

*Leave of Absence**Tuesday, July 1, 1997***SENATE***Tuesday, July 1, 1997*

The Senate met at 1.30 p.m.

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

**Mr. President:** Hon. Senators, leave of absence has been granted to Sen. Nizam Baksh, who will be out of the country during the period June 28 to July 13, 1997.

**SENATOR'S APPOINTMENT**

**Mr. President:** I have received communication from His Excellency the President of the Republic of Trinidad and Tobago, as follows:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON,  
President and Commander-in-Chief of  
the Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

To: MR. VINCENT CABRERA

WHEREAS Senator Nizam Baksh is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

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

Given under my Hand and the Seal of  
the President of the Republic of  
Trinidad and Tobago at the  
Office of the President, St. Ann's,  
this 1st day of July, 1997."

*Oath of Allegiance*

*Tuesday, July 1, 1997*

**OATH OF ALLEGIANCE**

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

**CIPRIANI LABOUR COLLEGE (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Labour and Co-operatives (Hon. Harry Partap):** Mr. President, I beg to move,

That a bill to amend the Cipriani Labour College Act, Chap. 39:51, be now read a second time.

The Cipriani Labour College (Amdt.) Bill, which is before this honourable Senate, is a simple Bill. It seeks to change the name of the Cipriani Labour College by adding the words “co-operative studies” to reflect the full extent of the work of the college. In order to effect the change and reflect the curriculum, the Bill is seeking to have the college named the “Cipriani College of Labour and Co-operative Studies”.

Mr. President, the name of the college should have been changed some 13 years ago when the curriculum was expanded to include co-operative studies. I am advised that successive boards of directors of the college had been advocating a change of name, but no other government took them seriously. I am pleased to tell this honourable Senate that the new name suggested in this Bill will better reflect the role and functions of the college today.

The Cipriani Labour College was established in 1966, and, at its inception, the courses offered were directed to the field of labour and industrial relations. However, given the dynamism of the labour movement and the labour and employment sector, within a very short time, specifically since 1972, there was the integration of education and training of co-operatives in the curriculum. At that time the training unit of the Co-operative Division of the Ministry of Labour and Co-operatives was also relocated to the college.

While initially, training in co-operatives was primarily short courses geared to the needs of directors, committee members, staff and members of co-operative societies, by 1975 a two-year diploma in co-operative studies was introduced. This course was based on the recommendation of Prof. Howard Whitney of the University of Wisconsin who was commissioned by the then government of Trinidad and Tobago to draw up a programme of co-operative education and

training. This course, Mr. President, with some modification, remains one of the primary courses of the college, with an intake in this area of over 60 persons per annum, the maximum, given the present space constraints.

In addition to the training in co-operative studies, the college's Department of Co-operative Studies also provides consultancy services and management of co-operatives to community groups wishing to organize co-operative societies and assist co-operatives with the planning and implementation of education and training programmes for members and potential members.

The college, as presently named, does not adequately represent the scope of its operations. We need therefore to advise all concerned that the college, as a learning institution, provides training in these two major areas—labour studies and co-operatives.

**1.40 p.m.**

Renaming will achieve this initially. Within these two major areas, we capture the important topics of interest to the work force namely: human resource management, occupational safety and health, and marketing to name a few. Renaming the college ensures its marketability since it is one of its kind in the Caricom region.

Mr. President, my Government's move to change the name of this college is timely since the trend of work presently encourages the establishment of co-operatives and community-based organizations ensuring the adequate utilization of resources at the community level. The college will advertise as to its true purpose and this will alert the community about its services.

Mr. President, how will the community know that its Government has in place the necessary infrastructure to meet its needs if we do not advertise the existence of such? The Bill today to amend the Cipriani Labour College Act, Chap. 39:51, seeks to change the name of the Cipriani Labour College to the Cipriani College of Labour and Co-operative Studies in order to better reflect the role and functions of the college.

Clause 2 of the Bill will amend the Cipriani Labour College Act by repealing and replacing the short title, substituting the new name in Part 1, and making all consequential amendments.

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

*Question proposed.*

**Sen. Mahadeo Jagmohan:** WMr. President, I thank you for the opportunity to speak on the Bill before the Senate. At this stage, I commend the Minister for being simple, straightforward and non-controversial as some of his colleagues have been in other circumstances. The Minister quite rightly indicated that the Cipriani Labour College was inaugurated and launched on October 19, 1966 at Long Circular Road, St. James in Port of Spain.

The intention of government, labour and the business communities at the time was to provide labour and trade union education for workers at the grass roots level and this was achieved. Anyone who was willing to participate in studies at the Cipriani Labour College was permitted to do so, but a very important question which is being asked over and over is: Why is the college named Cipriani Labour College?

I state for the record that it was named after one of the most outstanding sons of Trinidad and Tobago, who was of French Caucasian extraction, was born on January 31, 1875 in Port of Spain, and was educated at St. Mary's College. He left his mark in many fields: sports, public service, politics and also in the military. He rose to the rank of captain in the British West India Regiment. In 1919 when he returned to Trinidad he formed and led the Working Men's Association. He distinguished himself in politics by becoming a Member of the then Legislature, and also served as the Mayor of Port of Spain. That was Arthur Andrew Cipriani, the man after whom the college was named.

He stood for the poor man in a relentless manner, and championed the cause of the poorest of the poor and was described as the champion of the barefoot man. He was also a cocoa planter of Santa Cruz.

Labour education is not a recent development in the world, but it is in Trinidad and Tobago. In 1950, the labour department reported to the governing council and the then Legislature that there was no labour education structured in Trinidad and Tobago to enlighten and educate workers. Trade union education was actually introduced in a formally structured manner in 1957. In 1962 the labour movement in Trinidad and Tobago was not unified, two trade unions, the Amalgamated Workers Union led by Wilson Woodrow Sutton and the National Union of Government Employees at the time, led by Nathaniel Crichlow, were not in the labour congress.

On an invitation to visit the then Premier at his office in Whitehall and, fortunately for me, I had been a member of that delegation on that occasion, though I was a very young man then—

**Hon. Senator:** You are still very young.

**Sen. M. Jagmohan:** The question of an institute to promote labour education was raised with the then Premier who readily agreed to the proposal. In 1963 the entire labour movement under the umbrella of the trade union congress was invited to the office of the Prime Minister and a formal agreement was arrived at, that there should be a labour college in Trinidad and Tobago. There and then the name was chosen in 1963 by the delegation which agreed to name it the Cipriani Labour College.

When it was structured at that time, there was some either perceived or real difficulty in finding a person—whether he would have been called the director, or the principal—to head the Cipriani Labour College and an appeal was made to the United Nations through its agency, the International Labour Organization to assist. After a great deal of searching, the services of Mr. Max Swerdlow who became the first director of the college had been obtained. Sometime later a site was chosen and established where the college presently stands at Valsayn. The sod was turned by the late Prime Minister, Dr. Eric Williams and in 1966, the first board of governors was established and the Chairman of that first board of governors was a very eminent Queen's Counsel, a son of the soil, Mitra Sinanan.

The present building on the highway at Valsayn was formally opened on October 19, 1972. The feature address was delivered by Dr. the Hon. E. Williams and the college was declared open by the then Minister of Labour, Mr. Errol Mahabir.

**1.50 p.m.**

Mr. President, allow me to read a few excerpts from the speech delivered by Dr. Eric Williams at that time. I am in agreement with the hon. Minister of Labour and Co-operatives that the need was seen for co-operative development and co-operative education at the Cipriani Labour College. The University of Wisconsin was asked to help and the learned professor of the university did, in fact, prepare a collegial programme for a two-year study in co-operative business which did the college well.

I quote now from a document entitled *Functions of the Cipriani Labour College*, at page 1:

“Purpose of the College

According to the Act of 1971, the College was established to execute the following:-

1. To provide educational facilities and courses for Trade Unions and Co-operatives and workers generally in such fields as may be approved from time to time by the Board of Governors;”

This establishes that the trade union movement had approved the co-operative studies from day one of the coming into being of the Cipriani Labour College.

- “2. Issue Certificates and Diplomas in connection with Courses;
3. Co-operate with other educational Institutions or bodies established for the advancement of workers’ education generally;
4. Co-operate with the Labour Movements in the Caribbean;
5. Promote and encourage the educational facilities and Courses referred to in (1) both in Trinidad and Tobago and elsewhere by the grant of prizes, scholarships or other awards or distinctions and by such other means as may from time to time be determined;
6. Pursue all charitable objects or things and undertake such charitable trusts as are incidental or conducive to the performance of the above duties.”

I am hoping that the hon. Minister of Labour and Co-operatives will continue to pay attention to item 6 which I quoted.

On that occasion, Sir, in the hon. Prime Minister’s speech, among other things, he said:

““The Government is proud to have been responsible for this desirable Institution, for we recognized the fundamental contribution that it can make to our society. At this stage of our Nation’s development, it is of paramount importance that the Trade Union Movement should have efficient and responsible leadership’. And in justifying the role of the State with Labour Education, the Prime Minister continued by saying, ‘the associating of the State with Labour Education is not a new concept.’”

Mr. President, with the presence of Mr. Max Swerdlow at the Cipriani Labour College, many great things happened in Trinidad and Tobago. Some trade unions were at war with each other—they were at each other’s throats—although their objectives were the same. There is a very great success story which I wish to mention in this Senate.

There were two known trade unions in the public service at that time, one called the Federated Workers Trade Union and the other, the National Union of Government Employees. Indeed, they were having real fights to represent workers for the same purpose. Mr. Max Swerdlow, the Director of the Cipriani Labour College saw this and urged the leaders to get together and merge both organizations. After that merger, Mr. President, it was success all over and the two merged organizations saw two of the finest trade union leaders coming forward to head the National Union of Government and Federated Workers. That union is the pride of my life and I am glad to be associated with it. Sen. Comrade Selwyn John became the general secretary of that organization and held the position for 26 years and former Sen. Nathaniel Crichlow, became the president general. Both gentlemen, particularly, Sen. Selwyn John took an organization with assets of \$450,000, and now 25 years later, it is \$40 million. This redounds to the business acumen of the worthy Sen. Selwyn John. [*Desk thumping*]

The Cipriani Labour College has done a great deal of good work for Trinidad and Tobago. My only misfortune is, even before the college was established at Valsayn, I was chosen to pursue the same kind of course, but not at the Cipriani Labour College. I was also very fortunate to have had the exposure of the American training.

I wish to advise the Minister of Labour and Co-operatives and the Government that the Cipriani Labour College is located in an area that is very expensive and difficult for students coming from Rio Claro, Point Fortin, Fyzabad, Siparia and so forth. Mr. President, a department of this college could be established in San Fernando—not at the San Fernando Technical Institute where one has to change taxis to get there. Since the aim is to cater for the poorest workers in Trinidad and Tobago, the best place for this college is inside San Fernando. The institution should be within walking distance from a taxi or a bus in the city of San Fernando. If this is done then the aspirations and aims of Captain Andrew Cipriani will still be maintained. This is absolutely necessary because some of the 10-week courses could be held in Rio Claro and Point Fortin. One could target the area from Cedros to La Brea and while one is in San Fernando any number of persons could attend.

Mr. President, I have some humble advice for the hon. Minister of Labour and Co-operatives and the Government concerning the Cipriani Labour College (Amdt.) Bill now before the Senate. With respect to the two years' co-operative studies and two years' labour studies, if one and a half years could be added to the collegial programme and some arrangements could be worked out, either with the

*Cipriani Labour College (Amdt.) Bill*  
[SEN. JAGMOHAN]

*Tuesday, July 1, 1997*

University of the West Indies or some other tertiary education centre, the Cipriani Labour College, within a short period, can cater for degree courses. I am hoping the Minister is totally understanding what I am saying so that some thought could be given to this. In order to lecture or teach at the Cipriani Labour College, one must possess, at least, a second degree. They can, therefore, achieve a great deal in that regard.

Mr. President, we, of the People's National Movement, are proud and happy that we initiated the Cipriani Labour College and, thus, brought it to what it is today. We have no major problem if the Government wants to change the name by a few words, but they must not remain static with the two-year course, but go forward. As a matter of fact, that was one of the plans of the last government. We do not wish to do too much work when we get back into government, very shortly.

Mr. President, I thank you for this opportunity.

**2.00 p.m.**

**Sen. Penelope Beckles:** Mr. President, I rise to make my contribution on the Cipriani Labour College (Amdt.) Bill, 1997 and to indicate a few concerns that I have, not necessarily in relation to the change of name, which I agree with. Having regard to the fact that this two-year diploma in co-operative studies has been introduced some 12 years ago, I think that it is quite appropriate that the name be changed in order to reflect the scope of courses that are now being offered at the Cipriani Labour College.

One of the unfortunate things is that since the college is called Cipriani Labour College, the perception, very often, is that the college strictly deals with labour courses. Therefore, persons in the co-operative movement who might not have been directly involved, and may have wanted to do co-operative studies have not had that initial indication that co-operative studies are actually offered at the college because of the name. Those studies are offered both full-time and part time.

These courses have been developed in conjunction with the Co-operative Department of the Ministry of Labour and Co-operatives and the credit union movement. Therefore, they have been able to develop a course which reflects the entire movement and I think most of the trade unions, credit union movement and those in the wider co-operative sector are quite happy with the course that is being offered.



At present, there is a reduction in the enrolment in the courses and there is also a considerably high drop out rate. As a matter of fact, the drop out rate is almost 40 to 45 per cent and that is extremely high. So that we have a problem, both at the level of the enrolment and the fact that, having started the courses, some persons, subsequently, leave very early. If it is we are now going to accept that we are reflecting by the name change that the college also offers occupational health and safety studies and co-operative studies—recently, they have developed a computer laboratory and are also offering computer studies—Mr. President, I think it would be important for the Minister to look into the drop out rate to ensure the cost of these courses is not extremely high. Some range from \$250.00 to \$500.00. Clearly, if after a few months people are dropping out, then it means that we need to look at it and see what is exactly wrong.

Now that there is a computer laboratory at the school, there is a serious problem concerning security. Over the last three to four years there have been several break-ins and during the day there is no security at the Cipriani Labour College. As a matter of fact, what they really have are night watchmen. There are persons who work the 11.00 p.m. to 7.00 a.m. and 7.00 p.m. to 11.00 p.m. shifts, but no one is there during the day time. With the moneys invested by the Cipriani Labour College for this computer laboratory; particularly having regard to the information relating to enrolment; to persons' transcripts and so forth, and the access that could be easily gained, I think that the issue of security must be seriously addressed. I would suggest that the Minister look into this matter in order to ensure that information and other things are not tampered with, particularly now that we have accepted that the society and other persons in the West Indies are aware of this two-year diploma in co-operative studies and the fact that the Minister is actually saying that we really want to give equal treatment to both the courses in labour and co-operative studies.

The library at the Cipriani Labour College, not that it is one-sided, but I suppose, having been established three decades ago, the focus in the library has been, in the main, on that of labour, and therefore, the library on co-operative studies, would also have to be looked at to ensure that, not only do we change the name, but we now supply the wherewithal to be able to totally teach these courses.

In 1996, a regional conference was held in Barbados and was hosted by the International Labour Organization where several countries in the Caribbean came together to discuss this whole issue of the co-operative movement, particularly because both Guyana and Jamaica previously had colleges dealing with co-

*Cipriani Labour College (Amdt.) Bill*  
[SEN. BECKLES]

*Tuesday, July 1, 1997*

operative studies. Those colleges still exist but they no longer offer the diploma courses in co-operative studies. So I think it is important for us now, as we are the only country in the West Indies that actually offers this course, that we also market it throughout the entire Caribbean.

There is a follow-up meeting to be held in Grenada later this year and one of the decisions taken in Barbados was that the Cipriani Labour College would be accepted, regionally, to deal with co-operative studies. When they meet in Grenada in the next few months they would confirm that decision. Tremendous credit must be given to the board and management of the Cipriani Labour College. They have been fostering that over the years and I think it is only for the entire region to accept the Cipriani Labour College in the West Indies for the diploma in co-operative studies.

Mr. President, having said that, I would just simply put in a plug—I know that it is being given consideration, presently, by the Minister of Labour and Co-operatives, for the remuneration package for the Board Members at the Cipriani Labour College. They have been able, through their own creativity, to establish that computer laboratory without having to go into the Consolidated Fund or to ask the Ministry of Finance. I know it has been given some consideration but I am sure that they would be extremely happy to know that they are rewarded in small measure for their management skills which took the institution to where it has reached today.

As the Minister indicated, the change of name has come about as a result of board members agitating for it; not only agitating but demonstrating, actually, in terms of the courses that they are offering, to widen the scope, and therefore, offering to the wider community, at a fairly cheap rate, courses for which they may not have been able to pay otherwise and certainly, at the end of the day, to be able to come up with a certificate that can be used.

### **2.10 p.m.**

That brings me, of course, to my final point; the whole issue of the accreditation which, I know, is being dealt with at NIHERST. I do hope that the Minister would, in his winding up, be able to indicate the status of that issue. I know that one of the concerns that a number of persons have had in terms of some of the courses—Security Management, and some of the other courses—is whether having completed those courses they can subsequently be used, be it in the University of the West Indies, or in other places, to obtain credits and proper accreditation.

Once we have all agreed that this change of name would properly reflect that balance between labour and co-operative studies, management and occupational safety, and we recognize that the Cipriani Labour College—now to be called Cipriani College of Labour and Co-operative Studies—when marketed, we can do so comfortably, knowing that persons would be aware that the certificates would subsequently be accepted all over the Caribbean, and internationally. I feel that notwithstanding the fact that the certificates have been and can be used, some persons have in their minds that these certificates do not have the sort of status that they would probably want, in terms of developing their co-operative and labour studies; and this needs to be addressed.

I recall that the Minister, a couple months after he got into office, made several pronouncements relating to the co-operative movement and the credit union movement. He indicated that he was not extremely happy, in terms of the management of these organizations. I recall that a few months ago, the Prime Minister indicated at the Annual General Meeting of the Eastern Credit Union Movement Co-operative Society Limited, that certain pieces of legislation would come to Parliament to give the trade union and co-operative movements a lot more flexibility, particularly because having come into Government, they have been levelling the playing field.

Mr. President, we have not yet seen those pieces of legislation, but I certainly feel that with the change of name to the Cipriani College of Labour and Co-operative Studies, the college would certainly focus on this specialist area of the co-operative and credit union movements, which I think would assist the movements to move forward. As my colleague said, we support the name change, and we also extend our congratulations to the board and management team of the Cipriani Labour College, and certainly, the founders responsible for bringing the college to where it is today.

Thank you.

**The Minister of Labour and Co-operatives (Hon. Harry Partap):** Mr. President, I want to thank the two Senators for their contributions this afternoon, their support for the amendment for the change of name. In fact, Sen. Jagmohan took us through the history of the college, and A.A. Cipriani. For that, we are grateful. It is a reminder for us.

In his contribution, he also said that, apparently, the last Government had plans for the college. I beg to disagree, because I do not think that the last Government had any real plans for the college. In fact, there are three issues that have been

*Cipriani Labour College (Amdt.) Bill*  
[HON. H. PARTAP]

*Tuesday, July 1, 1997*

bugging the Cipriani Labour College for a number of years, and if you go through the reports of the college, you would have seen these issues coming in year after year. One has been about the land on which the college is situated. The college has been in operation for over 31 years, and the land on which it stands has not been vested in the college. The board has been asking for this for many years but no one seemed to be listening.

We are now in the process of having that regularized so that soon, the land on which the college is built will be vested in the college. We hope to have this done very soon. The matter is going through the normal process after 31 years. About the name change; the board has been calling for this for over 13 years, and nothing came about. I could not understand when Sen. Jagmohan, my good friend on the other side, said that the Government had plans for the college.

The question of accreditation—which the good Sen. Beckles raised—was a matter that was pursued by the board over the years. There was no movement; absolutely nothing was done. I will tell you, the question that the Senator raised in relation to the drop out rate is a critical one. I agree with her. Yes, this is so, but it is because people who accessed the college felt, after a while, that the certificate they got had no meaning because there was no accreditation. They could not use it.

When the new Government took over, we decided that had to be changed. When people go to the college and spend their money—as the good Senator said—and attend the courses, they must come out with something that they can use to access tertiary education elsewhere. We are putting that kind of power in the hands of the students who will graduate from the college. I want to tell Sen. Beckles that we are doing that. The matter is now in the hands of NIHERST as she rightly said, and very soon we will have this done.

Sen. Jagmohan raised the point about members of staff with degrees. I think he said that there are people with second degrees and so forth; this is not entirely true. There are people with first degrees and, in fact, I had a battle as the Minister responsible for the college, to get a director with a second degree and above, in order to be at the college. This battle came from sources that I would not mention here. They could not understand that what we were trying to do was get a director on board. The present director has retired and he is not seeking a new contract, therefore, we have to find a new director. I tried to persuade the board—and a few people objected—to get somebody with a second degree or a PhD. We managed to have it regularized at the moment, and very soon, the announcement will be made that a new director will be appointed.

I want to publicly thank Dr. Roy Thomas for his contribution. He has done a wonderful job during his time in moving the college to a level where we can now have accreditation. A team of assessors will be visiting Cipriani Labour College as part of the accreditation exercise. The college has already paid the necessary fees, and has done all the necessary work. Work is now being prepared for that strategic plan of the college, and accreditation is within sight. I am sure that many of the students who attend the college, including the director and members of staff, will be happy about this.

The question of security at the college was raised by Sen. Beckles. Yes, it is a problem. We have allocated \$700,000 in the Public Sector Investment Programme, and I think we will have more money. The Minister of Finance and Minister of Tourism is going to give us a little more. Complete renovation of the college is now in progress.

**2.20 p.m.**

We are taking a lot of interest in the college and it takes a Government with a leader as the hon. Prime Minister, who had been a trade unionist, to do this kind of thing. We are tackling those issues that the last Government did not tackle, and did not see it fit to tackle. I am sure by the time my term of office ends that the college is going to be on its feet as a recognized college in the Caribbean. In fact, I am told that the Caribbean Labour Movement is eyeing the college to use it as one of its showpieces for the Caribbean and the things Sen. Beckles mentioned about the co-operative sector. So, the Cipriani College of Labour and Co-operative Studies is going to be a wealth of activity within the next year and a half to two years. Mr. President, we are working on the things that those opposite mentioned. What they could not do, we are doing, and we are doing at a fast rate to strengthen labour in the country.

Mr. President, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

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

*Senate resumed.*

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

**INDUSTRIAL RELATIONS (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Labour and Co-operatives (Hon. Harry Partap):** Mr. President, I beg to move,

That a Bill to amend the Industrial Relations Act, Chap. 88:01 be now read a second time.

Mr. President, the proposed amendment to the Industrial Relations Act will provide for the following: Prescribing of qualifications for members of the Industrial Court and prescribing the salary, allowances and other terms and conditions of employment of the President of the Industrial Court, which at present are equivalent to that of a judge of the Court of Appeal.

Mr. President, in the present legislation, persons occupying the position of members of the court are required to have not less than five years' experience in relevant areas such as industrial relations, management, economics and accounts. The proposed amendment increases these qualifications to ten years. The proposed change comes through our recognition that industrial relations is a highly sensitive area in the legal world. The management of the industrial relations environment requires that it be filled by persons committed to this form of dispute resolution, and persons intimately exposed to the combined skills which are brought to bear in the preparation of collective agreements. Moreover, these persons must have a vision, as well as a sense of the trends in industrial relations practices.

It is my Government's intention that experience in the field of study can provide the basic requirements of the model person we believe can adequately fill these positions. Industrial relations is taking many new routes, such as alternative dispute resolution, consensus building before points of conflict and human resource development, to mention but a few.

Mr. President, when a matter reaches the court, it is at the point where none of the traditional or modern techniques provide successful resolutions. Therefore, when the bargaining bodies face a judge, there must be respect and recognition of the person's ability to conduct the matter in a highly professional manner. The agents of the workers and employers have highly skilled and resourceful persons, and when they come to the court they bring to the court a balance of the scale. The court then must be equal to, or it must be better than what the individuals set for themselves.

Mr. President, with regard to the second part of the amendment, prescribing the salary, allowances and other terms and conditions of employment of the President of the Industrial Court, I want to say this afternoon that what we are doing with this amendment is correcting an anomaly and an historical injustice. The Industrial Court is a superior court of record and, from its inception, the legislature that will govern industrial relations in the country.

The Government of the day found it necessary to have a high-powered court to settle industrial disputes in the country. It was decided then, to assign a person who was a substantive justice of appeal to be the first president of the court. Mr. President, when that person who occupied the position left—he was promoted to, I think, Chief Justice—the Cabinet of the day decided that the president of the court should continue to be paid the same salary and allowances as a justice of appeal.

### **2.30 p.m**

That position, Mr. President, was wholly in accordance with the spirit and intent of section 4(3) of the Act, which requires that the President of the Court may be either a substantive judge, justice of appeal or a person who has the qualifications to be appointed a justice of the Supreme Court.

Mr. President, we feel that the President of the Industrial Court must continue to receive remunerations as that of a High Court Judge of Appeal. Our argument is that he must be duly compensated. The President of the Industrial Court has to be someone with a wealth of expertise in labour law and a complete understanding of the trends of labour, both locally and internationally and who is well respected in the international arena to give credibility to the decisions of the court. I contend, therefore, that if the Government believes this is the type of person it would like to fill that post, then he or she must be adequately remunerated or else we would not be able to attract the most suitable candidate.

The Industrial Court of Trinidad and Tobago sets trends in the Caribbean and the region. Since we have one of the highest investment portfolios in the region and the court is one of the management tools of the industrial relations environment, then we must give this amendment our fullest support. I believe that the two amendments to the Industrial Relations Act which we are putting forward today, in relation to this matter, can only result in a better Industrial Court, one that is relevant to the dynamic work environment to which we are exposed and one which, we are sure, would be challenged by globalization and the different facets of work, mainly contract labour, part-time work and homework.

*Industrial Relations (Amdt.) Bill*  
[HON. H. PARTAP]

*Tuesday, July 1, 1997*

Our Industrial Court must, therefore, be equipped to meet these challenges and we must have people there who can also adjudicate on these very important challenges.

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

*Question proposed.*

**Sen. Martin Daly:** Mr. President, I begin first of all, by extending my congratulations to Sen. Cuffy-Dowlat on her appointment as acting Attorney General.

**Sen. Carol Cuffy-Dowlat:** Thank you.

**Sen. M. Daly:** I do so without any qualification or silliness. It is an important office. In view of an amendment which I am proposing to this Bill, we may well see her skills, both as a negotiator and as a lawyer, come to the fore.

This is an extremely important piece of legislation. The reason for this, is that we have, as everyone knows, the separation of powers provided for in our Constitution and yet we have the difficult task this afternoon, of one branch of Government, namely legislature, going to debate the terms and conditions of a judge of a superior court of record, namely the President of the Industrial Court. We are doing so on the basis of a recommendation by a member of the executive, namely the Minister. We need to be very careful about what we are doing. The Minister is right to remind us that the Industrial Court is a superior court of record. As you would appreciate, this means it is on the same level, in terms of its powers and many of its jurisdictions, as the Supreme Court. Regrettably, those who wrote the script got this matter very muddled. I would come back to that.

The first thing we have to understand is that we are discussing the terms and conditions of the President of a superior court of record. Unfortunately, those who wrote the Minister's script—and I am deliberately describing it as a script—have made it very one-sided: It is the Minister's fault, he got things rather muddled.

I will start off with the parts of the Bill which I think are very good. The revision of qualifications for members of the Industrial Court is a very good thing. The fact that they are in this Bill is very significant as we shall see. Under section 4(3) of the Industrial Relations Act, the President of the Court can be either a Judge of the Supreme Court of Judicature, that is to say, a Judge at any level of the Supreme Court.



The expression "Supreme Court" embraces both the court of Appeal and the High Court. I am surprised that those who prepared the Minister for this debate should have got that wrong. There is no provision here for the President of the Industrial Court to be a justice of appeal and that is a fairly fundamental mistake. If that is being used as justification for making the terms and conditions of the President of the Industrial Court the same as that of a justice of appeal, it is just plain wrong. It is a fact that the first President of the Industrial Court is Mr. Justice Hyatali who at that time was a Court of Appeal judge but it is not that it required that we have a justice of appeal and there is nothing in the spirit or intent of section 4(3) that suggests that the terms and conditions of the president should be that of a justice of appeal. The Minister is starting on a fundamentally wrong premise.

The alternative—which underlies what I am saying—is a person who has the qualification (age excepted) to be appointed a Judge of the Supreme Court. Thus, you can either be a serving judge or someone who qualifies to be a judge. Then there is a prescription for who the other members should be. The Vice-President should be an attorney-at-law of not less than 10 years standing and the old qualifications which the Government is commendably replacing—I would just read the qualifications:

"other members who are experienced in industrial relations or qualified as economists or accountants or attorneys at law of not less than five years standing."

What the Government is commendably doing—and I like the Minister's emphasis on the need for respect for the court and would come back to that—is raising the qualifications. I think that is a good thing. All the new qualifications that they have prescribed—which in substance are not very different from the old ones—require 10 years standing. I think that is a very good improvement.

The fact that this Bill deals with the qualifications is significant. I think the Minister must be well aware—and if his advisors have not told him then they have misled him and caused him in turn, to give us an incomplete picture. These qualifications, and I emphasize verbatim, are the ones that were recommended by the interim report of the Wilson Committee of January 1996. It is important to refer to this to see how muddled is this attempt to deal with the terms and conditions of the President of the Industrial Court in isolation, and what grievous threat it presents to the separation of powers. That is why I am taking it so seriously.

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

Mr. President, a committee headed by Mr. Oswald Wilson CMT, attorney-at-law, was appointed to review the Industrial Relations Act and it gave an interim report in January 1996. In that report it made many recommendations including some for changing the qualifications for the court to exactly these. Therefore, the Government either by accident—although I think it is by design—is implementing a recommendation of the Wilson Committee, as we shall see, Mr. President, also in relation to the terms and conditions proposed for the President of the Industrial Court.

**2.40 p.m.**

What this Bill fails to do in a most discriminatory fashion is to deal with the terms and conditions of the other members of the court who were the subject matter of the Wilson recommendations.

I do not understand, Mr. President—and I intend to spend some time on this—whether they know of the Wilson Committee or not. It is hard to believe that they do not, given that the qualifications are taken verbatim from that report, since the Government was in power from 1996. They always remind us that it is only 16 or 20 months; they must know about it since they appointed the Committee. Therefore, we can dispose of that. *[Interruption]* 1994. I am much obliged; I would take that back, Mr. President; I unhesitatingly withdraw it. It was reported in 1996 and, therefore, it must be that the recommendations of this committee are known.

Mr. President, it is important to look at the composition of the committee: Mr. Wilson, Chairman; Mr. Albert Aberdeen (NATUC), Member; Mr. Allan Alexander, S.C., former Senator; Mr. Louis Mc Shine, Permanent Secretary, Ministry of Labour and Co-operatives; Mr. Ramchand, President, Industrial Court—and that is very significant, for reasons we shall see—Mr. Henley Wooding, Attorney-at-Law, represented the ECA; Mr. Lennox Marcelle who is extremely well-known in the labour law and industrial relations field was the Secretary. Alternate members were Mr. Addison Khan, Vice-President, Industrial Court and Mr. Leon Thompson, Ministry of Labour and Co-operatives.

Mr. President, all these people, without exception, are specialists in labour law or industrial relations and I think their reputations would precede them. This committee reported and made certain recommendations and I am proposing an amendment, to be circulated shortly, which would supply the deficiencies in this Bill so far as the Vice-President and the other members of the court are concerned.

Even before I refer to the Wilson Committee, how on earth can one take a group of persons who are all doing basically the same job and are collegiates—members of a superior court of record—and single out one member for preferential treatment? It makes absolutely no sense. Moreover, Mr. President, traditionally as a result of the work of the Salaries Review Commission, certain relativities were preserved between the President, Vice-President and the other members of the court.

Mr. President, 'relativities' is a word that would be readily recognized by everyone on this committee and that is why they endorsed relativities on this committee. 'Relativities' is a word recognized by everyone in the labour law field and everyone who has to pay persons a salary. In every office, whether you know it or not, you deal with relativities—you rate the job of the clerk one way, the secretary another way, the administrative assistant another way, *et cetera*. So all of a sudden the President of the court is to be put on a pedestal, way ahead of all the other members of the court. That is basically unfair and discriminatory. The other members of the court could complain about discrimination under the legislation which was passed last week. Mr. President, there is no way this Bill ought to be supported, treating as it does, with only one member of the court. It is just plain wrong; it defies common sense and ordinary fairness.

Additionally, the experts have spoken. In the Interim Report of the Wilson Committee, on page 4 they have dealt with the situation with the other members of the court, and I quote:

"It was also agreed by the Committee that the salary and other terms and conditions of employment of the President of the Industrial Court should continue to be exactly the same as those of a Court of Appeal Justice since the **Industrial Relations Act** as it now stands provides that the President of the Court has either to be substantively a Court of Appeal Justice or a person with equivalent qualifications and experience."

Well, that is not quite right.

"It is only when a suitable Court of Appeal Justice is not available or declines the appointment of President that it becomes necessary to find a person with equivalent qualifications from outside the Judiciary. In the circumstances there is no reason for having two different levels of salary and terms and conditions. This is also the view of Cabinet itself... Similarly the office of Vice President is equated with that of Puisne Judge..."

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

Puisne Judge means first citizens judges—everyone knows.

"...the committee also unanimously agreed that these relativities should be preserved in order to maintain the status of the Court itself and to ensure that persons of the highest quality are attracted to serve."

Where is the provision for dealing with the Vice-President, whom the committee said should be equated with a High Court Judge? Let us not use these old fashioned words; let us take a leaf out of the Chinese Government's book and forget all this British thing about Puisne Judge—a High Court Judge.

So the committee is saying, "Put the President on the level of a Court of Appeal judge, preserve the position that came about because the first President happened to be a Court of Appeal judge and equate the Vice-President with a High Court judge."

The report continues on page 4:

"It was agreed that the President, Vice President and Members of the Industrial Court would be paid from the Consolidated Fund and enjoy the same protection as the judges of the High Court and Court of Appeal."

Please note, Mr. President—you would not have missed it—it was agreed that the President, Vice President and members would be paid from the Consolidated Fund and enjoy the same protection—the word protection is important—as the judges of the High Court and the Court of Appeal.

"Furthermore, their terms and conditions including salary, pension, allowances and other benefits would be enshrined in the legislation or in regulations made thereunder."

Where are their terms and conditions? Where is the protection recommended by the committee in this Bill? Then they went on to deal with retirement age and made the valuable suggestion that an appointment committee should be established. I come back to the significance of the appointment committee.

Mr. President, very interestingly, they also supported an Appendix C to their report. There was a document that had been prepared by the President of the Industrial Court—who is still President—who made certain recommendations about terms and conditions. This is very important. On page 4 it says:

"It must be noted also that the other members of the Court have always enjoyed a relativity of approximately 92% of the income of that of the Vice President or approximately 80% of that of the President."

It is there. In my amendment, which I hope would be forthcoming shortly, one would see that I have provided for all this.

I know the Government has an underlying embarrassment about the Industrial Court. When I say "Government", of course, I speak of government with "G". As I should demonstrate, this embarrassment was not created by this Government. I know there are Members of the Government who are somewhat thin-skinned, so let me draw my line in the sand completely. The difficulty of the Industrial Court was not created by this Government and I would repeat it as often as necessary in order to make my point. This Government is left with the unfortunate task of clearing up that difficulty—I will explain what that difficulty is in a while.

Mr. President, my amendment does not go as far as what is in the Wilson Report because I live in the real world, I have practised in the Industrial Court for 27 years and I know what the realities are. I certainly would not like to foist on this Government by my amendment, certain of the difficulties obtained in the Industrial Court. I would explain what they are in due course and how my amendments take care of them. For the moment, Mr. President, it is important to note that the other members of the court have always enjoyed a certain relativity. The report continues:

"The Committee has noted and concurred with the presentation of the President of the Industrial Court on this issue. Vide Appendix C."

**2.50 p.m.**

These things are not normally important. I think it is important to note that the President, who will benefit from this legislation, is the person who made these recommendations. How is he going to lead his members? Think of it as a trade union. How is he going to lead his members, telling them the legislation assisted him while they and the Vice-President are out in the cold? What is that going to do for respect for the court and the collegiate atmosphere that is supposed to prevail in the court? In my submission, absolutely nothing!

Mr. President, in Appendix C of the report from the President of the Industrial Court, he recommended that:

“(d) The other members of the Court shall be paid such salaries as the President of Trinidad and Tobago may determine and the same allowances as a Judge of the High Court of Justice.”

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

He went on to say:

“We also recommend that in order to avoid any recurrence of such unjustified alteration in salaries and terms and conditions of the Members of the Court that as in the case of the Chairman of the Tax Appeal Board the relativity of the salaries and terms and conditions of the President and Vice President of the Court with those of a Court of Appeal Judge and a Puisne Judge respectively be stated in the legislation establishing the Court in order to preserve its status.

In this report the independence of the Industrial Court should be totally safeguarded by removing the Members from the purview of the Salaries Review Commission.”

I propose an amendment about that as well which is consistent with what is in the existing Industrial Relations Act.

The Chairman of this body is for example at the present time the Chairman of a firm which has many disputes before the Court. So the Salaries Review Commission should play no part in this. It is also very important to understand that Government has many disputes before the court in the form of state enterprises going there, special tribunals or Essential Services Division in relation to the public utilities.

The Government is a big user of the Industrial Court and that is why this issue of the executive and the legislature fixing salaries is particularly sensitive. It cannot be correct for the office of the president to be safeguarded only. The president does not sit on every case. What about the Chairman of the Essential Services Division? This division deals in large measure with state enterprises and statutory authority bodies and it is important that the independence be safeguarded.

The hon. Minister talked about respect for the court and the need for people to respect the ability of the court, but first the Government needs to respect its independence. That is why the recommendations of the Wilson Committee are so important.

Mr. President, this Bill cannot be supported if it is going to single out one member of a group for this kind of preferential treatment. It simply cannot be supported on the basic principle of fairness. It also cannot be supported because although the hon. Minister made no reference to it, it is partial and unfair implementation of the report of the Wilson Committee which comprised persons

who were experts and experienced and seasoned in industrial relations and labour-law matters.

I emphasize that this Government take the opportunity—and since people give hostages to fortune all the time, since a great deal of desk thumping went on because the reference was made to our beloved Prime Minister's trade union background, then this Government should be particularly sensitive to this. The Government should be belabouring the past government for not protecting the Industrial Court judges. When we play this game about who did what and who is responsible for what, I would have thought that the Government would come and tell us, completely consistent with the fact that we make appointments on the basis of ability—see the hon. Minister of Finance's speech in the Senate last week—completely consistent with the fact that the Prime Minister is sensitive to labour law and industrial relations matters; see the Minister of Labour's statement in the Senate this week; we are a very fair Government; see the legend statements made by the Government: we are taking the opportunity—and I am sure the Attorney General is going to be anxious to take the opportunity to do what should be done and done properly in relation to the members of the Industrial Court, particularly because the Government prides itself on understanding labour law and industrial relations and their importance.

It is completely unsatisfactory, and I do not blame the hon. Minister for seeking to put the President of the Industrial Court on a pedestal, to the exclusion of everyone else, in complete defiance of fairness, normal relativities and the practice that has been in the court and in complete ignorance of the report of the Wilson Committee, although I find it very hard to believe that the Government is acting in ignorance of this report.

Mr. President, let me tell you what I perceive Government's difficulty to be. The members of the Industrial Court, other than the President, are appointed under section 5(1) of the Act, on contracts not less than three years or appointments of not less than three years but not more than five. Happily, a practice has developed where both the previous and present Governments have made five-year appointments. Can you understand the inconsistency! This is a superior court of record on the same level as the High Court but members are appointed for three years. Even governments have five-year terms but sometimes they do not recognize that, to their peril, that is why we are configured today as we are. How can you appoint someone to a superior court of records for three years? I am glad the practice has developed and if the Government is sensitive to what I am saying,

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

although I have not proposed an amendment as yet, I am going to suggest that we seriously consider removing that part of section 5(1) that says “three years” and at least standardize the practice of five years.

Mr. President, here is the dilemma. I do not normally make apologies for anything I say and I do not plan to do so on this occasion, but it falls to me to have the difficult task of explaining this Government’s problem, which it did not create. And they know it well, they know this is going to come up.

Mr. President, without reflecting on any sitting member of the court, appointments from time to time—I identify no period; it was not in the life of this Government because it was not the Government then—have been made which were not met with universal acclaim. I would not say that there was so much disappointment that Latin nicknames were applied to the sitting members, as has happened recently, but we have to confront this problem. I cannot, in conscience, suggest to this Government to accept that part of the report of the Wilson Committee which says that it should equate every member of the Industrial Court with a High Court judge. What that will do is confer lifetime tenure on all the members. I cannot, in conscience recommend that to this Government.

Indeed, since it has been the practice for appointments to be made by the Cabinet, other than for the appointment of the President of the court, which I think is very dangerous having regard to the separation of powers, no reasonable person could deny the Government an opportunity to review the composition of the court, as and when these appointments arise. I am quite sure they are going to do it on the basis of the Minister of Finance’s pronouncements about ability, but we have to get serious. No one, having regard to the history of this court, could reasonably deny this Government the opportunity to review the appointment of members of the Industrial Court.

**3.00 p.m.**

I repeat, I am sure they are going to do it in accordance with the Minister of Finance’s pronouncements. Therefore, it would be wrong of me to suggest that the Government should adopt the Wilson Report to the extent of conferring tenure on the members of the Industrial Court at this point in our history. I will feel differently about this, hopefully, “God spare life”, as we evolve. There will come a time when, clearly, if the Industrial Court continues to handle matters of the significance that it does, that we really have got to look at a tenure longer than five



years and perhaps take the proper risk of a superior court of record, which is lifetime tenure.

So against that background, if I could turn to the details of the Bill—I hope my amendment is going to surface soon—if I can turn to the actual language of the Bill, because this is really very important; this is a sacred duty, to fix terms and conditions for persons who sit in a superior court of record. As I have said, it is completely anomalous to have appointments being made by the Cabinet for short periods to a superior court of record. But I have said what I have said, namely this Government must have a proper opportunity to look at the structure and composition of this court, and I am quite sure in the fullness of time, particularly when Sen. Kuei Tung's ability rules are followed to the letter, that we will get to a point where we could look again at tenure.

If I could direct, through you, the attention of Senators to clause 4, which reads as follows:

“There shall be paid to the President of the Court the same salary and allowances as those of a Judge of the Court of Appeal and such other allowances as the Salary Review Commission may recommend...”

My first amendment proposed removing the reference to the Salaries Review Commission and putting in the President, which, of course, means the Cabinet:

“...and the said salary and allowances shall be a charge on the Consolidated Fund.”

If one looks at clause 4(b)—and this is very important—it reads:

“The other terms and conditions of service of a Judge of the Appeal Court shall also apply to the President of the Court.”

What that means is that all the terms, including tenure, as I understand it, will attach to the office of the President of the Industrial Court. In my amendment—I am really sorry it has not “hit the deck”; there are a few spare copies that I brought. If we put in a similar clause in relation to the other members, we may, almost by accident, confer tenure on them. So what my amendment proposes is this:

“There shall be paid to the Vice President of the Court and the Chairman of the Essential Services Division the same salary and allowances as a Judge of the High Court.”

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

What I have done is, I have mirrored the language of clause 4, but instead of making the analogy to a judge of the Court of Appeal, I have made the analogy to a judge of the High Court, but it is otherwise in the same terms. Then I have mirrored the language of clause 4(b) and said:

“The other terms and conditions of service of a Judge of the High Court shall also apply to the Vice President of the Court and the Chairman of the Essential Services Division.”

What that is proposing to do is to confer tenure on those two persons as well. In my view, the Vice-President should have tenure and the Chairman of the Essential Services Division should have tenure. So I am using the same language in relation to them. In relation to the members, I have said that they should be paid a salary equivalent to 95 per cent of the salary of the Vice-President, which is consistent with Wilson; 3 per cent more. I am not going to make a fuss about it; I just find it easier to divide things by five and 10. Wilson said 92 per cent.

This is also very important in my amendment, which states:

“Subject to section 5(1) the other terms and conditions of the Vice President shall apply to the members of the court.”

By making it—I hope the drafting is right—subject to 5(1), I am making it plain that the terms and conditions of judges will apply in relation to pensions and material matters, but the appointments of members will remain subject to the three to five-year appointment. I am not proposing my amendment to confer tenure on the members. It is expressly subject to section 5(1) which is the section that provides for the three to five-year appointment.

To summarize, what I am proposing by my amendment—first of all, let me repeat what I am resisting. I am resisting the singling out of one member of a collegiate group, particularly a court, for special treatment. I am resisting that and cannot support the Bill in that form. It defies fairness and it is not consistent with the Wilson Report whose recommendations about qualifications the Government is adopting in this legislation. I am proposing instead that the Vice-President and the Chairman of the Essential Services Division—and let me repeat, Essential Services Division deals in large part with bodies supported by the Government, whether they are Statutory Authorities or State Enterprises. I am proposing that the Vice President and the Chairman of the Essential Services Division also get tenure and that they get the same terms and conditions as a High Court judge.

In relation to the other members, I am proposing that they get 95 per cent. I would not quarrel if it is brought back down to 92 per cent of the salary of the Vice President, and that they get the other terms and conditions, including pension, but they do not get tenure.

I make no apologies for what I say. This is a very good time to do this because, as I understand it, all these offices are either vacant or appointments have to be made to them very soon. So I am not, by this amendment, foisting anybody or anything on the Government. It will have a completely clean slate; it would not find itself saddled with anybody whose appointment it may wish to question because of the lack of an Appointments Committee or whatever. I am very sensitive to the fact that they may wish to look, with the right criteria, particularly to having the recommendation to have an Appointments Committee, to new members of the court. So nothing is being foisted on the Government, with one exception, which concerns the Minister of Finance, namely the financial backing for this. I feel very strongly about this and I have tried to indicate why.

Now, I do not know what this is going to cost; I am dealing with a matter of principle. I heard the Attorney General repeatedly say that this Government is dedicated to making resources available to have a proper judiciary and to have the administration of justice properly served. The Industrial Court is a very important part of the administration of justice and, I repeat, it is a superior court of record. So I am quite sure that the money can be and has to be found for this.

The situation with pensions is equally unfair and equally discriminatory and personalities are sometimes important. If you get a public service pension, you get almost twice the pension of a member of the Industrial Court. I had the figures worked out for me. This is why it is important when you apply, not only the salary, but the other terms and conditions—and I have laid great emphasis on pension—you are going to rectify another anomaly, and that is the complete discrimination in the pension arrangements.

### **3.10 p.m.**

We are not going to talk about the pensions of the High Court judges—which, of course, are very high now because the salary is tax-free and so forth—but I am going to cite an example and call a name only because it is a very distinguished person who is deceased and cannot be embarrassed; it is natural modesty.

Mr. Gaston Benjamin served the Industrial Court for 20 years—I have not had time to check it, but it may have been even longer—and his qualification was not

*Industrial Relations (Amdt.) Bill*  
[SEN. DALY]

*Tuesday, July 1, 1997*

of a high-powered, second or third degree, but was basically experience. I do not know what paper qualifications he had. Incidentally, he was also a leading figure in the boy scouts movement—and I mention that for reasons that are relevant. Everyone, without exception—and there are experienced trade unionists on both sides of the Senate—liked Mr. Gaston Benjamin and respected him.

Mr. President, not only that but, as the years wore on, he was the number one conciliator in the Industrial Court. Anytime there was a difficult conciliation with strike camps being erected and harsh words flying, the court always—whoever was the President—looked to Mr. Benjamin to conciliate. He was a sterling example of the type of member, not a president or a vice-president, that we need to protect and look after. He became the leading conciliator in the Industrial Court and any time there was difficulty they called for “Benji” as he was affectionately known.

Mr. President, I have taken the trouble to look into what were the terms and conditions of Mr. Benjamin’s service. His pension, after 20 years—I am not going to call the figure—of service in the Industrial Court is half of what it would have been if he had a public service pension. I do not know what arrangements were made for his wife to enjoy his pension after his death, but I know that it is completely unsatisfactory after 20 years of service in a superior court of record.

I mentioned his role in the boy scouts movement because that is just the type of person needed to balance the court. There are lawyers, namely the president, the vice-president and so forth, but that is the type of person we want to have there in order to balance a labour court to make it work properly and be respected. I can only speak second-hand, but there is much resistance by trade unions to having their matters even presented by lawyers, let alone determined by them.

Mr. President, one of the reasons the court was so successful is that over the years we were able to find non-lawyers such as Zin Henry, Gregory Awang, Harold Hutson—he was a lawyer but I am trying to single out the non-lawyers—Mr. Gaston Benjamin and others who were able to balance the court and do some of the court’s most important work. The court would have been hard-pressed to adjudicate upon some of the cases that these persons conciliated which were presided over by a lawyer, so they made an equal contribution. How can we discriminate against them by this legislation? It is wrong!

Mr. President, I ask that the Government look again at the Wilson Committee Report and have discussions with the Minister of Finance. I know he hates

injustice because I read in the newspaper that he was astounded to hear that the panmen had not been paid. Of course, his worry about the panmen is underlined by the fact that he is well versed in the court of the steelband as some of us are well versed in the court of labour relations. I know he hates injustice and I know that he is going to squeeze the public purse, even if we pass the legislation with an amendment and the operation has to be postponed, just so long as the sitting members are not discriminated against. I am sure we can find some way to rectify this wrong. Indeed, I am sure that the Prime Minister would be well pleased, as a person who is more than well qualified for the Industrial Court, to hear that we have rectified this error.

Mr. President, I know I have spent a long time on this, but I really think that the unfairness is extremely manifest, and I would just refer to one or two other things, although I see many nodding heads on the Government side. I emphasize that we do not have to hold up the Minister of Finance today, but we can let him know that the hold-up is coming and we can spend some time working it out while he looks at the funds. All he has to do is transfer it from somewhere else [*Laughter*] and we would see it in an appropriation bill. I know that Senators John and Cabrera would help to nudge him in the right direction.

Indeed, without naming anyone, and without holding up anything in front my face, there are persons in this Senate who would make extremely valuable contributions as members of the Industrial Court. Would we want to treat them any differently from the president of the body? We have persons sitting right here with special experience in labour who have the qualifications: accountants, management specialists, trade union specialists and so forth.

In fact, I suppose if we cannot serve the country well here, we would have to consider volunteering for service in the Industrial Court. We really would not want to discriminate against my colleagues. I think even environment is going to become important in labour disputes in the future.

Mr. President, there are just two other things to which I would like to refer. First of all, I would like to re-emphasize that the respect of the court is going to be determined by its independence and its balance as much as by the ability of the persons who sit there. Indeed, anyone who has anything to do with the courts would know that it is not always the brightest judges that are the best because balance is such an important part of the judicial temperament.

**Mr. President:** Hon. Senators, the speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. D. Mahabir-Wyatt*].

*Question put and agreed to.*

**Sen. M. Daly:** Thank you, Mr. President, and Senators. I did not realize I had gone on so long about this.

There are just two other matters that I think are important and need to be out in the open in this debate. Firstly, the Executive's summary of the Wilson Committee Report is inaccurate, in that it leaves out the recommendations in relation to the other members of the court. So concerned was Mr. Wilson, the Chairman, about this, that he wrote a letter to the Cabinet on June 25, 1996, pointing this out and re-emphasizing that the view of the committee was that something should be done about the members of the court. That is the first thing I would like to make plain so there would be no ambiguity about it.

Secondly, I know that certain members of the court have addressed correspondence to the Government about this matter and have made extremely—I could not write a letter as respectful as this, my hand would freeze [*Laughter*]—respectful requests and stated that they support the actions of the Government in “restoring the office of the President of the Industrial Court”. So there is no division or acrimony about this. What is being proposed by this Bill, by omission, is just unfair and discriminatory and it cannot stay like this. So, if it is a money problem then the operation or passage of this legislation would have to be suspended until the money problem could be solved.

Mr. President, I think you know and I think many Senators can imagine what is the result of an unhappy court. It really is not a good thing. I must point out to this Government that it is at a very historic junction. The new building for the court was just opened and we had seven speeches. The Minister of Labour and Co-operatives was there and I think five Government Ministers spoke at the opening of the Industrial Court; such is its importance. Some of us were dying of thirst because the programme was so long. You may have been there, Mr. President. They all looked up adoringly at the Victorian clock tower of the building and said the most wonderful things about the court, so I know that this omission is really not deliberate, and the Government does not really want us to pass this Bill to discriminate in favour of one member of a collegiate body.

**3.20 p.m.**

To summarize it all, I cannot support the Bill in this form. I have proposed an amendment, which I would like the Government to consider very seriously. I think it presents an historic opportunity for it to correct a situation at very little cost to anyone other than the Minister of Finance. We will not be giving tenure to any appointments which it may wish to scrutinize. We will not be giving tenure to existing holders of the three offices, for which I have proposed tenure, because I believe that these posts are either vacant now or soon to be vacant.

I thank you.

**The Minister of Public Administration and Information (Sen. The Hon. Wade Mark):** Mr. President, we have listened attentively to Sen. Martin Daly's contribution and I have spoken to both Sen. Diana Mahabir-Wyatt and the Leader of Opposition Business, who had indicated that she would prefer to proceed with the debate. However, having regard to the pertinent points raised by Sen. Daly, we suggest that the Government be allowed to have further consultation on this very important matter, and in this regard, that the debate on this Bill be suspended until the next sitting of the Senate, at which time we would be able to take on board a number of the concerns expressed. We feel that, in light of the various points raised, it is in the interest of all that we suspend at this time and further consult with the parties concerned.

*Question put and agreed to.*

#### ARRANGEMENT OF BUSINESS

**The Minister of Public Administration and Information (Sen. The Hon. Wade Mark):** Mr. President, we would also like to propose that the Senate now proceed to Bill No. 3.

*Agreed to.*

#### POUNDS (AMDT.) BILL

*Order for second reading read.*

**The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Sen. Vimala Tota-Maharaj):** Mr. President, I beg to move,

That a Bill to amend the Pounds Act, Chap. 67:03, be now read a second time.

*Pounds (Amdt.) Bill*  
[SEN. TOTA-MAHARAJ]

*Tuesday, July 1, 1997*

The Bill entitled an Act to amend the Pounds Act, Chap. 67:03, has become necessary since the existing Pounds Act fails to address adequately, problems associated with the straying of animals.

Recently, there have been a number of mishaps caused, in particular, by the straying of cattle on the highways in the southern region, resulting in the loss of lives, personal injury and damage to property. In a number of cases, it has also resulted in the damage to agricultural produce, as these straying animals feed on agricultural crops. Coconut estates, in particular, have been and are still severely affected by stray cattle. Estate owners are presently unable to replant as the young coconut trees are eaten and destroyed by these animals. In addition to this, there is the possibility of a serious tick infestation of animals in the county of St. Patrick. It is, therefore, extremely important to control the straying of animals by impounding and thereby preventing the spread of this infestation.

Mr. President, in light of the serious problems caused by the straying of animals in Trinidad and Tobago, the Ministry of Agriculture, Land and Marine Resources has sought to put the following mechanisms in place to control straying animals:

- (1) Buffalo is to be included as a poundable animal.
- (2) The owner of any animal which is impounded should be liable to pay the cost of keeping the animal in the pound until same can be legally offered for sale.
- (3) The feeding fees for the impounded animal should be increased.
- (4) Any cost incurred in transporting the animal to the pound shall be paid by the owner of the animal.
- (5) Special conditions must apply for vehicles transporting any animal to the pound to ensure road safety and the protection of the animal from injury.
- (6) The pound seizure and transport fees should be increased to act as a deterrent.
- (7) A system where impounded animals are tagged before their release to the owner be included, and that if any animal so tagged is impounded, the owner must pay an extra fee before its release.

Mr. President, in support of attempts to control the serious problems caused by straying animals, necessary legislative amendments must be effected. Recommendations



from the Commissioner of Police and the Animal Production and Health Division of the Ministry were used by the Ministry and the office of the Chief Parliamentary Counsel to inform the drafting of the provisions of the Bill before this honourable Senate. These amendments are intended to protect our agricultural industry, thereby safeguarding the livelihood of farmers involved in that subsector.

*Question proposed.*

**Sen. Nafeesa Mohammed:** Mr. Vice-President, I, too, like Sen. Daly, would like to take this opportunity to congratulate our parliamentary colleague, Sen. Carol Cuffy-Dowlat, who has been elevated to the temporary position of acting Attorney General of Trinidad and Tobago. We feel proud that once again a female person can sit in that particular office, even though it may be for 10 days or so.

[MR. VICE-PRESIDENT *in the Chair*]

It is also very refreshing, Mr. Vice-President, to see the Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources presenting this Bill. At least we know that when she speaks for the Ministry of Agriculture, Land and Marine Resources, we will get the truth in Parliament.

Mr. Vice-President, I have looked at the provisions of the Bill before us and have made some inquiries into the operations of the Act. I looked at this Act, which is Chap. 67:03 of the laws of Trinidad and Tobago and I saw that this legislation was enacted on March 7, 1876. Today, in 1997, we have this very action-oriented Government, which claims to be so concerned about the agricultural sector, the farmers in the country and increasing food production, bringing an amendment to the Pounds Act.

**3.30 p.m.**

In terms of the provisions of the Bill, we have no difficulties with most of its provisions. I gather from my investigations, that the straying of animals, especially a few years ago, used to be a very common problem throughout Trinidad and Tobago, and the Senator made mention specifically about the problem of straying animals in the St. Patrick county and areas in the deep south.

In the last few years with the development which has taken place in our society, especially where we tend to have residential areas being developed throughout the country, it is common to have actual provision of clauses being inserted that will prohibit the rearing of animals in certain areas. I come from the San Juan area and I know that there are many people who would have a cow or

*Pounds (Amdt.) Bill*  
[SEN. MOHAMMED]

*Tuesday, July 1, 1997*

two, a horse, a donkey, or some other animal in their yard, and as the Senator pointed out, when these animals stray, they do damage to people's crops or their properties. I understand in places like Cumuto where these animals stray, it is not uncommon to have a high incidence of praedial larceny existing where people simply go and catch the animals, slaughter them and enjoy the meat.

The Senator made mention of the road accidents caused by straying animals and I am sure that Sen. Daly would be very mindful of the hazards involved. For those who may frequent the Mayaro area, having to pass through the Manzanilla stretch, it is not uncommon to see the hundreds of animals amidst the coconut trees. Last week I was amazed to see all these animals very close to the edge of the road with only two persons tending them, and I wondered how they manage. That is an area where the buffalypsoes are being developed, so there is a variety of animals there and many people commute between Mayaro and Sangre Grande, so it is indeed a hazard. As was mentioned, this Bill seeks to provide some kind of measure that will deal with this problem.

Mr. Vice-President, having looked at the Bill, we welcome the inclusion of buffalo in the definition section, because as I mentioned, nowadays they are very common and with the experiments that are being carried out with them, it is a welcome provision.

I notice in section 15A that provisions are made for the transportation of animals to the pound and it reads:

“Any person who transports or who is responsible for the transportation of any animal to the pound in a vehicle must ensure that such vehicle—

(a) is adequately equipped with bedding, railings and restraint facilities;”

My concern with this provision is, why restrict it just to the transportation of animals to the pound? Generally, when people are transporting animals, these measures should be in place in order to safeguard the road-users and also to protect the animals that are being transported.

In talking to some individuals—especially in the rural areas—who have been exposed to this problem of straying animals, my information is that where there might be some cows going on to a person's property, it is very cumbersome and difficult to have that person actually take these animals to the pound.

Under the Pounds Act, provisions are made whereby the police stations are regarded as the pound area, so if there is a problem with a straying animal, one simply takes that animal to the nearest police station and has it impounded, but it is not like long ago when people knew how to handle these animals. Very often, if one has an idea of who the owners are, one would simply drive the animals off one's lands. Nowadays, private citizens prefer to file civil actions in court against the owners of these animals in order to obtain compensation for damages done to their crops or property. So there is a tendency not to take the animals to the pound areas.

I wonder about the practical aspects of the provision with respect to the vehicles that would transport the animals to the pound, because it seems as though it is hardly used. For example, in the San Juan district, the last time an animal was impounded at the San Juan police station was in 1992. I have no doubt that in the more rural areas that the problem would be more prevalent, but the inconveniences and the cumbersome nature of having to put these animals in a vehicle and take them to the pound create some difficulties.

Mr. Vice-President, in dealing with a Bill of this nature and with animals generally, we certainly would have preferred to see a more substantive type of legislation being brought to the Parliament, legislation that would help to improve our animal health and production services within the agricultural sector. We are aware that we have a very high food import bill, and one of the most significant components of our food import bill is the importation of meat. We know that we import a great amount of meat from New Zealand, Australia and other parts of the world, and I would like to know what steps are being taken by this administration with respect to increasing our domestic production in terms of livestock, to save on our foreign exchange reserve.

What about improving our abattoir facilities? I had the opportunity to witness the operation at a particular abattoir and I distinctly recall seeing an inspector who was there as the animals were slaughtered. He was examining the meat before it left the abattoir. He looked at the organs of the animal to see if there were any lymph nodes, or whether the animals had tuberculosis or any bacteria. When meat is inspected in that way, one knows that John Public who would be consuming that meat would be having meat that is safe for human consumption.

What about measures to deal with those persons who slaughter animals and sell meat in an unregulated manner? One may be driving on the highway, or going to San Fernando where it is not uncommon to find these highway vendors,

*Pounds (Amdt.) Bill*  
[SEN. MOHAMMED]

*Tuesday, July 1, 1997*

especially on a weekend, selling fresh goat meat, or pork or whatever. What steps can be taken to deal with these individuals to ensure that the animals have been properly slaughtered, that the disposal of blood, the skin, or whatever waste is properly dealt with? What about the safety of that kind of meat for consumption? Who is there to check to see that the animals that are being slaughtered are not infected with some disease?

**3.40 p.m.**

Who is there to regulate and ensure the meat one buys on a Saturday morning is not stale meat from the day before? We are an unsuspecting public so that I would have expected, by now, to hear something from Members on the other side with respect to these issues, especially when one is talking about revamping the agricultural sector.

Mr. Vice-President, I think, perhaps, as in the case of the slaughtering of animals, there can be some certification system so that meats which are being sold can be properly certified as being fit for consumption. I would like to see more emphasis being placed on measures designed to increase our local consumption; whether it is with respect to research that is going on; what we do to improve our stocks; what we could do to improve the management of our livestock industry; and what help is being made available to assist, especially, our small farmers who may be taking care of 12 or 13 sheep, or two or three cows.

Mr. Vice-President, what about our poultry farmers? Indeed, the ordinary consumer is aware of the constant problems of fluctuations in the price of chicken. What are we doing to alleviate some of the problems faced by our poultry farmers? I remember a few years ago there were so many chicken farms mushrooming all over the country. That industry was certainly developing in the Valencia area and many people were making an honest living from the rearing of chickens. What is happening now? The capital cost is very high for the rearing of young chicks into chickens to be slaughtered. What steps are being taken to assist these farmers?

Mr. Vice-President, it is a simple process if we want to talk about increasing our local production and cutting our food import bill, all that is required is that we have a greater public awareness programme. We have a demand for meat; we know that in today's society we tend to be meat-mouths as my mother or grandmother would say. I know that there are many vegetarians and I respect those who are, I am sure they would live longer, but it is a fact that our younger generation has gotten used to having meat in their everyday diet. My information is

that in days gone by that was not so, people would see meat, probably, once or twice per week.

There is already a demand for local meat and my suggestion to the Government is that it should try to step up or at least organize and conduct some kind of public awareness programme that would encourage our public to buy locally produced lamb, goat, mutton and other meats. Instead of using the information channel and the other avenues that the Government has been abusing to feed us a diet of propaganda and public relations, why not use this forum to educate the public with respect to buying local, so as to stimulate that important sector within our agricultural sector in the country.

Mr. Vice-President, with these few comments, I would like to indicate that we on this side certainly have no difficulty in supporting this particular amendment to the Pounds Act. All I would like to reiterate is the need to focus on more substantive measures that will help to stimulate agriculture in Trinidad and Tobago. I hope to hear much more from the Parliamentary Secretary because we know we would be dealing with the truth.

I thank you, Mr. Vice-President.

**Sen. Prof. Julian Kenny:** Mr. Vice-President, I will be quite brief on this matter and there is no question that we must support this Bill. Sen. Mohammed, in fact, referred to a concern of mine but she did not go quite far enough. She referred to the question of the transport of animals and that is a matter of concern to many people in this country.

Many people think that, perhaps, this is the time to recognize something which is developing in civilized societies. Animals have rights, but also if one does not want to go that far, we should really concern ourselves with the welfare of animals. If we do this we will extend it to the entire environment and, perhaps, in time we would be closer in harmony with the environment.

Section 15A concerned me, and it is admirable that the Ministry should be specifying how one transports animals, but one realizes, of course, the animals which are poundable and those which are not. When I am driving on the highway and I see animals being transported from the farmer to the abattoir, I have to take my eyes away from the scene. Sometimes two cattle are tied to the tray, so their heads are down—this is a most uncomfortable position for an animal that is trying to balance itself. Clearly, section 15A wants one to transport animals in the interest and welfare of the animals. This should really be extended to all large animals

*Pounds (Amdt.) Bill*  
[SEN. PROF. KENNY]

*Tuesday, July 1, 1997*

being transported. I do not know if there is a law that governs it but no large animal should be transported in the ways in which we see animals being transported to the abattoirs; one sees them slithering on the back of a little pick-up truck, tied with their heads down and this is, to me, distasteful.

I would point out also the manner in which we transport poultry from the farms to the factories. They stack them in these little cages all compressed and any human being looking at them can see that these animals are stressed out. Surely, there must be a more humane manner of doing it.

To add one brief comment to the subject of poultry, I do not know why the media, whenever they cover something in the poultry industry, have to show you the factory with the birds stung across on hooks. Mr. Vice-President, this becomes offensive and it is done day after day. When there is anything to do with poultry the media show the factory and the bodies of the chickens going down the slide. I want to knock the media a little, Sen. Daly. *[Laughter]* This sort of thing is contributing to brutalizing the society and our society continues to accept this sort of thing.

I wish to point out also that I had the shock of my life while driving to San Fernando, when I saw around the bend on the highway, what is a slaughter house. There are goats tethered out there. This sort of thing happens all over the country. I think we really ought to be addressing the issue of how we handle animals which are part of our diet. I know many vegetarians are quite opposed to meat for more than one reason, because they simply find it offensive to eat another animal. Following upon what Sen. Mohammed referred to, I suggest that there really ought to be a rethink of this matter of the handling and transport of animals. If we address it and we can solve the problem in a humane manner, it would assist in making us a less brutish society.

Thank you, Mr. Vice-President.

**3.50 p.m.**

**Sen. Cynthia Alfred:** Mr. Vice-President, I would like to join Sen. Mohammed and Prof. Julian Kenny in talking, just for a little while, about the question of treatment of animals. I refer, as they did, not only to animals that are going to the pound but animals, for instance, that are going to be slaughtered. I witnessed a cow being transported for slaughtering and there it was slithering all

over the place and one could see the agony that this animal was undergoing. I think that the Ministry of Agriculture, Land and Marine Resources should really address the question of treatment of animals especially when they are being transported.

Mr. Vice-President, with respect to tethering of animals. In Tobago, we have a problem where animals are being tethered close to the highway for instance, or to roads that are being used frequently when people are going to their garden to do their daily chores. We have found that tethering animals too close to these roads has proven to be a problem. There was a particular instance where I was almost a casualty when I was driving along the Old Milford Road and only became aware, at the last minute, of a black cow coming down onto the road. At first I did not see the cow because black animals are very difficult to detect in the night. I saw the cow's legs plunging towards us. Immediately, I thought of three things: should I stop, should I reverse or should I drive faster. I drove faster. We just narrowly escaped being attacked because the cow came right down onto the road, and had we been there, I am sure we would have had an accident. There are so many instances where animals which are tethered on the side of the road cause problems. Therefore, I would like the Ministry of Agriculture, Land and Marine Resources to, perhaps, put something in this Bill saying how many yards or how many feet animals should be tethered from the roadway.

Earlier, I made reference to persons going to their gardens and sometimes there are animals tethered very close to the road and they cannot pass. I am talking here specifically about cows. Some of them are vicious. Even if they are not, they are cows. At least when I see a cow I assume that that cow is dangerous. I think we should take cognizance of this fact and factor something into this Bill to protect the passerby.

Mr. Vice-President, I made another reference to animals that come onto the road and are hit by vehicles, particularly cars. One, the people in the car are usually injured; two, the car is damaged; three, the person or persons who owned the animals, of course, would not accept responsibility. Sometimes in order to get some redress the injured party—injured in the sense that the person's car was damaged, not physically injured—would come out and cut off a piece or pieces of the animal. This has happened more than once and it is barbaric, cruel and one can observe the animal lying there with one of its legs off while still alive. *[Interruption]* Yes, it has happened more than once and the person feels justified because he feels that is payment for his vehicle. I would suggest that some recommendations be made here to address that particular problem.

*Pounds (Amdt.) Bill*  
[SEN. ALFRED]

*Tuesday, July 1, 1997*

Mr. Vice-President, I noticed that recommendations have been made here to have animals tagged and recorded. That is, animals that are impounded. I would like to suggest that perhaps the Ministry of Agriculture, Land and Marine Resources should consider having different categories of tagging or marking the animals. Suppose a farmer has 50 goats, another farmer has two goats and the other person has two goats, I quite agree that some sort of mark should be attached to persons with animals where there are more than a specified number. But in a case where somebody has, perhaps, two goats and somebody seizes one goat and takes it to the pound, according to the proposition here, the person has to pay something like \$200.00. I am proposing that there be categories of farmers. That is, if you have a certain number of animals, then you are given a certain mark. Persons owning under a certain number should not be given a mark simply because I think it is impracticable for someone to be given the responsibility to check all the homes in Trinidad and Tobago to see whether a person has one or two goats or 10 or 50 cows.

The suggestion here is that farmers with just one or two animals should not necessarily be given a mark, but that those with more than a certain number be given a mark. So that the person with over a certain number, if his animal is impounded, when he goes to the pound he pays \$200.00 or \$500.00 accordingly, but the person who has two, three or fewer than the greater number, should be charged accordingly. I hope the point has been clearly made.

Finally, I see reference has been made here to the person who seizes animals. I have known of one particular instance where a gentleman was given the responsibility to seize animals that had strayed. The situation reached the stage where it was alleged that this gentleman used to go and seize animals that were legitimately pastured. In one particular instance, this led to words and then the words went to blows and eventually some cutlass passed and somebody ended up in the hospital.

**4.00 p.m.**

Mr. Vice-President, I would suggest that if the police—it may not be practicable for them to go about and impound the animals—or somebody is designated to do that particular job, that person must swear to some sort of oath that he would carry out his responsibilities in a manner that is becoming of the position. He should not, under the cover of darkness, perhaps, go and seize someone's animals and say that the animals were straying, or were in someone else's pasture.



Having said all these things, Mr. Vice-President, we do support the Bill and hope that some consideration will be given to the proposals I have made.

I thank you.

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. Vice-President, I also would like to support the Bill, but there are a few things I would like to bring to the attention of this honourable Senate. There are some things for which we just cannot legislate.

Sen. Alfred brought up the matter of the animals being tied very close to the roadway. It is not uncommon to find an animal tied on one side of the road and grazing on the other side, and when one drives up, one has to wait, or get out of one's vehicle, and chase it to the other side of the road, if it is tame enough. If one takes the risk of driving over the chain, the cow—most of the time it is a cow, especially if it is a bull—gets excited, pulls your bumper and damages your car. This is very common and, probably, we need to put some sort of ruling as to how close to the roadway these animals could be tied. The question of scaring little children who pass through narrow traces is also very common, and sometimes these children run from the animals and injure themselves.

There was one very serious problem in Tobago about two years ago where the police, I believe, had an arrangement with someone to transport animals from the state lands—especially bordering the highway—where there were signs saying “No Tethering of Animals”. This individual seemed to have a contract to transport these animals to the police station. What was very disheartening was the price that this person charged for transporting the animals from the highway, or wherever the animal was found, to the police station. Many times, the cost of the transport was more than the cost of the animal. This transport cost was going to the vehicle owner; I believe a part would have gone to the police station; I am not sure.

When the owner of the cow turned up for his cow, which, let us put a price, cost \$1,000, and the person with the transport said that his transport fee was \$800, the pound fee is whatever—the candle cost more than the funeral and you are not worrying to bury the dead. What was happening is that many times, the cow was kept and auctioned off, and many times, the very owner of the transport vehicle was buying the cow, because that owner was also a butcher.

[MR. PRESIDENT *in the Chair*]

You see, Mr. President, we cannot legislate for everything, but we have to be careful that the types of rules and regulations we set up in the police stations to

*Pounds (Amdt.) Bill*  
[SEN. DR. MC KENZIE]

*Tuesday, July 1, 1997*

carry out these processes, really protect the owners. Once a person is contracted to bring in these animals, there is nothing to prevent that person from finding animals and bringing them in, whether they are astray, nearly astray, or not astray, because they have more to benefit from the larger number of animals they bring in.

I would like to ask the Ministry to ensure that it scrutinizes the types of arrangements it has with the police stations, and the contracts given out to people to transport these animals. There was a case where the police had a contract with a private contractor to bring in these animals; this was not a case where a private owner was taking an animal to the pound because that animal had strayed onto his or her property. In Tobago, many times the pound is not used. One values one's crops and charges the owner. Simple as that. One says, "Okay. I will tie it in my yard. When you bring the money for my crops, I will give you your animal."

This pound business is, more or less, not as frequently used in our situation as may be thought. On the question of a cow damaging one's vehicle and nobody owning it at that time: one would be surprised to know that once the owner sees the damage done to the vehicle, and the condition of the animal, he decides yes or no, whether it is his or not, and will probably not claim it. Just as Sen. Alfred said, the owner of the vehicle would take revenge on the poor, blameless animal and slaughter it right there. He takes what he wants, leaves what he does not want, and feels justified in getting his own satisfaction out of it. It is barbaric, but it happens at times. It is a common occurrence.

When there was horse-racing, a horse got injured, it was slaughtered, and one had nice horse meat. This is why the issuing of the injection came about, where the horse is injected to make sure that the meat is not good for consumption. This is what deters many people who love horse meat from slaughtering the race horses.

Mr. President, I support the Bill, but I ask that specific rules and regulations be put in place to avoid people taking advantage of a situation and really robbing the owners of the animals in a tricky way. Let our animals live with us.

Thank you very much.

**Sen. Penelope Beckles:** Mr. President, I rise to make a very brief contribution on this Bill to amend the Pounds Act, Chap. 67:03. In the explanatory note, it states that this Bill seeks to amend the Pounds Act to introduce certain deterrent measures to curtail the problem of straying animals, particularly animals straying onto public roads and highways. My point has to deal with the existence of pounds at the respective police stations.

Over the last few years, several police stations have been built, and the majority of these police stations have not been built with pounds. If I might use the example of Caroni—if we were to go into the statistics, in terms of stations impounding animals—we would find that the Caroni police station is one of the stations that impounds animals much more regularly than any other police station, and that station does not have a pound.

**4.10 p.m.**

Now, one would find that, depending on where one is passing in Caroni, one can wait for as many as 20 to 40 cows to pass at any particular time before one is able to proceed on one's way. Sometimes it is difficult for persons to be able to actually hold these cows to take them to the station. There is a particular person in that district who owns in excess of 300 cows. The police find it extremely difficult to hold the cows and to be able to control what has become almost a nuisance in terms of these cows disrupting the flow of traffic. I am sure we know that having regard to that particular area, when one has to wait, whether it be 15 minutes or half an hour for cows, goats, sheep or whatever it is to pass, it could be extremely distressing.

I think we have to look at this Bill in the context of what happens very often with persons who own animals and are really indifferent about the needs of their neighbours or other persons in the society. Sometimes we feel that these Acts only apply to the country districts. At Besson Street, for example—if one were to find out about the statistics there—anybody who passes on the Priority Bus Route, particularly between the hours of five and six in the morning, knows there is a particular person who passes there with about 17 to 20 goats. Very often at Besson Street they have to impound animals, and again they do not have a pound at Besson Street. So, whilst it is very good to deal with this Act as it relates to the problem of straying animals, I think the reality of the situation is that we now have to put some infrastructure in place.

When we build the modern stations we are thinking of more technology, as distinct from some of the actual incidents that are happening. There are also cases in St. Clair and Woodbrook and if we examine the statistics, we would realize that there are instances where animals have had to be impounded, but the point is we are building the stations and not putting any pounds in the stations. Whilst it is necessary to upgrade the fees, I think we also have to ensure we have the infrastructure. What is done at most of the stations is use what are called the station cleaners, who are responsible for feeding the animals. Depending on the

*Pounds (Amdt.) Bill*  
[SEN. BECKLES]

*Tuesday, July 1, 1997*

location of the stations, officers are able to access assistance from some of the young men who live in the area to feed the animals.

Whilst we know that there are instances where things have disappeared in police stations, once they have the responsibility for impounding the animals, I think we must give them the sort of security that they need. What happens is that they are forced to simply tie a cow just at the back of the station. Just recently in Arima—last week—they impounded a cow. That cow was impounded at the back of the station, tied there and somebody brought grass and eventually the owner came and collected it.

I normally make the point several times when I rise to make my contribution, about the importance of educating the members of the public in relation to some of these pieces of legislation. Mr. President, the average Trinidadian really is not aware that when he has crops, and a goat, sheep, cow or whatever it is comes into his yard and destroys his property, he is actually entitled to impound that animal and be able to get a certain amount of—I should not say compensation, because even though we are upgrading the fees here, it does not compensate the person for the type of damage that these cows and goats do to their crops.

Further to that, a lot of us are aware that some of the criminal activities that subsequently flow are as a result of these same situations where persons have totally no respect for the fact that several persons in the society actually earn their income, their bread and butter, by virtue of planting their agricultural produce. Some persons have no difficulty in having their animals being fed constantly off other people's produce. So one has a situation where people are planting crops and other people's animals are being fed off those crops.

In addition to larceny, eventually several murders have been committed in our society as a result of owners of property getting so frustrated that they wait very quietly in the night, knowing that somebody is coming to steal their pregnant animals. There are quite a few persons who have actually ended up killing persons because of these instances, particularly in areas like Wallerfield and Cumuto, where several farmers are not able to fence their farms or lands. People just allow their animals free access to these lands.

It is good to see the increase in the fees because when one looks at the cost of maintaining the animals, particularly now, having relation to escalating costs, those previous fees could not have really compensated both those who are responsible

for tending the animals and the person who has to be compensated for the damage that was done.

I would say that it would be helpful, and I strongly recommend to the Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources, that we also look at the issue of ensuring that members of the society, particularly the farmers, are aware of the amendments to this legislation and even what existed before, so that they may exercise their rights.

Thank you, Mr. President.

**Sen. Prof. Kenneth Ramchand:** Mr. President, I support the Bill and I am only rising because I have a little lexicographical difficulty which I hope some Senator would be able to help me over. I did not receive the Bill at home and, therefore, I could not answer my own question. So, looking it over, the first thing that caught my eye was in the margin of 15A which says:

"Transport  
of animals  
to pound"

I started to wonder if this was a reference to the transportation of prisoners—politicians, teachers and other criminals—to jail. I wanted to know, “If they are carrying them to pong, why should we give them bedding?” So after thinking about that for a little while Sir, I started to read the Bill and then I realized that it was to put them in the pound.

Mr. President, the problem I have is, what is the origin of this word 'pound'? Why not a noun derived from the verb 'impound'? How did it come about that the word 'pound' in the Pounds Act has got into the legislation? Is 'pound' the noun derived from the verb 'to impound'? That is all I would like to ask, Mr. President.

**The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Sen. Vimala Tota-Maharaj):** Mr. President, I would like to express my gratitude to the Senators who contributed to today's debate and supported the amendment.

Sen. Nafeesa Mohammed raised certain issues concerning the abattoirs, the vending of meat and certification for slaughtering of animals. Your concerns have been noted, Senator.

*Pounds (Amdt.) Bill*  
[SEN. TOTA-MAHARAJ]

*Tuesday, July 1, 1997*

Sen. Prof. Kenny referred to transportation and handling of animals and having to follow a truck or a van loaded with chickens which are crammed into a crate. I agree with him to a certain extent. The inhumane method of transporting animals to the abattoir or to the market has been raised at Ministry level. With regard to the Senator's concern about what is shown on the media concerning poultry and the birds strung across in the processing plants; I would like to tell him I have no influence on what the media shows.

Sen. Alfred, thank you for raising that pertinent point on the tethering of animals. I would definitely raise this with the officers at the Ministry. With regard to the tagging of animals, the animals are tagged when they are pounded. So that if the fee is paid by the owners, the animals are taken home and if the animals are again pounded they would have that tag on them. If they are tagged again they are going to be offered a price and if they cannot purchase the animals then the animals would be seized. There are certain people who really have an attitude and they could not be bothered with where the animal strays. We are using this method and we know we cannot use one method for everyone as Sen. Mc Kenzie pointed out.

The rounding up of stray animals, the issue has also been raised at the Ministry about unscrupulous characters going in the dead of night, rounding up animals which are legally tethered on private lands and taking them to a pound, probably out of spite or for other reasons. We are trying to get our officers to come up with an appropriate system of rounding up these animals. We have certain estate owners, certain farmers co-operating with our Ministry to come up with something appropriate to deal with this process. Also, for transporting of the animals, the officials or officers at the Ministry have assured us that the animals will be transported properly and by authorized persons. So no one off the street can just go, seize an animal and carry it to the pound to try to claim a fee.

Sen. Prof. Ramchand, concerning your query, Sir, I think we need to have a literature class.

Mr. President, I beg to move.

**4.20 p.m.**

**Mr. President:** Before putting the question I just want to remind Senators, especially those responding to questions raised, that you address the Chair and not any particular Senator to whom you are responding.

*Question put and agreed to.*

*Pounds (Amdt.) Bill*

*Tuesday, July 1, 1997*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clauses 1 to 9 ordered to stand part of the Bill.*

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

*Senate resumed.*

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

*Motion made and question proposed, That the Senate do now adjourn to a date to be fixed. [Hon. W. Mark]*

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 4.28 p.m.*