

Leave of Absence

Tuesday, October 01, 1996

SENATE

Tuesday, October 01, 1996

The Senate met at 1.32 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, leave of absence has been granted to Sen. The Hon. Brian Kuei Tung, to Sen. The Hon. Wade Mark and also to Sen. Diana Mahabir-Wyatt.

SENATORS' APPOINTMENT

Mr. President: I have been advised that His Excellency the President has appointed Mr. Dennis Nancoo a temporary Senator with effect from September 27, 1996, and continuing during the absence from Trinidad and Tobago of Sen. The Hon. Brian Kuei Tung.

I have also been advised that His Excellency the President has appointed Mr. Roodal Moonilal a temporary Senator with effect from today and continuing, during the absence of Sen. The Hon. Wade Mark.

OATH OF ALLEGIANCE

Senators Dennis Nancoo and Roodal Moonilal took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Business Expansion and Industrial Restructuring Loan (BEIRL) Project—Loan Contract No. 3432 TR between the Government of Trinidad and Tobago and the International Bank for Reconstruction and Development (IBRD) for the year ended December 31, 1995. [*The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore)*]
2. Report of the Auditor General on the accounts of the Trinidad and Tobago Solid Waste Management Company Limited for the year ended December 31, 1993. [*Brig. Hon. J. Theodore*]

3. Report of the Auditor General on the accounts of the Trinidad and Tobago Solid Waste Management Company Limited for the year ended December 31, 1994. [*Brig. Hon. J. Theodore*]

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper:

**Loan Conditionalities
(Legislation)**

11. (a) Would the Minister of Public Administration and Information please inform the Senate whether the passage of any pieces of legislation placed on the Order Paper of the Senate in the months of June and July, 1996 were conditionalities of any loans entered into by the Government of Trinidad and Tobago?
- (b) If the answer is in the affirmative, could the Minister please state:-
- (i) which pieces of legislation were conditionalities?
- (ii) to which loans did the pieces of legislation relate? [*Sen. M. Daly*]

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I beg to move that the answer to the question be deferred for a period of one week. Sen. Martin Daly has been consulted on the issue and he has agreed to the deferment.

Question, by leave, deferred.

**JOINT SELECT COMMITTEE
(Establishment)**

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, at a sitting of the House of Representatives held on Friday, August 9, 1996 and at a sitting of the Senate held on Tuesday, September 17, 1996, the following resolution was agreed to:

Whereas the Working Paper on Equal Opportunity Legislation was tabled in the House of Representatives on Friday, February 16, 1996 and in this Senate on Tuesday, February 13, 1996:

Be it resolved:

That a Joint Select Committee of Parliament be established to receive and consider comments from the members of the public and to submit a report to the Parliament thereon.

Also, at a sitting of the House of Representatives held on Friday, September 20, 1996 and at a sitting of the Senate held on Tuesday, September 24, 1996, the following resolution was agreed to:

1.40 p.m.

Resolved:

That the report of the committee appointed to review the constitutional and legislative arrangements for Tobago be referred to a Joint Select Committee of Parliament established to consider the Report and to submit its comments and/or recommendations thereon to Parliament;

That the Joint Select Committee have the power to send for persons, papers and records and receive and consider the comments of the public on the Report; and

That the Joint Select Committee be required to submit its report to Parliament no later than October 15, 1996.

Mr. President, in accordance with Standing Order 25, I now seek leave of the Senate to dispense with a notice in respect of a motion for the nomination and appointment of Members of the Senate to sit with Members of the House of Representatives to form the two Joint Select Committees that I just made reference to.

Leave granted.

**JOINT SELECT COMMITTEES
(Appointments)**

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I now beg to move that the following Members of this

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honourable Senate be nominated to serve on the following two Joint Select Committees:

Working Paper on Equal Opportunity Legislation

Sen. Philip Hamel-Smith
 Sen. Deborah Moore-Miggins
 Sen. Wade Mark
 Sen. Penelope Beckles
 Sen. Prof. Eric St. Cyr
 Sen. Prof. Kenneth Ramchand

Constitutional and Legislative Arrangements for Tobago

Sen. Brig. Joseph Theodore
 Sen. Carol Cuffy-Dowlath
 Sen. Nathaniel Moore
 Sen. Orville London
 Sen. Dr. Eastlyn Mc Kenzie
 Sen. Prof. John Spence.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I beg to move that the Senate now deal with Bills Second Reading at this stage.

Agreed to.

LAND SURVEYORS BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [September 17, 1996]:

That the Bill be now read a second time.

Question again proposed.

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[SEN. BRIG. THE HON. J. THEODORE]

Sen. Mahadeo Jagmohan: Mr. President, the original intent of the Bill is supported by all of us because it was given consideration and structured by the last administration. However, I wish to refer to clause 7 of the Bill which states that:

"The Board shall pay its members such remuneration as the Minister approves."

Mr. President, I propose that clause 7 be amended to read:

"...as the Cabinet approves on the recommendation of the honourable Minister."

Mr. President: What clause are you referring to?

Sen. M. Jagmohan: Clause 7, Mr. President.

Mr. President: If you are proposing an amendment, can you please repeat it?

Sen. M. Jagmohan: I am proposing that clause 7 be amended to read as follows:

"...as the Cabinet approves on the recommendation of the honourable Minister."

Mr. President, clause 8, reads as follows:

"The Minister shall upon the recommendation of the Director of Surveys appoint a Trinidad and Tobago Land Surveyor to be Secretary of the Board."

This is perfectly all right, except to say that clauses 7, 8 and 9 are very important clauses in this Bill. Clause 9 is extremely important in this respect as it says that:

"(1) The Board shall have a seal which shall be kept in the custody of the Chairman or Secretary and may be affixed to instruments in the presence of the Chairman or the Secretary."

It is customary in Trinidad and Tobago that secretaries of boards keep the seal of organizations and it may be affixed to important documents by the secretary in the presence of the president.

1.50 p.m.

Clause 10 (4) reads as follows:

"The Chairman shall preside at all meetings but, in his absence, the other members of the Board shall choose one of their number to act as Chairman."

This would have been perfectly all right if it were a small board of three or four members. Where there is a number such as seven, it would be more appropriate if the clause carried the provision of a deputy chairman. We are proposing that in this Bill the board should have a deputy chairman. There can be problems each time a chairman is absent and there has to be a selection of a chairman.

Clause 38 reads as follows:

“The members of the Disciplinary Committee shall be entitled to receive such remuneration as may be determined by the Minister.”

We are proposing, “as may be determined by the Cabinet.”

Under Part XI, General, anyone reading clause 62 as it is will give thought to several matters. It says in the Bill:

“With the exception of the Compensation Fund all expenses for the administration of this Act shall be met from the appropriations for the Lands and Surveys Division.”

Experience has taught us in Trinidad and Tobago—and our Friend, Sen. John has had many sleepless nights with this kind of arrangement—that whatever happens in a department, where expenses are incurred and the appropriations of Parliament for wages and salaries are affixed, there is a tendency to cut from the wages and salaries vote and not any other vote. Most times the Government daily-paid workers suffer. Either they are laid off or the number of days’ work per week is reduced. We are proposing that this clause should have included a measure that will preserve or protect the workers’ wages if there are other kinds of expenses.

Mr. President, thank you very much.

Sen. Dr. Eric St. Cyr: Mr. President, I would like to make a brief remark largely by way of clarification. I hope the hon. Minister, in his winding up, will assist me to get very clear the distinction between a land surveyor and a Trinidad and Tobago land surveyor.

I also see that the Institute of Surveyors is mentioned somewhere in the Preamble but nowhere is it mentioned in the Bill proper. I wonder whether there would be any formal interface between the institute and the board. I also have a third difficulty, namely that of clearly delineating the role of the Bill in regulating the profession and how the rights of individuals, which must be satisfied before the

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courts, are related to the Bill itself. In some instances, we see that matters may be referred to the courts. I have some difficulty there.

The major area of concern which I wish to make some comments on is between the disciplinary committee and the board. It seems to me that if there was a disciplinary matter a complaint would be made to the board, which would then have the secretary of the board make a preliminary investigation, advise the board. The board would then refer it to the disciplinary committee which would refer its findings back to the board. In the event the people concerned are not happy with the board's decision, we could end up before the courts of law.

In the drafting, sometimes one is not sure whether it is the chairman of the board who is being referred to or the chairman of the disciplinary committee. Could we get these matters cleared up? Other than that, I think this is a good move and I would support the Bill.

Sen. Rev. Daniel Teelucksingh: Mr. President, first of all, I compliment the Government for attending to this most important piece of legislation, the Land Surveyors Bill, 1996, for there is evidence that the review of our land surveying administration is long overdue. I, too, would like to share some concerns with the hon. Minister. I would like to pose a question to the hon. Minister: Is it really true that there has been no properly constituted land survey board for the past two years? I understand since then, that the board was either dissolved or simply ceased to exist. The other question is: Who has been conducting the affairs of the board? Further, if such a situation should arise in the future, show me in the Bill how that will be addressed.

My second observation. To support the point raised by Sen. Dr. St. Cyr about the Institute of Surveyors of Trinidad and Tobago, I just want to add to what he said. I have noticed, with the exception of the Director of Surveys, that the institute can nominate more than half of the members of the board. Who comprised this institute? I am concerned about this. What are the powers of the institute? What is the relationship between the Institute of Surveyors of Trinidad and Tobago and the Land Survey Board?

2.00 p.m.

It seems as though this Bill is incomplete, without specific details about that institute which has such a big say even in the composition of the board.

I would like to add another matter, Mr. President. Clause 6, concerning tenure of office, contains what I think might just be one of the finest provisions in the Bill, particularly 6(2), which reads:

“No person appointed under 4(b)(iii) shall be appointed for more than two consecutive terms.”

Is this breaking new ground when it comes to boards? This is why this has struck me as one of the finest provisions of the Bill. Is this a provision for greater participation in the life and work of this board? Will this provision guard against office monopoly? There are some persons who can be on boards almost for life. I love this provision and I wish it could be added to other such boards, councils and committees.

I know someone will talk about continuity. Someone can criticize this observation and say that there is need for continuity and then I would respond by asking: What happens to state boards when new governments come into office? Everyone goes, lock, stock and barrel so the argument about continuity does not hold too much water as far as I am concerned. Hence I am very excited about this clause.

Clause 6(1) says that one term means a service for three years on the board. It says that a person is eligible to serve for two terms, that is six years, which is quite a long time. I am, therefore, proposing an amendment which will delete the '(iii)' appearing in line one of clause 6(2), which is restricting that provision only for the person who is not a member of the governing body as under 4(b)(iii). I believe that such a fine provision should apply to all seven persons appointed to the board, not only to the person catered to under clause 4(b)(iii), but the two land surveyors nominated by the Director of Surveys and the four nominated by the institute.

I think this is fair in the sense that all those seven persons will be given an opportunity to serve on the land survey board for a total of six years, and that is a long time. They will not be eligible for re-appointment. At least there will be a break of three years—that is one term—and they can come again for another term. I strongly believe that this is a beautiful provision which should apply to all seven persons appointed in those three categories under clause 4.

When the debate on the Land Surveyors Bill began on Tuesday, September 17, 1996, one of the Senators lamented the fact that there is a shortage of land surveyors in Trinidad and Tobago. How come? Why did this Senator lament the fact that there is a shortage of land surveyors today? I have been informed, Sir,

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that the first batch of students graduating with the B.Sc. in land surveying from the University of the West Indies was in 1986. Between 1986 and 1996, there were 114 Trinidad and Tobago nationals who graduated from the University of the West Indies with their B.Sc. in land surveying and yet—and that Senator is quite correct—there are many who have been asking why is there a shortage of land surveyors today when between 1986 and 1996 we produced 114 with their

B.Sc. in land surveying. Why is there a shortage today? I think we have to ask the Minister and the board of the last few years.

Mr. President, it was in the regulations created by the board that graduates serve an internship of two years during which time they work with a licensed surveyor; then there is a practical examination and an oral examination, finally qualifying them for registration. We are talking about 114 graduates who should have been licensed surveyors. We know—I am not making this up—that some of these persons who graduated with their B.Sc. after spending so much money in that faculty, worked for certain land surveyors during the period of internship, as was the requirement, for as little as \$500 per month, or maybe \$1000 per month for those who were lucky. Some stayed on long after the period of internship. Some stayed on after 1990 and after five and six years, they have not been called by the board for their practical and oral examinations.

Who is in charge and who is responsible? No wonder many of these persons who qualified with their B.Sc. in land surveying from the University of the West Indies left in frustration, which they believed to be deliberate and successfully orchestrated by the board, to seek employment elsewhere. Those who did mathematics went off to teach and so forth. Mr. President, does this remind you of the School of Dentistry? It does for me. They passed all exams at the University of the West Indies, but the Dental Council has its own examinations. This is why I am asking who is in charge.

Mr. President, can the Dental Council or the Land Survey Board—I see a parallel, the same thing applies—refuse to license students who spend years at our university? We plough so much money into that university. They are our students. Now can these professional boards and councils refuse to license these students as was experienced by so many who have had a raw deal with the Land Survey Board? Is something wrong with the degrees at the University of the West Indies? I wonder if this is a question which the professional councils and boards have been asking. If a person graduates from the School of Dentistry, properly qualified and

has to write this examination, I have no problem with that. The question is: Could there be a harmonization of the syllabus and the concerns of both the University of the West Indies, and those who plan the curriculum of our professional boards and councils? Why do our young people have to suffer so much? This is why I am asking the question: Who is really in charge?

Mr. President, the buck stops with the Minister, you know. In the final analysis it stops with the honourable Minister. There is no doubt about it. If we look at this piece of legislation before us, he features prominently in it. The Government, not only the present Government, but the past administration and the one before that cannot say that they are not interfering with the work of the professional boards and councils. Someone has to answer this question.

What we are doing today by debating this piece of legislation is actually creating something. How autonomous is this body after we have created the board? It is a very important question.

2.10 p.m.

With respect to the question of accountability, I would like the hon. Minister to help us to unravel this because it is a question that has plagued us for several years: Is the Minister responsible? Is the Dental Council responsible? Is the Land Surveyors Board responsible? Is the University of the West Indies responsible? Who is responsible?

Mr. President, clause 64 is a very important clause which speaks about the regulations which must be approved by the Minister and these regulations must be—I like the word, “created”—invented. The board is responsible for making these regulations and they have to be approved by the Minister. Do we have the assurance that these regulations would be properly monitored and supervised by the Minister? Do we have the assurance that in the formulation of these regulations some of the problems we have experienced over the years with students, their studies, their internship, problems with the board—the professional body, will be addressed?

I thank you, Mr. President.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, in winding up this debate, I would first like to touch on a question by Sen. Prof. Spence which relates to clause 17 of the Bill.

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Clause 17(3)(a) speaks to Trinidad and Tobago land surveyors; that their qualifications for registration must be that they are citizens of Trinidad and Tobago. Sen. Prof. Spence needed some sort of clarification as to why the Trinidad and Tobago land surveyors must be citizens of Trinidad and Tobago in order to qualify for registration.

Mr. President, where Trinidad and Tobago land surveyors are concerned—and those are the professionals who are responsible for cadastral surveying as opposed to land surveyors and land surveying graduates—because of the nature of their

profession, which is cadastral surveying, a certain degree of arbitration, as far as the laws which govern land issues in Trinidad and Tobago are concerned, is part and parcel of the cadastral surveying operations. It means, therefore, that non-nationals or non-citizens of Trinidad and Tobago, who are not familiar with the laws of Trinidad and Tobago governing land matters, would create some difficulty, as far as proper arbitration is concerned, where decisions are to be taken *vis-a-vis* cadastral surveying.

This is the reason, within the framework of clause 17 under Qualifications for Registration, it is indicated under subsection (3)(a) that Trinidad and Tobago land surveyors who are cadastral surveyors must be citizens of Trinidad and Tobago.

Sen. Prof. Spence: Mr. President, I find this is a little difficult explanation to understand. We have recently passed a law which allows barristers from other countries—who would be unfamiliar with the laws of Trinidad and Tobago—to actually come and present cases in our courts. It therefore seems very strange to me that we are now saying that a surveyor—first of all, I did not know that surveyors had to be acquainted with the laws to practise their profession, but we are now saying that if a surveyor is from another country and therefore is not acquainted with our laws he cannot practise surveying here. It is a very strange provision, if you do not mind my saying so.

Hon. Dr. R. Mohammed: Mr. President, I am fully aware that we recently passed legislation in the House which would allow professionals from several disciplines within Caricom to be able to move within Caricom area.

Sen. Prof. Spence: I am not talking about within Caricom.

Hon. Dr. R. Mohammed: However, this piece of legislation is not cast in stone and there is an additional reason why the argument was developed here

under clause 17, indicating that the Trinidad and Tobago land surveyor must be a citizen of Trinidad and Tobago.

This relates to what Sen. Rev. Teelucksingh said in that we have land surveying graduates and land surveyors within the framework of the profession. He also mentioned that between 1986 and 1996, 114 students graduated with Bachelor's Degrees in land surveying. If we were to allow non-nationals to come into Trinidad and Tobago to practise cadastral surveying, we would find that in a short time frame this country would be saturated with people who would now have the opportunity to practise cadastral surveying and it would mean, therefore, that those land surveying graduates, as well as those land surveyors, may not be given the opportunity to improve their skills, because the Bill is all about improving skills and the use of new technology.

The surveying profession, like many other professions, is market-driven. We have a certain requirement as far as that human resource base is concerned and we feel that by restricting Trinidad and Tobago land surveyors to be citizens of Trinidad and Tobago, would also give the opportunity to land surveyors, as well as the land surveying graduates who wish to improve their skills, to become cadastral surveyors.

My argument is simply this, Mr. President, that if we saturate the market with non-nationals who are qualified to do cadastral surveying, then it will serve as a deterrent to the land surveying graduates—we have had 114 graduates within the last 10 years—as well as land surveyors. In addition to being familiar with the laws governing land matters in Trinidad and Tobago, the clause is worded in that way to indicate that Trinidad and Tobago land surveyors must be citizens in order to facilitate the land surveying graduates as well as the land surveyors, to give them the opportunity to develop further skills to become cadastral surveyors.

This is the major reason—and I am sure that Sen. Prof. Spence may not necessarily agree with this argument—we have to provide an opportunity for the development of our land surveying graduates as well as our land surveyors to give them that opportunity—that window—to upgrade their skills to become cadastral surveyors.

2.20 p.m.

Sen. Jagmohan referred to clauses 7 and 38 in his contribution and indicated that he would like to see the word “Minister” replaced by the word “Cabinet”, if I am not mistaken. I am to inform the hon. Senator that even though the Bill speaks

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of "Minister" it actually refers to the Cabinet of Trinidad and Tobago for the simple reason that where decisions have to be taken for a ministerial portfolio, it is generally done collectively at the Cabinet level. So that I do not see that there is any real need for that proposed amendment, as there are certain pieces of legislation which refer to decisions taken by the President but are actually taken by the Cabinet of Trinidad and Tobago.

Sen. Jagmohan also referred to clause 10(4) and proposed an amendment by adding "Deputy Chairman". I ask the hon. Senator: What is going to happen in the event that both the Chairman and Deputy Chairman are absent from a meeting? This is why I believe that clause 10(4) is worded in that way.

Sen. Jagmohan also referred to clause 62 which refers to the Compensation Fund and expenses. It states:

"...all expenses for the administration of this Act shall be met from the appropriations for the Lands and Surveys Division."

Within the framework of the ministry under which the Lands and Surveys Division falls, there is a goods and services vote which is always available, so that in the event of a shortfall, moneys can be transferred from one vote to another with Cabinet's permission. In the event of a shortfall for that Compensation Fund as far as funding is concerned, as administered appropriations for the Lands and Surveys Division, there is always that flexibility of providing the adequate funding perhaps from another vote.

Sen. Dr. St. Cyr referred to the Institute of Surveyors. From the comments of the hon. Senator, there seemed to be some conflict in his mind with respect to the Institute of Surveyors and the Land Surveyors' Association. My understanding is that the Institute of Surveyors, which is based at the University of the West Indies, grew out of the Land Surveyors' Association. So that the membership of the Land Surveyors' Association is part and parcel of the Institute of Surveyors, therefore, there is a commonality between the two institutions.

When we were deliberating with the Land Surveyors' Association, the question of the Institute of Surveyors came up—like the dentists and doctors in Trinidad and Tobago—the institute was concerned whether this Bill would give them the kind of governance that they so desire. It was felt during consultation, that once this piece of legislation is passed in both Houses, at a later date, we would be prepared, since the Lands and Surveys Division falls within the Ministry of

Agriculture, Land and Marine Resources, to give consideration to the Institute of Surveyors *vis-a-vis* perhaps its own governance.

In the not too distant future, we would be reconsidering the proposal/suggestion by the Institute of Land Surveyors with respect to its own governance, perhaps to bring it in line with the dental profession. So that there is a serious overlap as far as the Institute of Land Surveyors and the Land Surveyors' Association is concerned. The membership of the Land Surveyors' Association is part and parcel of the Institute of Land Surveyors.

The other question raised by the hon. Senator was in connection with arbitration. He was not very sure whether the relevant item in the Bill was referring to the Chairman of the Board and the relationship to the courts. The hon. Senator described the scenario very appropriately and it was felt that if the aggrieved client is not satisfied with the arbitration of the disciplinary committee, the Chairman of the Board would so inform the aggrieved client. If the aggrieved client is still not satisfied with the outcome of that arbitration then that aggrieved client would now have recourse to the courts for further deliberations. That is the way the system is set out within the framework of the Bill.

Sen. Rev. Teelucksingh referred to the comments by Sen. Dr. St. Cyr with respect to the Institute of Surveyors and the Land Surveyors' Association as they relate to clause 3 of the Bill. The argument that I have just developed would hold true for the explanation I gave in light of the question raised by Sen. Dr. St. Cyr.

With respect to clause 6(2), Mr. President, the hon. Senator was very pleased to see such a clause within the framework of the Bill and if I understand correctly, he is advocating that a similar principle should be adopted as far as state boards are concerned. In response to the query raised by the hon. Senator, the intent of clause 6(2) is designed primarily to guard against office monopoly.

Mr. President, the hon. Senator referred to continuity on the boards and used the example of the Board of Caroni (1975) Limited. Sir, I would like to let you know that the Board of Caroni (1975) Limited is constituted in such a way that there are two past chairmen sitting on the present board. It was felt by the board's committee of Caroni that this was necessary in order that what was decided during a certain period in the evolution of Caroni (1975) Limited under a particular chairman, could be beneficial to the way Caroni (1975) Limited from here on is to

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evolve. This is one of the reasons we considered having two past chairmen from Caroni (1975) Limited on the present board. Having said that, clause 6(2) of the Bill, clearly, as I just indicated, guards against office monopoly. *[Interruption]*

Sen. Rev. Teelucksingh: Mr. President, may I ask a question? Hon. Senator, with respect to clause 4, do you have any very serious objection to the same principle being applied to clause 4(b)(i) and (ii)?

2.30 p.m.

Hon. Dr. R. Mohammed: Hon. Senator, I would reply in the affirmative. I have absolutely no objections to it being modified to satisfy that requirement.

Sen. Rev. Teelucksingh referred to the 114 graduates who came out of the university between 1986 and 1996. Act No. 19 of 1952 never took the land surveying graduates into account and this is precisely what this Bill is all about; to take into consideration the grievances and the suffering of the land surveying graduates. The present development of the profession is now taking on board the land surveying graduates and to say that the Land Surveys Board has been an interim one for a while is true in part, because as far as I am aware in my capacity as Minister of Agriculture, Land and Marine Resources, the Land Surveys Board's term of office has just been terminated and we are in the process of putting together a new Board to satisfy those requirements.

If all goes well, and we are hoping that it would, the dictates of the Bill will be followed scrupulously with respect to the appointment of the new Land Surveys Board. Whilst the Minister may have a serious input as far as accountability is concerned, I would also like to point out to this honourable Senate that accountability would be a collective responsibility not only of the Minister, but of the board as well. So that the relationship between the Minister and the board is going to be such—and I want to guarantee this honourable Senate here and now—that in my capacity as Minister of Agriculture, Land and Marine Resources I am going to guarantee that there is going to be proper supervision and accountability *vis a vis* the Land Surveys Board and the profession at large.

Mr. President, having made these few comments, and having heard the responses from the other side, I am convinced that a piece of legislation has been brought to the Senate which has been passed in the other place, and taking into consideration the comments made by Members on the other side, I am convinced

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that we now have in place a piece of legislation which is going to enhance, improve and guide, within a legal framework, the profession called land surveying.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: There are proposed amendments and we are waiting for that list to be produced in a short while.

[Amendments distributed]

2.40 p.m.

Mr. Chairman: Hon. Members, we are ready to proceed. Since this Bill contains 65 clauses divided into 11 Parts, where there are no amendments to any of the Parts, we will do the Parts wholly, starting with Part I which contains clauses 1 and 2, and there are no suggested amendments. Now, what I would like to elicit from you, is whether Members will agree that we deal with it this way.

Assented indicated.

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

Clauses 3 to 5 ordered to stand part of the Bill.

Clause 6

Question proposed, That Clause 6 stand part of the Bill.

Mr. Chairman: There is a suggested amendment by Sen. Teelucksingh.

Sen. Teelucksingh: The suggested amendment to clause 6 (2) is:

“Delete the figure “(iii)” appearing in line 1.

Dr. Mohammed: Mr. Chairman, I have no problem with that.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

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Clauses 7 to 9 ordered to stand part of the Bill.

Clause 10

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

Sen. Hamel-Smith: Mr. Chairman, I would like to draw your attention to the amendments coming from the House of Representatives in the sitting of August 7, 1996. There is an amendment detailed therein to clause 11, where they attempt to add a third subclause that is drafted on the amended sheet, to make it clause 11 (3). I am suggesting that amendment should be deleted *in toto* because it appears that, in recommending that amendment, due notice was not paid to clause 10(5) which says the exact thing. So if we left it in, we would have two clauses which state the same thing. The duplication, I am suggesting, which exists now is clause 10(5) and clause 11(3), which is the amendment from the other place.

Mr. Chairman: That does not matter to us. Those are part of the original Bill. Those have already been passed, so they form part of what we are dealing with. Those are amendments for other purposes. They are part of the Bill before us.

Sen. Hamel-Smith: If I am not being clear, perhaps, I can read the amended clause 11(3) as a result of the amendments in the other place. Subclause (3) reads:

“Each member of the Board is entitled to one vote on a matter arising for determination and the Chairman or other person presiding shall, in the event of an equality of votes, have a casting vote.”

That is the new clause. The clause that I am referring to as the duplicated clause is 10(5) which states:

“Each member of the Board is entitled to one vote on a matter arising for determination by the Board and, in the event of an equality of votes, the Chairman or member acting as Chairman shall have a second or casting vote.”

The substance is the same, so I am suggesting we delete what came from the other House and we retain the old clause 10(5).

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11

Question proposed, That Clause 11 stand part of the Bill.

Mr. Chairman: The amendment is that clause 11(3) be deleted.

Question put and agreed to.

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

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

2.50 p.m.

Clause 15.

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

Sen. Hamel-Smith: Mr. Chairman, I have an amendment that might tidy up clause 15, the new subclause (5). The amendment is that after the word “material” in the first line, add the words “or information”.

Mr. Chairman: Clause 15, subclause (5).

Sen. Hamel-Smith: New subclause (5), previously subclause (4) will read:

“The supply of any material or information—”

This is the confidentiality clause and it appears, if you read the clause in full, that what is provided is not only material but also information, therefore, if we are going to commit a confidentiality, maybe it should include not only material supply but information supply. If you look at subclause (6) that follows, it talks about:—

“... ‘aerial survey’ means collecting information about land or marine topography ...”

I am suggesting a full confidentiality provision should have those words “or information” included after “material”.

Question put and agreed to.

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

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Sen. Prof. Spence: Mr. Chairman, I have an amendment to clause 17. I do not know if the amendment takes care of it because there is a technical problem. I am surprised at this stage where we are liberalising our economy, liberalising our whole system, we have just passed two laws—one allows Caricom nationals to

come to practise in Trinidad and Tobago. Now we are saying in this Bill that one can practise everything except cadastral surveying. The same thing applies to lawyers. We just agreed before the Chadee case for barristers to practise here. This goes against the general trend of liberalisation, of global village, of all the things that we have been saying for the last few years.

In addition to that, I want to suggest we will be cutting off our nose to spite our face, because many of these UWI graduates do not want to go out in the field to measure land. That is the problem and I said this from the beginning when we were setting up a degree programme in surveying in Trinidad and Tobago. We should never have set up a degree programme. We were training surveyors at John S. Donaldson Technical Institute and that is what we should continue to do. They would not want to go out, so you know what will happen? We will still be short of cadastral surveyors. They would not want to go out in the field. We must leave ourselves this possibility.

We have work permit laws and the way to deal with an overcrowded profession is by the work permit laws. I just cannot understand how this has crept in and the surveyors were allowed to get away with it. I consulted with an engineer last night to see whether I was way out in whatever I was saying and he was surprised to find that the surveyors had got away with it. I just cannot understand it.

Now the only problem, it seems to me, is that the definition now is a peculiar one. It was peculiar from the beginning. What this Bill says is that a Trinidad and Tobago land surveyor is a cadastral surveyor. That, in effect, is what it says. It is a strange way of defining a cadastral surveyor but quite frankly, I am not an expert in the field so I do not know if there is such an animal as the cadastral surveyor, but it would seem to me the logical thing to do would be to include "is a person of good character and reputation", so that everybody else should be a person of good character and reputation except the Trinidad and Tobago land surveyor, as was pointed out to me by Sen. Daly. Perhaps instead of deleting, as I have suggested, what we should do is to take (a) and insert that qualification which applies to the other types of surveyors.

In addition to that, if we think that this definition is a strange one "Trinidad and Tobago land surveyor" and there is such an animal as a "cadastral surveyor", perhaps we should change the heading to "a person should be registered as a cadastral surveyor if he..." so, so, so, then go back to clause 2, an interpretation

clause and change “Trinidad and Tobago Land Surveyor” to “Land Surveyor/Cadastral Surveyor” or something like that, but the present one, I find, goes so much against the general trend that I cannot understand how it crept in.

Dr. Mohammed: Mr. Chairman, if I may through you, the amendment was already made.

Sen. Prof. Spence: I beg your pardon.

Dr. Mohammed: But, Sir, I would like to bow to the wisdom of the learned professor, as I have always done in the past and to say, yes, let us remove (a) and to renumber (b) and (c), (a) and (b).

Sen. Dr. St. Cyr: The suggestion was to take out the present (a) and instead of (a) put in “is a person of good character and reputation”.

Dr. Mohammed: That is already amended. That amendment was already made.

Sen. Hamel-Smith: Mr. Chairman, if we have in fact, resolved that subclause (3), I crave your indulgence just to drift back to subclause (2) where there is a drafting—

Mr. Chairman: We have not. Let me put the question to deal with it.

Sen. Hamel-Smith: It is the same clause 17 unfortunately, subclause (2).

Mr. Chairman: Okay.

Sen. Hamel-Smith: Subclause (2), as presently drafted reads as follows:—

“A person shall be registered as a land surveyor—

(a) if he...”

And it goes on. My amendment is that “if he” needs to be removed and put after the word “surveyor”, so it will, in fact, read—

“A person shall be registered as a land surveyor if he—

(a) (i) is a person...”

Then in (b) where you have “he” starting the sentence, delete “he”. If you leave it as is, it does not read properly. So there are two amendments being proposed.

That the words “if he” be deleted after the small (a) and put up above after “surveyor” and then in subclause (b) the word “he” be removed, so it will now read—

“A person shall be registered as a land surveyor if he—

(a)

(b)”

And we will tidy that little drafting error.

3.00 p.m.

Mr. Chairman: All right. We have two amendments to this clause. We just heard clause 17(2), and we also heard clause 17(3)(a)—

Sen. Marshall: Mr. Chairman, just one point. I suppose that females are not debarred from being land surveyors. I see that we refer to, "if he".

Dr. Mohammed: My understanding is that in law "he" means "he" or "she".

Mr. Chairman: Clause 17 now reads:

"17 (1) A person shall be registered as a Land Surveying Graduate if he—

(a) is a person of good character and reputation;

(b) possesses the prescribed academic qualifications.

(2) A person shall be registered as a Land Surveyor

(a) if he—

(i) is a person of good character and reputation and is a fit and proper person to be so registered;

(ii) possesses the prescribed academic qualifications—"

Sen. Prof. Spence: So there is no (i) then.

Mr. Chairman: There is a (i). It states:

"is a person of good character and reputation;"

Sen. Prof. Spence: So you have (a) standing by itself and then a (i)?

Dr. Mohammed: Yes, you can. You have (a) (i), (ii) and (iii). It is possible. That is the only way you will have a (b). If you do not have that (a) there, you cannot have a (b).

Sen. Daly: Before you put the question, Mr. Chairman, may I enquire, since we are drafting this odd way, is it contemplated by this clause that one can register in more than one category? If it is, should it not say so ?

Dr. Mohammed: That is the intent, Sir.

Sen. Daly: Should there not be a subclause saying that, they are not mutually exclusive?

Dr. Mohammed: I do not see that there is any real need for that.

Mr. Chairman: Shall we start all over again? Clause 17 is amended as follows:

- "17 (1) A person shall be registered as a Land Surveying Graduate if he—
- (a) is a person of good character and reputation;
 - (b) possesses the prescribed academic qualifications.
- (2) A person shall be registered as a Land Surveyor
- (a) if he—
 - (i) is a person of good character and reputation and is a fit and proper person to be so registered;
 - (ii) possesses the prescribed academic qualifications;
 - (iii) has gained such practical experiences in the field of surveying as is prescribed; or
 - (b) he is otherwise qualified as prescribed.
- (3) A person shall be registered as a Trinidad and Tobago Land Surveyor if he—
- (a) is a person of good character and reputation and is a fit and proper person to be so registered;
 - (b) has gained such experience in cadastral surveying as is prescribed; and
 - (c) is otherwise qualified as prescribed,

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and the Board shall issue a licence to the applicant authorizing him to perform cadastral surveys.

(4) Upon registration the Board shall issue a certificate of registration."

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clauses 18 to 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

3.10 p.m.

Mr. Chairman: There is a typographical error on page 6 of the list of amendments which came from the House of Representatives where clause 30(iii) is supposed to refer to new subclause (1) and not (2).

Clause 30 ordered to stand part of the Bill.

Clauses 31 to 54 ordered to stand part of the Bill.

Clause 55.

Question proposed, That clause 55 stand part of the Bill.

Sen. Hamel-Smith: Mr. Chairman, if one reads clause 55(1) of the Bill strictly as it is written, it does not make much sense. It says that:

"...any person who—"

does these various things as listed in (a), (b) and (c),

"commits an offence..."

What it really intended to mean, obviously, is that any person who is not one of those things, and parades as one of those things, commits the offence. It does not say that.

I propose that this be amended to read, after the word "person" in the first line, "subject to this section any person not being registered in accordance with Part IV who..." (a), (b) and (c) "...commits an offence". So, it is only if one is not so qualified or registered that one is guilty of an offence.

Sen. Daly: [*Inaudible*] if the amendment is not being registered under Part IV of the Bill—

- "(a) assumes,...
- (b) does anything,...
- (c) engages..."

there may be a tautology here "and is neither registered under this Act".

Dr. Mohammed: [*Inaudible*] if it is amended in the way it is being suggested because clause 55(1)(c) already says:

"engages in the practice of surveying and is neither registered under this Act nor acting under the personal supervision of a person registered under this Act,"

Sen. Daly: All I am suggesting is that if we accept Sen. Hamel-Smith's amendment, which I am sure is a good one, we may have a tautology in (c).

Mr. Chairman: The suggested amendment in the light of (c) may not be necessary.

Sen. Daly: I think Sen. Hamel-Smith's amendment is far more elegant. If it is accepted then we would need to amend (c), but then there is a problem with "acting under the personal supervision", it is not only who is not being registered under Part IV.

Mr. Chairman: What are you suggesting that we do?

Sen. Daly: Sen. Hamel-Smith is proposing that we introduce lack of registration in the opening words of clause 55(1), which I think is right. Then, if we do that the reference to lack of registration in clause 55(1)(c) is repeating an ingredient of the offence, but then there is also the ingredient "nor acting under the personal supervision", so we need to—

Sen. Hamel-Smith: Mr. Chairman, I think the way to deal with that is in subclause (c) we can delete the words "neither registered under this Act nor" and replace it with the word "not", so subclause (c) would read "engages in the practice of surveying and is not acting under the personal supervision of a person registered under this Act,".

Sen. Daly: That is right.

Sen. Hamel-Smith: That would cure the tautology that Sen. Daly is referring to.

Dr. Mohammed: How would it read?

Sen. Hamel-Smith: It would read:

"Subject to this section, any person not being registered in accordance with Part IV and who—"

(a) and (b). Subclause (c) is to be amended to read:

"engages in the practice of surveying and is not acting under the personal supervision of a person registered under this Act,"

So, we are deleting the words "neither registered under this Act nor". I think that would tidy up the problem that I was starting to sense.

Mr. Chairman: It is proposed that clause 55(1) be amended as follows:

"Include after 'person' in line 1 "not being registered in accordance with Part IV"

In clause 55(1)(c) delete line 2 and substitute the word 'not'.

Question on amendment put and agreed to.

Clause 55, as amended, ordered to stand part of the Bill.

3.20 p.m.

Clauses 56 to 65 ordered to stand part of the Bill.

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

Senate resumed.

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

ARRANGEMENT OF BUSINESS

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, as you recall, we had undertaken that once there is sufficient time left after a debate has been concluded, we would allow the Senators to deal with their private motions. This afternoon we are looking at Motion No. 1 by Sen. Prof. Kenneth Ramchand.

Agreed to.

SCHOOL TEXTBOOKS

Sen. Prof. Kenneth Ramchand: Mr. President, I beg to move,

Whereas the cost of school textbooks has been rising rapidly for various reasons; and

Whereas the necessity to meet the cost of these books has been affecting the ability of families to meet the cost of other necessities like food, clothes, and medical care; and

Whereas the then Government appointed a committee to investigate and report on the accessibility and availability of school textbooks, and the Report of that committee was laid in both Houses of Parliament in October 1992:

Be it resolved, that this House urge Government to implement some or all of the recommendations of the said committee, and to take immediate steps to deal with the increasing cost of school textbooks and the hardships arising from such increases.

Mr. President, this might not be a brief presentation and it runs the risk of travelling through flat, unexciting territory. There are one or two scandals to take note of, but these are not likely to bring sufficient spice to the proceedings.

My presentation can be broken down into two main parts. In the first part I will try to deal with economic matters and address the problem of making books more affordable and available. The main recommendations or proposals revolve around school library facilities, especially reading rooms, the proper organization of a school-based second-hand book trade and most important of all, the establishment of a book bulk-purchasing agency.

Some of these recommendations are to be found in the Report of the committee appointed by Cabinet for making school books affordable and available, and I will crave your indulgence from time to time to quote from the report submitted by the committee of which I was the chairman.

The Motion addresses a specific situation, namely, the rising costs of school textbooks. I dare say, that we are dealing once again, with what Sen. Rev. Teelucksingh's motion on vagrancy referred to, as the prolonged agony of certain of the dispossessed among us. It is hardly necessary to elaborate what is manifest nor do I propose a tedious and encyclopaedic demonstration of the obvious. Every

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parent, every year, braces in September for the price of school books. I would like to read some figures into the records.

Mr. President, after checking on the various books being used at the A'level stage, I have found that the student entering the A'level examination and taking three subjects and General Paper has to buy books to the value of between \$1,300.00 and \$2,000.00. A student taking six CXC subjects spends a minimum of \$1,000.00; a student entering Form I spends between \$1,000.00 and \$800.00; a student in the Common Entrance class spends a minimum of \$500.00. These figures do not include stationery and supplies, uniforms and supplementary texts, very often bought to make up for deficiencies like when teachers are not performing properly, like when the prescribed text is not ideal or sufficient; like when an enterprising student feels the need to read around the subject and, as is usually the case, the school library is inadequately stocked.

3.30 p.m.

Mr. President, think of a family with two or three children at school. Think of how much they have to put out for books alone and you will understand why many

families have to do without basic necessities to obtain books on the booklist, in addition to calculators, school uniforms, exercise books, pencils, pens and other equipment. You will also understand, Mr. President, why up to 50 per cent of the educationally-abused children in junior secondary schools become further disadvantaged because they are without the relevant books during the academic year.

It does not at all help that schools insist on each child having his or her own book and punish those who do not comply. If a child's parents cannot afford the book and he comes to school without it, he is punished. It is regrettable, too, that in the competitive and individualistic climate in which we live, children in the same class never even think of sharing a text as we used to do in our time.

As you might know, Mr. President, the Cabinet-appointed committee made a number of recommendations that have been implemented by enterprising schools, PTAs and support groups. This committee focused on the terms "affordable" and "available" and the distinction is important. "Available" has to do with making the widest possible use of the book after it has been purchased. "Affordable" has to do with keeping down the price. Under the heading "Measures to make books more available", which are summarized on page 3 of the report, among the measures recommended are a system of inter-school loans for books and a system of

supplementary resource-sharing by neighbouring classes and schools. Secondly, there is the improvement and re-organizing of the public library system to establish close links between schools and their nearest public libraries.

Our world is changing so fast, Mr. President. When these proposals were made in 1992, we did not appreciate that the time would soon arrive when one could pay to make two or three CD-ROMs containing all the books one would want permanently in one's school library; that one could link up the computers in the school system; that one could link the school computers to the National Archives and the public library system; that one could equip the schools with enough computers and reading places for students to sit and access on the screen material available in other countries—other libraries of the world and other data banks all over the world.

It will be a long time before we can afford all this, Mr. President, and schools will not be able to house and maintain so many computers that their need for books will be eliminated. If all the nations of the world got together and decided to scan all the books in the world and put them in computer banks to be drawn upon by all subscribers and participants, what we will be doing is creating wonderful research stations, but there would still be a need for the textbook and other learning resources. We would still need to create a concrete learning situation with people interacting.

The possibilities of the internet and of the computer, which I have sketched out, do not make obsolete the measure listed in the report at (c), and if anything, they make them more apt. Since the hon. Minister of Education has done us the courtesy of visiting us on this occasion, I would like to remind him of what those proposals are on pages 24 and 25 of the report.

The proposals made by the committee are:

“There should be an upgrading of school and class libraries in all schools to serve as the hub of learning activities and to provide:

1. The source for the creation of class material by teachers.
2. Loans of books and supplementary materials.
3. Reading rooms and reference books.

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4. Education towards the development of positive attitudes to reading and research.
5. Education towards acceptable standards with regard to the care and preservation of books.

The library may be defined as a collection of a range of material including films, slides, charts and tapes.

In many primary schools one can find both class and school libraries. The minimum requirement in all schools is a class library—a collection of books suitable for the varied abilities of the class.

Through the IDB project for primary education, and a certain amount of self-help, there exists in some schools a collection of reference books, non-fiction, fiction and some local publications in very comfortable library rooms of approximately 500 square metres. It is hoped that the fulfillment of the IDB Project will improve the supply of books and provide a reading room in all primary schools.”

So, Mr. President, that is the essence of what we proposed then and what I am repeating now under the heading “Making books more available”.

I turn now to measures for making books more affordable. I want to look at how the second-hand book trade is practised at present, its weaknesses and what are the guns pointed at it. By far the more popular measure for making books more affordable has been a suggestion to organize the second-hand book trade at the schools, a procedure which would need to be accompanied by measures to encourage children to develop respect for the book, and to overcome the very strange pride and prejudice that poor people and children seem to have about buying second-hand things. It is a mental block. Many children and parents have said, “It is second-hand, I do not want it; it has been used”. Therefore, the second-hand book trade would never develop unless we work on trying to get rid of that attitude.

3.40 p.m.

It is very satisfying to notice how the spirit of self-help works in some of the schools with respect to the second-hand book trade. Some principals now designate a day during the registration period for the sale of second-hand books and space is provided in the school for the transactions to take place. In some

schools, students in business studies have taken the initiative and set up the sales arrangements. The Parent/Teacher's Associations have been involved in some schools and one or two schools have opened bookshops.

There are men with crocus bags selling second-hand books on the pavement outside RIK Bookstore. There are vice-principals who run bookshops from their homes selling second-hand books to students from their schools. The usual bookshops have now started advertising that they are willing to buy second-hand school books.

Mr. President, the reason for this is—something we all know about—profit motive. What happens when the profit-motive recognizes that there are possibilities in the second-hand book trade? When the profit-motive enters, the child selling his book gets much less for it than he would get at the school. When one is buying from these non-school-based buyers and sellers, the price is pushed up as far as the condition of the books permit. Therefore, when one goes in to one of these guys and says, “I have my physics book from last year”. He would say, “the book is a year old and it might be changed next year and I might be stuck with it. How much did you pay for it—\$100.00? I will give you \$25.00.”

However, when you are going to buy, he will tell you, “this is a good book; it is clean; no dog ears; no annotations; it costs \$100.00 and you can get it for \$65.00”. That is what happens, Mr. President, when we allow the second-hand book trade to fall into the hands of the regular commercial people. So the proposal, that the second-hand book trade be located in the schools, is an attempt to eliminate these middle people and to assist children to share in the price of a book over three or four successive years. Therefore, if I bought a book for \$100.00 and I know that if I take care of it and it is in good condition the school is going to pay me \$50.00 for it at the end of the year, Mr. President, I am going to make the effort.

When the school buys the book for \$50.00 it will then sell it to somebody else for \$60.00 and stamp on it “First sale”. Mr. President, the school can sell it for \$60.00 and they can tell the person to whom they have sold it, if he brings it back in good condition he would be paid \$30.00 for it. He comes back; it is in good condition; he is paid the \$30.00 and the school sells it again for \$40.00 on the same terms. Mr. President, that can be done four or five times and we would have now encouraged four children, in four successive years, to share the cost of a book that costs \$100.00. It has to be done, based in the schools and it has to be done

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with a tagging system. I think the time has come for the Government to tell the principals that they have to find ways of organizing the second-hand book trade in schools in a manner similar to what I have just outlined.

However, there are certain factors working against the second-hand book trade and I want to take them into account here, because here we have the first appearance of the “bête noir” or maybe the “bête blanc” of the book situation—the foreign publisher. Every two or three years there are new, revised, updated and upgraded editions and the teachers of physics and chemistry require the child to get the new one and if he comes with last year’s, he would get “licks”, detention or be punished.

Mr. President, anybody writing a textbook for a secondary school who knows about education and who knows about his subject, can create a textbook which will contain all the fundamentals and which will not require to be changed for five or six years. If an Einstein comes along and blows the whole field wide open and all the textbooks have to be scrapped, that is another matter. However, as a result of a little journal article one cannot go and do a cosmetic change to a book and wreck the finances of people involved in the system. This is happening, Mr. President. These second editions and revised editions are publisher’s scams. They do it because they hear that somebody else is producing a physics book so they say, “we have to make people realize that ours is still good so we have updated and upgraded ours”. We have people on our textbook selection committees who do not know what is going on.

Mr. President, if I were the chairman of a textbook committee and a publisher wrote to me to announce a new edition and the impending visit of a pretty representative who would like to take me to lunch, my instinct would be to say, “if you want us to continue using your book, do not take me to lunch. You better print a small supplement for free distribution, or we will phase out your book and take one from somebody else. If we cannot do that, we will buy one of your new edition books and will ask our teachers to tell their students what are the three or four changes you have introduced”. We might even break the copyright law and give them a hand-written list of the changes that have been made.

Mr. President, we do not have to be caught by these foreign publishers’ scams—through the incompetence of our textbook committees—into changing editions year after year. Therefore the second-hand book trade must get the

assurance that there is a textbook committee that is on the job and it is not going to allow these books to be changed every year or every other year.

Mr. President, I produced an anthology in 1966 that ran without revision until 1980. It was reprinted in 1969, 1970, 1971, 1973, 1974, 1975 and 1976. I did not have to revise it. I did not want to revise it. Teachers who used the books for teaching said that it was fine. However, by 1980, the literacy had changed so much, there had been so many new writers that I decided that the anthology would be improved if I could introduce a selection from the newer writers. It was revised in 1980, reprinted in 1982, 1983, twice in 1984, 1986 and 1987. Mr. President, there is no need, if one knows what one is doing— *[Interruption]*

That is another thing I am coming to, Mr. President. One hears about reprint and reprint. If I had received £800 from this, Mr. President, I got a lot. I do not even count, because I got a small cheque for £54 and another for £23, and so forth. The way I get it in drips and drabs it is hardly worth counting. I have no way of knowing how many copies they have sold in Africa, America, Jamaica. I just have to take their word for it that these are one's royalties for the six-month period.

I have drifted into a further criticism of the foreign publishers but it is very much part of my intention today to talk about the menace of the foreign publishers. My main point is that a properly constructed or created textbook does not have to go into a revised edition or second edition immediately, it can last for a number of years. We have to be firm with those people who are making a mint by telling them, "if you change the edition we are changing the book. If you change the edition you better give us a free supplement to be added".

3.50 p.m.

Mr. President, the second-hand book trade is one of the most important measures, but perhaps the most important and most contentious and perhaps even the most difficult to operate—although I do not think so—is the proposal to establish a bulk book purchasing agency, and it is this proposal that I want to look at for a while.

A brief survey of how books are supplied and distributed in our schools will help one to understand why there are forces that must be opposed to the establishment of a bulk purchasing agency and why we have to establish it and how we can establish it without doing harm to the book-selling fraternity or

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brotherhood. Let me say here, at once, that the larger booksellers in this country are not booksellers in the way the late Clifford Sealey was a bookseller; a man who loved books and wanted the public to buy, read, love and talk about books. Year after year I would say to him “Cliff, let me talk to a few principals and get their orders so you can make some no-risk profit; you are breaking your heart and losing your money in this marvellous bookshop.” He always said that he was not in the saltfish trade.

Mr. President, our large booksellers are in the saltfish trade; they are importers, buyers and sellers. They do not care about books; they do not love books; they do not know books; they just get a list from the schools and they order in bulk and distribute. That is all they are doing. They are not doing anything to address the public, to create a literate population; they are not supplying the new books by West Indian writers, African, Indian, English or American writers. They are not doing that. They are cutting down on the amount of work they have to do, making sure that their stock moves very fast by just parasiting onto the school books. Our large booksellers are sellers of school books. There are one or two small booksellers who try to be booksellers in the traditional and noble sense of the word. Mr. President, I do not feel that I am going to listen to any argument which says, “you cannot bring out a bulk purchasing agency, think about what you are going to do to the booksellers. I want to do it to the booksellers.

Mr. President, while I am on that, there is another aspect of the book trade in this country that has to be explained. There is a type of gentleman called a publisher and one called a printer. We tend to mix up publishers and printers, but there are businessmen who have an expertise in books, who understand marketing and so forth, and who will buy manuscripts; it is a commodity, they know there is a market for it and they are promised a market and distribute it and so forth. There are people who put their money into buying manuscripts and selling them because they feel they can make money from it.

These people come to the publishing business with both the expertise, the managerial skills and the cash. If I submit a manuscript to a publisher, he writes me back and says, “I cannot tell you what I am doing with this yet; I will have to send it out to readers.” So he sends my manuscript to three different people who are in the field for reports on my book; then if the reports are favourable but they have reservations about things, he tells me; “listen, we like this book and we are going to take it, but there are suggestions from our readers if you do so and so.” So we

come to an agreement. Then he sends my book to his sales department and he asks, "where can we target this?"

There is a whole set of complex operations carried out by the man called a "publisher" and he then takes this manuscript to somebody called the 'printer', saying, "print 2,000 copies. How much are you charging me?" Mr. President, we do not have publishers in this country; we do not have businessmen who are willing to invest in the book trade. I have said it before and I will say it again, Mr. President, it is out of ignorance because the field is there.

Mr. President, this is one of the scandals. Recently, the Caribbean Examinations Council which services about 60,000 students in the region every year, got three of its examiners to produce an anthology of stories and an anthology of poems which the CXC was now setting for the CXC examination. They gave the captive market to their partners. They did not say, the CXC has now decided that it wants an anthology of stories for use at the CXC examinations. They did not say, these are the requirements and invite authors to send in manuscripts. If they had, I would have sent them one too. It was nothing like that. They told three of their examiners to choose the anthology; make the anthology, and they made it in a hurry. They then went to a British firm and said, "you print the anthology." Guaranteed sale, for year after year, to our children throughout the Caribbean; insider trading; deals with the foreign publishers; unsound educational practice; because when you look at the anthology, it is not great.

They could have benefited from exposure to other thinkers in the field. If the CXC had put out a bid saying they were going to be publishers of this manuscript;

that the CXC was inviting manuscripts—because this is the kind of books they want to produce, and these are the specifications—they would have got in five or six. They have a committee which will look at it and say "this one has strength here; this one has strength there." They then decide that they want an anthology involving three or four of the people who have submitted manuscripts to work together to produce the anthology. They look around for a printer in Barbados, Jamaica or Trinidad and say, "okay, we are giving you a contract to manufacture this book." That is what they should have done, Mr. President; that is what they did not do. It is because we are in a very primitive state in the actual provision of printing and book publishing and we are in a very primitive state mentally about book production.

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Mr. President, the supply of books to schools is a lucrative business dominated by a small circle of large booksellers in collaboration with the suppliers. Our large booksellers are just like the enterprising people who import rice, red beans—
[Interruption]

Sen. John: Could the Senator explain the pricing of these items? Just as an example, my son required a text at the medical school and at the university book shop, it was \$3,200. However, I was in the United States; I enquired at the University of Miami bookshop, and there it was sold for US \$85. Is there a disparity in pricing or, do we have taxes that could increase it to that \$3,200 that is being charged here?

Sen. Prof. K. Ramchand: I thank the Senator for giving me such a drastic example. I do not have one as dramatic as that, but I do have others which support the contention, that the importation of books creates a situation where the local buyer can be exploited.

4.00 p.m.

The market is a captive one and I will give some further examples to support Sen. John's contribution. To a large extent, monopolistic practices increase and conceal the profits of the sellers, and to some extent the existence of a network of uncreative middlemen who do absolutely nothing to improve the product also send up the price.

At the primary school level we have a strange situation. The primary school differs from the secondary in that at the primary school level, local printing and publishing account for most of the books in use and there are fortunes being made by enterprising authors no matter how unsound the practice. They seem to have gotten the nod from the textbook review committee before it finally fell asleep. Books such as the *Republic Readers* are being sold and workbooks and teaching books are based upon them. It is spawning monster after monster. They got the approval for these books and someone is minting money and no one is looking at what is happening. The educational crimes perpetrated by these readers and the workbooks and handbooks that grow up around them are not made any more bearable when one realizes that there are many more beasts in the jungle. This is how the committee, of which I was chairman, reported on the situation.

There is no recommended retail price from the publisher. What we have here is a smart man who writes a book and who is also the publisher of the book, gets his

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partners on the textbook review committee to set his book for the primary school; and he goes to a printer who is also a smart man who just glues the books together and they fall apart after a few weeks. He goes to this smart man to manufacture this book and there is no recommended retail price from the publisher. A bookseller who is a smart man goes to him and says: "I will take 20,000 books but you will have to give me for 50 cents." Different booksellers are able to negotiate different discounts, especially if the bookseller is a large one. Sometimes the large booksellers say: "No, no you cannot produce that you know, I want to be publisher of the book too, let me put some money in it." So now the bookseller is part of the publisher and he is buying from himself to sell to the poor children. The bookseller's expenses are not documented in many cases. As to the figure of 15 per cent which is usually declared as the mark-up for profit, that is meaningless, since it is not known what figure is being increased by 15 per cent. We have no documentation of cost of production and no recommended retail price. Where the publisher, the supplier and the bookseller are in effect one and the same person, there are opportunities for profit taking that increase the price of books to the consumer.

Mr. President, our committee received information about specific instances where the publisher's price for locally produced books exceeded by 300 per cent the actual cost of production. It would appear that many locally produced textbooks in this free situation are priced by looking at the cost of the imported items that are being substituted and then fixing a price that is a dollar or two lower than what the imported one would have cost. They used to do it with tyres and batteries and they are still doing it, but now they are doing it with books and that is what we are dealing with here today.

At the secondary school level, we have a different set of problems and I want to go through the pricing procedures for imported books. Every book that is manufactured in a country carries on it a price, let us say \$66.00. If a bookseller in this country sells to a British publisher, who wants 1,000 copies of his book, there is a bookseller's discount of at least $33\frac{1}{3}$ per cent. Some of these people tell you all they get is 20 and 25 per cent. It is a lie, Mr. President. The publisher's discount to booksellers is never less than $33\frac{1}{3}$ per cent. If they cannot get it, they can ask me and I will get it for them. The recommended retail price in the country of production is \$66.00. Our men say that they get a 25 per cent discount; that they have paid \$49.50 for the book; they add postage and freight of $12\frac{1}{2}$ per cent, it

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goes up to \$57.75. They charge you 10 per cent for local handling and it goes up to \$64.35 and then you are told it has a 15 per cent mark up and it goes up to \$74.25.

People in rich countries are being charged \$66.00 for the book and we—are we rich, Mr. Minister of Energy? I do not know—have to pay \$74.25. That is the most favourable scenario, Mr. President, because what they really do is accumulate the percentages in a way that is more favourable to them and these sums would work out to be about \$90.00-plus if it is done the way they really do it. I am doing it the honest way. Some of these practices were notified to the committee and Mr. Lionel St. Aubyn, a bookseller who was a member of the committee.

They even say that they are buying these books from the United Kingdom and that they were ordered in June and they received them in September. When one looks between June and September we are told that the book is costing more because of the fluctuating exchange rate. When one goes through the period June to September to find out when the rate was worst for us, we are told that is when the books were bought. Not only do they allege fluctuating rates, but they choose the fluctuating rates that are most suitable to them during the period.

Mr. President, just to show how irregular these practices are, a book called *British Slave Emancipation* at Charran's bookstore costs \$175.00; at UWI's bookstore it costs \$145.00. How come? *Pure Mathematics* costs \$152.00 at C & I bookstore; at Charran's it is \$142.00; *Modern Inorganic Chemistry* at CY's bookstore costs \$207.00; \$171.00 at C & I and \$220.00 at Charran's. *Geography and Integrated Approach* costs \$170.00 at CY's and \$285.00 at Naipaul's bookshop. *Cat's Eye* which is a novel for CXC students costs \$65.00 at CY's; \$83.00 at Charran's and \$39.95 at Campus Corner. As soon as I heard that I bought about three. *Selected Poems* by Derek Walcott costs \$65.00 at CY's; \$49.95 at Charran's and \$60.00 at Campus Corner. How are they getting these prices? The irregularities that are practised by these booksellers have to be dealt with. I will like to jail them, but maybe what we could do is just bypass them.

4.10 p.m.

The Ministry of Education in 1991 made some bulk purchases. When the Ministry is buying a book it is buying in the tens of thousands. They bought 30,000 copies of *Nelson's Dictionary*, which they were able to deliver at \$11.00, compared with the bookstore price of \$16.00. They bought 30,000 copies of *Mc Millan Junior School Studies Atlas*, \$12.00, as against \$20.00; 30,000 copies of

Ladybird Dictionary, \$10.00, as against \$15.00. Mr. President, if you went to a publisher and said to him: I am taking 20,000 copies of this book for the next five years, you are going to get an even more massive discount. This is just if it is one year. So if we had to import books, Mr. President, the importation of those books has to be taken out of the hands of our commercial booksellers.

In 1992 we sent faxes to a British publisher, Oxford. We said to them *New Oxford School Dictionary*, 10,000. What price can you give us for? What will it cost us when it reaches here? \$19.20. Bookstore price for the same thing: \$36.00. *New Oxford School Dictionary*, 20,000 copies. They said \$16.00. Bookstore price, \$36.00. Mr. President, I think all the economic arguments point to the bulk purchasing of books for our schools by a bulk purchasing agency as something that can reduce the price of books to our children by between 30—45 per cent.

Mr. President, last year, as a kind of compromise, the Ministry had \$7 million to spend and they used the current suppliers as the importers. They said: import so many thousand copies for us, and use these people as contractors—because a bulk purchasing agency does not exist; they do not have people with the customs skills, and so forth—to supply the books. Mr. President, the *Mc Millan Caribbean Atlas* which is selling in the bookstores for \$66.00 was delivered by the Ministry to the schools, even allowing for money to be paid to the contractors, for \$48.00. Thirty thousand *Oxford Dictionaries*, selling in the bookstores for \$76.05, were delivered to the schools for \$38.00. *STP Mathematics for the Caribbean*, selling in the bookstores at \$54.00, down to \$46.00 and the reason for that is that we only ordered 4,000 copies of the *STP*.

So the more the bulk purchasing agency orders, Mr. President, the lower would be the price; and the state which is buying these books over a period of five

or six years, can say to that publisher every year we want 30,000, therefore he might give it to us for one-third of the price. We can get massive—now I do not see why we should be doing this because I think the bulk purchasing agency is only an immediate and short-term way of dealing with the problem.

In the second part of my presentation, if I get a chance to do a second part, Mr. President, I will talk about another device. But, Mr. President, in the Report there is an action plan for the establishment of an agency which went through the human resources: managing director, accountant, sales, purchasing co-ordinator. We priced everything out. We had an expert on the committee, Mr. President, and

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we were able to work out that the bulk purchasing agency, if it were given a float, at the time, of \$10 million, would never require another float. It would be able to use the \$10 million to import books, distribute them to the schools, and keep using that \$10 million year after year. It would pay the staff, pay for its warehouse and offices. The \$10 million float would have been enough to start it, with about ten books, not the full gamut, just to make sure that if money had to be lost, we did not lose the whole syllabus.

So, Mr. President, on the question of availability, I have been arguing for the school library and other library facilities. On the question of affordability, I have suggested that the cost of books can be considerably lowered by organizing a school-based second-hand trade, and I have also been arguing on affordability that the establishment of a bulk purchasing agency would cut the price of books down by 30—45 per cent.

Mr. President, we have been indulging, so far, only in short-term or *ad hoc* arguments, and I want to take a different tack at this point; and I want to do so by reading from the Abstracts—the Summary of Recommendations by the committee:

- “1. The best solution to problems concerning the affordability and availability of textbooks would be to reduce the dependence upon textbooks as such. This can be done by taking the appropriate measures to train teachers, develop school libraries, and equip schools with printing/copying facilities to the point where teachers can produce their own material for class-room use.
2. Where it is necessary to have textbooks these should be conceived, designed and produced locally by groups of teachers in conjunction with a unit by the Rudranath Capildeo Learning Resource Centre. The books should be made up in a form (similar to ring-binders)...”

Mr. President, if you produce these pages in a ring-binder and that is the book which goes out to the schools, the maths teacher in Cedros who feels he could teach his children to count better if he talks to them about coconuts can substitute a page in which it does not talk about sugarcane but coconuts. So that the book in this ring-binder would be flexible enough to be modified by the teacher in a particular region to draw examples from that particular region that will assist the learning process.

Mr. President, if it is decided that they want to add something to the syllabus and this book does not have everything, you produce another ten pages. You

throw out five pages and throw in these ten. With the ring-binder, Mr. President, there is no cost for stapling and gluing. The ring-binder goes on and on, and you have a book which can be adapted or modified within a particular school during the year and, maybe, every year or so, cumulations—lots of teachers saying ‘You know this page is not so good, what about this.’ Revisions can be made very quickly and supplied to the owners of these books to bring them up-to-date.

Mr. President, I want to go into the whole question of turning the Rudranath Capildeo Learning Resource Centre into a place that produces books and other kinds of learning and teaching materials; that trains teachers in the production of books; that trains teachers in teaching. It is a 19-acre site and so far, they are only using nine acres.

4.20 p.m.

A discussion of how to make books more affordable and available must raise basic questions. It cannot be treated as a pure economic question. We have to think about the educational system as a whole. What is a curriculum? How does a textbook fit into a set of books dealing with the whole curriculum? How does a textbook relate to the syllabus? What learning levels must a textbook contain? What is the difference between a prescribed list and a recommended list? The making of our textbooks has to take into account a thing called training, in which very particular skills are imparted on education, which properly includes training, but lots of other things.

With an education, one learns how to find out; how to live together; how to do, which is training; how to be; how to express oneself in the world; how to think. So the education process is a very large thing. One of the needs it serves is the need for training, but it would be a disaster if our school textbooks geared themselves only to the need for training, or geared themselves to the need for training without knowing that that is what they were doing and that the rest was being made up in another textbook. Mr. President, I fight this battle—

Mr. President: Just to remind you that you have four minutes to wrap up.

Sen. Prof. K. Ramchand: Mr. President, is it impertinent to ask a question? I am not questioning your ruling but I thought somebody was going to move that I get 15 minutes more at some point. Has that time come yet?

Mr. President: We have to have a motion under Standing Order— I am advised that you have 60 minutes and that is it.

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Sen. Prof. K. Ramchand: Fifteen?

Mr. President: Sixty. You now have two and a half.

Sen. Prof. K. Ramchand: Mr. President, I have to move to the proposals for the Rudranath Capildeo Learning Resource Centre and spare you a lot of theorising—

Mr. President: I will give you five minutes injury time because of interruptions.

Sen. Prof. K. Ramchand: Thank you.

The Rudranath Capildeo Learning Resource Centre, Mr. President, is a 19-acre site but 10 acres are still unused. It already has a studio for video and TV; it has a studio for radio; it has room for doing distance education courses; it has room for service as a computer hub; it also has a million-dollar printing plant, the best in the country, a plant that can move a hand-written script to manufactured text, bound without one having to leave the building. It is the most modern in the island and I think that is where the manufacture of textbooks for this country and for some of the Caribbean can be done.

Mr. President, we require to have a textbook development committee locating itself at the Rudranath Capildeo Learning Resource Centre. Let me explain how, for instance, the textbook development committee might produce a book in English for the CXC. It would let all the teachers in the schools know this is going on; would eventually select a committee of teachers of English; invite the committee of teachers of English to come down to the centre and do workshops on what it is this textbook has to achieve and what are the means to do it. It will

then distribute the work in modules to groups of teachers who will then come back and workshop the thing. Mr. President, this is teacher training; this is teacher co-operation; all at the same time. They would come back; they would workshop this book and eventually would arrive at a manuscript which the teachers of English in the country feel happy about and feel they can work with. At that stage, use the printing and manufacturing resources of the learning resource centre to produce the book. This can be done, not only for English, but for the other subjects as well.

Mr. President, I would like to summarise and I hope I would have time in winding up, to flesh out this thing and to fill up gaps. I look forward to the responses—

Sen. Moore-Miggins: Mr. President, might I move under Standing Order 40 an extension of the Senator's time.

Mr. President: Standing Order?

Sen. Moore-Miggins: Standing Order 40, Sir.

Mr. President: The mover of motions is allowed 60 minutes to make a full presentation, however, under Standing Order 82, we might move for the suspension of Standing Order that would allow, maybe an extension of time, but I am advised that that Standing Order is very, very seldom used because it opens up a Pandora's box. Everybody would need this special consideration and in the light of that convention, we will stick to the original 60 minutes that is allowed.

Sen. Prof. K. Ramchand: I thank Sen. Moore-Miggins for the attempt, but I will fill in the gaps and flesh out things in winding up.

Mr. President: May I remind you that you have already gotten some injury time and if you do not wind up in five minutes—

Sen. Prof. K. Ramchand: I will wind up in five minutes, Mr. President. Thank you. In less than five minutes, because I have done all the gutting already.

I look forward to my senatorial colleagues' contributions and suggestions as to how we might reduce the cost of textbooks. I look forward to their responses, to the general arguments about the books in the education process and about the kind of books we should be aiming to produce. I look forward to their comments on the specific proposals; the proper organisation and control of the second-hand book trade as a non-profit organisation based in the schools; the development of

library facilities and networks with an emphasis on the creation of reading rooms; the development of teacher education to the point where teachers can become active collaborators in the use and development of textbooks in their schools; and the development of the Rudranath Capildeo Learning Resource Centre as a learning resource centre involved in the production of books and other learning and teaching materials, in the cultivation of these technical and pedagogical skills

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and in the final liberation of the educational system from colonial and overseas economic control.

Mr. President, I thank you and I beg to move.

Mr. President: The Motion needs a seconder.

Secoded by Sen. Prof. John Spence.

Mr. President: Hon. Senators, before proposing the Motion, I think we will break for tea and return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

ADJOURNMENT

Motion made and question proposed, That the House do now adjourn to Tuesday, October 8, 1996 at 1.30 p.m. [Hon. J. Theodore]

Tobago Hospitality Industry (Employment Practices)

Sen. Orville London: Thank you, Mr. President, and a special thanks to the Minister of Labour and Co-operatives who has been waiting here for some time.

The matter to be raised is the employment practices among certain sectors of the hospitality industry in Tobago, and moreso, alleged breaches of the Minimum Wages Act. I want to draw the attention of the Senate to a *Newsday* report dated September 12, 1996, and crave your indulgence to quote extensively from it. The headline is "Tobago service sector workers being exploited." It reads:

"There now exists 'a level of exploitation of workers in certain service sectors as never before seen in Tobago'.

That was the consensus coming out of a closed-door meeting involving the Labour Division, members of the Trade Union Movement and Tobago House of Assembly (THA) personnel, held last week in Scarborough, according to a source close to the meeting.

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'It's out of hand; it is outrageous, and it is becoming explosive because people are not going to take it so'...

All trade unions on the island were represented at the high-level meeting aimed at providing a 'united front' for the protection of workers' rights...

The discussions/proposals come amidst a background of repeated and rising complaints from workers, particularly in the hotel/business sector, against the alleged exploitative nature of their on-the-job experiences at the hands of certain employers.

Complaints range from, being debarred from joining a trade union through threats of dismissal; no sick, casual or maternity leave; no overtime, to being paid below the minimum wages level and being told in no uncertain terms that 'we don't have to have a reason to fire you'."

Mr. President, all the Tobago-based Senators were invited to that meeting and I was part of those discussions. I was alarmed at the type of reports that came from the members of the trade unions and from even the THA personnel, and there was unanimous agreement that in certain sectors of the hospitality industry in Tobago, workers were, in fact, being exploited.

I wish to make it clear that we are talking about certain sectors, because there are quite a number of hotels and guest houses in Tobago where the workers are treated fairly, in many cases, more than fairly. But the evidence coming from that particular conference indicates that the situation is very, very bad in many of the hotels in Tobago.

I just want to draw your attention to a couple of examples gleaned from the Tobago Hospitality Trade Union, and they did some research on a number of workers who were fired from one of the top hotels in Tobago. I will just draw two examples. At the time when this gentleman was fired, according to the calculations of the trade union, the amount that he was short-paid over the period was \$8,073.32. Overtime due was \$11,880; further overtime, \$27,900; public holiday pay, \$2,520; Sunday pay, \$10,640; a total amount of \$61,013.32.

There are numerous examples which I cannot go into because I am certain that your generosity where time is concerned must have expired by now. So I just want

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to make a very general point, that tourism is extremely important to Tobago. Over the years we have been told by various governments that the future of Tobagonians, to a very large extent, lies in the success of the tourism industry. But more importantly, to us, in Tobago, it lies with how the tourism industry impacts on the Tobago residents. Therefore, the signals that are being sent to the people of Tobago from this industry are extremely important and the responsibility of the Government to ensure that the signals are not negative is critical. This is the reason I am drawing it to your attention, because I am certain that the Minister of Labour and Co-operatives is aware that there are many countries where the standard of living of the residents is dropping, despite the fact that the tourism industry is booming. We are saying that this must not happen in Tobago.

I want you to note, Mr. President, that it is not that the Government is not mindful of the needs of Tobago; it is not that the owners and the investors are not mindful, but I want you to understand that many of these hotels are run by foreign-based managers whose priority is not the interest of the Tobagonians, that, of course, is the bottom line.

I want to draw your attention to a letter which I think will indicate or exemplify what I am saying. This letter was written in response to a request from a school in Tobago for assistance in a school event. This is the response from the hotel, and I quote:

"In the past, Grafton Beach Resort has been a substantial supporter of local events and donated considerable amounts in cash and kind to many charities.

Grafton does not really expect any return from these donations, but at the same time, we don't expect that the very same community which takes our charitable spirit for granted, stabs us in the back by spreading vicious rumours and lies about our business, management and owners. It is actions like those employed by Messrs. Pamela Nicholson and Beverly Ramsey-Moore that prevent us from conducting our business in a harmonious way.

As long as the community as a whole takes a damaging and negative attitude towards Grafton Beach Resort, we have no choice but to stop participating in events such as yours.

Regrettfully yours,

Heinz. B. Reichstein,

General Manager."

It is quite fortunate, of course, that this gentleman is no longer associated with the Grafton Beach Resort, but I want you to have an idea of the kind of impact that a response like this will have on the school authorities. Just for the records, I wish it to be known that this was not a school with which I was associated.

5.10 p.m.

So, the point that is being made is that we in this Parliament have a responsibility, not simply to quote figures, how much money has been expended and how many jobs have been created, but to ensure that we find out what kind of jobs are created and in what way are Tobagonians benefiting from those jobs.

Mr. President, as it is said, perception is reality, and if there is a perception among the unions, and by extension the people of Tobago, that the hotel industry is not to their benefit, then the reality is that the hotel industry is not to their benefit. I repeat that I am not talking about all the hotels in Tobago, but some very high profile hotels. I suggest that if the signal is sent to these investors and managers that the Government of Trinidad and Tobago is not prepared to protect its citizens in Tobago from these predators then we would be in serious trouble and would not be carrying out our responsibility.

Consequently, I implore the Minister of Labour and Co-operatives, because in some quarters he is considered to be in collusion—I am not saying that he is, but there is that perception—with these exploiters. Mr. Henry Hudlin of the Tobago Hospitality Trade Union, in very colourful language, summarized it in this fashion—it is not my style but I would read it:

The Minister does not acknowledge reports of disputes involving violation of the order. Information coming out of the Conciliation Division of the Ministry ...

Sen. Hamel-Smith: Can the Senator give the source of the document?

Sen. O. London: The document, as I said, is a summary from Henry Hudlin, the President of the Tobago Hospitality Trade Union.

Sen. Hamel-Smith: Where is it documented?

Sen. O. London: I requested him to summarize his concerns and this is the document he supplied.

Sen. Hamel-Smith: Mr. President, with all due respect, I do not think the Senator should be quoting this gentleman in a summary form like this.

Mr. President: I agree, and I so rule.

Sen. O. London: Okay, Mr. President. People like Henry Hudlin who are associated with the hospitality industry in Tobago are extremely concerned—

Sen. John: Is this Henry Hudlin the consultant to the management of the Palm Tree Village Hotel?

Sen. O. London: As far as I know he is a top ranking officer of the Tobago Hospitality Trade Union.

Sen. John: Is he not the same person who is the—

Mr. President: Senators, it does not matter. I have already ruled that he should not be quoting anything from him.

Sen. O. London: Mr. President, high ranking individuals of trade unions associated with the hospitality industry in Tobago are of the opinion that the Minister is in collusion. I am saying that the Minister has a responsibility to send positive signals to these trade unions and the people they represent.

Therefore, in closing, I suggest that the Ministry of Labour and Co-operatives should attempt to strengthen the labour division in the Tobago House of Assembly because I think there has been a consistent call for that particular labour division to be strengthened. They simply cannot carry out their duties. I am also suggesting that the Minister of Labour and Co-operatives appoint an independent body to investigate and report on the alleged breaches of the Minimum Wages Act and all other labour matters in Tobago. This is a very critical issue which is affecting the psyche of these people.

Among the people at that meeting to which I alluded earlier was, sometimes Senator Carlton Callender, wearing his other hat and he was among those who indicated his grave concern about the situation. It is the first time I heard every

single individual saying the same thing about the same issues and alluding to the same institutions in a meeting. I am suggesting, therefore, that this is not something one can sweep under the carpet. This is not just about making political mileage. This is a critical issue of which UNC, NAR and PNM supporters in Tobago are aware. Therefore we should deal with it as a matter of urgency.

Mr. President, I hope that the Minister of Labour and Co-operatives would recognize that this is an extremely important issue which has to be dealt with in an extremely serious way.

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. President, first of all let me just deny that neither I nor my Ministry is in any collusion with the so-called exploiters referred to by Sen. London. We are in collusion with no one.

As hon. Sen. London may be aware, the Minimum Wages Act, Chap. 88:04 falls under the purview of the hon. Minister of Labour and Co-operatives and is administered by the Ministry of Labour and Co-operatives through its Labour Division. The terms and conditions of service of employees in the hospitality industry are contained in the Minimum Wages Catering Industry Order 1991 made under this Act. This Order, among other things, sets out the minimum and overtime remuneration rates for the various categories of workers in the industry and also stipulates the quantum of vacation leave, sick leave and maternity leave entitlements of such workers.

I welcome the interest of Sen. London in the affairs of the particular workers in Tobago, but I remind him that this same Minimum Wages Board that I referred to had gone out of office in 1992/1993 under an administration of which he had been a part. The board was appointed only two days before the last general election and was not even put into operation. I just remind Sen. London of this.

The Ministry of Labour and Co-operatives maintains a Labour Inspector II in Tobago to handle breaches and complaints related to the Minimum Wages Act. From time to time other officers pay inspection visits to various establishments in Tobago, and as reported by these officers, there have been complaints of breaches of the Order by some employers in the hospitality industry. We acknowledge that.

I also say that of the 31 complaints received for the period January 1, 1996 to August 30, 1996, 22 were in respect of breaches related to the catering industry. Most of these matters are now before the legal counsel of my ministry for appropriate action.

One of the main areas of complaint concerns the non-payment of overtime for work done on Sundays and public holidays. The Second Schedule of the Minimum Wages Order for the catering industry sets down the specific rates which apply. However, in keeping with recent trends in the economy, employers have attempted to have these days, Sundays, considered as normal working days. The Minister of Labour and Co-operatives and by extension, the Government of Trinidad and Tobago, would like to give the assurance that this matter would be referred for resolution shortly to the recently appointed Minimum Wages Board. Until then, terms and conditions set out in the existing Order are to be observed and will be enforced.

5.20 p.m.

There have also been complaints relating to the payment of wages and salaries which are below the statutory minimum wages for workers. Moreover, there have been allegations in some instances of employers utilizing the tronc system to boost the wages of workers up to the minimum requirement. The tronc system is the pooling of the tips and service charges to share among all workers at the hotel. Using the tronc system in that way is an abnormal situation and would not and should not be allowed to continue. The tronc system should really be supplemental to the wages and salaries paid to hotel workers.

The basic philosophy or approach of the Ministry is one of having the matter amicably resolved. This approach, I am pleased to report, has been strengthened by the appointment of a resident legal counsel at the Ministry of Labour and Co-operatives. There was no legal counsel when I assumed office. Whilst there are many allegations relating to perceived instances of exploitation of these non-unionized workers, with the introduction of a legal counsel on board, it is expected that such matters will be dealt with swiftly, subject to the reporting of such infringements.

The Ministry is at the same time seeking to restructure and better outfit the Labour Inspectorate Division; exactly what Sen. London is asking. We are doing it through staffing and training, in particular to resolve issues and problems which may arise under the Minimum Wages Act. We inherited that situation, but we are trying to correct it.

Tobago Hospitality Industry

Tuesday, October 01, 1996

As with all legislation, while it cannot be expected that breaches would disappear completely, let me assure the hon. Senator that this Government is undertaking to ensure that the number of alleged breaches would be minimized significantly within a very short space of time. I also want to assure the hon. Senator that this Ministry's Labour Inspectorate is treating these complaints very seriously, and every one will be investigated. We will continue to monitor the situation and we will enforce compliance according to the existing laws.

I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.23 p.m.