shall have the jurisdiction to hear and determine, inter alia, applications made by the commission to impose fines on any person; regulate prices in any industry; prohibit or restrict an agreement from being carried out; order the termination of an agreement prohibiting the acquisition of one company by another company; make a divestment order and disqualify persistent offenders from serving as company directors.

The court will also hear appeals made by a party grieved by a decision of the commission and appeals made by the Regulated Industries Commission. When a

decision is made by the commission, the person aggrieved can always go to the High Court and seek a reversal. The High Court has the jurisdiction to impose a fine up to and not exceeding 10 per cent of the annual turnover of the offending enterprise. All decisions of the High Court are subject to appeal to the Court of Appeal.

Part VIII has provisions containing the Community Competition Commission established under the Revised Treaty of Chaguaramas. Where in its enquiry or investigation, the Fair Trading Commission has found that there is anticompetitive conduct in another member State, which has the effect of lessening competition in Trinidad and Tobago, it shall, through its chairman, refer the matter to the Community Competition Commission established under the Revised Treaty.

[MR. DEPUTY SPEAKER *in the Chair*]

The Community Competition Commission shall have the power to undertake such investigations as may be necessary in Trinidad and Tobago and the same powers as the Fair Trading Commission with respect to its powers and functions. All decisions of the Community Competition Commission shall be binding on all parties to which it relates and are enforceable in Trinidad and Tobago, in accordance with the rules of the Supreme Court of Trinidad and Tobago.

Part IX, which is the last part, deals with miscellaneous and general matters such as confidentiality of all documents received by the commission, its staff and other persons concerned with the administration of the Act. Clause 51(2) specifically makes an offence of the disclosure of trade secrets. Hearings of the court will be open to the public, except in the case where the court is of the opinion that the proceedings should be in camera. Also under Part IX, the Minister, on the advice of the Fair Trading Commission has the power to make regulations in order to give effect to the provisions and purposes of the Act.

These regulations may include any matter required to be prescribed, giving guidance to the commission on the criteria to take into account when evaluating mergers and monopolies and assessing abuses by mergers and monopolies and, thirdly, setting time limits for the commission to complete investigations.

Mr. Deputy Speaker, I attempted to provide a perspective, a background for the legislation, as well as the main clauses in the Bill. I end simply by saying that one needs to put this legislation also within the international framework of what is happening with trade agreements. One knows that Trinidad and Tobago is

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currently participating in the negotiations for the Free Trade Area of the Americas (FTAA), although it is now on the back burner. We are there with the European Union (EU), the African, Caribbean and Pacific (ACP) countries as well as the World Trade Organization (WTO); in all these negotiating fora, there is a chapter on competition policy. Therefore, generally, it is recognized that as we move with respect to liberalization, there is need to ensure that there is no abuse; that is the whole purpose of competition policy.

The point was made already that as part of Caricom and the movement towards the Caribbean Single Market and Economy (CSME), there is a requirement for each country to have a competition policy framework, as well as a community competition commission. The Bill before us, in the main, follows a text prepared by the Caricom Secretariat, so that we are in keeping with Caricom.

Simply because my colleagues have been so graceful, I shall stop here and commend this legislation to the House. [*Interruption*] English has never been my forte.

Dr. Moonilal: It goes without saying.

Hon. K. Valley: There are a number of things that are not your forte, but I shall not say them.

Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Winston Dookeran (*St. Augustine*): Mr. Deputy Speaker, this is a later hour and the end of a parliamentary session. We have had the very detailed presentation of the process which has been followed and the contents of the Bill before us.

I will raise in my contribution a few risk factors that are likely to emerge in the implementation process for the Fair Trading Bill that we are debating today. I will do so in the context of some of the issues raised by the Member for Diego Martin Central. He said that the Bill had a long gestation period. He started it from 1994, when the Adam Smith Institute was asked to look at the regulatory framework for supporting competition in the electricity and telecommunications sector and to look more generally at antitrust laws.

From my own recollection, this debate started even before that. [*Laughter*] In the 1986 manifesto of the National Alliance for Reconstruction (NAR), there was a proposal for a monopolies commission in order to deal with anticompetitive issues. [*Interruption*]

Mr. Valley: I did not want to go there.

Mr. Imbert: They did nothing.

Mr. W. Dookeran: That was the time when we were building the resilience necessary for the country's recovery process. I say that, if only to correct the records. The Bill before us is really advocated by the international institutions as well; some may say it was inspired by the World Bank. Many developed countries of the world have seen the benefits of introducing anticompetitive legislation; this is not so, however, in many developing countries. There has been some question as to the role of competition policy and the effects they may have in business activity in the development of developing countries. I do not want to do like the hon. Minister and accept, *carte blanche*, the virtues of competition policy as practised in advanced economies and expect that they will be transferred in countries that are less developed and that may have more imperfections in their markets.

The key objective of competition policy, as pointed out by the Minister and as reflected in the provisions of the Bill, are to prevent the abuse of monopoly power; to discourage conditions that would lead to monopoly power through inappropriate mergers and, thirdly, to eliminate anticompetitive agreements. I am very careful with what I am saying.

Mr. Valley: I am not sure you are right about that.

Mr. W. Dookeran: Since this Bill began to be addressed by the public authorities in 1994 and subsequently under the NAR in 1998/1999, I believe there has been some shift in the thinking of competition policy. I am afraid that the Bill has not captured the shift in the thinking in competition policy that is current. As so often happens with this Government, imprisoned by process, we become deficient in relevance.

There are many aspects of public policy legislation that has come before this Parliament with which the Government places emphasis on the process it has followed, without taking on board the current thinking that should be incorporated in the legislation before us. What is the current thinking? I raise this in order to put the legislation, not in the context of the past, but in the vision of the future. That is what distinguishes contributions on that side and contributions on this side. [*Desk thumping*] [*Laughter*] [*Crosstalk*] We are not bounded by the virtues of past policies, of which the Member for Diego Martin East declared on one

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occasion in the not too distant past; rather we try to look at the future and see whether the introduction of competition policies via the Fair Trading Bill will achieve these goals for the future.

The first question that is asked in looking at competition policy in today's world, as opposed to the world of 1986 or the world of 1994 or the world of 1999, is: Will it advance competitiveness or will it not? Competition policy and competitiveness are intricately linked and if the Bill does not promote competitiveness, it is likely to retard the process of economic reform required.

The second issue in the current thinking is whether there is a balance in the legislation between the ability of the private sector to compete at the global level, without reducing consumer welfare at the national level? In other words, we must not put into place regulatory controls that have the cost of reducing the capacity of our firms to compete globally. Long passes the day, that the market we must be concerned about is the local market. If the Bill is geared towards anticompetitive behaviour in the local market, it will be doing a disservice to the capacity of this country to extend its reach into the global market.

The Minister talked about competition chapters in the Free Trade Area of the Americas (FTAA) and the European Union Partnership Agreement (EUPA), but there is, in fact, a bill whose entire focus has been limited to the local market. I want to make two specific points on that issue a bit later on. The first issue is whether the Bill is going to promote competitiveness and the second issue is whether we will be able to retard our ability to compete at the global level, while at the same time we must protect consumer welfare. [*Interruption*]

Mr. Valley: You do not want to retard your progress; rephrase that.

Mr. W. Dookeran: While at the same time reducing consumer welfare. The third issue of the current thinking in developing competition law—and this is what happens when we are informed by the ideas of the past [*Laughter*—Is the regulatory system transparent, fair and does it not pose obstacles to business development? We must put the legislation before us to the test of these criteria that I have now suggested.

The final and most important issue: Is the enforcement procedures in the Bill going to be dominated—[*Interruption*]

Mr. Valley: Are the enforcement procedures—

Mr. W. Dookeran: Thanks for your correction. Are the enforcement procedures in the Bill going to be controlled by the bureaucrats or by complying with market behaviour? I will explain that in a moment. The reason I am raising

that is because you are going to rest in the hands of bureaucrats, powers of investigation, search and determination which, of course, is subject to judicial review and, therefore, you are entering into business life, a whole new dimension of regulation in this country. Will this be an undue intervention, in terms of the areas in which intervention can take place?

I want so say a bit about competitiveness, because we have been arguing that there is plenty in this country and everything is moving in the right direction. To some extent, there is validity to that view. When I look at the movement of competitiveness in the country, I see a disturbing trend emerging. Unlike the Prime Minister who quoted that consultants' reports were doctored to pursue the change in public policy and did not provide the evidence for that statement, [*Desk thumping*] I would like to provide evidence for the statement I will make concerning competitiveness.

It comes from part of the most recent published report of the International Monetary Fund on Trinidad and Tobago.

Mr. Valley: Do not read selectively.

Mr. W. Dookeran: It says:

“The Global Competitiveness Report ranks Trinidad and Tobago as an average performer in 2003, and has recently downgraded it...While Trinidad and Tobago has outperformed other countries in the Caricom region or of the FTAA, its competitiveness ranking...is significantly lower than either of its major trading partners...Also, Trinidad and Tobago has fallen in ranking across all indicators over the last two years—partly as a result of the emergence of new growth economies—which points to the need to make continuous improvements in order not to fall behind...other countries.”
[*Interruption*]

Mr. Valley: An increase in the number of countries.

Mr. W. Dookeran: We see the trend, over the last four years, in business competitiveness, which is the most important factor for the effectiveness of competition policy, where the ranking of Trinidad and Tobago in 2001 under the category of “Business Competitiveness” was 27. It decreased to 44 in 2002 and decreased even further to 54 in 2003. For 2004, I do not have the exact figure, but I checked and it had deteriorated further.

I raise this because I said earlier that the issue of competitiveness is linked to competition fairness. We are, therefore, facing a trend of loss of competitiveness. The International Monetary Fund (IMF) report went on further to say:

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“The real exchange rate and an ineffective use of public funds are identified as among the main competitive disadvantages of Trinidad and Tobago’s macroeconomic environment...”

This is the report published in January 2005.

Dr. Moonilal: Let me hear them rebut that.

Mr. W. Dookeran: I want to emphasize:

“The real exchange rate and an ineffective use of public funds are identified as among the main competitive disadvantages of Trinidad and Tobago’s macroeconomic environment...”

Somewhere else in the report it applauds the Government for agreeing to do, in conjunction with the World Bank, a public expenditure review programme. I ask today whether that exercise has been conducted; a public sector expenditure review, because one of the most vexing issues in this land, is the issue of access to the equity in and the growth prospects of the Public Sector Investment Programme. [*Desk thumping*] That is one of the most vexing policy issues among the population at large. It is, therefore, in the public’s interest that such a review be informed by independent analysis and be made public, so that there can be an informed debate on one of the most vexing policies affecting our population.

It reflects itself in many citizens claiming that they have no access to public goods that are funded by the Government. It lends itself to the accusation that the equity objectives of public expenditure is not really being realized and is being eroded by other issues like the cost of living. It lends itself to saying that we are not going to yield long-term growth by the current public expenditure planned. [*Crosstalk*] I raise this in the context of the debate on competition policy.

There is another more delicate issue of the exchange rate. This is what the IMF reports states:

“The mission raised concerns about the competitiveness and appropriateness of the level of the exchange rate.”

And it goes on to explain why. Recently, we have seen that there has been the emergence of shortages in the foreign exchange market. We are well aware that there are enormous foreign reserves available in the Government by virtue of the investments in the energy sector available to support that exchange rate. But there is an underlying problem that crops up ever so often, that is, the ability of the private sector to supply its own foreign reserves has always been limited. They use more foreign reserves than they earn in the non-energy sector.

If we are going to introduce competition policy, we must also take the necessary steps to ensure that the economy is moving on a competitive path and that our levers of competition, whether it be the exchange rate or otherwise, are, in fact, competitive or else we would introduce a regime that would probably lead to less competitiveness rather than more. The complementary measures necessary to competition policy are steps to improve the competitiveness of the country. It is only in that context that you will reap the reward of competition policy. That is why many developing countries have been skeptical of the role of competition policy in economic development in their countries.

Mr. Deputy Speaker, I want to raise a few issues pertaining to some of the limitations. Here we are setting up a regime that would identify whether mergers are, in fact, permissible or whether they are not and a competition commission will have to make that determination based on its own investigation or based on any complaints brought to its attention. One of the criteria used to decide who is in this net is a \$50 million asset base. I contend that a TT \$50 million asset base, in the globalized economy of today, is a small figure. Therefore, you might end up having a number of domestic companies falling into that net and you would have an undue intrusion into the business sector. I suggest to the Minister that he gives more consideration to the figure of \$50 million.

In some quarters it has been suggested that the figure should be linked to the sectors and there should be a different figure for different sectors, but to simply use that, he is saying that a large number of companies—because a \$50 million asset base is about US \$8 million or US \$9 million. In that context, that has to be a very small company in the global world. To put that in the legislation is, therefore, to put an unnecessary limitation on the net.

It is true that the legislation allows for the Minister to vary that figure, but that, itself, will have to be bureaucratic process to get the decision, and businesses in today's world need to be ready with decisions on a quick basis. If, therefore, they have to go through the process of getting themselves evaluated and the Minister to approve a change, that is likely to take time. One of the key issues in private sector development is the time factor; the time it takes for bureaucrats to facilitate business development. I raised this because I think that it will become an important issue if, in fact, you do have a proactive commission.

The second issue among the clauses in the Bill is this issue of determining a monopoly status by measuring it in the context of having 40 per cent of the market share. There are two issues here: whether 40 per cent is, in fact, an indication of a real monopoly in a small economy and, secondly, whether it

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should be 40 per cent of the Trinidad and Tobago market or the Caribbean Single Market and Economy (CSME) market; especially in light of the fact that we are now talking about a single Caribbean economy and a single economic space, but we are still putting legislation in the context of a national economy and not in the context of a Caribbean economy.

7.15 p.m.

There are two figures in this legislation that would restrict the net, so to speak, in a sense that it would give more intrusion of the bureaucrats through the commission into the business activity. In the consultations that took place when the draft law was presented, these issues were raised by the Trinidad and Tobago Manufacturers Association, but there was not a response from the Government authorities on that.

Mr. Valley: Government authorities at the time.

Mr. W. Dookeran: Well, at the time and it is not reflected in the Bill today, which is the Bill before us.

Mr. Valley: That is an assumption you are making.

Mr. W. Dookeran: Well, it is not in the Bill. The Bill says specifically, \$50 million and 40 per cent of the market.

Mr. Valley: It was considered but found to be of no worth. [*Crosstalk*]

Mr. Speaker: Hon. Members—

Mr. W. Dookeran: Well, it was not acceded to by the democratic interpretation of what business requires. But there is another issue that I had a little difficulty in coming to terms with, and that is the issue of the fines. You can be fined for a number of administrative reasons. You can be fined if you attend the commission meetings but leave the commission without the permission of the commissioners; you can be fined at any sitting of the commission where you wilfully insult any commissioner or any officer of the commission, or wilfully interrupt the proceedings of the commission. Now, these are behavioural issues of a person's appearance in recognition and how he is going to act in those issues.

I have no problem if you want to introduce some discipline, but what does the law say? If you are convicted for these fines and some others, you are liable on summary conviction to a fine of \$5,000 and to imprisonment for two years.

Mr. Singh: So fine and imprisonment.

Mr. W. Dookeran: I checked with my legal colleague whether that really means both, either/or, or whether it is up to the discretion of the judge or magistrate to determine that, and I have found that such a draconian response to civil misbehaviour does not seem to be warranted. Then I looked at experiences in other countries and I came across a quotation from the experience in Argentina, which is quoted as saying:

“The competition policy was more or less impossible to apply due to the difficult standards of proof which accompany criminalization of all restrictive business practices.”

That is the concept here, that you could introduce the notion of criminalization of all restrictive business practices with these kinds of fines. I think we should learn that we do not want to take simple commercial law and introduce into it an element of criminality in terms of the fines that are going to be imposed.

These are some serious issues that I am raising, in my view, with respect to the law before us.

Mr. Valley: In your opinion.

Mr. W. Dookeran: I said in my view.

Mr. Valley: In your view.

Mr. W. Dookeran: Yes. I would rather speak in my opinion than in your opinion. [*Crosstalk*]

Mr. Deputy Speaker, the third issue is that of exclusions with respect to the telecommunications sector and the banking sector, two areas in which there are monopoly tendencies which have left me wondering why. Is it because the pressure groups of these two areas are strong enough to influence exemptions in the policy? Is that the reason? Or is it that there is some underlying policy considerations that exclude those two sectors in your exemptions? Because those are two sectors in which monopoly tendencies are likely to be strong and it is possible that there could be abuses of the monopoly position, but they are exempt. And they are issues that are affecting two important costs in the society; one is the cost of transaction—communication cost—and the other one is the cost of finance. The cost of transaction and the cost of finance are the two most important costs in determining whether or not a country can compete effectively, and they are excluded.

I say no more except to say that I would like to know whether it is a response to special interest groups, or is it a response to some policy framework within which this policy is being developed. I believe the Minister said that the

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recommendations of the Adam Smith Institute said that the anticompetitive law should, in fact, cover the corporate sector, the Government sector and the foreign investment sector, but I do not see any explicit definition of that with the foreign direct investment in the law. It has left it vague and I will not be surprised that there will be litigation as to whether or not they are included, especially in light of the merging requirements between FDI and competition policy. With respect to the Government sector, it talks about the public utilities but it does not say the state enterprises. It may be that that is implied, and I raise this in the context of the statement made as to the recommendation and what eventually came out in the law.

Mr. Deputy-Speaker, I talk about the thinking with respect to merger controls. In our law that we are passing today, we are saying that permission must be granted by the commission. I believe it is clause 13(2) in the legislation, at page 8:

“In this section ‘qualifying mergers’ mean mergers for which permission is granted by the Commission.”

So we have put the commission in a position where it has to actually make a determination as to whether or not the merger is qualified. Somewhere else in this legislation there are requirements for mergers that may have taken place prior to the Bill becoming an Act. [*Member’s cell phone rings*] I am sorry about that, Mr. Deputy-Speaker.

I looked at what was happening elsewhere and I looked at Jamaica. Jamaica’s Fair Competition Act has no merger control regulations. They stand even more liberal than that of the United States and it is instructive that even though Jamaica amended its 1993 law in 1996—1997, and is in the process of amending its competition law once again, merger control regulations are still not being introduced. So here you have Jamaica adjusting its law and has not introduced those kinds of control mechanisms.

But there is need to have compliance. So I looked at the comments of the European Union in a document called: “The New Shape of European Competition Policy”. It says:

“The European Union is also undertaking legislative reform with respect to competition policy and on the 1st of May 2004, merging companies will no longer have to notify the authority nor await prior administrative decision once the agreement fulfills the legal requirements.”

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

Question put and agreed to.

Mr. W. Dookeran: I thank hon. Members, and I do apologize for carrying on at this time, but I think it is important for the record, in the same way that the Minister felt compelled to put his perspectives on the record. I repeat:

“The European Union is also undertaking legislative reform with respect to competition policy and on the 1st of May 2004, merging parties will no longer have to notify the authority nor await prior administrative decision once the agreement fulfills the legal requirements.”

It is a different approach from what we are taking here. We are taking the approach of some commission having to decide, adjudicate, and the business activity will wait, and we know in our society that waiting can be a long time and the business world requires quick decision-making if it has to be competitive and global.

Mr. Valley: Just a small point, Mr. Deputy-Speaker, and, really, I think I should clarify it now, because on the same page that my colleague is on, at clause 13(5), it states clearly:

“Within one month of receipt of an application under subsection (3), the Commission shall make its determination whether to grant permission or not and inform the applicant enterprise of its determination.”

There is a one-month period.

Mr. W. Dookeran: I know that; I saw that; that you require one month, but there are two issues here. It may not be one month in the real world, because, first of all, there is going to be a big issue about having qualified staff to make these assessments and somewhere else I saw a whole document on the advocacy of competition policy and the need to have the kinds of qualified staff to measure abusers of monopoly power. These are not easily detectable things and it will take time, so that one month, I would be very happy, but I would be very skeptical that it can be upheld.

In any event, that is not the point. The point is that there is a different system: fulfil the legal requirements. What are these legal requirements? It is a rule-based approach rather than a bureaucratic-control approach. You see, I have also said, and I have said it openly on many occasions, that this Government is more concerned about control than performance. [*Desk thumping*] And every time they

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come with measures, the focus is on control rather than performance. No wonder we had the Minister of Education going out of the way to deny the views expressed by the Member for Diego Martin West that education is not performing. But that is a separate issue. I have analyzed that because of the preoccupation, the high priority and the excessive amount of value that the Government places on control rather than performance, it restricts performance, and this is an example of that philosophy.

So when we talk about philosophy, that is what we are talking about. When I said that there is a new thinking, this legislation, coming from Adam Smith to Maxwell Stamp, to whatever it is, has been imprisoned by that thinking. You see, at that time that was the thinking.

Mr. Valley: It has changed.

Mr. W. Dookeran: You might think I am lecturing—

Mr. Valley: No, you are not lecturing; you are talking “stupidness”.

Mr. W. Dookeran: Every time I see you in front of me I see a student, so pardon me. [*Desk thumping*] [*Laughter*]

Dr. Moonilal: A failed one!

Mr. W. Dookeran: I know that one of the arguments made against what I say in this Parliament is that it sounds like a lecture, as if it is invalid because it comes across that way.

Mr. Valley: You lack credibility.

Dr. Moonilal: You do not have the minimum qualifications to get—

Mr. Deputy-Speaker: Order! [*Crosstalk*]

Mr. W. Dookeran: I want to go to another issue which is cross border cooperative agreement in which reference was made to the Community Competition Commission, and it says in the legislation that—I believe it is clause 48, Part VIII of the Bill before us:

“Where an inquiry or investigation by the Commission involves anti-competitive conduct in another Member State, which has the effect of lessening competition in Trinidad and Tobago, the Commission shall under the hand of the Chairman refer the matter to the Community Competition Commission established under the Treaty.”

And it goes on to say at clause 50:

“A decision of the Community Competition Commission under this Act shall be binding on all parties to which it relates and is enforceable in Trinidad and Tobago in accordance with Rules made by the Supreme Court under the Supreme Court of Judicature Act, as though it were a judgment of the High Court.”

That is fine. But is there conformity of views with respect to this Bill and the Community Bill on competition policy? Two things I picked up in looking at this issue. One is the definition of anticompetitive business conduct. And there is a clear difference of view as expressed in the Community Bill and in the national legislation, so we are in for some judicial challenges.

An anticompetitive business conduct—and I just want to raise one or two; I would not raise them all. This is the protocol amending the treaty establishing the Caribbean Community and it includes the following—and there is a list of things which are not included in the national legislation. Some are included and some are not:

“Limitation or control of production; markets, investment or technical development; artificial dividing up of markets or restriction of supply sources.”

And one that comes to mind easily for the layman is price discrimination, which is a legitimate form of market penetration in business activity. Is this now going to be an anticompetitive conduct? According to this law, it will and this law is now going to apply in Trinidad and Tobago in cases where it is applicable. So you have that problem, and as I said, there is a whole list and the list does not jive.

In other words, there are different definitions as to what anticompetitive business conducts are. I do not know whether there is any harmonization of competition policy law in Jamaica, Barbados, Trinidad and Tobago and the Caricom secretariat, because we are now dealing with a single market, with a CSME; we are breaking down barriers of entry and opening that up as the new market but here we will have multiple jurisdiction, not only in terms of the authority but in terms of the definition of the anticompetitive market conduct behaviour. So we will have a minefield, and if this were to be taken seriously it is likely that we will end up with very little action on this matter because of these issues.

I want to ask the Government whether or not it is satisfied that there is a common competition law framework in the Caribbean region.

Mr. Valley: Yes.

Mr. W. Dookeran: It is not and I am giving you one example where it is not.

Mr. Valley: Which one? Tell me again.

Mr. W. Dookeran: I just told you; price discrimination. [*Crosstalk*]

Mr. S. Panday: Ignore them, man!

Mr. Deputy Speaker: Hon. Members—

Mr. W. Dookeran: If it is, that cannot be seen as a—

Mr. Valley: Mr. Deputy-Speaker, if the Member would give way—

Mr. Deputy Speaker: No, no. If he is giving way, okay, but—

Mr. W. Dookeran: It is all right.

Mr. Valley: Mr. Deputy-Speaker, if the Member would look at page 10, clause 17(1)(d), I do not know what he thinks that is. It says:

“applies dissimilar conditions to equivalent transactions and thus places some trading partners at a disadvantage to others;”

What is that, if not price discrimination?

Mr. W. Dookeran: We can start with differences of opinion here and it would end up in the court, because that does not say that. I have just told you what the Jamaican legislation has done with respect to one issue—merger controls—and we see what the Trinidad legislation is doing with respect to merger controls. This is what happens when you become imprisoned by a process rather than become free by the conditions of the day. [*Desk thumping*] I am not blaming anyone; I am saying that you need to look at the conditions of the day in arriving at current legislation. You may have a process that led you to it, but do not be imprisoned by that.

The second issue with respect to Caricom is the role of the Council for Trade and Economic Development (COTED). It means the organ of the community so named in Article 6(2)(a) of the treaty, and for the purposes of this protocol, shall be deemed to include the interim committee established pursuant at rule 34 of the Rules of Procedure of COTED. In other words, COTED is a main authority. What is COTED? Is COTED a political entity in the Caricom framework; an organ of the community that deals with that? And throughout the legislation we see references that COTED, (a), may request an investigation; the commission must inform COTED when it decides to conduct an investigation; COTED must adjudicate on these things. So you have a situation where you would have a body that is of a political nature getting involved in all these issues, which I think in terms of

principles of setting up independent regulatory bodies that are seen to be fair, rule-based and transparent, would work against it.

I am raising these points merely to suggest that the issues that were raised earlier on as to the test that would be used to see whether the legislation is futuristic or historical, should be conducted and that attempts should be made to deal with it in that way. I am raising this against the background of what has been called the paradox of plenty.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move, that this House continues to sit until the completion of the matter before the House at present.

Question put and agreed to.

FAIR TRADING BILL

Mr. W. Dookeran: Mr. Deputy Speaker, there is something that is very relevant to us in Trinidad and Tobago today and we are all aware of the fact that we have, what has been called, buoyant oil and gas revenues and the prospect of it increasing because of international developments are likely to be high. But there is a view that all countries that are faced with this situation, face what is called the paradox of plenty. As oil and gas revenues become plenty, this becomes a cushion that shields political leaders from accountability and sensibility for the future. There is a weakened incentive to make hard choices, and what I am calling for are hard choices. In short, resource abundance strengthens the State, weakens the society and thus perpetuates low development. [*Interruption*] I am trying to advise you on the context in which you are.

So when we now look at our situation today, of low development, when we look at the socio-economic conditions, the security conditions and moral decay in the country, we are seeing all the indicators of low development in a period of strengthened State and weakened society. That is how we must view our position, and then we can talk of dealing with these issues. It derives from this thing called the paradox of plenty. Whatever we do, we must try to escape becoming victims of that paradox. I am not too sure that this Government, in its public policy positions, can escape becoming a victim of that paradox of plenty unless there is a fundamental rethinking of what is required for the future and not based on what may have been relevant in the past.

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It is in that context I have tried to make a contribution on the Fair Trading Bill. In our own public policy positions on this side we are always concerned about building the new future, not about creating the old past.

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

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, as I listened to my colleague from St. Augustine, the thought that kept running through my mind permeating his argument was the lack of credibility in his utterances.

Mr. Imbert: Lack of sense.

Hon. K. Valley: That, too. The Member very quickly was ready to advance that it was in 1986 that this thing really started; that in the NAR manifesto they had this concept of a monopolies commission. [*Interruption*] I know what you have got; it does not make any difference, because that thinking is just like yours, very shallow.

So that here he is, boasting that they started the thing; it continued in 1994 and in 1999, and so on, but then he comes and tells us so as to disassociate himself from what is before him because he wants to criticize. He has, first of all, to disassociate, so he says that the thinking of 1986, 1994 and 1999 is no longer relevant and he asked questions—he gave us some tests. The same way he was prepared to quote an authority when he was speaking about competitiveness, I was waiting on him to quote some authority that has advanced this new thinking on the issues of competition policy. I was listening to hear; I did not hear anything. I heard a lot of mouthing.

I made the point that it does not matter which fora we talk about, whether it is the World Trade Organization (WTO), the European Community, ACP, the Caribbean Single Market and Economy (CSME) or the Free Trade Areas of the Americas (FTAA), we are all talking about competition policy. So I know of no mainstream, as it were, thinking that is different from the competition policy that is advanced, other than at the margins. Okay, some people may decide that they are going to set out the rules for mergers and if you meet them, then you do not have to get prior permission. But even so, I am sure in that legislation there would be some audit procedure. In other words, the commissioners can go in at any point in time and decide to look at any particular merger. In our case, we have said that: “Listen, we are now starting the thing; we want to be able to give you prior approval.” That is at the margin; that is not critical. With some experience one can move towards that; that is not an issue.

The basic issue that I found was an attempt to dance out of a commitment for a competition policy in a particular form. He said the thinking is different. Who said that? Where is your authority? Where is the learning? Where is this new knowledge? What are we talking about? Somehow the role of competition policy in the development of developing countries, for a long time now I think a lot of persons have noted that in Trinidad and Tobago we started our economic reform programme without the assistance of the IMF. Nobody had to tell us. When they were in power they took the country into an IMF programme, structural adjustment, and so on.

Mr. Singh: That was not in place at the time?

Hon. K. Valley: There were alternatives and I do not want to go into that. You simply have to go back to our writings in 1987 in the *Hansard*. It is known that the fact that the approach to the IMF for a standby facility was not made. As a matter of fact, it was made too late. So that when one could have obtained compensatory financing facility early, they blew their chances. I do not want to get involved in that. That is the late 1980s matter.

The point I am making is that when we came in and with the liberalization of the currency, there were senior persons in the economy saying that we did not know what we were doing; that the currency would be 10 to one, and all of that. None of that happened, because in Opposition we planned; we knew what we were doing: The liberalization of the currency; the rationalization of state enterprises; anti-dumping legislation. That was a reform period and it was in that environment that one considered competition policy.

The Member made the point later on that all these things must go hand-in-hand. That is exactly what is happening. There is no magic about it. When he spoke about aiding competitiveness, that was one of the primary purposes of competition policy, both for producers as well as customers, and that is known. So that the Member's credibility on all points left questions unanswered.

A simple thing with respect to the mergers; when it was pointed out to him that there was a one-month period, at first one thought that this thing would take forever; that was the impression that was being given. So that one draws to his attention the fact that the commission had one month in which to make a decision, and he says: "I knew that; I saw that, but I do not believe that because, first of all, they would have to find staff." We know that; we know we have training to do; we know there is public education, and when that is required in legislation, we say that it is going to come in force by proclamation. We do the legislation; we say it

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is going to come in force by proclamation because we know we have a body of work to do before the legislation can take effect. That is standard. Look, man, it is just surprising—and every time—I do not know why it is done!

He said the Bill does not consider the shift in competition thinking since the 1990s. I am not one bit wiser because he told me nothing. What shifts are we talking about?

Mr. Imbert: Gear shift.

Hon. K. Valley: It had to be. What shift in competition policy are we talking about? Where is your authority? You were ready to quote authority with respect to competitiveness. Where is the learning that there is some main-course shift in competition policy thinking since the Adam Smith Report or the Maxwell Stamp Report? Where is it?

The Member asked: Will the Bill assist or retard competitiveness? He is asking questions, sounding bright! Anybody could do that, you know, but it boils down to wanton “stupidness”, really. The whole purpose of competition policy is to move an economy to be more competitive. That is the purpose. By getting rid of anticompetitive behaviour you are moving the economy towards increased competitiveness. He quoted the competitive report, and I have seen it.

What has happened was, yes, there has been some fall in the competitiveness, and there are reasons, but part of the reason also is the fact that there are more countries now included in the survey. That is what it is; that is part of the reason. So that while in one year—in 2003, I think it was—we were at some point and the survey population was 80—I cannot remember the exact figure, but let us say it was 80, and we were 40 or 39—then if the population moves to 105, one sees some level of movement.

Mr. Dookeran: Thanks for allowing me the time. May I just put that in perspective? For the years 2001 and 2002, it was 80, but for 2003 and 2004, it was 102. So that is a non-argument.

Mr. Imbert: That is the point he is making. You all do not understand?

Hon. K. Valley: No problem. I am saying that issue was raised in the budget of last year and I looked at it and with respect to 2003—2004, I do not think the population was the same. I admit that there has been some movement in our competitiveness and I do not think that one ought to be overly concerned with the

short-term movement. I think the statistics would show throughout the world that a country that comes into sudden richness, such as Trinidad and Tobago, would have short-term problems.

The economists know about the dutch disease scenario. What are we talking about? It is not something that we are making up; it is a fact of economic theory. I do not know—because we have a few economists here you say something that sounds bright. It is not! It is a fact of economic life!

Mrs. Persad-Bissessar: Did the business community agree with this?

Hon. K. Valley: The business community was consulted; there was the Green Paper that you put out; this is your legislation, by and large! This dates back to 1999! This is your legislation; you put out the Green Paper; you got the comments! This was on the Order Paper in 2000. Go back!

Mr. Imbert: That is the hypocrisy!

Mrs. Persad-Bissessar: Did the business community agree? [*Crosstalk*]

Hon. K. Valley: Changes continued, as I said. For example, the Member mentioned the point, which I would address, about the telecommunications—

Mr. Dookeran: I told you about the new thinking, about Jamaica and the European Union and Argentina. You are misinterpreting the whole debate.

Hon. K. Valley: I have allowed you your chance to speak. Is the new thinking the fact that in some legislation they outline a procedure to be satisfied for a merger to be allowed and here we require the prior permission of commissioners? That is what he articulated with respect to the European Union and Jamaica. That, to me, is not critical. I am saying one can do it that way; another country may say: “Well fine, we are learning; we are now doing this thing, therefore let us have the commission approve it. As we gather experience we may very well say: “Okay, these are the rules that we want you to satisfy. As long as you satisfy those rules you can be registered.” Is that really critical, or is that at the margin?

Enforcement procedures—I cannot remember the point the Member made on that.

Mr. Singh: The point was the fine and criminal sanctions.

Hon. K. Valley: Okay. Let us take that one. The legislation provides for an appeal procedure. There are some fines and so on, and the issue of fine and jail relate only to a situation where the person is extremely disrespectful to the

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commission and commissioner. In any case, the person has the opportunity to appeal. He is allowed to do that.

The Member went back also to the Public Service Investment Plan (PSIP), going off on a tangent he spoke about—what was it—the issue of equity in the PSIP, or something of the sort, and the over-spending. Perhaps this is an opportune time to make the point again, because I think quite a lot of noise was made when the Minister in the Ministry of Finance came for an increase in the PSIP of \$3 billion.

Mrs. Persad-Bissessar: To pave roads in Siparia?

Hon. K. Valley: I thought you would be happy to have your roads paved. I wish they would do some paving in my constituency.

Mrs. Persad-Bissessar: They did not pave where I was. [*Crosstalk*]

Hon. K. Valley: Let me make the point. While the appropriation was \$3 billion, the reality is, as your colleague from St. Joseph pointed out in the debate, \$1.2 billion of that was some paper transfer.

Mr. Singh: That last day and you going back to that?

Hon. K. Valley: Yes, because he made the point and he knows. This is why I say it is a credibility thing! You are getting up again! Your credibility! People respect you and you must speak the truth!

Mr. Deputy Speaker: Hon. Member—

Hon. K. Valley: Let me make the point and I am going to give way, Mr. Deputy Speaker. Let me tell you, you must say: “From now on I shall speak the truth, the whole truth and nothing but the truth, so help me God.”

Mr. Imbert: He cannot do it.

Hon. K. Valley: You must not get up here and say things that you know are not true or provide merely bikini statistics; only halt the thing, because you know \$1.2 billion was a transfer; the other \$1 billion was the sterilization fund, so that the real increase was about \$800 million. That is what it is. And you jump up and down the place and say: “Well, look, you are increasing spending by \$3 billion.” Oh God, give us a chance!

Mr. Singh: I beg to move—

Hon. K. Valley: No. I am going to answer every issue that the Member raised! He really did not raise much, but—

Dr. Moonilal: You think your credibility is better?

Hon. K. Vally: No, no. But tell me, honestly if my credibility—well, people do not know; people believe him.

Dr. Moonilal: People do not know you; let us put it that way. Let us leave it like that.

Hon. K. Valley: The equity issue, I maintain again if that is the issue, let us talk about it because I would agree that the resources of Trinidad and Tobago must be dealt with in an equitable manner throughout Trinidad and Tobago. That is not an issue. Yes, we have work to do; yes, we would make some errors, but together we need to deal with the issues that we face.

The Member dealt also with the asset base. He had an issue with respect to the \$50 million asset base. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members—

Hon. K. Valley: He thinks it is too low. Let me make a few points on that. One, remember that the issue is not the fact of a merger; the issue is whether the merger leads to anticompetitive behaviour. That is the first point I want to make. But more importantly, as you yourself noticed, the sectors that would generally be above the \$50 million threshold, the banking sector, that is excluded from the legislation. Let me tell you right away why it is excluded. It is because they fall under the Securities Industry Act and they have their own rules with respect to mergers and so on. In other words, that would be their competition commission for the banks and non-banks. Similarly, with the telecommunications sector, the legislation provides for anticompetitive behaviour, and so on.

Mr. Dookeran: Are you saying that the Securities and Exchange Commission has the functions of a competitive commission?

Hon. K. Valley: No. I am saying that that Securities Industry Act commission would look at mergers and look at monopolies and so on.

Mr. Dookeran: No.

Hon. K. Valley: No, no. That is because we fought long and hard on this and at the end, we said: “We are governed by this legislation; they govern us in terms of competitive issues and so on, and therefore we ought not to come under this legislation.” This was a very late change.

Mrs. Persad-Bissessar: Why did you put WASA and the public utilities? Why did you exclude them?

Hon. K. Valley: We are excluding public utilities.

Mrs. Persad-Bisessar: Yes, you are.

Hon. K. Valley: No, we are not. They are included.

I am speaking on the \$50 million threshold and I am saying that those who may be affected are out. The other sector, of course, would be the energy sector—

Mr. Dookeran: You are very misinformed. I am sorry to have to say that.

Hon. K. Valley: Let me just finish the point. The other point I am making, the energy sector, which will obviously be above the \$50 million threshold, would hardly be affected by the competition policy. You may say it is weak. The \$50 million is the threshold. The most important argument, I think, is the fact of a merger is not the problem; it is a question of anticompetitive behaviour, and to my mind, whether it is \$30 million, \$50 million or \$80 million, what is important is the behaviour, not the fact that it is a merger.

The other issue was the 40 per cent market share. Again, I think the point must be stressed that we are talking about the behaviour rather than the form of business organization. The fact that it is a monopoly is not an issue; it is whether the behaviour is anticompetitive. So, again, to my mind, we had to put a threshold and we said 40 per cent. Now, if it is 40 per cent and it does not have dominance, well then there would be no issue. The commission looked at it and there is no issue.

Your argument was: Why do you look at Trinidad and Tobago? Why not look at 40 per cent of the CSME? But if you take it that wide, obviously there would be no dominance; there would be no issue. So, quite frankly, I did not understand the point.

Mr. Dookeran: That is better.

Hon. K. Valley: That is true.

Mr. Dookeran: I accept that.

Hon. K. Valley: Then there is the issue of Adam Smith again. The Member said that Adam Smith argued that law should apply to everyone, including the state companies. I want to assure you, the state companies are included. The only exception is, as I said, the telecommunications, banks and non-banks.

Again, what Adam Smith said, the law should be applied equally to all firms, including state-owned enterprises as well as locally-based foreign companies, and the Act provides for that—the same clause you were referring to, the merger section on page 8, at clause 13(3) that sets the limit of \$50 million. It says clearly:

“Enterprises which require permission to merge are enterprises, the assets of which exceed fifty million dollars and of the merging enterprises, at least one shall be carrying on business in Trinidad and Tobago.”

implying that others are foreign-based. So it is affected there.

I have dealt with the legal requirements for mergers, instead of notifying authority. The point here is that Jamaica and the EU have these conditions that will qualify a merger. In our case we say: “No, we want to look at you.” They are two different approaches to achieve the same aim. I see nothing wrong with that.

Then there was the price discrimination issue that the Member raised and I pointed him to page 10 of the agreement which, of course, deals with the same thing. Of course, it is considered as anticompetitive if you apply the similar conditions to equivalent transactions. The only argument you could have is that true price discrimination is a situation in which it is not a similar occurrence. When we talk about price discrimination, I made the point somewhere else a while ago, for example on a train or even in an aeroplane, there is price discrimination, but there is a difference. There is a difference in economy and first class.

On the issue of COTED, the Member was reading from the Revised Treaty of Chaguaramas. I just want to remind him again that the Revised Treaty of Chaguaramas was signed by his leader.

Mr. Dookeran: So what?

Hon. K. Valley: You say, “so what”? I mean, you are complaining about COTED—

Mr. Dookeran: I am talking about the legislation today.

Hon. K. Valley: You were quoting from the Revised Treaty of Chaguaramas which provides that the community competition commission, before it investigates, would have to get the approval of COTED. I am saying that is a provision that is in the revised treaty which was executed by your Prime Minister. I have no difficulty with it. I do not know why you have a difficulty with it.

8.15 p.m.

The last issue you raised was the moral decay in the country. That is really a big issue. I maintain that the decay that we are seeing today did not start today. It has its genesis in the period when your government was in office. Yes, it will change because we are putting the policies in place to correct it. I make the point

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again that when you came in you did it. When you were part of the last government in 1986—you were not part of the government from 1995 to 2001.

I will tell you quite frankly that when you take away the social programmes you leave a vacuum and you know nature abhors a vacuum. I will not go any further. Jointly, we have to work. There is a problem in Trinidad and Tobago and we have to work on it. We cannot work on it if your head is that there ought to be no social programmes. We need funds for education and the housing initiative, but we need a social safety net.

Mr. Dookeran: You are missing the point. Nobody said that you need no social programmes.

Hon. K. Valley: Is that not what he said on the last occasion? [*Interruption*] It is going to private enterprise. I want you to consider. We have to start an initiative in all communities. Deal with it at the community level but the decay that we are seeing in our country is real. We have a job to work to bring it back to the way we knew it.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 53 ordered to stand part of the Bill.

First and Second Schedules 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 time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, Members are aware that this is our last session before we take a well-earned vacation. I am aware that if the substantive Speaker were here we would not be going home thirsty. I do not know whether he had delegated anything. [*Laughter*]

Adjournment

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I take this opportunity to say how grateful I am for the cooperation that I received over the past year from my colleagues on both sides of the House and especially, from the Opposition Chief Whip. I think that we have mastered the art of disagreeing without becoming disagreeable. We disagree on issues while maintaining camaraderie which augurs well for Parliament. I am extremely hopeful and I feel certain that this example will really be good for our country and will resonate in the country.

Today, some of the problems that we see in the country with time, will go with our work. I wish all my colleagues an enjoyable holiday.

Mr. S. Panday: What about the Member for Fyzabad?

Mr. Valley: He will be back with us rather soon.

Mr. S. Panday: Wickedness.

Mrs. Robinson-Regis: When you all did it to Rowley it was not wickedness.

Mr. Ganga Singh (Caroni East): Mr. Deputy Speaker, I thank the Leader of Government Business, the hon. Member for Diego Martin Central for the kind sentiments expressed. I, too, join with you in wishing all Members of the House an enjoyable, safe and secure vacation period.

If I have one recommendation to make it is that we have a set legislative agenda with a time frame because it redounds to the benefit of all of us who have families and young children, so that we can participate in their lives, especially in this period when they are on vacation.

I extend to the Acting Clerk of the House and members of his team—we had excellent relations and support throughout the whole period.

For the outgoing Marshal, we extend sincere thanks for his stint in the Parliament. He is a constituent of mine so I will make sure that he will not be left like us this evening. I would make sure that he would be taken care of in the confines of my constituency of Caroni.

Mr. Deputy Speaker: Since I am deputizing for the hon. Speaker, I think that he would have liked to have associated himself with the comments made by both sides of this honourable House.

I am aware that all of us have some feeling for the Member for Fyzabad. I believe that that will be dealt with expeditiously. [*Crosstalk*]

Adjournment

Friday, July 20, 2005

Hon. Member for Princes Town, I hear you but let us not go there. Further, I would like to wish all members of staff; members of the media and the protective services a very fruitful and happy holiday.

Hon. K. Valley: Mr. Deputy Speaker, I beg to move that the House do now adjourn to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.30 p.m.