

Leave of Absence

Thursday, October 5, 2000

SENATE

Thursday, October 5, 2000

The Senate met at 10.38 a.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Members, I have granted leave of absence to Sen. Danny Montano from today's sitting of the Senate.

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

Bill to provide for the establishment and administration of the College of Science, Technology and Applied Arts of Trinidad and Tobago and for matters connected therewith, brought from the House of Representatives [*The Minister of Finance, Planning and Development*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Sen. Brig. The Hon. J. Theodore*]

Question put and agreed to.

STANDING ORDERS COMMITTEE

Presentation

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Vice-President, I have the honour to present the following report:

Report of the Special Select Committee of the Senate appointed to consider and report on the Standing Orders Committee.

ARRANGEMENT OF BUSINESS

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Vice-President, I seek leave of the Senate to deal with "Bills Second Reading" at this stage of the proceedings.

Agreed to.

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

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

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

Mr. Vice-President, the College of Science, Technology and Applied Arts of Trinidad and Tobago has an interesting history which I shall seek to give to the honourable Senate before getting into the substance of why we need this Bill. Since the early 1990s the Government of Trinidad and Tobago recognized that the low rate of participation in tertiary education, currently at about 7.9 per cent, is a major impediment to sustainable economic and human resource development. I should add that if we go to most European countries the proportion of their 18—24-year-olds who advance from secondary on to tertiary education is above 20 per cent. In some parts of the Far East—Korea, Singapore—it is nearly 40 per cent or slightly above. So that you know in Trinidad and Tobago, where we are at 7.9 per cent, we are in a very bad, very perilous situation in order to prepare our population to compete with those countries.

Over the years, a number of task forces were convened by previous administrations to consider this problem and to develop a comprehensive plan for reform of public tertiary education. The reports and recommendations emanating from these task forces centred around the need for a community college-type system which would address the numerous and the various problems that currently characterize tertiary education in this country, among which I should list problems such as low enrollment and achievement rate in critical areas. This goes all the way back to the primary-school level—what we see manifesting itself in the tertiary level did not start there.

There was limited or no investment in teacher training—again this goes right back to the primary level. There was limited career mobility in faculty and staff—the types of programmes that are assumed not to be relevant to the labour market or to the needs of the local communities; programmes that do not make provision for remedial education or workforce education. What I am focussing the mind there on is that in this vertiginously changing economic environment you need to be retraining workers or at least retraining them to adjust to redundancy and what Schumpeter called creative destruction, but programmes that are low in quality and very costly to deliver. We are talking about both the internal and the external efficiency of delivering the curriculum or what one wants people to learn and to achieve within a school system and how is that going to fit them to fit into after-school activities like work or living like a proper citizen.

There were programmes that limit articulation and transfer opportunities not only with our own University of the West Indies but also with regional and international universities and colleges, and programmes that do not facilitate the establishment of a system of life-long learning. We are hearing about life-long learning as a new catchphrase, but indeed it has happened in other places. I can remember in the 1970s reading about the programme that they had in Sweden where the government, as a matter of policy, made it possible for people at any age—you know, people who had retired, who had reared their families, children—to go back into the university system to learn crafts, and arts, get degrees and get professions. This is what we have to do so we can relate to that.

In spite of the recommendations of these task forces, no serious action was taken to reform the tertiary sector, until 1997, when this Government took the decision to establish the College of Science, Technology and Applied Arts of Trinidad and Tobago, acronym COSTAATT. This is because we understand that the country will not survive in a competitive global economy unless there is a major revolution in education. We have already achieved a goal that many developed and developing countries are still aspiring to achieve, which is to say that accessibility to primary education and also to secondary education are at the level of 100 per cent in Trinidad and Tobago with the recent decision by the Government to make sure that all the children in the 11-plus go on—will find an available school bench to sit in.

With the establishment of COSTAATT we intend to attain a 15 per cent participation rate in higher education by the year 2005, which is internationally recognized as the threshold for mass higher education. In less than five years under the COSTAATT initiative we have increased enrollment from approximately 7,000 to 9,000 students. No doubt some on the other side think that this is a dangerous development, believing that the quality of our higher education will be sacrificed. However, the vision and the developments in tertiary education are consistent with the recommendations not only of Caricom but also of the former Vice Chancellor of the University of the West Indies, Sir Alistair Mc Intyre and the current principal of the St. Augustine campus, Prof. Compton Bourne.

Those who doubt our resolve, we are committed to providing educational opportunities to all our citizens irrespective of where they live, their age, their ethnicity, or what some people like to call their race. I do not like to use that word because, being a trained scientist myself, I know it has no meaning in scientific terms, so I would rather say ethnic groups—their class or their social standing. All we ask is that people who have the ability and desire to benefit from

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education and training, and who wish to be part of this revolution, should have no obstacles put in their way.

COSTAATT is the amalgamation of six public tertiary institutions into a single, multi-campus college. The institutions to be incorporated into COSTAATT are the San Fernando Technical Institute, John S. Donaldson Technical Institute, the Government Vocational Centre, Eastern Caribbean Institute of Agriculture and Forestry, the Joint Services Staff College and the Niherst Colleges—the one of Business and Information Technology, the School of Languages, the School of Nursing, the College of Health Sciences and the General Education Division. For years, in spite of all the rhetoric, these institutions have been neglected by government after government and, in the last few years since we gave the green light for the establishment of the college, we have made significant impacts on the quality of teaching and learning that take place in our public tertiary sector.

Over 2,000 new students trained in the associate degree, diploma and certificate programmes. Over 1,000 members of faculty and staff have attended workshops in areas as critical as quality assurance in higher education, budgeting and strategic planning, human resource management, technology planning, project management, programme development for credit-based systems, student development in a community college and automating library systems. Over \$4 million has been spent on equipping state-of-the-art laboratories with computer equipment and software to improve the quality of information technology programmes and the efficiency of the administrative services in all of the campuses.

Over \$2 million had been spent on acquiring library resources for all COSTAATT campuses. These are institutions whose budgets for library resources up to the time of the Government's initiative was less than \$10,000 per year. Almost \$10 million had been spent on upgrading the physical facilities at these institutions. Buildings have been painted for the first time in more than a decade, for example, asbestos roofing that was a health hazard to students and staff has been removed from ECIAF and from GVC. In this year, 50 scholarships sponsored by the private sector were awarded for enrollment in associate degree programmes in graphic arts, environmental engineering, environmental technology, business management and information technology, among other things, Mr. Vice-President.

If I go into the structure of the Bill, the Bill consists of four parts. Part I provides for the establishment of the college as a body corporate, its management by a board of trustees, the appointment of a President and Vice-President and the

establishment of a faculty Senate. The board of trustees will comprise 15 members as follows: 11 members are to be appointed by the President of the Republic of Trinidad and Tobago. The President of the college, who is an *ex officio* member of the board, will be another member of the board of trustees. There will be a representative designated by the student council; there will be a representative designated by the Faculty Senate and there will also be a representative designated by the body representing the non-academic staff.

10.55 a.m.

Provision is made for a Member who has a pecuniary interest in the matter being considered by the board to disclose the nature of his interest before the board's deliberation on the matter.

Part II of the Bill contains the financial provisions governing the operations of the college. The resources of the college will derive largely from parliamentary appropriations, grants, covenants, donations, endowments, tuition fees and loans.

Part III provides for the secondment of staff from the public service to the college and the recruitment of non-public service staff.

Part IV addresses other matters, in particular, the vesting of property; the rights and obligations of the college; and the repeal of existing laws.

Mr. Vice-President, the main objectives of the college—as I said before and I should repeat in a different way—are to increase the access to tertiary education to previously undiscerned, and I may even say under-privileged groups; to establish a robust internal quality assurance system that is benchmarked to reach regional and also to international standards; to establish formal articulation and transfer agreements with the regional university and international institutions; to develop bachelor's degree programmes in areas not currently addressed by existing institutions; and to contribute to the development of a seamless tertiary education system through the adoption of a unified system of credit accumulation and transfer.

The operationlization of COSTAATT has been pursued on a phased basis and so far the following have been achieved: an overall increase in the students enrollment; development of distance education plans for broadening access to the college; development of integrated systems for governance and inter-college communication; provision of training programmes, faculty and staff development; and undertaking critical repairs and renovations. Other activities to be completed include the establishment of a wide area network to link campuses and to

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integrate the academic and administrative services; upgrading of the faculty and staff to support programme expansion; the establishment of a library collection building and the development of an integrated electronic library system; and also the establishment of centralized campus facilities at Mount Hope.

Mr. Vice-President, I need to re-emphasize that this college is poised to play a pivotal role in the development of the education system in Trinidad and Tobago. Much attention has been paid to the development of the country's human resources through the provision of education and training. Universal primary and secondary education have, as I said, been achieved by this Government even if the infrastructure for so doing had already been there through successive governments since 1956. Efforts are now being directed to improving quality and efficiency of delivery.

Mr. Vice-President, it is important that I put on the record again that, notwithstanding the efforts that were made in the past, many of our people have been severely disadvantaged by the education system, because to any dispassionate and objective observer, what we had and what we still have in Trinidad and Tobago—and this is what the country has to fight against—is an education system which has put many of the people of the lower classes at a disadvantage, through no fault of their own.

Mr. Vice-President, if I may be permitted just en passant. I was reading the newspapers this morning and sometimes I have to be a bit chagrined by what I read in the newspapers and how they misrepresent the things I say. I am quoting from today's *Newsday* from an article entitled "Race talk in the House" by Suzanne Sheppard. In fact, what I was responding to was a statement made in the other place where the Member for La Brea said that he knows that there is a conspiracy in this country to deny people of African descent a proper education, because one teacher of another ethnic group told his son he could not learn science and mathematics and they refused to teach him and he eventually got a grade A in all four subjects. Now that is in the *Hansard* record.

In responding to that statement I said that much of what we call race in Trinidad is not race. I quoted the case where a parent came to me and said her daughter got a grade A in all four subjects and the Government did not give her a scholarship because she was black. I did not tell the person that I knew one of my colleagues in the Cabinet whose son also got four "A's" and did not get a scholarship. Apparently, there is some problem with the question of groupings. So you can get "A's" in physics, mathematics, chemistry and general paper and you get no scholarship, and somebody in another group gets two "A's", a "B", and

a “C” and gets a national scholarship. I did say that I would bring this matter to the attention of the Cabinet. I had already brought it to the attention of the Cabinet. I made a suggestion that anybody who got four “A’s” should get a scholarship. So that what the newspaper is reporting is a bit invidious in terms of it did not state the background and the reason why I made my statement and it is also wrong in saying—and I am quoting from the *Newsday* article:

“Quoting from a study on the country’s education system, Job pointed out that in the higher socio-economic groups ‘many Whites, Chinese and children of Syrian-Lebanese descent’ managed to get into prestige schools.”

Mr. Vice-President, that is not what I said. If I might read from the substantial work which is *Endless Education* by Prof. Carl Campbell and put it in the record, he is saying that studies have indicated that children from the higher socio-economic groups performed better in this examination than children of lower socio-economic groups because of superior home environment and parental support; better teachers and schools and, even perhaps, the cultural bias of the examination. He said superior performance has in turn helped the higher socio-economic groups including many Whites, Chinese and students of Syrian-Lebanese descent to get into prestige schools. That is quite a different statement from what I am reading in the *Newsday* here. These people did not “manage” to get into prestige schools; they earned their prestige school place by merit.

I was making the point that when calypsonian Cro Cro sang “Corruption in the Common Entrance Examination” a lot of people were applauding him because he said people of Indian descent who got into prestige schools bought the place; they bribed to get their place. This is not what Carl Campbell is saying and this is not what anybody on an objective assessment is saying.

There is also a World Bank study that was produced in June this year which is repeating what many people said—and there are reports that we can read; they are in the library. Prof. St. Clair King did a committee in 1982; Prof. Max Richards of the Faculty of Engineering in 1984; there was the Bruce report in 1981; there is a Paula Mark, I think in the Faculty of Education did something on it. There are several people who have researched this matter and said that we need to do something about the lower classes and the culture that they come from and bring to education which means that throughout the system, including when they reach to the tertiary level you see certain kinds of disadvantages and outcomes that are not really racist determined as much as they are consequences of the way the society is evolving.

Mr. Vice-President, having dealt with that point I shall go on to say that although tertiary education has been growing in importance over the years in Trinidad and Tobago, it is estimated that the number enrolled at tertiary level institutions is too low to make Trinidad and Tobago the kind of competitive country that it should be. So we must do what we are doing with COSTAATT, we must do what we need to do at the University of the West Indies and all the different efforts that are geared to expanding tertiary level education in Trinidad and Tobago.

Our previous failure to pay particular attention to skills development and education at the tertiary level—and what I mean by this is skills development in the sense of what they used to call Tech/Voc. You need a whole cadre of people at every level to deal with equipment and infrastructure and we do not have enough of those kinds of people.

In Tobago, there is a building industry going on over there and when they were building the Hilton Hotel most of the workers came from Trinidad—that is the people who had to do the plumbing and electrical work and all the other technical work because there was no infrastructure in Tobago to train people to that level. I did, indeed, bring a note to Cabinet asking that an institution at the level of the John Donaldson and San Fernando Technical Institutes be built in Tobago, so that is under consideration in the Cabinet. While that was being considered, I decided, on hearing that the National Energy Skills Centre is building these centres in Trinidad, to ask Cabinet to build one in Tobago, and one is to be built at Roxborough

Tenders were sent out and the reason we did not start in the last financial year is that there was a problem with the people who bid and how the tendering came in. I have to look at it to make a decision about what to do, whether we have to re-tender or whatever. So I am saying here that the question of skills; the question of not focussing merely on academic subjects and people getting a BA or BSc in some kind of theoretical subject when we neglect the infrastructure for technical competence and technical capabilities also has a serious impact on our competitive ability as a country.

So this is part of what COSTAATT is aiming to do. In terms of our productivity and our ability to compete in the global environment, we necessarily have to position COSTAATT to assist in this kind of endeavour. Trinidad and Tobago will not be able to participate effectively in those areas of activities which require these kinds of modern information technology skills.

11.05 a.m.

I would advise you again, Mr. Vice-President, when the Apollo 11 spacecraft landed man on the moon, that spacecraft had less computing power on it than many of the cars that people inside here drive today.

What I am trying to say is, even to be a motor mechanic today requires a certain level of knowledge and sophistication which were not needed for cars 10 or 15 years ago. If you had a spanner, a screwdriver and a jack, you could have been a motor mechanic. Not anymore. You need special training. In fact, this Government has set up a school, I think, in Barrackpore, where there will be training of motor mechanics to deal with these modern kinds of cars. I should also say that I have managed to get the Cabinet to agree to give six scholarships to Tobagonians so that they can go to that school because these modern cars are also on the roads in Tobago.

I am saying that what we need to do is to look at where we have a deficit or deficiencies in the kinds of technological know-how. We need to focus on telecommunications, on information technology and on banking and insurance. When I say banking and insurance, I want to advise that what we knew as a bank five or 10 years ago is no longer a valid concept; what we knew as an insurance company, five or 10 years ago, is no longer valid as a concept; because all these things, because of the way technology and the markets are going, have been changing very rapidly. Banks do what insurance companies do and vice versa and both of them are doing things that were formerly associated with stockbrokers on Wall Street and places like that. We have to get people in the know in all these areas and we do not have the training. We have not had the training process. We need to put it in process now.

The entertainment industry, Mr. Vice-President. Few people understand how profound and important the entertainment industry is in terms of income earning, especially for lower income people. There are many illiterate people who, because they can talk "rap" or talk "dub", are worth \$100 million or \$200 million. They did not go to school and get a good education. That is a symbol, not of the fact that we need to make illiterate people and let them talk "rap" and "dub", but that the entertainment industry is a place where a lot of incomes are there to be earned.

If you look at Bob Marley, Bob Marley is a Caribbean man from Jamaica and his total set of works is worth hundreds of millions of dollars. One of his records was made CD of the century, or something like that.

We in Trinidad and Tobago have a profound base in terms of the kinds of ethnic diversity. We have chutney music, which can be sold to the billion Indians down there. We can do things and we will do things—what Mungal Patasar is doing and all those people. We can find ways to make the entertainment and music industries more profitable for the citizens of this country.

In steel pan, for example, what Liam Teague is doing. Some composer in Czechoslovakia, I think, in Prague, wrote a concerto for steel pan and orchestra which was performed in the upper house in Prague. Teague is very well poised to be competitive with Andy Narell and all those people who were there dominating the earning of income from the steel pan as an instrument and as an art form.

We have an immense scope for doing all these things and all these aspects of the matter are what we need to be focussing on. Also, in terms of exports, manufacturing, agriculture, making the public sector more efficient and more modernized in terms of what they like to call these days, tele-government. We need to be doing all that and getting people to understand that when I said some time past, and people objected, that messengers are an obsolete worker category. We do not need postmen anymore when we have internet, email and things like that.

When, in America, they had to move people from the East Coast to the West Coast, they moved them by wagon load in the early 19th Century. Millions of people were engaged in building wagons and wagon wheels. When they built the railroad, they did not need wagons anymore, so all those people had to find something else to do. I do not know that anybody would have been fighting in Congress to say we need to save the wagon wheel makers or we need to save the wagon makers. This is what technological change is all about, from the beginning of time. You change an economy. We need to get people to understand these things.

When I say we do not need postmen and messengers and others like, that I am not putting those classes of people down. They are doing honest labour. What I am doing is focussing your minds, symbolically, on the essential need, culturally, to adjust your mind to the fact of change and getting prepared for it.

The establishment of COSTAATT provides immense opportunities to introduce a new approach to the provision of tertiary education. It would provide training and academic opportunities to a much more diversified group. When I say “diversified group” here, I mean diversified in terms of people’s talents, people’s abilities and people’s ambitions. Everybody, at 17 or 18 years of age, is not going

to be ready to go and do A' levels so they can go into first year university. There are people who are late developers. They come from different cultural backgrounds; they have different circumstances and we need to adjust the education system to adapt to this variety of people's needs.

I did say earlier there is no reason why we cannot have an education system or that we must not have one that makes it easy for a 40-year-old or a 50-year-old, if he or she so desires, to start a new B.Sc. or B.A. programme or some programme like that. We are talking about diversified in all those senses.

Indeed, the community college concept has revolutionized and has democratized higher education, making access possible to formerly excluded groups. In order to ensure that the graduates would be better equipped to enter the world of work with training in relevant areas of need, the business sector has already signalled its interest in providing inputs into the development of the scope and content of the curriculum regarding types of skills that would be required for the future.

There is a danger inherent in what I just said there, because some people might feel they can set up a department in the Ministry of Finance, Planning and Development to plan what kind of jobs will be had in the future. That is not true. Ten years ago, nobody knew about the explosion of internet, about the fact that everybody on the street corner was going to have a cellular telephone. All these kinds of aspects of new jobs that are being created, driven by the new technology, we did not know about. It is not going to stop. It is not going to change.

Anybody who tells you he or she can predict five years from now, what kinds of jobs, what kinds of commodities, what kinds of services, people will need, are lying to you. They are impostors and charlatans and deceivers. We do not know that. What we can do, though, is prepare people to deal with these vertiginous changes, to create the institutional framework. One of my gurus, the late Prof. Arthur Lewis, was at pains to tell people that one of the most important things in development is not capital, is not money, it is institutions and culture and we need to get people to understand these ideas here.

One of the most important institutional and cultural innovations that we have to impose on Trinidad and Tobago is where we change our ideas towards business and businessmen. We need to understand that when I say Anthony Sabga is a good role model or Cyril Duprey is a good role model for children, that we should write their life stories in books for children to read it from early. I am not saying that to put anybody down. I am saying it because I want us to stop believing that

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if you could buy and sell, that is a lower order of activity than somebody who could do differential calculus and topology and something like that.

We need to get people to understand that cultural deficits, defects or handicaps are what explains why some people have money and some people do not have. It has nothing to do with their brains or how their brains are wired up. We need to know these things.

The College of Science, Technology and Applied Arts is awarding associate degrees in criminal justice, nursing and information technology, as well as certificates in engineering technologies, in languages. The Minister of National Security was saying yesterday that he has an officer in China learning Chinese. I do not know how many Trinidad students are learning Chinese. China has a billion people in it. Maybe COSTAATT and the College of Languages have to make a greater effort to get more children to learn Chinese. I do not know if my friend here knows anything about Chinese but maybe he will learn Chinese, too. He may open a Royal Castle in Hong Kong. [*Laughter*]

We have to teach children Chinese. We have to teach them Hindi and, if there is anybody who feels that there is an important African language—Swahili, maybe—that people might have value in learning, why not? Let them learn it. I have no problem with that. I am always for opening up the thing and let people be free to make their choices for their own edification and where they can seek commercial opportunity and commercial possibility. We talked about language.

Pursuant to this objective, steps will be taken to upgrade the capability of the existing staff who are required to function in the new environment. I did talk about privatization. This is another aspect of the thing. In education, we have made a terrible mistake. I say this very slowly and particularly. We, in the Caribbean and in the larger areas of the world, have made a terrible mistake by believing that education is necessarily something for only government to deliver. If you look at the facts, all over the world, when the education system evolved to be government monopolies, it supplied poor quality education to the mass of the people. The upper classes in every country, not just Trinidad and Tobago, found a way to avoid the poor quality education supplied by the government.

I told Messrs. Camdessus and Jim Wolfensen at the World Bank meeting I attended last year that they made a terrible mistake when they evolved the Washington consensus and they were telling everybody all over the world to privatize state enterprises. I told them that the first thing they should have told people to privatize was the education system because you can downsize a

business; you can close it down; you can, what they say, merge it. There are many things you can do with a business, but when you spoil a child, you spoil it for life and you spoil the next generation which reminds me of the statement in the Bible, the sins of the fathers visit the children, even unto the third and fourth generations. This is what we do. When we spoil a child, those children go and have children and those children are less advantaged than their parents, so it goes on like that. There is an under class. There is a caste system that is evolving itself.

We have to be very careful when you are doing COSTAATT and these things, to put no hindrance in the marketplace so that the way the education system evolves, it will be very variegated and private sector individuals could use their own initiative to deliver and to compete with the University of the West Indies with COSTAATT and with whatever is there.

As I speak to you, you can go online and get a degree from Stanford and there are other online colleges that give degrees. It is going to become more and more like that so that the people who are going to COSTAATT must know that they are in a marketplace and the people who are the Board of Trustees and the management of COSTAATT, must know that they are in an environment where the choice of the individual has to be between them and other offerings.

I cannot undervalue the importance of getting all of us to understand that the marketplace must be allowed to work without hindrance because the evidence is abundant and overwhelming that where government monopolized education, as if it were a *sui generis*, uniquely so, a public good in the sense that it was defined, we made many terrible mistakes. We need to edify people on all these matters.

I think at this point, I have gone over most of the important aspects I said that the Bill contained and I think I should at this point close off and let the debate take place.

I beg to move, Mr. Vice-President.

Question proposed.

Sen. Eudine Job: Mr. Vice-President, with your permission, I did not rise to join the debate on the last day on the management structure of the Parliament, but I would also like to join hon. Senators in complimenting the hardworking staff of the Parliament, who, since I have been here, have really given yeoman service and always found the time to smile even though we went until 2.00 o'clock in the morning. A lot of kudos should be given to these members of staff.

We, on this side, really have no problem whatsoever with legislation which seeks to develop the human resource of our country. We understand quite well that our human resource is our greatest asset and that in developing wealth, we have to educate the nation.

11.20 a.m.

As a matter of fact, our late Prime Minister, Dr. E. Williams, saw the need to educate the masses, and as a result of that, I can stand in this Senate today to speak on issues like these. Nobody said the system was perfect, but what we hoped is that the Government would have built on the foundation laid by the PNM; that would have been since 1956 and, today as we stand here in 2000, our education system would have been far advanced than it is now.

Mr. Vice-President, the Minister spoke of organizing a planning department to look at predicting jobs and so on. We do not want to predict the jobs; what we want is the Government to articulate a policy on education. There is absolutely no policy whatsoever, and then one wonders: What are we doing, what are we really planning for? Why are we going to commission COSTAATT? We heard the Minister enunciate the objectives of COSTAATT. What is going to happen down the road? Once there is no policy, we have no direction.

There is a Motion before this House, which I hope before the end of this term would have been answered. We do have a problem, though, we were reliably informed that COSTAATT is supposed to be commissioned tomorrow. As a result of that, this Bill has to be rushed through the Senate today. It is unfortunate that the Senate, apparently, is a rubberstamp for certain issues. I do not think this honourable House was designed for that. This issue is very important to us here in Trinidad and Tobago as well. So far, I have not really understood how COSTAATT affects Tobago.

The Minister spoke about 50 scholarships being offered, and all the institutions which they have combined to form COSTAATT. I did not hear anything about scholarships for Tobagonians. Given the fact that many times the information on scholarships are unheard of—we in Tobago are not very privileged to certain information—what attempts have been made to incorporate Tobagonians into this streamline of scholarships that are being offered? The Minister also spoke about offering six scholarships to Barrackpore. It is unfortunate that six scholarships would have been offered to Tobagonians to go to Barrackpore. I would have thought that for the past five years—I do not know how long it takes to build a skills centre—Tobago would have seen the

completion of a skills center, not the stage where it is at; where they are now commissioning designs. [*Desk thumping*]

The Bill spoke of being responsive to community needs: national and regional. We quite understand that tourism is also a part of the diversification of our economy. I would like to ask why the Tourism and Hospitality Institute was not included in this list of colleges that are combined to form COSTAATT? If we are responding to national and regional needs—tourism is the number one industry in most other countries, not yet here in Trinidad and Tobago—I think we need to look at that.

Under clause 5(1)(r), I see where the college was given the authority:

“to do all such other acts and things as may be required to further the aims of the College.”

We have to be very careful when we phrase our Bills like this. I am not a draftsman, but I can remember in another Act, in another place, that the phrase “all other such Acts” was misconstrued, misrepresented and used in other ways than it was intended. We need to be very careful about phrasing these Acts.

Clause 7(1) states:

“...members of the Board shall hold office for a term not exceeding three years...”

What I am concerned about is continuity. If a board of seven persons are appointed all at one time then, at the end of three years, they would all have to resign. I note that they are also eligible for reappointment. What we want to suggest is that, maybe, staggered periods of appointments could be considered for the board, so that everybody would not be entitled to resign at the same time but, for purposes of continuity, maybe we could look at two or three-year periods.

Clause 7(3) states:

“The President may appoint a temporary member to the Board where an appointed member has been granted leave of absence...”

We know in the Senate, we do temporary appointments, but one could come here and sit and not make any contributions. If education is that important, and if we want it to be meaningful, we would like to suggest that allowances be made for temporary members to observe the meetings of the committee/board on which they would be appointed. What we would have is a pool of members, maybe four or five, whom one would use continuously so that better informed sessions could occur.

The People's National Movement has recognized the need for upgrading our education system. Therefore, our vision statement has clearly enunciated that by 2020, this country is going to be a developed country. When we say developed, we mean totally, in terms of education and all other aspects.

We recognize, also, the need for leapfrogging in the area of technology. We have been lagging really far behind. That is one area that has to be given priority.

Mr. Vice President, I heard the Minister speak about the education system that puts the lower class at a disadvantage. Indeed that is the case, particularly, in Tobago.

11.30 a.m.

Even today as we sit here, I heard the Minister speak about millions of dollars being expended to build library resources and so forth. However, the Tobagonians are yet to have access to adequate library facilities. One may remember that the library was damaged in the earthquake a couple years ago in 1997. We are now into 2000 and, again, I wonder, how long does it take to construct a building? How long? When the Minister pontificates about education being the key then, of course, these are some of the critical areas that we need to look at. When we talk about education being the key, it is not only for our brothers and sisters in Trinidad, we also have to consider how this would affect our Tobagonian children. I do not think that that has been given the priority nor the emphasis that it deserves.

Mr. Vice-President, I am not going to be very long on this, because we really have no problems with the College of Science, Technology and Applied Arts of Trinidad and Tobago. We just want to know how does this affect Tobagonians, and we also would like that, in future, legislation of this kind would not be rushed through the Parliament—because, I guess, we may be here again until 2 o'clock in the morning, which I hope not—but that it would come in a reasonable time that we can study this and really give it our best effort.

Thank you.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, before I go into the Bill, I would like to ask the hon. Minister about the Schedule. There are some institutions here that, I confess, I do not know what they do at all. I am familiar with the Eastern Caribbean Institute of Agriculture and Forestry. I do not know what the Government Vocational Centre does, where it is or anything; I know absolutely nothing about it. I tried to ask my colleagues sitting around, and no one seems to know; so I would like to know what that is.

I have an idea, but I am not certain of what the Joint Services Staff College is, so I hope I would find out. I do not mind sitting and hearing what it is. [Interruption] I am familiar with the others. I want to find out why we did not include the Hotel School, the hospitality industry. I want to find out why the teachers' colleges were not there and, probably, the College of Labour and Cooperatives. There might be very good reasons why they are not there, but I do not know. [Interruption] You know.

Mr. Vice-President, I recognize that we are forming an umbrella organization to take, under its wings, a number of institutions that we have functioning separately, and I see this more as a management tool than it is more of promoting bigger numbers or different courses, except, probably, where we see that they would add more programmes, because I cannot see from this Bill how we will add to the numbers accessing tertiary education. That has not been made clear to me, because I think that people who want to go to John S. Donaldson Technical Institute, San Fernando Technical Institute and so forth will still go there. How the College of Science, Technology and Applied Arts of Trinidad and Tobago will increase the numbers, I cannot see; unless there is some other thing.

I see the need for new programmes to cater for those wanting—as the hon. Minister said—to retrain or do new courses, and this will mean an expansion of the programmes in those very institutions. Not that the governing body as a management tool could do this, it must come through these individuals organizations, and so I hope we would see this.

The good I see in this is that within the College of Science, Technology and Applied Arts of Trinidad and Tobago—I hope—there would be the avenues for transfer of credits from one institution to the next; that there would be a situation where one person pursuing a course—let us say in the John S. Donaldson Technical Institute—and probably a module could be accessed in a campus outside the John S. Donaldson Technical Institute, because you have some core courses that you will probably find in all the campuses. So I am hoping that that could happen, that I may be attached to the San Fernando Technical Institute, but there is a core course at the Government Vocational Centre that I want to access and I could go there and access that course, and my credit would be put on my transcript in the San Fernando Technical Institute where I am based. So there will be a movement within campuses, and your credit will go with you.

I am also hoping that COSTAATT will have a type of relationship with those institutions not included, like teachers colleges or the College of Labour and Cooperatives, where we could transfer our credits or get into that institution having

gone from this one. So I really see COSTAATT as a “pulling together” institution, managing a number of colleges, or whatever you want to call them, institutes, offering education at a certain level. I am hoping that somewhere in the rules and regulations we will see this clearly spelt out.

I see the good in it, because I think it would be cheaper to run in the end rather than having eight or nine institutes, everybody doing its own thing, that will be cheaper. I see again that there would be a sharing of physical resources. I have been abroad where we had these community colleges, and you found that this person was doing these particular courses from a number of institutions, where you had laboratory work or that type of expensive work being done on one campus, but the individual courses that did not call for that amount of machinery and physical and plant resources were done in a shared environment, so I am hoping that we will have that.

Mr. Vice-President, the question of Tobago will always come up. I was happy to hear the hon. Minister say that six scholarships were given to Tobagonians to come there. I remember early in my term here, the hon. Minister of Finance, Planning and Development and I had a sort of plan where we were looking at how we could make it easier for Tobagonians to access tertiary education in Trinidad. Not only Tobagonians, but people in Trinidad who come from the outlying districts, to access education, probably in San Fernando, Port of Spain, or so.

Just recently we had students from Tobago in the College of Nursing, and they really got so much trouble. They were into it for a term, and they were staying all over the place. Some of them were staying in boarding places where, when they went back, they stole everything they had in their bags; they ransacked their rooms, all sort of things. Accommodation was very expensive, and those of us from Tobago in the Senate took the matter to the Tobago House of Assembly, and they had to give those people little allowances, something like a scholarship, to assist them to pay boarding and lodging.

I know in my time, when I had to come to Trinidad to the Teachers' College, the reason I had to resign as a teacher to come to Trinidad to go to Mausica was because of the residential training. I did not have anywhere to stay, I did not know anybody. I had to come there to stay. A number of us did that; we resigned from teaching and lost that service, to go into a place where there was residential training, because we did not have anywhere to stay.

It still happens, because all those people who are teaching and they come to Trinidad to the Teacher's College, to do nursing or to the San Fernando Technical

Institute or the John S. Donaldson Technical Institute or whatever, they are at a disadvantage; and you talk about equal opportunity, we have unequal opportunity. We are saying that, built into this, we must have assistance to Tobagonians who want to access this.

This has nothing to do with scholarships or about six and seven people; all those people who want to come to the John S. Donaldson Technical Institute—and there are a number of people, you check it. At one time I checked it, because I was pressing to have the Tobago House of Assembly—I brought my plea to the Minister of Finance, Planning and Development in 1996, begging him to see what we could have worked out to be able, even to house Tobagonians in Trinidad, so that they could go to the John S. Donaldson Technical Institute, the San Fernando Technical Institute, or whatever have you, that they want to come to Trinidad.

Let us not only talk about the skills centre in Tobago. We want to mix with people too. These are institutions that all of us pay for, and if we want to come to them, we must be able to come too. We must not be limited to Tobago and *vice versa*, if there are students from Trinidad who want to Tobago. At one time we used to do it for teaching practice; Tobagonians would stay in Trinidad and Trinidadians used to come to Tobago and get an idea of how our children behave; what is the culture of the people.

I am saying that we must not be limited to going to the skills centre in Tobago, and be exposed only to the ideas of the people within our environment and our culture. We want broad exposure too. We want to come to Trinidad if we want to. We want to be able to access, probably, a course at the skills centre that caters for this, and come to Trinidad and do another course; we want that. There was a time in the 1960s and 1970s, I remember well, when the government gave an allowance to Tobago to help students from Tobago who were coming to Trinidad to access this type of education. They gave them financial help to pay for boarding and lodging to come to Trinidad and be able to get into one of these institutions.

Only recently we had Niherst doing a limited thing, and you saw on the newspapers just two or three weeks ago that teachers came down for the training for SEMP. The Assembly told them, "You cannot get tickets," they are not giving you your airline tickets to come down; you cannot get boarding; you cannot get an allowance; the allowance takes long to come; they are stranded; all sorts of things whenever a Tobagonian has to access any type of educational opportunity in Trinidad. We want equal opportunity. We want to be able to come here, and we must not pay extra for that opportunity.

Mr. Vice-President, this is where the Tobago House of Assembly Act No. 40 of 1996 tried to spell this out in clause 43. This is where it says that in considering the estimates, the different things that we should take into consideration: the physical separation; the isolation from the principal national growth centres; the restricted opportunities for employment and career fulfillment; the impracticability of participation by residents of Tobago in the major educational, cultural and sporting facilities located in Trinidad.

This is my plea today to the hon. Minister of Finance, Planning and Development and to the hon. Minister of Tobago Affairs, that we must see something built into the budget. It does not have to go to the THA, it could be a fund here that people from Tobago who are accepted into institutions in Trinidad and do not have anywhere to stay, that they could be given financial assistance to assist them with their boarding, to come and access that [*Desk thumping*] opportunity among their counterparts in the country. I am saying, reinstate that fund; there was a fund. If we go back to the records we will see that in the 1960s and early 1970s there was that fund. Let us bring that fund back.

Other than that, I see it as something that we have been working on for a long time; I hope that it will work. I realize that the powers are very wide indeed; in fact, I am tempted to believe that it is a university of Trinidad, because of the scope of the board: teaching, researching, examining, granting and conferring academic awards, and revoking awards. We can institute professorship and lectureships. We can do so much: fellowships, bursaries, undertake research, and consulting and related services.

11.45 a.m.

I think that we can really call ourselves the University of Trinidad. I was tempted to say, the technical, but I would not say that because I think it covers much more than that. I was a bit puzzled with clause 19, where it says:

“There shall be an Alumni Association of the College.”

As if we are determining, and we are saying who these people should be. Are we dictating that there must be an alumni association, as if it is a part of the law? I did not understand that we have to put this, that “there shall be.” I did not understand it. Probably it is something that is done, and we say how it should be comprised and, whatever. [*Interruption*] I know that all schools have alumni associations. I am familiar with that. I have been to several, but I did not know that it was built into the rules. This is what I am saying. I know that there is nothing to debar it, but I did not know that you built it into the rules as if it is compulsory. This is my point.

Mr. Vice-President, I looked at clause 26 and I see the question of borrowing. I quote:

“The Board may for the purpose of discharging its functions under this Act borrow such sums of money as it may deem expedient.”

I wanted to know whether all the subclauses (1) to (6) supported that clause. I say who guarantees this? Is this something along the lines of the powers that we have with the Tobago House of Assembly? Are we going to be sanctioned? Is somebody going to say you need to have a certain permission from somebody? I am asking whether this board will have even more power than the THA. I am not dealing with individuals in the THA; I am dealing with the THA as an institution. You see, when I see clauses like this I go back to our debate on Tuesday about equal opportunity.

I would really like to know if the college could get guarantee of loans and all these things. I am not against it, by any means, but I am saying at times I feel that we do not have that equal opportunity thread running through all our actions and everything that we do. This is something that I have actually had some experience in, sitting in on some meetings. I know that it is something that will be good if it is well put in place and if we do not try to do it too hurriedly, as we have done with putting all our children in the schools; some are still not there. But if we take our time and do it well, I am sure that it will work well.

I hope that we would put our act together. I heard mention of it being launched tomorrow. I do not know how true this is. But I hope that if we are going to launch it we would have things in place, have all our matters well spelt out, well organized, well planned, so that we do not launch and after that, we just stand still.

I want to say that I support the idea and I thank you, Mr. Vice-President.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, I rise to support this Bill to establish the College of Science, Technology and Applied Arts of Trinidad and Tobago. I think COSTAATT is a commendable effort in our drive to rationalize education in the tertiary sector. I support the Bill because it is a move in the right direction.

You will remember the many hours and—I think that Private Members’ Motion ran into months, when we discussed a motion by Sen. Prof. Spence to establish a technical university in Trinidad and Tobago. We have had so much to say about all these splinter organizations in this land that have been dealing with

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the various aspects of technical/vocational education. I think to sit idly by and allow the mushrooming of various institutions without proper mechanisms for monitoring and co-ordinating the work would be a recipe for chaos and confusion.

So this is a good move. I see COSTAATT as dealing with that very chaotic and troublesome situation we have had in this country for many years. It is a very good effort to co-ordinate and bring under one umbrella several institutions, small colleges, technical schools—and we have about seven of them: ECIAF; Government Vocational Center, I understand this is located in Point Fortin; John Donaldson Technical Institute; Joint Services Staff Colleges, I understand this is a multi-campus college and we need to bring them all together. I think this has to do with preparation of candidates to serve in the security services. Then you have the General Education Division; the other divisions of NIHERST; San Fernando Technical School; and I notice in the amendment, Metal Industries Institute. I think this is the complex in the Trincity Industrial Estate; and other similar efforts that are in technical/vocational education.

Let us remember, too, that when we had that debate on the setting up of a technical university for Trinidad and Tobago, we had some excellent information about the millions and millions of dollars that Government has been pouring over the years, through government subventions to all of these small institutions all over the place. I hope that some of our other institutions would be added to the new college of Science, Technology and Applied Arts. Government pours much money, for example, in the new one, the National Energy Skills Centre and I hope, too, the institutions like the Cipriani Labour College will be eventually associated with COSTAATT.

I think it is a very good idea to have the associate degree of COSTAATT. I understand that these associate degrees could lead to the award of full degrees in various faculties like engineering and so on, of the University of the West Indies. This is good news for all students who have been enrolled and those who have been graduates of the seven smaller schools dealing with technical/vocational courses.

With parallel tertiary level institutions in Trinidad and Tobago, I really feel, as many students and parents, that Government should move swiftly to establish a national accreditation system; a kind of quality control mechanism to maintain the highest standards in post-secondary education. Many have been asking what is the status of several diplomas, the certificates offered by the multiplicity of institutions that we have. We certainly need that accreditation system and Government needs to look into this. We must have quality-control. Students

spend so much of their time studying at these institutions, investing a lot of money in them, so you want to know what is the value of the certificate after these courses.

Many citizens are disturbed, though, when sometimes there are developments in these institutions which suggest uncertainty. We need stability in the tertiary level education sector. We must have stability. We need stability in acceptance in terms of accreditation; in terms of finances; in terms of status and security also.

The financial commitment in Part II is very important—the financial support through parliamentary appropriation and other grants provided by Government and the regular subvention by the Government is very important.

I wish to draw your attention—and I know you are aware of this, Mr. Vice-President, and so is the hon. Minister—the uneasiness in another of our very important institutions, the Faculty of Medicine at the Eric Williams Medical Sciences Complex. We are very concerned at the impending showdown between the University and North West Regional Health Authority. There is a thick headline in the *Trinidad Guardian* of October 1, 2000. The headline is: “Medical School Faces Shutdown.” Now how can this ever be good news for the present and young students who are doing their A’levels and are interested in medical studies?

Government has its own scholarship winners pursuing medical studies at Mount Hope. In addition, some of our bright young citizens are at the Medical School, the School of Dentistry and the Veterinarian School.

11.55 a.m.

The threat to the clinical training of the medical students is not to be taken lightly by this Government or anybody. It is affecting students at the schools in the three areas. I hope that such places, that is, for clinical training, in our hospitals will be made available first to our students. The University of the West Indies seems to be concerned. It is worried that such places are in jeopardy with plans by the North West Regional Health Authority to sell these limited places for clinical training to students from the Windsor University School of Medicine located in St. Kitts/Nevis.

The bone of contention seems to be the financial arrangements between the University of the West Indies and the appropriate health authority. If this is rumour, then, Mr. Vice-President, listen to this. Then this has to be rumour with some status in it. In the *Trinidad Guardian* of October 4, 2000 there is an

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advertisement from the office of the campus principal and I quote from this advertisement saying what is the worry and the concern of the university authorities. I quote:

“The University has evidence that the NWRHA is actively seeking an arrangement with Windsor University School of Medicine located in St. Kitts-Nevis.”

They want to give the limited places for clinical training that should be made available to our nationals—as it were, to sell them. They are selling places and I urge the Government, Mr. Vice-President, of Trinidad and Tobago to intervene immediately in what is developing into a serious impasse between UWI and the North West Regional Health Authority. That impasse can only subvert the work of our School of Medicine. Already students are worried over the tensions arising from the impasse and I submit that the situation requires decisive action by the Government, and an early resolution to this problem.

One remembers, Mr. Vice-President—you were with us in the debate—the undue pressure put on graduates in the land surveying department of the engineering faculty of the University of the West Indies concerning their licensing, a problem that persisted for many years, and there are many of us who congratulated the present Government for intervening. Their intervention loosened that logjam and the embarrassment caused by students from the engineering faculty who graduated with their B.Sc. in land surveying and some of them waited for seven and eight years before they received their licence. We were very happy to receive that piece of legislation from the Government.

We remember the bitter experiences of students in the school of dentistry recently in their struggle with the dental council concerning their clinical studies—clinical studies again. There is a repetition, now with the medical students, and it was the intervention of Government that brought some order to an embarrassing situation. I hope that, as far as their clinical studies go, whether it is the Bristol School of Dentistry or whatever, that situation has been resolved, but many of us feel that the institutions ought to be independent, certainly. We support that. When things like these happen—and to use Sen. Daly’s term sometimes when he talks about runaway horses—I believe that if in situations like these there is governmental interference, then I support the Government and I say, so let it be.

I rise to support this Bill. I am very happy to support this Bill. It will certainly bring some kind of order and sanity to a situation that has definitely gotten out of

hand with the mushrooming of so many small institutions across this land. Mr. Vice-President, I thank you very much. [*Desk thumping*]

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I, too, support the Bill to bring together these tertiary institutions under one umbrella. I would, however, like to join the debate at two specific points. The first is the overall aim for such a move and I would have hoped that the hon. Minister speaking, as I presume, from the portfolio of economic development and giving, as I think he correctly did, the tremendous importance of human capital, would have perhaps brought us the budgets of the six tertiary institutions, their throughput or production, however measured, and perhaps shown us that by merging them we would get greater efficiency, which is one of the benefits I could foresee for the merger.

As it stands, we have before us the bureaucratic structure of the merging but very little else by way of content, new directions, expansion of our student intake, new fields, *et cetera*. I know that the Senate of the college and the board would develop these matters, but usually we need some broad policy directions from the top. I would like to refer to the importance of taking the long view in developmental matters. If I may take an example of the coming of that industrial giant, Germany, one of the major architects in the German economic emergence was a man called Peter Beuth.

While Otto von Bismarck was dealing with the unification from the point of view of customs union and ultimately the emergence of a single nation, Peter Beuth, on the other hand, was hard at work developing a unique form of training for the population at large. So that, we not only had the thinkers but we had the complement—that is the one with the “e”—craftsmen, to support the thinkers. Among the things I jotted here from my memory, going back to my study of the history of Germany several decades ago, there was study and practice.

Supportive of this, there is the awarding of scholarships to young persons who needed to support themselves while they are developing their skills and so forth, and the combination of study and hands-on practice in industry and, on completion, the provision of seed capital to young persons who wish to take some of their ideas into the realm of economic production. We also have the example of the sandwich course for training engineers in many other European countries where one spends six months in college and the next six months placed in industry working hands on. The point I am making is, there are some of these broad policy directions which I think must come from the top so that we could engage the nation in a debate.

I was very mindful of the recent large gas find, which I understand to be of the order of two trillion whatever the units are—[*Interruption*]*—three, which gives us in the vicinity of 50 years of reserve to production. [Desk thumping] I hope that I could draw the attention of the hon. Minister of Energy and Energy Industries and my other distinguished friend sitting just behind him, knowledgeable in the area, this country at this time needs a very strong statement of its long-term direction for economic development—a very strong, a very clear statement—and if I may attempt to strike blow one in that direction, I would think that we must find a way to convert those natural resources into human capital over the next 50 years.*

12.10.p.m.

Mr. Vice-President, in other words, we should be putting in place an integrated package for the development of the human resources of this nation so that in 50 years' time it does not matter what natural resources come to the fore. The history of the world could be written in terms of the evolution of staples. We had the wool staple; we had the staples of lumber and badgers and seals from Europe, but the thought is that you always convert your elemental capital which you take in the form of a staple, ultimately into high level human capital.

I am happy to see in the Ministry of Finance, Planning and Development a person of Dr. Job's background—I do not know whether people know it, but he is originally an agricultural scientist by training and I know he mentioned briefly Swahili, my understanding is that he speaks it. I do not know if he speaks Hungarian, but he has also seen what is happening in Brazil. If I may get back to the central point I want to make, the ultimate goal of human development is the development of the human person, not only a rational and balanced human person, cultured in every way, but also equipped both technically and philosophically to deal with all the issues of life in a modern world.

Having spoken that way and drawn smiles, let me say that what I did not hear in the hon. Minister's presentation, which I hope I will hear him address in his reply, is the connection between COSTAATT and what we are trying to do with human resource development. He did tell us how we are putting together this bureaucratic structure and he did tell us about the importance of the human resource, but he did not tell us the elements that would go into COSTAATT to start the process of transforming the people of this nation into the high quality of person whom we are aiming to see the typical citizen of this nation to be. As he spoke, the phrase 'life-long learning' came up and right there I got another alliteration, not three "L" but I got five "Ps", the 'proper preparation of the population for participation in production'. I think that ultimately the College of

Science, Technology and Applied Arts of Trinidad and Tobago should start off with a high quality statement of its mission and that has to be articulated from the top, mainly from the Government's side.

We have been, over the last five years, trying to tease out of the Government their thinking on a number of these critical policy areas and I do not think that we have yet succeeded in getting an adequate response on any of these areas. This is not to suggest that they do not have it, but we really need to hear it so that we can debate it and put it in its proper place. Thank you.

Sen. Selwyn John: Mr. Vice-President, I rise in support of the Bill and in doing so let me just say that I support some of the contentions of Sen. Rev. Teelucksingh, that this Government has made it possible for quite a number of our graduates, in certain fields, to practise their profession. Maybe, he did not remember amongst those were pharmacists who too, were prevented from practising their profession by the people who regulate that profession. Because of this Government's intervention we have the dentists who can now practise throughout the country. As a matter of fact, the very council that had opposed and objected—I say for economic reasons whenever more professionals come into a field that is a closed shop as that, there is a perceived threat to the income flow and one cannot blame them.

Things are now changing. I want to inform Sen. Rev. Teelucksingh that the latest development in the dentistry profession is that one of those graduates has been elected to the council just two weeks ago. What is being lost out there is the fact that, having included in all these regulatory bodies, persons of different thinking, you build and develop them and we do have some reasons for looking closely at some of the provisions in this Bill.

One cannot doubt that the institution is for our development. In NIHERST we did reach some way in developing technology, but there have been some concerns. I remember the ILO held a meeting in Geneva with one of the multilateral lending agencies and we needed interpreters and those who were brought I recognized as being Trinidadians. They had been awarded scholarships in language studies and were now qualified as interpreters; they were now working in the international community in Geneva. They said they had paid their dues, that they came back home, that they fulfilled the requirement of the contract and on completion there were no jobs.

12.20 p.m.

They had to leave to find employment in a field where we spent money, as a government and as a people, to offer them that training but that we did not provide for a very important and essential part of dealing with foreign concerns—interpreters who were available. This is a field where one has to wonder: Why do we not do it? We are awarding scholarships. Yes. Some of them come back and they are attached to the School of Languages at Niherst but it is frustrating when we have an international conference, that some firm is awarded a contract and they bring in outsiders to cover that conference. We have people here who are qualified, and so qualified that they could leave here, apply and get employment in any of the major cities and concerns. It is important to us to get some explanation as to why we are not harnessing that pool to build within our own country, the people who could service us, rather than bringing people from outside whenever we need them.

There is also some concern, too, which was brought to me, but as I am in the Senate; I sit on the Government Benches but, again, I remind people that I was nominated by the National Trade Union Centre to serve on these Benches and one would expect that if there are concerns within the National Trade Union Centre family, they should be brought to me. This Bill is being discussed in the Senate today and I read in the newspapers of concerns by one trade union that said it could not support the legislation that is now being debated.

Let me say that I also represent a trade union that has concerns here, too, in that this is a big change from what we are accustomed to. There was legislation prior to now that provided for the establishment of the municipal councils and in that legislation, if you would recall, Mr. Vice-President, for some reason, a very important part of the work force that was to be absorbed in it was left out, the daily-paid bargaining unit. That had to be brought back and there were discussions and many arguments. In fact, I was accused later on of only seeking my own interest and not that of the workers, generally, because I was only talking on behalf of my members.

In this Bill, what has been done under Part III—Staff and Related Matters—for the first time, the union does not have to go to Government and say, “You have an important part of the workforce that is to be incorporated; provide for it.” Do you recall, Mr. Vice-President? We had to amend the Regional Health Authorities Bill recently to provide for the protection and provision of the daily-paid bargaining unit.

I congratulate the Government on it this time, that it is different from the previous administration which for some reason or the other, created legislation but they created problems in those pieces of legislation in that an important part of the legislation which should provide for certain workers was not included. If you look at Part III here, you would see that those provisions have been made, not that it would not necessitate the trade union negotiating for some changes, but it would not affect the legislation as put up.

From what I heard in the media with respect to objections from one of the trade unions that should be concerned, the Public Services Association, I am wondering really what is their problem. I do not have it firsthand. The news did not say, but in this, I have seen that the protection has been given that if any of the public servants are engaged by the organization, there is the protection through secondment and so forth.

I am having difficulty, too. I sit on the Certification and Recognition Board. It is a *quasi judicial* board, a very important part of the industrial relations set-up in this country provided under the Industrial Relations Act. Fortunately or unfortunately, the people who prepared that piece of legislation did not provide for the board to have control, or if not control, that the board could deal with issues of the employees that work for it.

What had been done there was, the board employees are from the public service and the difficulty we have is that the board cannot give an instruction nor, for that matter, can the board make a request of any of the staff, to the extent that what we have witnessed quite recently was the acting secretary, on the last day she was acting, granted herself vacation leave for a long period. There was no courtesy to the board or even its chairman to say that she was going on leave or that the secretary who was on leave, returning, would have had the opportunity of having a report made on the matters that the board was dealing with so it was passed on.

One would have thought that in the absence of not telling the chairman and not informing the board, that the Ministry that is in charge of the Certification and Recognition Board, the Ministry of Labour and Co-operatives, at least the Permanent Secretary would have been told by the acting secretary that she granted herself leave and she was gone for two months. I feel that in future, provisions for the staffing of these organizations, institutions and boards, must provide for some control by the board over the operations of its staff so that if you are employed, say, at the Certification and Recognition Board, then you are under the control of that board. It may be said that coming from a trade unionist, it does not sound

right, but let me just tell you, the very trade unionist who may be complaining has a difficulty in having matters before the board processed.

I feel that in cases where public servants have to work in these institutions, that they work either through secondment or they be employed directly by these institutions. I commend the manner in which it is done in this case. I say that one may feel that one will lose the protection of one's security. I do not feel so, because one may be more secure in this way than how we are accustomed to having things done in this country.

Mr. Vice-President, we may be moving into a new era and things will be changed. I had a very horrifying experience of trying to protect jobs of workers in the public service. The people who were financing the development of the jobs said, "Look, our money, we have to look at it and we do not feel secured in having your people who work directly with you, work on the jobs that we are financing." There has to be some relation with the question of employees, their productivity, their compensation and their job security.

There is another feature here which one should also note, in respect of the benefits of workers who are being absorbed, like in the case of the daily-paid workers. There are a substantial number of them moving from the Central Government services over to the new institutions. Having the experience recently with the Regional Health Authorities, one would say that it is better we have these things settled up front, than to have legislation passed and an intention later on with regard to the workers who had been employed or are employed in these institutions. In the case of the RHAs, the workers who had continued to be employed by the Ministry of Health, even though decentralized and working with the Regional Health Authorities, had difficulty with several things including the question of their supervision and matters of their seniority. In an odd case, one RHA employing a parallel labour force, engaged workers who are employees of the Ministry of Health who were found to be very junior to the supervisory employees of the Ministry of Health. Now that it is being joined, there is a difficulty that the junior worker is now the supervisor to give instructions to a worker who supervised for years.

The easier thing to do, if you were going this way, as was done in this case—we had almost two years of meetings at committee and other levels with the stakeholders to arrive at conclusions as to how this thing would operate. Mind you, unions never like change and if you are working, say, in the Ministry of Agriculture, Land and Marine Resources, as some of our members have been, to

tell them now they will be working under the auspices of a board, they will have difficulty with it. But if you were involved at the very beginning of the arrangements and your members were part of the arrangements, then the difficulty is not as what we have experienced in the past. Mind you, people say they are privatizing. What is wrong with being employed by the state, supervised by the state and changing that to a state board where now you do not have a centralized agency to do it?

12.35 p.m.

The daily-paid union is satisfied with the arrangements in which the collective agreement and all the benefits of it would apply. The recognition of the union would continue and may also involve certain changes. The monthly-paid workers, who are represented by the union, have also expressed some concern. We do not see the difficulty if one is a monthly-paid worker, it is different from the daily-paid. If the change is made, the daily-paid workers who do not go over, would not have a job. The monthly-paid workers are normally redeployed to any other part of the service, because their employment is not confined to a specific ministry.

Mr. Vice-President, I support the legislation. It seems feasible to those persons who would become employees of the new institution in respect of all their benefits, service, and their protection.

Thank you, Mr. Vice-President. [*Desk thumping*]

The Minister of Tobago Affairs and Minister in the Ministry of Finance, Planning and Development (Dr. The Hon. Morgan Job): Mr. Vice-President, I am very grateful for the opportunity to make comments and provide replies to the statements that have been made by the hon. Members from the other side.

I would start with Sen. Dr. Mc Kenzie, because she was bemoaning the fact that Tobago was always left out. It is indeed the case that COSTAATT has already made an impression in Tobago, as part of the Government's overall strategy to incorporate all areas, regions and groups in the country, in the processes of development.

COSTAATT already has a presence in Tobago; through the NIHERST Information Technology College; which has been offering associate degree and diploma programmes in Information Technology since 1998. They have also had foreign language certificate programmes since 1987 and more recently, psychology and counselling certificate programmes since 1998.

Last month COSTAATT established—[*Interruption*]

Sen. Dr. Mc Kenzie: Mr. Vice President, I thank the Minister for giving way. I want to inform the Minister that I assisted in setting that up. In fact, NIHERST gave me an award for that, so I know. I am saying that is not enough.

Dr. The Hon. M. Job: Maybe other people do not know, so let me finish telling them. Last month, the COSTAATT established a foundation for expanding tertiary education access with the opening of the Tobago Learning Centre at Milford Road, Scarborough.

This learning centre is equipped with state-of-the-art computer laboratories, a new library with an expanding collection and four classrooms where courses would be offered for many of the programmes currently available in Trinidad, such as: construction, business management, hospitality studies, and other areas. Also, additional classrooms are being sourced. COSTAATT would be commencing fulltime programmes in January 2001, and five scholarships would be awarded.

Sen. Job made mention of the small number of scholarships. The question also came up with Sen. Dr. Mc Kenzie. With respect to the particular scholarships I was talking about—I need to reemphasize that—one of these National Energy Skills Centres has been devoted solely to the training of modern motor-mechanics. In the centre at Barrackpore one would only learn there welding, plumbing, electrical installation; nothing else. Because of the investment involved in that kind of exercise, and the throughput of students, I do not think that it would have been cost-effective to duplicate it in Tobago, which is the reason I have asked the Cabinet to ensure that with every intake of students, Tobagonians should be a part. That is why I made the statement, and the Cabinet agreed with me; so, to start, they have awarded six scholarships.

There is now a skills training centre operating in Roxborough, starting off with welding. The reason the permanent skills training center in Roxborough has not been built is not the fault of the Government. It took the Tobago House of Assembly almost one year to send me the topographical maps that were essential for the architects to design the building. That caused an inordinate delay; if we had received the thing on time, the building would have been in progress. I did not say that it would have been completed, but we would have been well on the way.

I should also mention that computer literacy classes have been done all over Tobago, by the National Energy Skills Centre at Roxborough and other centres for many students. It is not true to say that we are neglecting Tobago. It might be

true to say—I say might be true to say—that enough is not being done. Indeed, all over Trinidad people can say enough is not being done.

If I might turn to Sen. Dr. St. Cyr, I think his comments have a pungency on perspicacity, that needs serious attention. I was particularly glad to hear him talk about Germany. I have built a website for the Ministry of Tobago Affairs. Whoever is there after, I hope they keep it going on. The purpose of that website is to do those things that Sen. Dr. St. Cyr is pointing the mind to. One cannot understand the development of Germany today, if one did not go back to Friedrich the Great in the 17th Century, Bismarck and deal with the Younkers in Northern Germany. Development, like Prof. Lewis said, is so much about institutions and the arrangements that people make to get things done that will facilitate development.

I think we have been focussing too much, in Trinidad and Tobago, on money. We think that money is going to solve all our education problems. It will not! If we spend \$2.1 billion, this year, on education, we could make it \$4.1 billion. If we do not deal with the nexus between parents, primary school teacher and child, nothing is going to happen, this is what I have been saying.

Sen. Job said something to the effect that I said education is the key, I think she is quoting me wrongly. I have always said—I have a book of my essays called *Think Again*—in the section on integration I said culture is the key, not education. Education has to be put in the context of the culture of the society. If one looks at what is going on in any particular country, one would see the different subgroups and ethnic groups of the country have different outcomes and performance levels in education. It is not just about having schools there, it has to do with how the culture prepares people to benefit from schooling. It is not education that is the key. I want it on the record, because when I say what I say, people in Trinidad, especially those in the media, calypsonians are part of the media, they misconstrue because they do not understand.

I think it was Bernard Shaw or somebody who said: “We get from life and art what we bring to it.” It is also true about language: people get from language what they bring to it. If one brings limitations, one cannot interpret what one hears. That is the problem: they are not understanding what I am telling them. Education is not the key; culture is.

Sen. Dr. St. Cyr spoke about Peter Beuth in Germany—I really want children in Tobago, from an early age, to understand that Gauss and Leibniz must be their heroes. The reason I am saying that is one cannot develop a technological society

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in Trinidad and Tobago, when we have people who call themselves teachers and intellectual leaders, and they are only focussing people's mind on hurt, hatred, slavery, oppression and all that. We have to understand that the world is our environment. We live on the Planet Earth. Just as I was saying children should appreciate Cyril Duprey and Sabga, we have to understand that when children do not understand the life story of Isaac Newton, Galileo, Hilbert, Gauss or Leibniz, they are at a disadvantage they are being severely hindered in their appreciation of what should go on and how they should integrate with it.

12.45 p.m.

So when Dr. St. Cyr is asking us to say and is saying in the Senate here that over many months they have tried to force the Government to say what their programme is or what is Government's policy concerning education and human capital development, it is a very important question. The issues that arise therefrom are very important in the context of what I was just talking about. You cannot have peace, prosperity and success in Trinidad and Tobago when the evident fact—which the media does not want to deal with and which the Opposition in the other place is trying to berate me for dealing with—is that certain ethnic groups, certain sections of the population, over time, seem to be lagging terribly.

When you look at the Common Entrance Examination mark—this is the fact, I did not make it so, I do not want it to be so—the people who declare themselves as of African descent, their average mark over a defined period of time, I cannot remember what was the period, was 55; they barely passed the Common Entrance Examination. The average mark for those who called themselves Indians is 67—more than 10 marks more. The average mark—just like Carl Campbell is saying here—of those people who call themselves Chinese, Syrian and stuff like that, is more than 72.

So the propaganda that is spread by calypsonians and political entrepreneurs, which is to suggest that people who get into St. Mary's College get in there because they buy their place, they bribe for their place and so forth, does not help because we have a severe problem where if you allow these trends to continue, you are going to develop a caste society throughout Trinidad and Tobago and the Caribbean. We see it happening in Jamaica. A lot of what is going on in Jamaica is a consequence of that. Haiti is another case of that, where the upper class and the Mulattos, since the time of De Salines and Christophe, the place, and the mass of the Haitian population is drowned in illiteracy and backwardness. Most of them are illiterate. We need to understand the consequences of that.

What the Germans were doing is something we can learn from. I do not want to under-emphasize the importance of that insight. We need to have a social—
[*Interruption*]

Mr. Vice-President: Hon. Minister, I get the feeling that you need a significantly longer time to reply, therefore, what I am going to do is propose a lunch break at this stage, and we will come back at 1.50 p.m. We will break now for lunch.

12.47 p.m.: *Sitting suspended.*

1.52 p.m.: *Sitting resumed.*

Dr. The Hon. M. Job: Thank you, Mr. Vice-President, I was on the point of responding to Sen. Dr. St. Cyr's query. I think there are some other queries to which we should respond.

Generally, I was saying that Sen. Dr. St. Cyr made some very pertinent, poignant and incisive comments, the one where he said that we needed to transform our energy resources into human capital. The process has been going on in the expansion of the education system, the widening of who gets scholarships and all like that, but I think that we need to follow up on his insight and say what we need to do in terms of the statement that Sen. Dr. Mc Kenzie made with respect to Tobago and the outlying districts in Trinidad.

Perhaps, I need to agree with them that this Government and the future governments that are to come ought to focus on how you facilitate that, maybe by developing branch campuses with hostel facilities that can accommodate housing people for short periods of time so they can get the kind of training they want. Indeed, the issues that Sen. Dr. St. Cyr raised and that Sen. Dr. Mc Kenzie had mentioned are very important. My theme here has also expanded on the matter that I alluded to in response to Sen. Dr. St. Cyr's questions, where they are talking about new skills and critical thinking, the social skills that you develop in terms of critical thinking, team work, entrepreneurship.

I remember "early o'clock" in the National Alliance For Reconstruction days when Prime Minister Robinson was there we had done some work. He had asked me to do some work on this particular question of entrepreneurship. Indeed, at that time, as I still do now, I am trying to get people to understand that entrepreneurship is about culture. This COSTAAT exercise has to find a way to be more involved in developing that idea, in the sense that those people who are not culturally endowed, to be buyers and sellers and to make it work, find out what

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the limitations are and deal with them. I am glad that the College of Science, Technology and Applied Arts of Trinidad and Tobago is focussing on that, because they must necessarily get into that.

In that sense, I was on the point when we broke for lunch to say that it was good that Sen. Dr. St. Cyr talked about Germany. I do not know how many people sitting in this Chamber today are aware that the architects that designed this Red House were German architects. Indeed, when Sir Ralph Abercromby came here in 1797 to take Trinidad from Don Jose Maria Chacon, the shock troops on Abercromby's fleet were German mercenaries. One of our famous companies, Angostura Bitters, was started by Herr Siegert in Venezuela and then they moved here. So the question of Germans and German culture and minority group entrepreneurial culture is very important, and I thank Sen. Dr. St. Cyr for raising that point.

Somebody asked about the Government Vocational Centre. That is located at Mahaica, Point Fortin. It offers courses at both the craft and technician level, and it also provides customized training for Trinmar technicians.

1.55 p.m.

Another person asked about the Joint Services Staff College. This institution offers courses at the associated degree level in criminal justice with a specialization in policing signs. It is planned to expand the offerings to include correctional administration and fire prevention technology. It was located at Nipdec House and has recently moved to Bilmor building on Borde Street. I might add that in the other place I did say that one of the things necessary in policing is modernization. Because when you have to deal with drug barons that control more resources than the entire Caribbean nation states put together, you need to have that technological competence to deal with computer, forensic accounting and all these kinds of skills. We have to develop an indigenous resource base in all those areas. Clearly, there is a lot of scope for further development in that direction.

With respect to the Hospitality Institute, the original proposal for the national community college was envisaged that the Hospitality Institute would be part of the college. However, under the former administration when an IADB loan was secured to strengthen training in the tourism sector a decision was taken to place the institute under the responsibility of the Trinidad and Tobago Hotel Association. Probably that made it difficult to incorporate it at this time. But the Schedule at the end of the Bill leaves a space for additions. So that I have no

doubt in my mind that wisdom would prevail in that direction to bring in the hospitality institute as part of COSTAATT.

However, the programme structure of the Trinidad and Tobago Hospitality Institute is credit based and so would allow for COSTAATT students at the institute to transfer credits in both directions, and vertically to the Bachelor's Degree programmes. The same will apply for the relationship with Cipriani Labour College. Questions were also asked by Sen.Dr. Mc Kenzie about that.

With regard to linkages with institutions not included in the Schedule, I did mention that institutions such as Teachers' Training College, Cipriani Labour College and the Hospitality Institute were all targeted to be part of this major reform of the tertiary sector. They were, however, not included at this time. And I said the Schedule makes allowance for these things to be added at a later date.

The question was asked about COSTAATT's increased access and some of the strategies COSTAATT plans to implement, maximizing the use of existing facilities and establishing extension sites in currently under-served areas. Right now some of the institutions are currently run at secondary schools with under-utilization of the classroom space during the vacation and on weekends. Under COSTAATT, classes would be offered at more flexible times to accommodate different types of learners. Classes will be eventually offered from 8 a.m. to 9 p.m, Mondays to Saturdays and sometimes on Sundays. We also plan to change the programme structure to a credit-base system. This would enable many more persons to access courses at any campus. That can lead to certificates, diplomas, degrees and that can be transferred to other institutions locally, regionally, and internationally.

Distance education is another available option. Many of the COSTAATT courses especially those in the liberal arts, where teaching and learning can be enhanced by the use of technology, would be developed for on-line access so that many more students can be trained by a single teacher. We also built new facilities to accommodate the projected enrolment growth. The Government has allocated 30 acres for the construction of a main campus and to house the NIHERST College which are now located in rented facilities. This campus would be located at the St. Joseph Government Complex. This campus is expected to accommodate a significant percentage of the 20,000 students enrolled in tertiary education, the target set by Caricom for 2005.

The inclusion of the Alumni Association in the new law—this was queried by Sen. Dr. Mc Kenzie—is related to the intention that the association becomes a major source of funding support for the college.

Finally, before I wind up I think it is good that I should put on the record, not that I have not said these things many times but this is a report of a lecture given at the Holiday Inn by a Prof. Ransford Palmer. I want to quote verbatim from the report here.

“Professor Palmer said that in the 1960s South-east Asian countries invested heavily in education as a means of increasing their stock of human capital...this effort widened the access of a large segment of the population to education beyond the primary level. This combined with the trust to diversify the economies, ensured the supply of a large pool of trainable labour ready to meet demand for a wide variety of skills.

From 1960 to 1995, enrollment in secondary schools had improved in Jamaica, TT,...Singapore and South Korea, but the Southeast Asian countries made the ‘most dramatic improvements’ in enrollment in tertiary education.”

I think Prof. Palmer needed to have added to that, that the quality of education at the primary and secondary levels in Japan, Singapore and Korea, throughout the 1960s and 1970s did not suffer the way it did in Jamaica and Trinidad and Tobago.

2.05 p.m.

I am not putting down Dr. Williams and the PNM, the teachers, TTUTA or anybody. If one does not deal with a problem one cannot solve it. If one’s car is broken down and one does not find out whether it is plugs or points or gas or crankshaft or bearing or whatever, one cannot move the car. One has to know what it is. By denying what I am saying over the years, what I have been pleading on behalf of the poor and black in this county, instead of attacking me, let us deal with the problem because it is going to get worse. I continue:

“...but the Southeast Asian countries made the ‘most dramatic improvements’ in enrollment in tertiary education.

...“This quantum leap in enrollment in tertiary education between 1975 and 1995 is matched by the sharp increase in...GNP per capita between 1977 and 1996. By comparison, the growth of GNP per capita for Jamaica and Trinidad appear to be stagnant.”

Mr. Vice-President, what he is saying is, when one compares the data, the objective facts of Korea and Singapore and the rate of GNP growth between the 1960s and the 1990s, one sees them growing. In the case of Malaysia it is 4.1 per cent on average per year, Singapore is 6.3 per cent and South Korea is 7.3 per

cent. What is it in the case of the Caribbean? For Jamaica it was 1.7 per cent and for Trinidad and Tobago it was some low percentage like that. So one of the explanations was—and he might have done some, what we call, regression analyses, you know, put the facts and do some statistical analyses to show that the investment in tertiary education is not only positively correlated but explains the rate of GNP growth in those countries.

In Jamaica it was 1.7 per cent for the growth in goods and services, whereas in Malaysia the rate of growth in the delivery of goods and services was 9.5 per cent. In Singapore it was 12.2 per cent; in South Korea it was 16.1 per cent and in Trinidad and Tobago 3.3 per cent over the same period. So that the stagnation of Jamaica and Trinidad and Tobago in terms of the rate of GNP growth was attributed to the intrusion of the states into the economy and much of that had to do also, as he is saying there, with the failure to generate or to manufacture, I might want to say, a sufficiently large and impactful group of tertiary-trained people to run a modern country to run a modern economy.

They are building cars in Korea and Singapore to compete with everybody in the world—in banking, in services and things like that, one needs people to do that. If one wants to take the Singapore economy and put it in Trinidad, there will be many problems with the kind of human capital that we have here. Even if in certain narrow areas we are kind of doing so-so well, to really get into that we need to spend a lot of time and that means we have to change our ideas.

I am ad-libbing here from a paper, but I shall not name the author. It is good that we say these things, because what COSTAATT is trying to do is deal with these backward and these bankrupt ideas. The person said that we could talk macro-economics until we are blue in the face. Until we understand that a nation is not a marketplace and that human beings are not mere buyers and sellers, we are spinning top in mud. Well, this is what a nation is. A nation is a marketplace. What the Government must do in the marketplace is to make those rules and laws and regulations to facilitate all the traders, which are all the citizens in the marketplace, in doing the best that they can, according to law.

When people in high positions talk this egregious—I do not know if “nonsense” is a parliamentary word in the Senate, but this is the best thing I could say. It is egregious nonsense to say that a nation is not a marketplace nor are its citizens mere consumers. That is what a nation is. It is a marketplace and its citizens are mere consumers. All the services, be they religious services or, should I say, theatre services, calypso services, whatever they are, people are consuming

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that. Some people consume their religious services in a mandir, some go to a mosque, some go to a church and some people go to a calypso tent.

Whatever it is, this is what the nation is, a marketplace, and every citizen is a consumer for every good and service produced within that jurisdiction and what can be imported via the Internet or by boat or whatever. The purpose of Government is to make those laws and rules to facilitate those transactions in that marketplace to the betterment of everybody else. It is because of these bankrupt ideas we have problems in this country.

If one looks at India, that country has a population of approximately a billion people, just like China, but look at the career and the development part of China compared to India. The only and best explanation for the backwardness of India, until very recently, is that they were run with these kind of intellectually bankrupt ideas. Everything was controlled by the state. They did not see the nation as a marketplace. They saw it as a place for government intervention and the prime minister and the president and everybody had to say what everybody must and must not do.

So we need in Trinidad and Tobago, when we are developing this environment of COSTAATT, to also focus very intently and seriously on ideas. Ideas are the most important things that mankind can construct because they determine what kind of grievances one converts into policy; they determine what kind of good ideas or good projects one converts from policy. So that, Mr. Vice-President, I think I have covered all the queries that were asked of me—
[*Interruption*]

Sen. Prof. Ramchand: Thank you, hon. Minister. Thank you, Mr. Vice-President. I have two questions which I was not here to ask this morning. I do not want to complain now about the rush in which things are being done. We had no time to prepare so I just had to stay home, and that is why I am late.

I have two questions for the Minister. The first has to do with the definition of “Service Commission”. Can the Minister explain why the Judicial and Legal Service Commission is excluded from within the definition of “Service Commission”? Is it an intention that people who are under the aegis of the Judicial and Legal Service Commission are not eligible to be seconded to any of the teaching sections of COSTATT?

Secondly, I have a problem or a little confusion about the president of the college. In one place we are told that the President of the country appoints 11 members and then we are told that the board will select the president—11

members of the board and then the board will select the president of the college, and then we are told that the chairman of the board of trustees has the power to declare the seat of the president vacant. It seems to me that the president appoints but the chairman of the board of trustees is dismissing. I do not know if that is a mistake or if that is an intention which can be explained to ordinary people.

Dr. The Hon. M. Job: Mr. Vice-President, I do not think I have all the answers to the wide-ranging questions that Sen. Prof. Ramchand raised, but I promise him that, while we are going through committee, at the appropriate time we can probably discuss those matters.

So, Mr. Vice-President, I just want to stop by saying I have tried to answer all the queries and I do not know if there is much that I can do to make the case. Everybody seems to agree that we need this Bill. I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: We have in front of us the Bill and I draw your attention to the list of amendments that were made in the House of Representatives on Wednesday 4th, also circulated, which of course already are accommodated in the Bill that we have considered. The only other amendments that we have circulated are those by Sen. Prof. Ramchand that relate to clauses 2, 3 and 5. The way I propose to deal with the committee stage is deal with clauses 1 to 5 individually, and thereafter we will deal with the Bill in Parts. Is everybody in agreement with that?

Assent indicated.

Clause 1 ordered to stand part of the Bill.

Clause 2.

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

Sen. Prof. Ramchand: Mr. Chairman, shall I stand or is it okay to sit?

Mr. Chairman: You can sit.

Sen. Prof. Ramchand: Mr. Chairman, I beg to move that clause 2 be amended as follows:

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“In the definition of ‘academic staff’ after the word ‘teaching’ delete ‘and non-teaching’ and insert, ‘research and senior administrative staff’.

Delete the rest of the sentence beginning ‘appointed to...’

In the Definition of ‘Service Commission’ after ‘Public Service Commission’ insert ‘Judicial and Legal Service Commission’.”

I thought that by saying “academic staff means all teaching and non-teaching staff appointed to such academic posts”, the phrase leaves too many openings for slackness and I think we should go for the conventional definition adopted by universities which is “teaching, research and senior administrative staff”. So unless there is an explanation as to why it is necessary to say, “teaching and non-teaching staff appointed to such academic posts”, the conventional thing in institutions of this type is to say, “teaching and research staff and senior administrative staff who have the same terms and conditions as the academic staff”. That is the case of the University of the West Indies.

Dr. Job: Senator, I am advised that they considered that matter and thought that would be too restrictive, just in case we wanted later on to bring somebody on the staff of COSTAATT that was not specified that way.

Sen. Prof. Ramchand: That is what I am worried about.

Dr. Job: Well they thought it was an advantage—[*Interruption*]

Sen. Prof. Ramchand: I think that is too permissive. That is a *carte blanche*—[*Interruption*]

Dr. Job: Well, they wanted it to be permissive and flexible in terms of the—[*Interruption*]

Sen. Prof. Ramchand: Flexible does not mean permissive.

Dr. Job: They did not want to tie down the thing.

Sen. Mahabir-Wyatt: Mr. Chairman, I wonder if I could ask a question of Sen. Prof. Ramchand. If you amended as you suggested, would this not exclude junior administrative staff where they might need to be included?

Sen. Prof. Ramchand: It is not that a junior administrative person cannot get an appointment as an academic, it is just that in the classification for conditions of service, *et cetera*, academic staff means teaching and research staff and senior administrative staff.

Sen. Mahabir-Wyatt: But would this exclude librarians and people like that?

Sen. Prof. Ramchand: The librarian is senior administrative staff.

Sen. Mahabir-Wyatt: Lab technicians and computer technicians?

Sen. Prof. Ramchand: They are not senior administrative. The categories are very clear. It has to do, you see, with the fact that academic staff are entitled to study leave, book allowances and things like that, and senior administrative staff have wangled their way into the position of getting that too. I mean, strictly, academic staff is teaching and research staff but senior administrative staff members have wormed their way into it. It will be tough enough to exclude them, but I think we will have to go with what other institutions do.

Dr. Job: I am advised that we did not want to replicate the identical situation that we have at the university and that when we talked about academic staff here we were not talking about rank. There is somewhere in the definition also where they define non-academic staff to mean full-time employees of the college who are not academic staff. But with respect to academic staff, the intention is to not restrict the board in terms of how, at a future date, they can define academic staff. So that they want to have that openness, that freedom which you call permissiveness, but which seems to be in the interest of flexibility and the fact that things are changing at such a rapid pace that one never knows. You do not want to tie yourself down.

Sen. Prof. Ramchand: Well, I would not fight the thing, Mr. Chairman. I merely want to point out the foolishness and the slackness. I already have my invitation to the opening of COSTAATT, although this thing has not been passed, so I know that the intention is to proceed roughshod over us. [*Desk thumping*] So I am just letting it be recorded in the *Hansard* that I object to this and I— [*Interruption*]

Sen. Kuei Tung: Let me join the debate, Sir. It is not the intention to ride roughshod. As a matter of fact, surprisingly I am going to take up your case.

Sen. Prof. Ramchand: Thank you.

Sen. Kuei Tung: What I find difficult with this—I do not know, it seems as if I am arguing against myself—is if “academic staff” means all teaching and non-teaching staff and “non-academic” means non-academic staff, something has to be wrong. Something has to be wrong for all academic staff to be teaching and non-teaching staff and now non-academic staff is non-academic staff. So something has to be wrong with it, Sir. You have got to correct that. So you see, we are not doing this in haste. We want to do it right.

Sen. Prof. Ramchand: Thank you.

Sen. Kuei Tung: Who will end up being non-teaching staff, then? So non-academic staff is going to be non-academic. There is no non-academic, then. Everybody will end up being non-academic. We will have to correct that.

2.20 p.m.

Dr. Job: Mr. Chairman, “academic staff” means all teaching and non-teaching staff appointed to such academic posts. I think that set of people is a clearly different set from the set that we are saying are “non-academic staff”. They are full-time employees and are neither teaching nor in support services.

Sen. Kuei Tung: So they are not appointed by the board.

Dr. Job: The “non-academic staff” are not appointed to academic posts.

Sen. Dr. Mc Kenzie: Mr. Chairman, my simple understanding is that the “non-academic staff” would be the full-time employees who are not “academic staff” because for one to be an “academic staff” you will have to have a “non-teaching staff” appointed by the board. So there are two different categories.

Dr. Job: This is what this is saying.

Sen. Dr. Mc Kenzie: I am saying this is my understanding and I do not have a problem.

Dr. Job: It is quite clear. The board appoints the “academic staff” and some of these “academic staff” are not teaching but are in support services. So there is a set of people called “academic staff” and some of them are teaching and some are doing research, counselling and so on.

Sen. Prof. Ramchand: They are either teaching or doing research.

Dr. Job: Or they could be doing counselling or other support services and they are different from—

Sen. Prof. Ramchand: Then if the person has been appointed as a counsellor or psychiatrist or whatever, that person is a senior administrative.

Dr. Job: Well, let us say perhaps they do that at the university and at COSTAATT you do not need to replicate that.

Sen. Prof. Ramchand: Mr. Chairman, COSTAATT will do very well to replicate some of the things at the University of the West Indies and that is what I am worried about.

Dr. Job: And they will do well not to replicate a lot also.

Sen. Prof. Ramchand: They will do well to replicate. *[Laughter]*

Sen. Dr. St. Cyr: I suspect that what we really want is a “senior staff” who are academic and senior administrative and “junior staff” which is “non-academic”. If we read the definition of “academic staff” in a certain way, I do not think that there is a problem. What I am seeing is “academic staff” means all teaching staff and such other “non-teaching staff” as the board determines.

Sen. Kuei Tung: There is where my confusion lies. Is it, therefore, that the board could appoint a “non-teaching staff” to academic posts?

Sen. Dr. St. Cyr: It is not to do academic work. The real distinction is between “senior staff and “junior staff”. Now all “academic staff” are “senior staff” and some “non-academic”, namely the senior administrators are “senior staff”.

Sen. Prof. Ramchand: If I could see some kind of sense behind it or there was some purpose or some reason for doing this convoluted thing, I would say well, okay, but I cannot see any reason for it. *[Interruption]*

Sen. Dr. St. Cyr: Mr. Chairman, while we are sorting that out, could I raise another matter on clause 2 on page 9?

Mr. Chairman: Is it related to this definition?

Sen. Dr. St. Cyr: Not to this one, Sir.

Mr. Chairman: Well, maybe we want to get rid of one thing at a time. Are there any comments on the issue of the definition of “academic staff”?

Sen. Rev. Teelucksingh: Mr. Chairman, yes. I wonder if the problem is with using the definition of “academic staff”? We know that it has to do with the teaching staff. Why do we not delete “non-teaching staff” and find another definition for it because “academic staff” you are explaining to us has to do with the teaching staff. Will these “academic staff” include the “non-teaching staff”, like research officers, senior administrative staff and so on? Will that be covered under “non-teaching staff”? If that is so, then let us, delete “non-teaching staff” so we will not have confusion with the other full-time employees who are not teachers. That is one solution I will propose and that is the deletion of “non-teaching staff” and replace it with something else like what Sen. Prof. Ramchand is suggesting. *[Interruption]* Do not put “non-teaching staff” because it creates a problem.

Sen. W. John: Mr. Chairman, may I say something. For example, in schools there are librarians and they are really support staff. I think there is no point in really changing what is there. It is quite clear as far as I am concerned.

Sen. Rev. Teelucksingh: They will be under the other definition. They will be the full-time employees of the college.

Mr. Chairman: I think the Minister is explaining that “non-teaching staff” is, in fact, a category of staff.

Sen. Prof. Ramchand: Mr. Chairman, if we say “other staff appointed to such academic post” there may be a librarian.

Dr. Job: Mr. Chairman, I think we need to focus on the fact that there will be staff which are non-teaching occupying academic posts and we see that as an advantage to have some “non-teaching staff” in academic posts. So there ought not to be any confusion between that set of people and the set we are calling “non academic staff” that are other full-time employees of the college. There are two sets, we call them disjointed sets, there is no overlap there; there is no confusion. So I think we need to move on.

Mr. Chairman: We have exhausted discussions along those lines.

Sen. Prof. Ramchand: I am not exhausted. *[Interruption]*

Mr. Chairman: We have heard that and we are going to vote on that. Is there any other matter?

There is a suggested amendment from Sen. Prof. Ramchand. We have heard comments on it and I am going to put it to the vote. Unfortunately, his amendments are not numbered. I would suggest that the first two paragraphs of his amendment is, in fact, one amendment and that is “...delete the rest of the sentence beginning ‘appointed to...’” So the amendment that we are going to be looking at is the amendment that is constituted by four lines under clause 2 of his circulated amendments. Is everybody clear on that?

Sen. Prof. Ramchand: Mr. Chairman, what it boils down to now is inserting the word ‘research’. They have voted on the first amendment.

Mr. Chairman: Let me read out what we are voting on. There is a suggested amendment by Sen. Prof. Ramchand in clause 2 which reads:

“In the definition of ‘academic staff’ after the word ‘teaching’ delete ‘and non-teaching’ and insert ‘research, and senior administrative staff.’”

delete the rest of the sentence beginning 'appointed to...'

2.30 p.m.

That is the amendment we are voting on now.

Sen. Rev. Teelucksingh: I would like to ask the hon. Minister if that amendment, as proposed by Sen. Prof. Ramchand, will defeat the intention of those who drafted the Bill concerning the non-teaching staff. Will that affect it?

Dr. Job: Yes, it will.

Sen. Prof. Ramchand: What is the intention? I asked that.

Dr. Job: The intention is to have flexibility.

Sen. Rev. Teelucksingh: If that is the case, I do not think we would want to frustrate those who have decided to put the vision for this college into words. I would not want to change that, really. Maybe leave it as it is and go with it as is, rather than take any amendment.

Dr. Job: Thank you very much.

Mr. Chairman: One more comment from Sen. Dr. Mc Kenzie.

Sen. Dr. Mc Kenzie: Mr. Chairman, as I see it, we have academic posts and appointment to these academic posts could come from the teaching or the non-teaching staff and that is what makes you a member of the academic staff. That is as far as I see it.

Mr. Chairman: Very well. We are going to put it to the vote. I have read the amendment for you.

Question on amendment, [Sen. Prof. Ramchand] put and negatived.

Mr. Chairman: The second amendment is suggested by Sen. Prof. Ramchand. Do you care to address that, Professor?

Sen. Prof. Ramchand: Well, I asked the Minister already whether there was some need for excluding the Judicial and Legal Service Commission from the commissions. I feel we will be depriving ourselves of a source of good staffing if we excluded them.

Dr. Job: With respect to the omission of the Judicial and Legal Service Commission, those omissions were considered, or rather the situation with respect

to them, and the best legal advice was that we should have it the way we have it and exclude them. I am not a lawyer myself so I cannot give you all the ramifications and implications of why that is the best advice but this is the advice we got.

Sen. Prof. Ramchand: You are not a lawyer and you are obedient because it has not been explained.

Dr. Job: Well, there must be some people to obey in all walks of life. That is why some people do not progress. There is too much anarchy and everybody wants to lead.

Mr. Chairman: Any other comments on this area?

Sen. Prof. Ramchand: No explanation is forthcoming except that this is being done on the best legal advice. Is that the only explanation?

Mr. Chairman: That is the explanation. Prof. Ramchand, are you pursuing your amendment?

Sen. Prof. Ramchand: No. I have to withdraw it because I am dealing with a brick wall. I withdraw it, Mr. Chairman.

Amendment withdrawn.

Sen. Dr. St. Cyr: Mr. Chairman, I had a question on page 9.

Mr. Chairman: Is it on clause 2?

Sen. Dr. St. Cyr: Yes. I am on clause 2. At page 9, clause 10, there is reference to "the Secretary" whom I presume to be a key official in this structure. I am wondering whether we needed to have included a definition of "Secretary" in clause 2. That is my question.

Dr. Job: Could you repeat that?

Sen. Dr. St. Cyr: I am saying that on page 9, clause 10, there is reference to an official, the "Secretary", who is responsible for keeping the minutes, so I take it that this is a key official in this formal structure and, as such, I am wondering whether we did not need to define "Secretary" in clause 2. Mr. Chairman, if it is too difficult a question, I would withdraw it.

Dr. Job: Yes. The board will appoint a secretary and that will be at the first meeting of the board. I think that is the way we intend to proceed with that question of secretary, that at the first meeting of the board, the board appoints the secretary. That should take care of that. I do not know if you need to put it in the Bill. You will need a secretary.

Sen. Dr. St. Cyr: My thinking is that the person of this corporate body—the secretary—is the keeper of that function. You see, everything decided must be minuted and if you ever went before a judge, he or she will say, "Bring us the Minute Book", and so, to me, "Corporate Secretary" might need to be defined and established, but I do not wish to press the point.

Dr. Job: Thank you very much.

Question put and agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3.

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

Sen. Dr. Mc Kenzie: Mr. Chairman, we started off by taking the amendments from Sen. Prof. Ramchand. Are we going to assume that the amendments from the other place are already incorporated?

Mr. Chairman: Yes. They are part of the Bill. We have amendments under clause 3 from Sen. Prof. Ramchand. They are not numbered. Maybe he can take them one at a time.

Sen. Prof. Ramchand: Mr. Chairman, I wonder if I will be permitted, since I have a lot of amendments relating to this section, to say a few words by way of introduction to all the amendments.

Mr. Chairman: I will prefer if we deal with them as individual amendments.

Sen. Prof. Ramchand: But I will have to repeat myself quite a lot.

Mr. Chairman: Let us see. Let us deal with the first amendment. The objects of the college is what we are dealing with.

Sen. Prof. Ramchand: Well, I have to steal one sentence in, that I do make a distinction about the objects of the college and the powers of the college. In documents of this sort, which eventually become the charter of the university or college, the statement of objects is quite brief. It is two or three paragraphs. In the charter, you have a brief statement of the objects, but within the charter, you also have a statement of the powers of the college and many of the things that should have been in the powers of the college are not in the section called "Objects". Many of the things that should have been on the political platform are also in the section called "Objects". There are many clauses here which are just woolly, imprecise, and show no thinking at all about the reason why the college is being established.

The first amendment that I am proposing which is to insert a new (a), which is taken from the charter of the University of the West Indies which, obviously, they do not wish to replicate because they have copied it unintelligently. The first amendment I have is to introduce a new (a), which says:

“to provide a place or places of education, learning and research of a standard required and expected of a College of the highest standard, and to secure the advancement of knowledge and the diffusion and extension of arts, sciences and learning throughout Trinidad and Tobago.”

That is a very precise statement of an educational intention and the new (b) is a precise statement of the present situation:

"to continue and expand the work and activities hitherto carried on by Niherst and by institutions in the Schedule."

Then, I want to rewrite the original (a) which refuses to think and say, you do not even have to say:

"contribute to national and regional development, to social equity, and to the development of civil society by providing a broad range of courses and programmes including programmes and courses accessible to mature applicants and applicants who joined the workforce before completing secondary education; and by encouraging scholarly work and applied research"

But, I recognize that in establishing the college, we are addressing a particular problem in the society. If we can clean up the prose and say, "Okay, in general that is what we want to do and we want to do it by providing a broad range of courses and programmes, including programmes and courses accessible to mature applicants and applicants who joined the workforce before completing secondary education."

That seems to me to be a clearer statement than this thing about "by providing broad-based access to socially responsible and innovative educational programmes". That is for politicians. Educationists will say they recognize there are people who have dropped out of the educational system, who have joined the workforce. Some have taken partial secondary education.

There is a set of people between the secondary and the established tertiary institutions who need to be taken care of and we are establishing a tertiary institution which will devise special courses and programmes that are accessible to them, in addition to taking on the people who have completed their secondary

education and might have gone on to a conventional university. We do need to clean that up and be precise about it.

In fact, give the people who are running this place a sense of mission and understanding of what they are doing.

Sen. Dr. Mc Kenzie: Mr. Chairman, I see the other side. I see it as providing the access, the programmes, the work, the research and whosoever will, may come. That is how I see it. Both sides could be catered for, but I see it like this, that here I am providing whatever programme and whosoever will, may come. Whereas, if you stipulate—probably this will be an eye opener to the person—in your advertisement to say if you are a mature person; if you joined the workforce and you want to change your trade; retrain or whatever; fine. This is for you. That will come, probably, in your advertisement, but as it is here in the objects, it is whosoever will, may come. If it fits you, come in. If it does not fit you...so I see it in a different light. I am not saying that Prof. Ramchand is wrong; it is just that both of us see it in a different way. I am saying how I see it. I would like to know because I might want to go and I may not fit any one of these.

Sen. Prof. Ramchand: No. No. They are encouraging scholarly work and applied research.

Sen. Dr. Mc Kenzie: Well, I may not go for that reason. I do not want to do any scholarly work and applied research. I must feel that I am there because the programme I want to do is there. I see it in that way.

Dr. Job: Mr. Chairman, I think Sen. Dr. Mc Kenzie is hitting the nail on the head, as they would proverbially say. The intent of this legislation is to allow COSTAATT to be as flexible and as capable as it is possible with new ideas. Remember, in the debate, I did say that none of us predicted Internet and PCs 20 years ago, or cell telephones. The way technology on the market is changing, new demands for these services are always going to come. You do not want to institutionalize inflexibility in the Act of Parliament that sets up COSTAATT. The University of the West Indies is set up by charter. We do not want to charter COSTAATT. We do not want to replicate another University of the West Indies.

When we talk about broad-based access in a socially responsive kind of way, we are addressing the concerns that Sen. Prof. Ramchand's amendment seems to be prosaically drawing out. I do not see any necessity for this amendment in the context of what the Bill actually asks for. We are dealing with the same sets of issues and, indeed, if I might make a final summary, the whole intent of this legislation is to deal with the question of broad-based access for a wide cross-

section of people and even for training and education in things that we do not do now.

You have to leave the flexibility there so that you can go into that when the need arises and the board will be in a position that it is not hamstrung by legislation. I do not see any reason for us to accept this thing.

Sen. Prof. Ramchand: Mr. Chairman, I do not think the amendment has been properly read, because what the amendment is saying.

"...by providing a broad range of courses and programmes including programmes and courses accessible to mature..."

It is not saying "only"; it is saying "including".

So, Sen. Dr. Mc Kenzie can come to the programmes, but the other people who might feel it is not available to them—the people who are running the institution will devise courses specially intended because we are recognizing the presence of mature students and students who have dropped out. Otherwise, you just could have done the better thing and established a technical university of Trinidad and Tobago. If you are going with this kind of institution, you are saying you are catering for these people and it should be clearly stated.

2.45 p.m.

That is why I would allow:

“contribute to national and regional development, to social equity, and to the development of civil society by providing a broad range of courses and programmes including programmes and courses accessible...and by encouraging...”

Everybody is included in the programmes, but we are specifying that one of the reasons for the establishment of COSTAATT is to deal with this group of people between secondary and tertiary; who do not quite qualify to go to the conventional university.

Sen. Dr. Mc Kenzie: Mr. Chairman, as I said when I made my suggestion a while ago, and from my own experience, I have been assisting and giving out application forms for John Donaldson Technical Institute and San Fernando Technical Institute. In their advertisements, they cater for every wording that Sen. Prof. Ramchand has in his Motion. What I am saying is that they cater for it, probably, in their rules and regulations. If you narrow it down like this,

somewhere down the line, somebody who does not fit into this amendment will come up.

I agree with the fact that they must be catered for, but I am saying that they are always catered for in the advertisements and conditions that are set out for the different courses. I know from experience, year after year, another course comes up. If there is a need in the society, they will respond and say: “Okay, we will have a six-months course in this.” If somebody gets displaced and he or she approaches the college, the college would agree to run a course in the particular area. If we narrow the objects in this way, we will, at some later stage, make it possible that somebody will feel excluded. I am suggesting that we always keep this in mind when we are advertising, also the forms that we send out when we are asking people to apply for these courses.

I know that these two institutions—I do not know about any others—have been doing that all the time. This is what I am saying.

Sen. Prof. Ramchand: Sen. Dr. Mc Kenzie is missing the point. I am saying that they are included. I am not saying that we are focussing only on those. I am saying that we are including those. I am talking about the reason for the foundation of COSTAATT. I am also worried about what you mean by “broad-base access”. Broad-base access seems to be saying what? Lower-entry qualifications? What does broad-base access mean? How do you achieve broad-base access?

Mr. Chairman: Sen. Rev. Teelucksingh, do you have a comment?

Sen. Rev. Teelucksingh: I am seeing in these Mission Statements before me, some very close parallels. Do we have a problem of semantics here? This is a problem of semantics. It is the same thing being put in two different ways. It is going to take us, maybe, the entire evening to harmonize the two. I am seeing the highest standard in the amendment proposed by Sen. Prof. Ramchand. But, the one proposed by the Government talks about a centre of excellence. It is the use of words.

Sen. Daly: Where?

Sen. Rev. Teelucksingh: I think we are playing with words here. I would suggest, maybe in the interest of time, that we go along with the original.

Mr. Chairman: We are going to put it to the vote. We cannot railroad Sen. Prof. Ramchand. We are giving him an opportunity. To simplify the process of voting on the amendment, the way I see the amendment for clause 3—Sen. Prof. Ramchand, I need your help—seeing that the amendments are not numbered, it appears as though there are five amendments under clause 3. I would like to list them because we are going to vote on them.

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- (i) starts with “insert new (a)”, and ends with “Trinidad and Tobago”
- (ii) starts with “insert new (b)”, and ends with “Schedule”.
- (iii) starts with “rewrite original”, and ends with “research”.
- (iv) starts with “re-letter (a)”, and ends with “applied arts”
- (v) starts with “delete” and ends with “(e)”.

They are interrelated but we will take them individually. Do we need to take them individually? Yes we will. Would you all like to deal with them in *en bloc*?

Hon. Senators: Yes, we will.

Question, on amendment, [Sen. Prof. Ramchand] put and negatived.

Question put and agreed to.

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

Clause 4 ordered to stand part of the Bill.

Clause 5.

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

Sen. Prof. Ramchand: The main intention of the amendment to clause 5 is to notice that what should really be the powers of the college, have become the powers of the board. Again, in documents of this sort, the whole college, which includes the board, has the following powers. When you come to the Statutes and Ordinances you specify which of these things the board is responsible for and which one the Senate is responsible for.

I hope, more by accident than by design, powers that properly belong to the college as a whole, have now been given to the board. I would delete the marginal head “Power of the Board” and rewrite the opening of that to read:

“The College shall be a teaching, research and examining body and shall have the following powers...”

After that, the present clause 4 would become clause 5 which shall read:

“The College shall be managed by a Board of Trustees...”

Later on, we will come to specify the powers of the Board, the Senate *et cetera*. If the intention is that the power should really be with the board, rather than with the college, as a whole, I cannot go against the policy that has been decided upon. It does seem to me to be a mistake to do it that way.

Mr. Chairman, just to continue the explanation—

Mr. Chairman: Just give the Minister a minute, he is consulting.

2.55 p.m.

Sen. Ramchand, I have been advised that the institutions that are coming together to form the College of Science, Technology and Applied Arts of Trinidad and Tobago, had workers and had different rules. The Chief Personnel Officer had advised that we needed to transfer them to an institution with the power to incorporate them, which is the board of this new COSTAATT. If you look at the antecedents and the background, you will understand that there might not be any merit in changing the powers of the board to the powers of the college. This has been thought out, and it was decided on the advice of the Chief Personnel Officer that this was the best thing to be consistent throughout, to talk about the powers of the board.

Sen. Prof. Ramchand: Consistent with what, autocracy and tyranny? To give the board the powers over the whole college and the Chairman of the board the absolute power over the whole college, so that the Chairman of the board is a Prime Minister? This is a most undemocratic thing; to give to the Board of Trustees those powers which properly belong to the whole college, and it is king making and power seeking, naked. So, Mr. Vice-President, it seems to me that the Minister is intent on pushing this thing as it is. I have made it clear where I stand, I withdraw all my amendments. [*Crosstalk*]

Mr. Chairman: The amendments to clause 5 are all withdrawn. [*Crosstalk*]

Sen. Prof. Ramchand: I change my mind I am not withdrawing them. I will keep you all late for spite!

Mr. Chairman: Are they withdrawn or are they not withdrawn? [*Interruption*] Could you have them numbered for me, because I have not had the opportunity to number them? Maybe we should take it *en bloc*.

Sen. Prof. Ramchand: Maybe for your guidance, Mr. Chairman, I sent around what the Bill would look like if the amendments that I want were included. I wonder if the Minister got a copy?

Mr. Chairman: In the absence of having these numbered, I am going to be constrained to deal with them *en bloc*, because they are quite extensive and they seem to interrelate. Therefore, to attempt to do them individually is going to be a little short of impossible, so I am allowing discussion if anybody wants to—

Sen. Rev. Teelucksingh: I am seeing a problem here. I would ask the hon. Minister to explain to me, a layman, in simple language. I understand the model upon which Sen. Prof. Ramchand's discussion is based, the University of the West Indies model and so forth. Is this a different model? Help me to understand. Is this model different? It would help me to decide on the kind of recognised normal stated model we know like the University of the West Indies model or one of the colleges that have been established. Is this a new model? Thank you.

Dr. Job: Sen. Teelucksingh, my understanding, which I want to share with you, is that we ought not to tie ourselves down with a particular framework or shape of things. We have all these institutions; we know what we need to do in terms of making tertiary education more available and more accessible to a wider range of persons in Trinidad and Tobago, and to give them quality education.

Concerning this question that we are dealing with now, the powers of the board, we were advised by the Chief Personnel Officer that we had to have COSTAATT coming into being in order to facilitate the transfer of people from all these different places to some place. We had to establish the board, we had to give the board powers.

In particular reference to your question about the model, I do not think that we want to be ashamed to say that we are trying a new thing. We are doing something that is different, and the focus of it is to allow enough freedom and flexibility so that it could evolve and be responsive to our local Trinidad and Caribbean needs.

Sen. Dr. Mc Kenzie: Mr. Chairman, I think that we are beating around the bush too much. Tomorrow we have been invited to the opening of COSTAATT; today is the last sitting of the Senate before tomorrow, therefore, if we bring any amendments, the Bill having been amended in the Lower House already, we cannot change the Bill to have the business tomorrow.

Let us agree that although we find defects in it, the Government outnumbers us over on this side, they are going to pass it, therefore we will raise our objections and so forth, and at a later date we could come back with amendments when we have put the Bill in train and we see that it is not working. *[Interruption]* "Ken, we go get outvoted, leh we keep weself quiet." *[Crosstalk]*

Sen. Daly: Mr. Chairman, there is another point here. Sen. Prof. Ramchand is unusually testy this afternoon, and I think that is entirely the Government's fault, because we are sick and tired of being confronted with time frames where we know that the most divine amendment will not be accepted by the Government

because they have boxed themselves in. It is quite ridiculous that we should be debating this the day before the place opens, and so, I can understand why my colleagues are being testy.

One of the points is being missed—and we would have to assume that the Government does have an open mind, the time frame suggests not—is that Sen. Ramchand's clause 5, apart from the philosophical question or the policy question of the College, as opposed to the board, he is also suggesting amendments to the clauses regardless of who has the power. So I do not think we can take them *en bloc*. I think we have to understand that this amendment has two parts.

The first part is the policy question of the College or the board, which I suppose the Government will dictate, but as far as the actual wording of the powers is concerned, surely we have to have some open-minded discussion on that, regardless of who wields the power. I am respectfully suggesting that we cannot do it *en bloc*. I am suggesting we deal, first of all, with the proposal for college as opposed to Senate, or whatever it is called, board, and then we deal with the subparagraphs individually, because they may have drafting value.

I would like to suggest that we do not do it *en bloc*, that we do the policy question first and then we look at each of his amendments to the actual powers. He does have considerable experience in the matter, and he ought not to just be pushed aside because the place is opening tomorrow.

Mr. Chairman: I am not suggesting pushing aside Sen. Prof. Ramchand in any way; all I am suggesting is that the amendments are, in fact, interrelated. Most of them, not all of them, are, in fact, sort of segregated, but there is no reason why, in fact—maybe allowing some time, if people have not read them, to read them, but that we adjudicate on all of them, assuming the adjudication—
[*Interruption*]

Sen. Prof. Ramchand: We will have to take the others one by one.

Mr. Chairman: We can take it in two parts. We can, in fact, deal with the question of whether the college or the board should have the powers. You have some renumbering and interchangeable things that, to me, ideally should be numbered. I have no problem with it, but I propose dealing with those as a block.

I am getting the feeling that maybe not enough attention has been spent reading them.

Sen. Prof. Ramchand: Mr. Chairman, this is not in elegant form, because as you know, we only knew about this debate yesterday. They just

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dropped it on us, and I was told that it is going to be late today; I lost my opportunity to speak; I spent all morning going through this and making suggestions and so forth, and hurriedly typed it up with my own hand. I cannot type. If I had had time, I am sure the Clerk of the Senate would have put it in the right form, so I apologize for the confusion, but I am not taking blame for it.

Mr. Chairman: Who indicated that it would be dealt with late today? [Interruption] Could I ask who informed you that it would be dealt with late today? [Crosstalk]

Sen. Prof. Ramchand: Yes.

Mr. Chairman: As far as I am aware nobody should have indicated that it was being dealt with late today. [Crosstalk]

Mr. Chairman: I had directed that a letter be written, and the letter was written, and it certainly did not misrepresent—[Crosstalk] I am just making sure that the letter that I directed to be written was not misleading.

Sen. Daly: We get one of them every week.

Sen. Brig. Theodore: Mr. Chairman, just for the accuracy of the records, the letter came around on Tuesday with a copy of the Bill, not yesterday as suggested by the Senator. [Crosstalk]

Mr. Chairman: We are going to take the amendments in two parts. By way of reference I am referring to the first part as starting with the word “remove” and ending with the word “college”, and the second amendment will be all the amendments thereafter.

Sen. Daly: One by one, Sir?

Mr. Chairman I am not taking them one by one, I am taking them *en bloc*.

Sen. Daly: So you mean if, for example, where he wants a new “b” has merit, but where he wants a new “c” has no merit, one will die with the other?

Mr. Chairman: No, not necessarily. That is why I am asking for comments at this stage. Is there any discussion on any one of these?

Sen. Mahabir-Wyatt: Mr. Chairman, I have a lot of questions. Apart from really not understanding the difference between the board of trustees and the college, the point that has been made, because I am not familiar with the academic situation; if we are going to look at the whole lot, for example, under 5(1)(a)—which you propose to take altogether—Sen. Prof. Ramchand has suggested that it read:

“Grant and confer degrees and other awards.”

I need to ask the question whether a degree and an award are the same thing or if they are not.

He has also asked for another amendment which is about distinctions. I want to know whether awards and distinctions are different things in the academic world, and if not, then I can realize why he wanted to put it in, but there are a whole lot of different things there; different drafting points as we go along, which I would like to ask questions about.

Mr. Chairman: Sen. Mahabir-Wyatt, that demonstrates the problem that I have. For instance—I missed that myself—but in those four lines you have a multitude of amendments.

Sen. Mahabir-Wyatt: Four amendments.

Mr. Chairman: At least, four.

Sen. Daly: We need to pursue this a little, with respect. For example, Sen. Ramchand is proposing a new (d) which gives the governing body—never mind whether it is the College or the board—the ability to deprive someone of a degree, which, apparently, is not in the original draft. Is that right? Is it there?

Sen. Dr. Mc Kenzie: It is in 5(1)(b).

Sen. Daly: Clause 5(1)(b), “Revoke awards”, but this is a little different, because, presumably, if somebody cheated it would be important to be able to take away their degree, and that would not come under awards. So that is what I mean about good drafting. At least, one distinguished Member of the audience is agreeing with me. That is why we need to take these subparagraphs separately, and if, for example, we agree that the wider power to revoke is important, we cannot sacrifice that just because they are having drinks in the morning, or whenever. What time are you having the drinks?

I think this is very important. I presume a college is going to give diplomas, degrees and certificates, and if someone cheats they have to have the power to cancel those degrees, diplomas or certificates. Apparently, the only provision for that is to revoke awards for good cause, for example, academic dishonesty. But by no stretch of the imagination are we going to construe award to include degree, diploma and so forth. Award might be for coming on time or putting up your hand in the class often enough.

We have distinguished educators here, they should indicate whether we are on the right track. Forget about the fact that they are having drinks in the morning. We have people here who are very experienced in education and could compare 5(1)(b) with Prof. Ramchand's proposed (d), and tell us whether there is merit in Prof. Ramchand's proposal.

Sen. Mahabir-Wyatt: Mr. Chairman, I see in the definitions that "academic award" means:

"A degree, diploma, certificate and other certification of academic achievement..."

Is that the same as a distinction? That does answer part of the problem that I had there.

3.10 p.m.

Sen. Daly: It says, "revoke awards." If it is to be internally consistent you would have to say "revoke academic awards." Assuming that it is covered. Those are the kinds of mistakes we are being forced to make.

Sen. Mahabir-Wyatt: This is the question that we have.

Sen. Daly: That is right.

Sen. Mahabir-Wyatt: Also, the term "or other distinction" which Sen. Ramchand has in his "d" that has not been included under "academic award", and we do not have a definition of that. I do not know whether this would be interpreted as also including "distinction." I just do not have any basis on which to judge this, and I need some help.

Sen. Daly: Let us forget the merits of what Sen. Ramchand is proposing. Let us assume that there is internal inconsistency between the definition of "academic award" in clause 2, and the use of the phrase "revoke awards" in clause 5(1)(b), are we going to be told that we cannot correct that because they are having drinks in the morning? We need to deal with these things one by one; that is why we are here. That is another point we have stumbled on. So even if you accept the power to revoke as is drafted here it may be internally inconsistent and we need to examine it.

Mr. Chairman: There is a feeling that we should take these clauses individually. We will try and segregate them as best we can.

Sen. Daly: Thank you, Sir.

Mr. Chairman: It would appear that the first two lines is the first amendment, is it?

Sen. Prof. Ramchand: Mr. Chairman, why do we not look at the Bill itself. We are dealing with clause 5(1(a) and the amendments proposed to clause 5(1)(a).

Mr. Chairman: Before you get there you have reached to clause 5(1).

Sen. Prof. Ramchand: Yes.

Mr. Chairman: To be able to adjudicate on the amendments we have to segregate them. I was trying to segregate them and I could not segregate them. I was going to deal with them in *en bloc*. We now have a suggestion that we segregate them, but I need some help because they are not segregated the way they are drafted.

Sen. Prof. Ramchand: But in the margins there are "Powers of the Board", and then Clause 5 says:

"The College is a teaching, research and examining body..."

Mr. Chairman: I am looking at your amendments, Sen. Ramchand. I want to know what is your first amendment; where does it start, and where does it end?

Sen. Prof. Ramchand: My first amendment is "Remove marginal head 'Power of the Board...'"

Mr. Chairman: The marginal notes do not form part of the Bill, so we do not have to amend that.

Sen. Prof. Ramchand: But we are not really talking about powers of the Board here, are we?

Mr. Chairman: Yes, we are talking about powers of the Board. Could you direct us to your first amendment.

Sen. Prof. Ramchand: In the phrase, "The College is a teaching, research and examining body, I want to delete "is" and insert the words "shall be." "The

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College shall be a teaching, research and examining body.” After the word “body”—

Sen. Mahabir-Wyatt: Mr. Chairman, could we comment on these as we are going along? Is that your first one?

Sen. Prof. Ramchand: I just want to finish the sentence. Then after “body and” delete “in furtherance thereof” and insert “and shall have the following powers.”

Mr. Chairman: I have got it. I am putting the question. I am reading the amendment. The first amendment by Sen. Ramchand is to Clause 5(1) and it will alter the reading of the first two sentences of Clause 5(1) as follows. What is there would be substituted for the following—and correct me if I got it wrong.

“The College shall be a teaching research and examining body and shall have the following powers, instead of “The College is a teaching, research and examining body and in furtherance thereof shall have the power to-”

Question put and negatived.

Sen. Prof. Ramchand: Let us look at clause 5(1)(b). I am not happy with the phrasing of that, “for example academic dishonesty”.

Mr. Chairman: What about “a”? Are you dropping your amendment to “a”?

Sen. Prof. Ramchand: Sorry. Yes. The Bill states:

“(a) grant and confer academic awards under such conditions it prescribes.”

And I am saying that I am not happy with just “academic awards.” I would just like to specify degrees and other academic awards which would be diplomas, certificates and distinctions like honorary degrees and honorary visiting fellowships *et cetera*.

Sen. Mahabir-Wyatt: With the greatest respect, I do not think we need this one.

Mr. Chairman: Sen. Ramchand, I would like you to withdraw it.

Sen. Prof. Ramchand: Okay, I will withdraw it.

Amendment withdrawn.

Mr. Chairman: The third one now. You want to insert a new “b” You do not indicate—I presume that is in place of the existing “b”. You do not see that.

Sen. Prof. Ramchand: No. Because I want to amend the existing “b”. It says:

“on what the College shall deem to be good cause to deprive any person of any Degree, Diploma, Certificate or other distinction granted to or conferred on him by the College.”

Mr. Chairman: That is “d”.

Prof. Ramchand: Yes. I want to amend “b” and re-letter “d”

Mr. Chairman: That is a new amendment. I am trying to follow your amendments, Prof. Ramchand. The next amendment that is on my circulated list is, after amending “a”, which has been withdrawn is to insert a new “b”, and there are three and a half lines of language, is that the amendment?

Sen. Prof. Ramchand: Yes.

Mr. Chairman: Everybody got that? He is going to insert a new “b”.

Sen. Prof. Ramchand: Yes. Mr. Chairman And you are saying that it is not in place of the existing “b”.

Sen. Prof. Ramchand: Yes.

Mr. Chairman: So it is a new clause after “a”.

Sen. Prof. Ramchand: Yes.

Mr. Chairman: The amendment we are going to vote on is to insert a new clause after “a” in terms of the three and a half lines that he has which reads:

“to grant Diplomas, Certificates or other distinctions to persons who have pursued a course of study approved by the College under conditions laid down by the College.”

Question put and negatived.

Mr. Chairman: What do we have as “b” now.

Sen. Prof. Ramchand: Mr. Chairman, I really think this is quite farcical. I withdraw the whole lot.

Mr. Chairman: You tell me, I am prepared to do it.

Prof. Ramchand: Yes, I withdraw the whole lot.

Mr. Chairman: Very well.

Sen Daly: Mr. Chairman, we need to look at clause 5(1)(b). Should it not read “revoke academic awards?” I mean, it is a drafting question, I do not know the answer. We have distinguished drafts persons here. What awards are they going to revoke? Surely, if they are referring to academic awards” then we need to put in—

3.20 p.m.

Dr. Job: Awards includes academic awards.

Sen. Daly: Where is that in the Bill?

Dr. Job: So you say “revoke awards” includes academic awards.

Sen. Daly: No, no, that is really sleight-of-hand.

Dr. Job: No, no that is not sleight-of-hand. The awards must include academic awards. Academic awards is a subset of awards.

Sen. Dr. St. Cyr: In the definition section of clause 2 we defined “academic awards”. In clause 5 (1)(a) we confer academic awards so in (b), if we are revoking we have to revoke academic awards.

Dr. Job: So, Sen. St. Cyr, if I might follow what you and Sen. Daly are saying there, could we not say “revoke awards” might be a typographical error in that they did not put “academic” there? I think that is the question, Sir.

Sen. Mahabir-Wyatt: It probably is a typographical error, but the point is, that is what it should be. I would have imagined that it was inadvertently left out. It is a typo.

Dr. Job: I do not think we need to call it an amendment as much as we need to recognize it as a typographical mistake.

Mr. Chairman: Do I have the concurrence of the committee to insert the word “academic” between the words “revoke” and “awards” as a typographical omission?

Assent indicated.

Mr. Chairman: So it will not be recorded as an amendment and we would not interfere with anything.

Sen. Daly: But it is wrong. It has to be corrected.

Mr. Chairman: Also we have a withdrawal of the amendments proposed by Sen. Prof. Ramchand and therefore I am going to put the question on clause 5.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Mr. Chairman: Hereafter, there are no circulated amendments and I propose to deal with them in parts, which will be the remainder of Part I, which would be clauses 6 to 20.

Clauses 6 to 20.

Question proposed, That clauses 6 to 20 stand part of the Bill.

Sen. Jagmohan: Mr. Chairman, I am dealing with the composition of the board on page 6, clause 6 (1). It is clear here the first line says:

“The Board shall consist of fifteen members selected as follows—”

Then there is a listing (a) to (e) but lower down if you permit me, Sir, to read subclause (2) here:

“The members of the Board appointed by the President under subsection (1)(a) shall be selected from amongst persons who have qualifications or wide experience and ability in legal, health, financial, business, information technology, labour relations, education and training matters.”

The planners of this Bill have identified nine disciplines and it would seem that this is the policy of the Government in this. I am wondering, Sir, consideration was given in several bits of legislation that were debated over the last few years with respect to involving the wider society or the entire formal society in Bills. I am looking at the question of, however we consider it, if the church should not be included. I do not know, the Minister might become revolted with respect when I mention this, if the church should not be consulted in the formation of this board of 15 people.

I am on page 6, clause 6. Whether you state it as an inter-religious organization or leave it broad based and say “the church”—because the Minister in his presentation did make reference to the fact that people must not only depend on the Government for educating the nation or for education of the people, and we are all aware that the church has made substantial contributions over the years with respect to academic education and other kinds of education.

Dr. Job: Sir, I take note of what the Senator has said and we can come back to it at a later date, but we do not need to deal with that now—*[Interruption]*

Sen. Jagmohan: Mr. Chairman, before the Minister responds I will give him something more to think about. You have here “labour relations”. In some organizations labour relations does not necessarily mean industrial relations and

then in some organizations labour relations really means personnel management or personnel relations, and I am wondering if some explanation could be given when the Bill says “labour relations”, what exactly is the intent? I stop there for now, Sir.

Dr. Job: Mr. Chairman, the Senator was saying with respect to the first query about churches, in the context of COSTAATT, churches are primarily involved in education, you know, we have these denominational boards, and they have always been part of the education process, so that will take care of including representatives there. In terms of his other query, I think when you look at the cross-section of financial, business, labour relations, they all overlap, and training matters also, so that in that set of disciplines that are captured, there would be the expertise to which he is pointing his mind.

Sen. Rev. Teelucksingh: I would like to make a short comment on the church representative as proposed by the previous speaker. I am having a problem with proposals like that in a place like Trinidad and Tobago, you know. The diversity here—you see, if this was a Christian country or a Hindu country or Muslim, I would go for that, but this will create serious confusion. There is a rivalry among religions in Trinidad and I think this is how he uses the word “church”. Church here means religion. The diversity, Mr. Chairman—I mean, it is so glaring, it is almost competitive, you know, it is sinful, and this is why I will not support a suggestion like that. It is so competitive, it is frightening! [*Desk thumping*] I want them to keep out of this. [*Desk thumping*]

Mr. Chairman: I think the Minister’s explanation, which I think might not have been appreciated maybe, was that, regardless of where the religion may emanate from, that the expertise that you are trying to tap for purposes of this Bill was in the field of education and the word “education” is included as one of the areas of qualification here. So if, in fact, there is a church or churches that can contribute towards the well-being of this organization, because it has expertise in the field of education, it in fact will not be omitted because the word “education” is included here.

Sen. Dr. St. Cyr: Mr. Chairman, on page 11.

Mr. Chairman: Is this something new?

Sen. Dr. St. Cyr: Yes. Page 11, clause 12 (6), I wonder whether that is a typo?

“The Board shall prescribe the Constitution and procedure of any committee”.

Should that be a small “c” or should it be “composition”? But could that be classified today as a typo, Sir?

Mr. Chairman: We are going to remove the large “C” and replace it with a lower case “c”.

Sen. Dr. St. Cyr: If it is a typo, Sir, could we change the “n” to an “m” and the “s” to a “p” and end up with “composition”? We have the “c” and the “o” already, Sir.

Mr. Chairman: We accept that.

Sen. Dr. St. Cyr: It is a typo, Sir.

Mr. Chairman: Your wisdom has prevailed, Dr. St. Cyr, “composition”. Any other comments on clauses 6 to 20?

Question put and agered to.

Clauses 6 to 20 ordered to stand part of the Bill.

Clauses 21 to 38.

Question proposed, That clauses 21 to 38 stand part of the Bill.

Sen. Dr. St. Cyr: I am sure this one is a typo, Sir, not of today’s vintage—clause 29(5), page 22.

Mr. Chairman: I have it.

Sen. Dr. St. Cyr: “Subject to subsection (4)” the word “or”.

Mr. Chairman: “An employee”, “An”?

Sen. Dr. St. Cyr: Yes. So that is a genuine typo.

Mr. Chairman: They are all genuine.

Sen. Dr. St. Cyr: Well, but some are of special vintage of today, Sir.

Sen. Prof. Ramchand: Mr. Chairman, I am not proposing any amendments, “eh”, I am just asking a question related to an earlier question about clause 29(1). I think that is part of my question about why the Judicial and Legal Service Commission has been excluded.

“Subject to subsection (2) an officer or employee in the Public Service...may with the consent of the Board and with the approval of the appropriate Service Commission...consent to be transferred on secondment...”

I want to know why people in the Judicial and Legal Service section are not eligible to be transferred on secondment.

Mr. Chairman: I heard the answer to that before. I do not know if you want to hear it again. The answer is, they sought legal advice.

Sen. Prof. Ramchand: I sought legal advice too. So that is not an answer.

Sen. Mahabir-Wyatt: Mr. Chairman, there is another typo. Sorry to be like this. 29(5), it should be “an employee shall immediately at the end of the period of secondment”, not “as the end of the period of secondment”.

Mr. Chairman: That looks like it is genuine.

Sen. Daly: It has the watermark.

Question put and agreed to.

Clauses 29 to 38 ordered to stand part of the Bill.

Clauses 39 to 41 ordered to stand part of the Bill.

Schedule.

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

Sen. Yuille-Williams: Mr. Chairman, this is a question that probably might not relate exactly to the Schedule. I remembered asking about the College of Nursing. I am just saying it because I see the relevant people here—the College of Nursing at Niherst and the Ministry of Health has its own teaching section, all identical with the College of Nursing. I think they are going to be taking the same exam at some point or having the same registration with the Nursing Council. I was just wondering, not necessarily for this Bill, how are they going to be included, or if they are going to be included, because I cannot understand two sets, and that was my problem when I spoke about it.

I was really not happy that the Ministry of Health was training nurses and the College of Nursing at Niherst was doing the same programme—Government funding both—one going through one door, the other one going through the other door wearing different uniforms, and it is the same programme; one conferring a degree and the other one is not conferring a degree. I really wondered about that. Now that we have COSTAATT I am wondering, where is that group? I could not understand why they are outside there in any case. I could not understand why you could not have more into the College of Nursing and a separate section by itself. So probably the question I would ask of the hon. Minister is, is he aware of that situation?

Dr. Job: Yes, I am aware of it and there is a discussion taking place between the Ministry of Health and COSTATT to harmonize this, and that applies to both nursing and dental nursing.

Sen. Yuille-Williams: Yes.

Dr. Job: So we are trying to do exactly what you said.

Sen. Yuille-Williams: So you are trying to move the Ministry of Health's new programme probably into the College of Nursing?

Dr. Job: Have one programme.

Sen. Yuille-Williams: I hope.

Question put and agreed to.

Schedule 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.

3.35 p.m.

Mr. Vice-President: I think the arrangement we had agreed to earlier on is that we would do Motions.

STANDING ORDERS COMMITTEE

Adoption

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be it Resolved that the Senate adopt the Report of the Special Select Committee of the Senate appointed to consider and report on the Standing Orders Committee.

Mr. Vice-President, at a sitting of the Senate held on Monday October 25, 1999, the following Members were appointed to serve on the Standing Orders Committee:

Mr. Ganace Ramdial

Dr. Daphne Phillips

Mr. Nathaniel Moore

Miss Nafeesa Mohammed

Mrs. Diana Mahabir-Wyatt

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At a sitting of the Senate held on Tuesday, February 8, 2000, the President appointed Mr. Selwyn John to replace Mr. Nathaniel Moore as a member of the committee.

The committee wishes to report that while it has completed a draft list of proposed amendments to be made to the Standing Orders, a final review is still to be undertaken.

Mr. Vice-President, the committee, therefore, recommends that the new committee to be appointed in the next session, continue consideration of the matter.

Mr. Vice-President, I beg to move.

Seconded by Sen. D. Mahabir-Wyatt.

Question proposed.

Question put and agreed to.

Report adopted.

SOCIALLY DISPLACED PERSONS BILL

[Second Day]

Order read for resuming adjourned debate on question [September 26, 2000]:

That the Bill be now read a second time.

Question again proposed.

Sen. N. Baksh: Mr. Vice-President, thank you very much for the opportunity to continue my response on the Bill to provide for the assessment, care and rehabilitation of socially displaced persons and for related matters.

Those of us who believe that there is a God will know that he works in mysterious ways. [*Desk thumping*] When we were continuing our debate a couple nights ago on this Bill, we had to terminate the debate and I think that was good. It provided us with an opportunity to look at the various responses and to come up today with a very polished Bill with a list of amendments and this is why I said, God works in mysterious ways. I am certain that he has provided us with this opportunity to come up with this list of amendments, which I am sure would be accepted by all of us here today.

I wish to commend the Senators who raised the various concerns about the Bill. We know that we are dealing with a vulnerable group of citizens and we

should take time to address the issues. I also want to make the point that this Government is placing special care with regard to the socially displaced. This is why today there is a special unit in the Ministry of Social and Community Development to handle matters of the socially displaced.

Mr. Vice-President, we have with us here today the director, Mr. Best, who is a committed and visionary person, quite charming, as well, and a caring and dedicated member of staff in this new unit. I want to take us down memory lane today. We have, for some time, seen vagrants roaming on the streets; ill and dying on the pavements; many of them sleeping on cardboard and we know that they guard their territories on the streets. Today we see a gradual phasing out or the absence of these scenes on the streets. This is because of the kind of focus, programmes and attention that this Government is paying to this category of our citizens.

Today, we are seeing visible signs of improvement and this Bill will empower, both the socially displaced because we are giving them the kind of care, rehabilitation and training that is required to uplift them and also to strengthen the Social Displacement Unit.

Mr. Vice-President, I support my argument here by an article on page 1 of the *Trinidad Guardian* dated Monday, October 2, 2000. In very bold headline which says:

“Vagrant beats elderly lawyer

Attorney hospitalised after attack at his POS property

A 78-year old lawyer was hospitalised last night after he was severely beaten by a vagrant in Port of Spain.

Attorney Andre Cox received injuries to the head, face, arms, back and other parts of the body when the homeless man attacked him on Edward Street, Port of Spain, on Saturday afternoon.

The vagrant, who police said is a former murder accused, was detained. Investigators also said he is an illegal immigrant and was deported to St. Vincent sometime ago. However, he made his way back to Trinidad.

The lawyer said when he spoke to his alleged attacker on Saturday about being on his premises, he was attacked with a piece of wood.

‘I went to check my own property and this vagrant attacked me...He tried to kill me, you know,’Cox said...

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He said the vagrant threw him on the ground and started to beat him. ‘He held the piece of wood under my neck and started to choke me. He then held my nostrils together and told me ‘I would kill you, I would kill you.’

The attorney said he was also beaten on the wrists, elbows and back.

While he was on the ground being beaten, he said the vagrant told him he wanted his pair of shoes.

A security guard on duty at a nearby building saw what was happening and contacted the police.

The vagrant eventually left Cox when a man started to stone him.

Policemen from the E-999 Rapid Response Unit arrived on the scene and Cox was rushed to the Accident and Emergency Department of the Port of Spain General.

Police later held the suspect...”

Mr. Vice-President, I use this article to reinforce some of the measures that we are implementing in this Bill to give the strength to the unit that is required to do the work. We know that we are accustomed seeing people going in and out of centres and we want to take care of this by providing them with the opportunity to stay and be attended to.

The Government is also putting in additional facilities to support this programme. We have now the Piparo Rehabilitation Centre, which will be opened early next year. Initially, this would accommodate 60 persons. Attention would be given to vocational training, like masonry, carpentry, welding and agriculture.

The expansion of the Caura Rehab Centre is also being undertaken. This will increase from a 16-bed facility to 45 beds.

3.45 p.m.

We also have Shamrock Court in San Fernando where we are doing skills development. One of the projects being undertaken there right now is the mailbox project. If you visit there early one morning, you will see the people there start very early in the morning on this project. They have built a number of these, which are being sold to the citizens of San Fernando. These are the little projects we want to embark upon that will encourage people to do something. That is very important for us.

Also, new centres will be established in 2001 at Chaguanas and Arima. We are also working alongside the NGOs to ensure that we give them the kind of support they need to assist us in our programmes. Some of these homes are: the Audrey Molineau Home for Women; the Abundant Life Rescue Mission; New Life Ministries and Rebirth House. Discussions are also being held with other NGOs that are participating in rehab programmes.

Mr. Vice-President, we all recognize that government alone cannot implement these programmes. It takes the civil society, together with the NGOs, to address and contain this social ill.

I take the opportunity to address some of the specific matters that were raised during the debate. I give the assurance here that the matters that were raised were certainly attended to, if one looks at the list of amendments.

I will address the issue raised by Sen. Shabazz, firstly. I know he is one who said he sleeps during the day so before he falls asleep, I will address his issues. He is not there. He has probably gone to sleep. He mentioned that we addressed only the vagrants, as opposed to the socially displaced. The word "vagrant" is a very wide word. In that category, we addressed the mentally ill, the medically ill, the substance abusers, the elderly and we must be aware of a new group here, the deportees—those who have criminal records and are now being sent back to this country, their homeland. That is a new group we have to deal with on which there is much information. I do not think I would want to mention it here, but it is startling information for this category.

I know that we can go on and add many other groups, however, our focus has been on the groups of persons who live on the streets since we view this as an issue that demands our urgent attention.

We have heard about vagrants being locked up, raised by Sen. Rev. Teelucksingh, Sen. Yuille-Williams and Sen. Mahabir-Wyatt. With regard to the activities to be undertaken, we feel that if there is no consequence to the behaviour, then the behaviour will not change. People will just go on as usual.

Based on what we have proposed, the persons will be encouraged to leave the street by a field officer. They are being offered the opportunity to have shelter, meals and rehabilitation programmes at a centre. If clients leave then return, and they do that again and again without any sanctions, we would have created a revolving door system that does not lend itself to effectively reducing this population.

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I know we have expressed the concern about the competence of the field officers but I wish to assure you that the field officers have extensive experience in the field and qualifications in dealing with homeless persons. As a matter of fact, they have been assisting the Community Police to understand the issues that these clients face.

I refer to one of our officers here, Mr. Paul Pariag. I chatted with him and he outlined the kinds of duties he performed. What he does, outside of his duties, amazes me. I assure all here that the people we have there are really caring people. He told me that in addition to the duties he is required to perform, he meets with the vagrants on the streets, encouraging and persuading them to go to these centres for socially displaced persons and he interviews drug abusers. He told me that as a routine, he goes to these places on a Tuesday and a Thursday, to chat with these people; offer them a haircut and a shave. To do that, they have to accept him. They must have trust and confidence in him. I think that speaks well for the officer if he can do that on a voluntary basis.

He would also arrange for them to go to the rehab centres; visit them and take them in his own vehicle, because we do not have a vehicle to transport these people. He does that of his own volition and that speaks well. I assure hon. Senators that we have really caring people in the service.

The other issue raised here was the one of reintegration. I give the assurance that this is very important to us. As I pointed out in my presentation on the last occasion, the Ministry has engaged in rehabilitation activities, both last year and this year. At that time, a total of 116 socially displaced substance abusers entered treatment. Twenty-six clients also participated in an independent live-in programme held at the Port of Spain Centre for Socially Displaced Persons. On-going activities are also being undertaken at the San Fernando Centre to assist clients.

While we acknowledge that these activities have not been going on for very long, we have started to address the problems in a very responsive manner. Naturally, we will continue to build on that and, as I pointed out in my presentation, the Social Displacement Unit is already looking at programmes like adult literacy, skills training and empowerment to independent living to benefit the clients.

Another issue was the conditions at the Port of Spain centre, that is, the Centre for Socially Displaced Persons. Again, more than one Senator raised this issue and outlined the conditions under which clients are housed at the Port of Spain

centre. This Bill is designed to address those issues by introducing standards of care, ensuring that clients are properly assessed and, by extension, afforded the proper rehabilitation programs. The benefits of these programmes would also be seen in an area addressed, that is the movement of clients from the centres. Once the clients have benefited from the programmes, they will move on and we will take on new clients in the programme.

Another question raised was: Do systems exist to support the care of the clients? This was raised by Sen. Valere and by Sen. Joan Yuille-Williams. In some cases, the system exists and in others, they do not. You have to appreciate that this is an expanded programme we are now embarking on and some of the systems will be in place, but we are also looking at the additional. However, we have started to address the issues as follows:

For mentally and medically ill clients, there are systems. We will be meeting with the Ministry of Health to determine the viability of the systems. For the substance abusers, there are a number of reputable rehabilitation programmes, however, there is a gap for the care to be provided thereafter. That is another aspect at which we are looking.

We are working with the National Alcohol and Drug Abuse Prevention Programme (NADAPP) and the treatment centres to develop after care facilities because we recognize that as a critical aspect of the programme. The treatment facility at Piparo which should be in operation early next year, is meant also to meet this need.

The elderly—the unit has been working with Geriatric/Adolescent Partnership Programme (GAPP) to identify homes to which these clients can be removed.

The “strictly homeless” was referred to by Sen. Rev. Teelucksingh. There is an urgent need, as we see it, for low cost housing for this group and many others. We are now holding discussions with the Ministry of Housing and Settlements, National Housing Authority, to pursue this aspect of it.

Deportees—this is an area that requires the co-operation of other Ministries, including the Ministry of National Security. We still need to address this issue.

Another issue raised was the unit's relationship to the board and the board's role, functions and composition. That has been addressed in the amendments. The unit is set up as the implementation arm of the board and reports to the board and the Permanent Secretary. The board also meets quarterly with the Permanent Secretary, thereby ensuring unity with the goals and the objectives of the board and the Ministry.

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The social displacement fund—an issue raised by Sen. Mahabir-Wyatt that there is no indication of contribution to the fund from government or regional and international agencies. This has been reflected in the amendments. The contribution of Government was not mentioned, but it is the intention that Government will contribute.

Funding of the centres. It was indicated by Sen. Joan Yuille-Williams that Government is not part of the funding agency. I wish to inform this Senate that the Centre for Socially Displaced Persons, or the Riverside Car Park, is fully funded by Government to the amount of approximately \$132,429 per month. Court Shamrock, San Fernando receives 70 per of its operating cost in the amount of approximately \$69,000 per quarter in the form of Government subventions. The intention of the unit is to ensure that these centres function efficiently.

In conclusion, Mr. Vice-President, I wish to assure Senators that the Senate is not really a rubber stamp. This Bill is a perfect example that this Senate is not a rubber stamp, because we recognize the input of all Senators. It has been very worthwhile and appreciated. I also want to publicly acknowledge the inputs from the Director of the Social Displacement Unit, Ms. Esther Best and the draftsman, Mrs. Eunice Grant, for their contribution here today.

Mr. Vice-President, I beg to move.

4.00 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: We have a Bill before us with 33 clauses, and we have amendments to a number of them which were circulated by the hon. Minister of Community and Social Development. I trust these amendments are in front of you. We also have circulated amendments by Sen. Mahabir-Wyatt.

Sen. N. Baksh: Just for information; if you look at both amendments: the one submitted by Sen. Mahabir-Wyatt and ours, I want to give the assurance that Sen. Mahabir-Wyatt's amendments are included in our amendments. I do not know if she wants to withdraw hers and if there are any further amendments, we would look at them later on.

Sen. Mahabir-Wyatt: Mr. Chairman, what the Minister says is correct, except for clause 29. I have to keep that one in. We can just take them clause by clause.

Mr. Chairman: We will be doing the Bill clause by clause, because there are a number of amendments.

Sen. N. Baksh: I did not recognize that we had the support of the public gallery for this Bill.

Sen. Daly: I think that guy is waiting for the Bill to be passed.

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

Clause 3.

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

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 3 be amended as follows:

“3. A. In the definition of ‘Manager’ insert after the word ‘assessment’ the words ‘or care’”

B. In the definition of ‘socially displaced person’ insert after the word ‘himself’, the word ‘or’”

It should now read:

“‘socially displaced person’ means—

any idle person habitually found in a public place whether or not he is begging and who by reason of illness or otherwise is unable to maintain himself, or has no means of subsistence or place of residence, is unable to give a satisfactory account of himself and causes or is likely to cause annoyance or damage to persons frequenting that public place, or otherwise to create a nuisance.”

Sen. Mahabir-Wyatt: Mr. Chairman, I withdraw my amendment to clause 3.

Amendment withdrawn.

Question put and agreed to.

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

Clause 4 ordered to stand part of the Bill.

Clause 5.

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

Mr. Chairman: We have seven amendments to clause 5.

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 5 be amended as follows:

- A. In paragraph (a) insert the word ‘;’ after the words ‘places’”
- B. Delete the words ‘and coordinating and monitoring of activities pertinent to the rehabilitation of socially displaced persons;’”
- C. Renumber paragraph ‘(b)’ as paragraph ‘(d)’”
- D. Renumber paragraph ‘(c)’ as paragraph ‘(e)’”
- E. Renumber paragraph ‘(d)’ as paragraph ‘(f)’”
- F. Insert a new paragraph (b) as follows—
‘(b) coordinating and monitoring of activities pertinent to the rehabilitation of socially displaced persons;’
- G. Insert a new paragraph (c) as follows:—
‘(c) identifying the factors that lead to social displacement and implementing education programmes aimed at preventing an increase in the population of socially displaced persons.’”

Sen. Valere: Mr. Chairman, I am glad some of my suggestions were accepted in the amendments made to clause 5. One of them that I was strongly advocating is that this Bill should seek to also look at some of the preventative measures that should be taking place: not only the curative. I felt that one of the functions of the unit is that it should also be looking to investigate what could be done to prevent this taking place. I saw that was addressed in (c), but I felt it did not go far enough. (c) states that one of the factors would be:

“identifying the factors that lead to social displacement and implementing education programmes aimed at preventing an increase in the population of socially displaced persons.”

Implementing education programmes is just one of the strategies, I feel, that can be used. My point is that I would like something added on that, which would read:

“...and also developing additional strategies that can be implemented with the help of the board.”

If you are identifying the factors that lead to social displacement, some of the strategies to correct it may not be only education.

I felt that should be just widened a bit so that other strategies can be used, and that the function of the unit will—since they are on the ground and dealing with the socially displaced persons—would be able to identify the factors and bring it to the board. Some of them may not be able to do this themselves, but they may have to do it with the help of the board.

I would like to see that the board also be informed about it in some way, and have a part in it. I do not know if you would want to add that part to it. Education programmes is just one of the strategies.

I would like it to be left open. We should also be developing additional strategies that can be implemented with the help of the board.

Sen. N. Baksh: If we take on board “implementing education and other programmes” it would make it easier in terms of tying it up.

Sen. Valere: “Implementing education programmes and other programmes aimed at preventing an increase” yes, I think that could work.

4.10 p.m.

Sen. Valere: So they are freer then to do other things. [*Interruption*] Yes, I think that can work.

Sen. Mahabir-Wyatt: Mr. Chairman, may I compliment—

Mr. Chairman: Okay, we have a suggestion that the amendment be further amended to include the words, “and other” between the words “educational programmes”.

Sen. Valere: It would read “educational and other programmes”; yes, that would be fine.

Mr. Chairman: Everybody got that?

Sen. Mahabir-Wyatt: Mr. Chairman, I withdraw my amendment to clause 5.

Amendment withdrawn.

Question put and agreed to.

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

Clause 6.

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

Mr. Chairman: We have two amendments circulated by the Minister. Are you commenting on those or do you have something else?

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 6 be amended as follows:

- A. Delete the word ‘comprise’ and substitute the word ‘include’
- B. Insert after paragraph (k) the following new paragraph ‘(1) a Field Officer,’

This was one of the issues raised by Senators, so we are addressing it here.

Mr. Chairman: Did you get that? There are two amendments to clause 6.

Sen. Yuille-Williams: There is one thing I want to ask. After you had finished with the amendments I said that I wanted to ask something on clause 6. I could have raised it on that night, but it was so late. I wanted to ask about the assessment officer, whether that is a new post, a new position and who really is an assessment officer, because when I look at the skills on the board, I see specialist, psychologist, medical doctor, registered nurse, social worker and so forth. Therefore, who is this assessment officer?

It seems to me that all these people are part of the assessment. I just wanted to know what skills this person has, or whether you have a post designated as assessment officer already. It seems to be one person who is going to be actually—what should I say—assessing the state of these people.

Sen. N. Baksh: What I am told is that the assessment officer is part of this list here.

Sen. Yuille-Williams: I am aware that the assessment officer is a part of the list, I see it here. I assume it is an assessment centre. I did not see any skills for the assessment officer, I am asking you whether that is already an established post—

Sen. N. Baksh: Yes, it is already established.

Sen. Yuille-Williams: If you look at the board you would have seen psychologist, doctor, nurses, so it seems that it is one person who would be doing the assessment, and that person—I do not know what skills he or she would have, because I am seeing these other skills on the board. Who is an assessment officer? How is the person chosen? What skills does that person have? Is it one person who will determine the state of the person who the field officer brought in?

Sen. N. Baksh: The assessment officer is a part of the unit, but their function is a little different from what these people have to do. They are assisting in locating jobs and the training for these people here.

Sen. Yuille-Williams: The assessment officer's function is to locate jobs?

Sen. N. Baksh: Well, they will meet with them and refer them to the rehab centres.

Sen. Valere: I wanted to help there. I believe that the assessment officer here is the person that just fills out the forms, because there must be—maybe at the administrative level, not at the diagnostic level—the person who will interview them, ask the questions, get information, but not on a professional level, because I would imagine that you would have to be assessed also by the psychologist, the medical doctor and persons like that.

I think they would do the first interview and assessment; that is what I think it is. It is like a screening, an interview. I did not imagine that they would be someone who is qualified at a professional level. I think they would refer them to a doctor or psychologist to get the proper professional assessment.

Sen. Yuille-Williams: Which means, Mr. Chairman, that there is some doubt as to the function of this person. I cannot see the assessment officer just being a secretary or clerk, coming in there at all. It is not that I am no criticizing the whole thing. These people have to be assessed, but when I see “assessment” officer it seems that the function is with one specific person, I do not think it is quite clear.

It dawned on me the very night we were doing it, but I left it until now. I think we need to know. We have an assessment centre, and we need to know the function of this person. I am asking it because when I look at this board and the structure of the board, why do you have the psychologist, the doctor, the nurse or the social workers on the board? What are their functions? Then you have an assessment officer. Therefore, I think we need to define the function of that person clearly, probably, it should be in the interpretation.

Sen. N. Baksh: I want to believe that we have it a bit mixed up here with the board and unit. There are two distinct areas that we are looking at: the composition of the board and the composition of the unit.

Sen. Valere: This is the unit we are talking about here. This is the composition of the unit we are looking at here. I really believe that needs some clarification, because each of us is interpreting it differently. I thought the

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assessment officer would assist in taking an interview at the initial stage, but I do not believe that that assessment officer will be qualified as a medical doctor or psychologist. I do not know. I believe we have to clarify the functions of the assessment officer. I agree with Sen. Yuille-Williams.

Sen. Dr. Mahase: Mr. Chairman, may I mention that the unit comprised of these different persons here mentioned, to my mind, the impression I got, is that the assessment officer's presence in the unit, the role of that person, would probably be to collate the findings of all the others, and in so doing make an assessment of the person. So that the future of that person could be decided by the unit, and this information would be passed on to the board.

This is the impression I get, that the role of the assessment officer is to collate the findings and make the final assessment of the particular person who is being looked at and examined, to decide what is the future of that person, whether they should go to an institution, they should be given specialist help, or they could find a job for them and so forth. To me, that is the role of the assessment officer, not of the psychiatrist or the psychologist and so forth.

Sen. Mahabir-Wyatt: Mr. Chairman, with all the greatest respect, we do have the Head of the unit here and the technical officers, rather than we speculate as to what it is, why do we not just ask? We have got 10 bills still to go before the end of today's session.

Sen. N. Baksh: We were just discussing the clarification of it. What they have told me is that the assessment officer is already on board, he is not someone to come on here. The role is to locate the employment opportunities for the client and monitor them on the job. Even where we are talking about assessment officer, the title could be changed to placement officer if it is confusing.

Sen. Yuille-Williams: So the assessment officer is really a placement officer?

Sen. N. Baksh: Yes, more likely.

Sen. Yuille-Williams: Well, clearly, because you have an assessment centre, and when you say assessment officer, clearly, you are not quite sure what it is, and that struck me from the very first day. Probably, if it is a placement officer then, clearly, we know that that person is finding employment.

Sen. N. Baksh: These people are already on board. They are already in the establishment, it is not being proposed for—

Sen. Yuille-Williams: The role of that person is to find employment and so forth, so that is placement. It has nothing to do with assessing the person as to whether they should take them in or out of the centre? It has nothing to do with that?

Sen. N. Baksh: No.

Sen. Yuille-Williams: I think the terminology, probably, is giving us a little difficulty. So what is the final on the assessment officer? What are you saying?

Sen. N. Baksh: The assessment officer listed here will not affect the arrangement, because the duties will be different. We are changing the one on board, he will be placed as the placement officer.

Sen. Yuille-Williams: You have a staff of the unit and you have several members. You have one assessment officer, of which I was questioning the role and function; you are now saying that that person, the one who is a placement officer—is that what you are saying?

Sen. N. Baksh: The list we have here is not of people who are on board as yet.

Sen. Yuille-Williams: Well, this is the Bill I am doing, I am not thinking about what is happening there. I am working with this Bill.

Sen. N. Baksh: This assessment officer will do the assessing at these centres.

Sen. Yuille-Williams: Will do the—

Sen. N. Baksh: Do the assessment at these centres.

Sen. Yuille-Williams: But you have taken us back to the original position. What is the assessment that this one individual will do? [*Interruption*]

Sen. N. Baksh: What they are saying is that we would accept the change from the assessment officer to the job placement officer.

Sen. Yuille-Williams: I agreed with them; I think I understood that.

Mr. Chairman: In clause 6 we have three amendments, the two that are circulated, and in clause 6(h), the words “One Assessment Officer” will read “One Job Placement Officer”. Everybody got that? That would be the third amendment to clause 6.

Question put and agreed to.

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

Clause 7.

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

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 7 be amended as follows:

- “A. Delete Clause 7 and substitute the following—
- (1) ‘A Social Displacement Fund (hereinafter referred to as ‘the Fund’) is hereby established for the purposes of this Act.
 - (2) The purpose of the Fund is to finance social displacement projects as are identified by the Unit.
 - (3) The resources of the Fund shall consist of—
 - (a) any monies that may from time to time be appropriated by Parliament;
 - (b) contributions from corporate and individual citizens;
 - (c) contributions from regional and international agencies; and
 - (d) all other sums of money that may in any manner become payable to or vested in the Fund.
 - (4) The accounts of the Fund shall be audited annually by the Auditor General.’
- B. Delete subclause (4) and renumber subclause (5) as subclause (4).”

Mr. Chairman: Do you have amendments to clause 7?

Sen. Valere: No, I just think that it needs to be tidied up. I looked at the amendment, and it is very clear except for one thing. It says at the beginning:

“A. Delete Clause 7 and substitute the following—”

I assume “Delete Clause 7” means the total clause 7, but at the bottom you had:

“B Delete subclause (4)”

I was wondering if you were referring to the amendment or if you were going back to clause 7 there, because if you said to delete the whole of clause 7, I think what you should have there is subclause (5) and put in that “The unit shall be responsible for the management of the fund.” Is that what you meant to do?

Sen. N. Baksh: What you are saying is correct. You are correct. We will take it on board here.

Sen. Valere: It just needs a little tidying up.

Mr. Chairman: What is it?

Sen. N. Baksh: It is not to delete the entire clause 7.

Mr. Chairman: You are deleting subclauses 1, 2, 3 and 4?

Sen. Valere: Well, you deleted the whole of clause 7, so all you had to do was put (5) and put in the (4) from clause 7.

Mr. Chairman: What I understand we are doing is deleting clause 7(1), (2), (3) and (4) and are replacing it—

Sen. Valere: No, you will be deleting (1), (2), (3) and (4), and leaving (5), because you have (5) at (4) already. [*Crosstalk*]

Mr. Chairman: Subclause (4) is now (5)?

Sen. Valere: Then you will have to change the first statement to delete clause 7.

Sen. N. Baksh: What we are suggesting in our amendment is to take off B. [*Crosstalk*].

Mr. Chairman: Okay, you delete clause 7(1), (2), (3) and (4) and you replace that with the (1), (2), (3), (4) that we have circulated.

Sen. Valere: Right. So you would not say delete all of clause 7, just up to (1) to (4).

Mr. Chairman: Exactly.

Sen. Valere: What is “B” then where it says “Delete subclause (4)?

Sen. N. Baksh: We are taking off that.

Mr. Chairman: Subclause (5) stays.

Sen. Valere: Then you have left out:

“The unit shall be responsible for the management of the Fund.”

Who will be responsible for the management of the fund if you are deleting that? You did not state anything here to replace it.

Sen. N. Baksh: The board will be responsible. This is addressed in clause 8.

Sen. Valere: The board audits it, but who manages the Fund from a day-to-day basis? [*Interruption*]

4.25 p.m.

Sen. N. Baksh: Your earlier request was that the board manages the fund?

Sen. Valere: No, my earlier request was that the board audits the fund. But I ask the question: Is the unit responsible for the management of the fund? I wanted to clarify if that is what you meant.

Sen. N. Baksh: If you look at section 12.

Sen. Mahabir-Wyatt: The board manages the fund.

Sen. Valere: No, the Board monitors the fund.

Sen. Mahabir-Wyatt: It has been changed. There is an amendment.

Sen. Baksh: From “monitoring” to “management.”

Sen. N. Valere: I want to ask if that was the best practical way to go about it, that the board is managing the fund. But how is it managing on a day-to-day basis? So the board allocates money to the unit who is handling it on a day-to-day basis; they have to have some sort of management of the finances. Because the board does not meet regularly, but the unit is on a day-to-day basis.

Sen. N. Baksh: The board would meet on a monthly basis. Originally, we had four.

Sen. Valere: Yes, but a board does not manage a fund for any company. The board sets policy and things like that, but the funds should be managed on a day-to-day basis by the unit, because they are doing the day-to-day management of the business. I mean the board could allocate the funds but the day-to-day management has to be the unit.

Sen. N. Baksh: But the overall responsibility—You see I thought originally we had the unit and people were saying that we should change it to the board.

Sen. Valere: No, no. The board is responsible for the day-to-day management.

Sen. N. Baksh: Okay, we have no problem with it.

Sen. Mahabir-Wyatt: I think it is correct the way you have it. I think in this instance it is the board that would be managing the fund, because it is a fund, it is not day-to-day account; the day-to-day accounts are managed by the unit, but the

fund is a fund. It is like an endowment fund. That is usually managed by a board of Trustees.

Sen. N. Baksh: Sen. Valere, do you appreciate the comments made by—

Sen. Valere: Oh, so one word is “fund” and the other word is “funds.”
[Interruption] That is exactly what is happening here. One is fund, that is the official fund; and the day-to-day “funds” is a different issue.

Sen. N. Baksh: Mr. Chairman, while we are on this clause there are a couple of words that were left out. I know these are typographical errors but it is Clause 7(3)b) as (c). It does not read properly. It would have to be—

“(b) contributions from regional and international agencies;”

because the resources of the fund cannot consist of regional and international agencies. It would be contributions from regional and international agencies. I think they were just left out. It is, obviously, a typographical error.

Sen. N. Baksh: Okay.

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

Clause 8.

Question put and agreed to.

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

Mr. Chairman: We have three amendments circulated.

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 8 be amended as follows:

“8. A. Delete subclause (2) and substitute the following:

‘(2)The Board shall consist of a Chairman and eleven other members all of whom shall be appointed by the Minister.’”

I think the numbers did not tally there previously, so we are now correcting that.

“(B). Delete paragraph (c) and substitute the following—

‘(c) a representative of the Trade Union Movement.’

(C) Delete paragraph (d) and renumber accordingly.”

Question put and agreed to.

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

Clauses 9 to 11 ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Sen. N. Baksh: Mr. Chairman, there is one adjustment to clause 12(1)(b).

“12 In paragraph (b) delete the word ‘monitoring’ and substitute the word ‘management’.

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 15 ordered to stand part of the Bill.

Clause 16.

Question proposed, That clause 16 stand part of the Bill.

Mr. Chairman: There is an amendment circulated by the Minister as well as Sen. Mahabir-Wyatt.

Sen. Mahabir-Wyatt: Mr. Chairman, I wonder if I could persuade the Minister to consider rewording this amendment to read, “the magistrate shall appoint a Legal Aid Officer to represent the interest of the person.” The reason for this is that when somebody, who is a socially displaced person, has to have his case heard by the court, to advise him that he could use legal aid, he may not be able to know how to access legal aid. There are many people in the community who are in jobs and do not have the knowledge of how to access legal aid. Just to say to them that you can go ahead and use legal aid if you want to represent your interest, almost dismisses the needs of the individual. This was, in fact, suggested by one of the legal draftspersons.

Sen. N. Baksh: We were told that it is not difficult to accept that recommendation.

Sen. Mahabir-Wyatt: Shall I read it out?

Mr. Chairman: Read it please.

Sen. Mahabir-Wyatt: Mr. Chairman, In subclause (3), after the word “subclause (2),” insert “the Magistrate shall appoint a Legal Aid Officer to represent the interest of the person. Or, “acquire a Legal Aid Officer.” I do not know what is the correct word to use there. Maybe, one of the legal draftspeople can help. Can a Magistrate appoint a Legal Aid Officer, or, request the services of a Legal Aid Officer?

Sen. N. Baksh: You are saying that the Magistrate will appoint a Legal Aid Officer for him.

Sen. Mahabir-Wyatt: Yes.

Sen. N. Baksh: Okay, because what we are looking at is whether the process is going to be slowed down.

Sen. Mahabir-Wyatt: I should not think so.

Sen. N. Baksh: If he is going to be responsible for that.

Sen. Mahabir-Wyatt: I should not think so. The person's rights have to be respected. Just to say, "well, look, you can go to Legal Aid if you want to have somebody represent you." I would imagine that most people who are socially displaced would not have the foggiest clue of how to go to Legal Aid and request—to do it on their own would slow it down. But for the magistrate to have a legal aid person available, surely they will know that the case is coming up. I mean, this is not a huge thing but it is a matter of human rights.

4.35 p.m.

Sen. N. Baksh: It was just pointed out that they have a little concern about delaying the process and if it has to go to him to determine and—[*Interruption*]

Sen. Mahabir-Wyatt: You mean you do not want to have any legal aid? You do not want—the person is going to be locked up and then not—I am sorry, I do not understand your point. I mean, surely you do not want someone to have to go to—I mean, if this case has to go to court and it has to go to court because you are depriving somebody of their liberty, you are saying you do not want to slow down depriving them of their liberty by letting them have legal assistance? I mean, surely this is contrary to all policies that this Government has ever enunciated about human rights.

Mr. Chairman: Sen. Mahabir-Wyatt, your circulated amendment is not what you want. You want it to go beyond that?

Sen. Mahabir-Wyatt: Yes. I was so advised by one of the legal draftspeople earlier today.

Sen. N. Baksh: We will accept your position.

Mr. Chairman: Let me get the words.

Sen. Mahabir-Wyatt: “The magistrate shall appoint a legal aid officer to represent the interest of the person”, subject to the legal drafting.

Mr. Chairman: Legal aid officer?

Sen. Mahabir-Wyatt: I think that is how they are referred to in the legal community.

Mr. Chairman: To represent?

Sen. Mahabir-Wyatt: Yes.

Mr. Chairman: To represent the interest?

Sen. Mahabir-Wyatt: Of the person.

Mr. Chairman: That goes in where? Is that subclause (3)?

Sen. Mahabir-Wyatt: After the words “subclause (2)” in subclause 3.

Sen. N. Baksh: Just one clarification on that amendment, Sen. Mahabir-Wyatt. What we are doing is making it mandatory for the magistrate to provide legal aid.

Sen. Mahabir-Wyatt: Yes.

Sen. N. Baksh: Suppose somebody wanted to represent himself/herself? Does this fit in there?

Sen. Mahabir-Wyatt: We are talking about socially displaced people?

Sen. N. Baksh: You could have some intelligent ones there. Okay, I am just asking to see if this would interfere with the Act and if we could come back to that in a minute?

Sen. Mahabir-Wyatt: Yes sure, let us come back to it.

Mr. Chairman: Okay, we will defer clause 16.

Clause 16 deferred.

Clauses 17 and 18 ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill.

Mr. Chairman: There are two sets of amendments here, two from the Minister and one from Sen. Mahabir-Wyatt.

Sen. Mahabir-Wyatt: Mr. Chairman, I withdraw my amendment.

Amendment withdrawn.

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 19 be amended in terms of the circulated draft as follows:

- “A. In subclause (2) delete the period after the word practitioner and add the words ‘and a Social Worker’.
- B. Insert after subclause (6) the following new subclause:
 ‘(7)The Manager of a care center shall be paid a fee in an amount to be determined by the Minister from time to time in respect of each person admitted to the care center.’”

Okay, in subclause (2) we would delete the period after the word “practitioner” and add the words “and a Social Worker” at the end of (2).

Mr. Chairman: And a new subclause (7).

Sen. N. Baksh: Yes and a new subclause (7). The manager of a—
[Interruption]

Question put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Mr. Chairman: We have one amendment by the Minister.

Sen. N. Baksh: Mr. Chairman, I beg to move that clause 21 be amended in terms of the circulated draft as follows:

“In subclause (2) delete the words ‘admitted to—’ and substitute the words ‘admitted to one of the following as a beginning of the care process, the world facilitate rehabilitation and reintegration into society.’”

Sen. Mahabir-Wyatt: Mr. Chairman, there is a typo there. It should read “a beginning of the care process that would facilitate...”

Sen. N. Baksh: Change “world” to “would”.

Mr. Chairman: It would read, “would facilitate rehabilitation and reintegration into society”. There is a typo there. Have you all got that, “world” to “would”?

Socially Displaced Persons Bill

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Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 24 ordered to stand part of the Bill.

Clause 25.

Question proposed, That clause 25 stand part of the Bill.

Sen. Valere: Clause 25(2) is what concerns me. I spoke about it last when we were debating the Bill. It says:

“Where for any reason the care and support of the relative or friend of the socially displaced person ceases, the relative or friend...”

[Interruption]

Mr. Chairman: Just let me stop you. You have clause 25 from the other House, right?

Sen. Valere: Yes, I saw that one but this is 25(2). 25(2) remains, does it not? It is only 25(1) that has been—*[Interruption]*

Mr. Chairman: Yes, 25(1) remains.

Sen. Valere: Yes, so that is the one I am referring to. Can I go ahead?

Mr. Chairman: Yes, sure.

Sen. Valere: “Where for any reason the care and support of the relative or friend of the socially displaced person ceases, the relative or friend shall inform the Director as soon as possible of the cessation of such care and support as soon as it is reasonably practicable to do so.”

Now, in 25(1) you have given this friend or relative the privilege, let me say, of taking in this socially displaced person and looking after him, but now, this is (4), if they contravene that, they are going to be liable on summary conviction to a fine of \$1,000. I do not see that as being necessary and I cannot understand how that is going to work for the simple reason that this person, the friend or relative, has not signed any contract with you to do it. Have they broken a contract? Why are you fining them? On what grounds? Did they break a contract? Did they break the law? I cannot understand what grounds you have for fining the relative when they leave.

Now, I could understand that you may be concerned for the records or for maybe their taking money—they are getting funding. I do not think you are

funding them for looking after their relative. If you say, if the person leaves and goes back as a vagrant into the society, then I could understand your cause for concern. But suppose that person is healed and goes out and gets married, or has his own home, or goes with another member of the family, why are you fining them as the family? I cannot understand what offence the family is guilty of. Why are you fining them?

Sen. N. Baksh: If I may just give an explanation to that section dealing with the 48 hours—*[Interruption]*

Sen. Valere: No, well it is not the time. I do not think that they have committed any crime. I would not want to take anybody on that—because I have not committed any crime. I did not sign any contract with you. Why are you charging me? Did the family break a contract so they are liable to a fine? I do not understand the reasoning behind the fine. Out of courtesy I do agree that they should inform you. *[Interruption]* Yes, but they are not taking any money. They are doing it on their own. Nobody is paying them to look after them. It is not a care home.

Sen. N. Baksh: You see, this is only given as a safeguard for us to account for the person.

Sen. Valere: Yes, but if—*[Interruption]*

Sen. N. Baksh: Just let me go through the thing here. There is another aspect of it where, and I am sure that we are aware of examples, pensioners and people who are getting disability grants and so forth, their relatives accept them and, as soon as they sign over those pensions and the grants to the people, they do away with them and the fund continues to come to them, and this is one of the safeguards here as well.

Sen. Yuille-Williams: Well, you cannot blame the innocent ones for that at all.

Sen. N. Baksh: Yes, but once they report the people leaving, it is just a matter of reporting, so there is no fine if you report.

Sen. Valere: Yes, but why are you fining them? On what criminal charge?

Sen. Shabazz: Mr. Chairman, could the Bill not really specify the people who the Minister is really trying to pull into the net? Specify them rather than leave it wide and some innocent person might have to pay the money, and things like that.

Sen. N. Baksh: What we are asking here is for people to notify the division.

Sen. Yuille-Williams: What I see is going to happen, Mr. Chairman, is that people will not want to take somebody to help them because 48 hours—they slip out, you do not even know they have gone, according to how busy you could be. Therefore I am going to guard myself against it. But I want to raise a further issue on that point. If I know if I would take you and there is this penalty—
[*Interruption*]

Mr. Chairman: You say 48 hours is a little wide. It says “as soon as is reasonably practicable to do so”. So what you are really doing is you are passing an onus onto the person to, as soon as is reasonably practicable, notify the director.

Sen. Yuille-Williams: Let me just tell you something. I am going to raise this—right at that socially displaced place in San Fernando, I go there often and I know the gentleman there. He asked me how to find relatives for somebody and he pleaded with the person to take them to help him, because we have reached a stage—I am going to raise it just now—where he keeps them there for some time and he has no place to send them after a time because the place is full now. He either has to plead with the relatives or he just opens the door and lets them go again so he can take in somebody who he can help again. If he has to plead with a relative, he cannot plead with them with this where, if anything happens and you do not report within an amount of time, they will charge you \$1,000. They are not going to take that relative. Let us be reasonable. You cannot put any heavy fine over my head at all at this time.

Sen. Daly: Can I suggest, conceptually it is a little inconsistent to have a provision that is based on voluntary care and yet still voluntary care could end up with a fine. It goes against the voluntary grain of the Bill. I really am uncomfortable with it.

Sen. Mahabir-Wyatt: Mr. Chairman, I agree with Sen. Valere and Sen. Daly. I am very uncomfortable with this too.

Mr. Chairman: Can I ask Sen. Valere whether her recommendation, therefore, is to delete the new subclause (4)?

Sen. Valere: Yes. What I thought would clarify it a bit is that, after the word “ceases” or “a friend of the socially”—when it ceases, I was going to say then that, and if that person returns to street life then I would suggest—I would say that you have—an onus is then on them to report it immediately. That is what I would say, if they return, but suppose they go to the friend or they get married and they move off; why do you have to report that? Is it for your records? If it is for the

records, fine, it is a matter of courtesy, but I do not think you should be fined for that. It is not a criminal offence.

Sen. Shabazz: Mr. Chairman, the hon. Minister stated people he wants to have in the net, which is the people who might be collecting a cheque. So if he wants to say that, I do not see why he is not saying that. The people who are collecting a cheque—well, that is what he said, “yuh” know.

4.50 p.m.

Mr. Chairman: To solve the problem maybe we should delete the new subclause (4) with respect to the fine.

Sen. Valere: That will be much preferable.

Mr. Chairman: There is a further amendment now in front of us. All prior amendments are retained with the exception of the new subclause (4) dealing with the fine, which is deleted. So in addition to the amendment to clause 25—in fact there are no amendments to clause 25—so the new suggested amendment is to “delete new subclause (4)”.

Sen. Yuille-Williams: Mr. Chairman, there are cases—and I do not know how they are being handled now at these centres where, for example, there are drug addicts who the centre director sends to rehabilitation centres. These persons then go back to the centre and will stay there for a while and work and so on, but at a point in time—some of them have no relatives and then nobody is willing to take them and the place is crowded. The director felt then that it was necessary to give other people an opportunity and he just had to give them their bag and baggage to leave. What do you do in that case? They have to leave because the centre could not keep them any longer. I do not know if there is somewhere else where these people could go after they have left the care centre. These people cannot stay in these centres forever. What is the next step after the care centre?

Sen. N. Baksh: I admitted in my contribution that there are some gaps.

Sen. Yuille-Williams: I am not being critical but probably I did not hear it. I am just asking that after the care centre what is the next step?

Mr. Chairman: With all due respect Senator, I think that is a debate on the Bill. We are looking at amendments here. Is it a suggestion that you are making?

Sen. Yuille-Williams: Well I do not know if the Bill catered for this in the way we looked at the Bill that is why I am just asking.

Sen. N. Baksh: We have identified certain areas that we need to address and they are not in place as yet but we need to look at it.

Mr. Chairman: I think the ministry needs to take note of that and, if necessary, amend it but if there is no amendment in front of us I do not think we want to entertain a discussion on that.

Question put and agreed to.

Clause 26 ordered to stand part of the Bill.

Clauses 27 to 28 ordered to stand part of the Bill.

Clause 29.

Question proposed, That clause 29 stand part of the Bill.

Mr. Chairman: Sen. Mahabir-Wyatt you had something to say on this clause.

Sen. Mahabir-Wyatt: Mr. Chairman, yes, both the Minister and I have amendments to clause 29 and the Minister's amendments are fine. I would just like to have my amendment included as well.

Sen. N. Baksh: Sen. Mahabir-Wyatt had indicated that we address this matter by inserting section 16.

Sen. Mahabir-Wyatt: Section 16 is the section under which the court sends somebody into an assessment centre. In other words that person does not go voluntarily. My argument was that somebody who voluntarily goes into an assessment centre, and then subsequently voluntarily leaves cannot be arrested and put in jail for having voluntarily left somewhere which they voluntarily entered. To do that will be contrary to their basic human rights and I think, probably, will be unconstitutional.

Sen. N. Baksh: Sen. Mahabir-Wyatt what was the amendment you gave us?

Sen. Mahabir-Wyatt: Just to put in clause 29 after the word "with" insert the words "section 16 of...".

Sen. N. Baksh: Agreed.

Sen. Mahabir-Wyatt: Thanks a lot.

Mr. Chairman: Any comments? Okay, we will take all four amendments.

Sen. Dr. St. Cyr: Mr. Chairman, I have a difficulty with how a socially displaced person will cope with a prison sentence. I really have a difficulty with that. To survive in prison you really have to be tough and alert.

Sen. N. Baksh: The Minister of National Security advises that they get three meals per day.

Sen. Dr. St. Cyr: Mr. Chairman, basically, a socially displaced person is probably sick or unwell in some way and I really do not see that person coping with being in prison unless there is a very special section for them.

Sen. Valere: Yes, I myself felt very uncomfortable with it. I was listening to your rationale for leaving it in saying that there must be implications to their behaviour, but the fact is that most of these socially displaced people are mentally unbalanced; they are mentally ill in some form or fashion. The fact is there must be some emotional imbalance there. I am really not sure that putting them in prison even for one month is going to really help them. Who is it going to help? Is it going to help the person you are putting? Or, is it going to help the streets to be a little clearer? I am not sure that you would get the desired result.

Sen. Dr. Mc Kenzie: Mr. Chairman, I get the impression that the person who will be sent to prison will be the person who instead of getting a prison term in the first case was sent to this assessment centre. If we go back to clause 16, after the amendment from Sen. Mahabir-Wyatt, what we are saying is the court is satisfied with the evidence presented and the magistrate says instead of putting that person in prison he or she is going to send that person to an assessment centre. Now if that person leaves the assessment centre and breaks the court order then this will be the magistrate's option.

Mr. Chairman, I am of the opinion that based upon what report the magistrate gets he will determine what kind of sentence to give that person. So this person might be someone who the magistrate thinks could be given a chance so that person will be put in a centre instead of getting a prison term and so on. So it is a special kind of displaced person who will be given this type of treatment—like the one who beat up the lawyer.

Sen. N. Baksh: It is not the first step. It is really a last-resort measure.

Sen. Mahabir-Wyatt: And it is only where that person breaks a court order. One will notice that the definition of a socially displaced person says that they are likely to cause damage. I think that Sen. Dr. Mc Kenzie is right. As difficult as the concept is, I do not like people going to jail at all but I think there is no alternative.

Sen. Dr. St. Cyr: Mr. Chairman, I was going to suggest that if we need to incarcerate them probably the St. Ann's Hospital would be more appropriate than Frederick Street.

5.00 p.m.

Sen. N. Baksh: The legal advice is that it is conforming with the Summary Offences Act.

Question put and agreed to.

Clause 29, as amended, ordered to stand part of the Bill.

Clause 30.

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

Sen. Yuille-Williams: Mr. Chairman, I am still saying—

Sen. Valere: Actually, it is following up on what Sen. Yuille-Williams had said because in this one—I can understand the other one but in this one—

Mr. Chairman: Which one is that?

Sen. Valere: Clause 30—Sanctions for behaving in a disorderly manner. Does the sanction not depend on the severity of the offence?

"A person residing in a care centre who—

(a) takes part in any assault or attack..."

You are going to give them a term not exceeding three months. Suppose the assault creates grievous bodily harm; suppose they kill someone; suppose they burn down a place and repeatedly destroy, steal or anything like that. I would say that the sanction must depend, in this case, on the severity of the offence and that should be left for the magistrate. Maybe our legal heads would determine how it is to be.

Mr. Chairman: The offences here are spelt out in (a), (b) and (c).

Sen. Valere: Yes. But they say "in any assault". An assault could be a very serious assault where you cut off somebody's hand and you cut off somebody's neck. Would that carry just three months?

Sen. N. Baksh: Wounding with intent or murder.

Sen. Valere: Or murder.

Sen. N. Baksh: We will stick with what we have there.

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Mr. Chairman: Any other comments?

Question put and agreed to.

Clause 30 ordered to stand part of the Bill.

Clauses 30 to 33 ordered to stand part of the Bill.

Clause 16 reintroduced.

Mr. Chairman: We had deferred clause 16. We will return to clause 16.

Sen. N. Baksh: Mr. Chairman, we are saying that it is automatic that the magistrate will inform them of section 16(2) of the Legal Aid Act.

Mr. Chairman: What are we doing with clause 16? Are we staying with the amendment as is presently drafted?

Sen. N. Baksh: Yes.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

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

Senate resumed.

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

Mr. Vice-President: Senators, at this stage, I think we will break for a well deserved tea. It is 5.06 p.m. We will resume at 5.45 p.m.

5.06 p.m.: *Sitting suspended.*

5.45 p.m.: *Sitting resumed.*

Mr. Vice President: Under Motions, we will now be doing Motion No.3.

SPECIAL SELECT COMMITTEE REPORT

Shipping (Marine Pollution) Bill

Adoption

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be it Resolved that the Senate adopt the Report of the Special Select Committee of the Senate appointed to consider and report on a bill to provide

for powers and jurisdiction in relation to pollution of the seas from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto.

Mr. Vice-President, at a sitting held on January 18, 2000, the Senate adopted the Motion moved by Sen. The Hon. Wade Mark. The Motion became necessary after the initial debate on the Marine Pollution Bill, when it became evident that Senators had various concerns with the Bill as presented.

We looked at a number of issues, held nine meetings and among the major deficiencies, we realized that the language of the Bill, being predominantly based on the language of the Convention of the International Maritime Organization, did not properly reflect local legislative drafting style, and may not have adequately taken into consideration other local laws on environmental issues, and also, whether there was adequate consultation with the various stakeholders affected by the Bill's provisions.

Mr. Vice-President, I am happy to report that after these nine meetings, we were in a position to recommend and develop a report, which we are now submitting.

I am extremely pleased with the support given by Sen. Prof. Julian Kenny and all the other Senators who worked during this period. I would also like to thank:

- (i) the legal officers from the Ministry of Works and Transport;
- (ii) the Director of Maritime Services;
- (iii) the representatives from the Environmental Management Agency and the Institute of Marine Affairs; and
- (iv) the staff of the Senate.

Mr. Vice President, I beg to move.

Question proposed.

Sen. Prof. Julian Kenny: Mr. Vice President, I will be quite brief. I am rather pleased that the hon. Attorney General is here, because this legislation appears not to fit into this broad sweep of legislation, which we have been going through for the past few weeks.

The legislation is very complicated. I think it tells us two things. The first thing which is very important—I must congratulate the Government for persisting and getting the Bill to this stage. I know we are not going to pass it with the

amendments now, but it is certainly saved for the next Parliament. The one thing which strikes me is that—*[Interruption]*

Mr. Maharaj: The next session.

Sen. Prof. J. Kenny: The next session. I stand corrected.

Sen. Daly: Do not let him fool you with that.

Sen. Prof. J. Kenny: I was making assumptions. As I said, there are two things, one is that it shows the maritime nations of the world that we are meeting our responsibilities to our international treaties, which we have signed. We have signed many treaties.

Mr. Vice-President: Just a slip I would like to correct, I should have really asked for a seconder of the Motion, before I introduced the debate.

Secoded by Sen. Prof. J. Kenny.

Sen. Prof. J. Kenny: I was just making two points, and I would like to repeat them. We tend to look inwards in our country, but we do have many international treaties which we have signed; several of them require legislation, which we have not done. The very fact that we have taken this step in getting this very important legislation on marine pollution to this stage, tells people outside that we are taking our responsibilities seriously. I hope in the next session, perhaps, we will get either the Planning and Development of Land Bill or the Parks and Protected Areas Bill.

The other point I would like to make is that it should be apparent to everyone in this country that we are under assault from all sorts of pollution. The fact that our country has had a major event in the Gulf of Paria recently—an oil spillage of a few thousand gallons of heavy fuel oil—heightens the importance of this legislation. I sincerely hope we will debate it and pass it in the next session.

I thank you, Mr. Vice-President. *[Desk thumping]*

Sen. The Hon. S. Baksh: Mr. Vice-President, I beg to move.

5.55 p.m.

Question put and agreed to.

Report adopted.

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

Bill accordingly read the third time and passed.

Mr. Vice-President: Hon. Members, we now revert to "Bills Second Reading".

REAL PROPERTY ORDINANCE (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Real Property Ordinance Act, Chap. 27:11, be now read a second time.

In moving the second reading of this Bill I seek leave of the Senate to debate together the other five Bills before this Senate which relate to the subject of the debate; they are the Registrar General (Amdt.) Bill, the Conveyancing and Law of Property (Amdt.) Bill, the Land Acquisition (Amdt.) Bill, the State Lands (Amdt.) Bill and the Registration of Deeds (Amdt.) Bill, all of the year 2000. I ask for them to be debated at the same time because they are all interrelated in some way.

Mr. Vice-President: I take it that that is the wish of the Senate, that we have a debate on the whole package at once?

Assent indicated.

Hon. R. L. Maharaj: Mr. Vice-President, I am sure hon. Senators will forgive me if I am not very long in my presentation, because I am sure hon. Senators would have read these measures.

The Bills, basically, are really to give effect to the technology of e-commerce, in that, it enables the maintenance of records in the electronic format system and gives effect to some other reforms. There are some questions with respect to the fees which have been inserted in order to deal with these changes. I would reserve any response to my reply, so I beg to move. [*Laughter*]

Question proposed.

Mr. Vice-President: Just to remind you that we are considering the debate on all six Bills *en bloc*, so you may proceed accordingly.

Sen. Nafeesa Mohammed: Mr. Vice-President, I must say that I am in a state of shock at the lack of gusto on the part of the hon. Attorney General today, and, perhaps, it is an indication of coming events, we do not know. [*Crosstalk*] We do appreciate his brevity in terms of his presentation of the package of legislation.

Hon. Senator: I trust you will do likewise.

Sen. N. Mohammed: I will try my best to do likewise, but since we are talking about equal opportunity, I would hope that I would have the opportunity to speak on the Bills. In terms of length and so forth, we will see how it goes.

Mr. Vice-President, not too long ago we dealt with a package of land laws in this Chamber that sought to—I do not know if the word update is appropriate—but several Bills had been debated here that sought to update the land laws of our country. At that time I remember reference had been made to the many Acts that had been passed in 1981, and although they were passed, for whatever reasons—it was discussed at that time—they were not implemented. That was because of the kind of changes that would have been required, in terms of the operations of the Land Registry, which for many years had been housed right here at the Red House in Port of Spain.

When I saw this package, which was laid only this week—I think it was on Tuesday on the Supplemental Order Paper that we received these several Bills—I wondered what they were. I thought maybe that they were amendments to the Bills that we had previously debated some months ago, and it is only today while speaking to the hon. Attorney General that I realized that they were new Bills now.

As he said in his presentation—he did not give us much details—it is to take into account the changes in technology and so forth, that these Bills are seeking to bring about certain additional reforms, in terms of the operations at the Land Registry and what is involved in dealing with the land laws of our country.

In terms of the individual Bills, reading the explanatory note, on the face of it, they seem harmless. They seem to be Bills that we would want to support in order to expedite the transition, and in order to bring the operations of the new land laws into effect in a manner that would really be beneficial to the country.

What is regrettable though, is that whilst these Bills are being debated—we have witnessed a situation where, just about a week or two ago, I remember one day as I stepped out of this Chamber on Abercromby Street, I was about to cross the road when I saw a significant number of people gathered together in Woodford Square. Many of those people were people I knew, because as an attorney, myself, from time to time I deal with search clerks, who, as we all know, are people who have been operating in the registry right downstairs here for a number of years.

Whether we want to laugh at them or their plight or the situation, it is not a laughable matter, because last week when we read the newspapers I think some

comment had been made that because of the relocation of the Land Registry there were concerns being expressed that there was still insufficient accommodation at the Huggins Building for these search clerks.

We know that there are different types of search clerks. There are those search clerks who are employed by the state and there are some who operate on a private basis. We know there are other people who, over the years, might have been hanging around in the search room, and attempts had been made, over the years, to deal with some situations that from time to time we read about that are not too pleasant. But the reality is that our economy depends, to a great extent on the work of these search clerks, whether we like them or not. From what I recall, there are over 130 search clerks who operate at the registry on a daily basis.

With the relocation I have not personally seen the facilities that have been provided. I know that some computerization has taken place with respect to the deeds and the books, the various volumes of books that have been kept in the vault at the Red House over time.

Sen. Ramnath: We discussed that yesterday.

Sen. N. Mohammed: The fact of the matter is that some of these search clerks, while the system has been computerized, they, themselves, will have to go through a transition phase, where they would have to get accustomed—to keep up with the times and to be able to use the computer system in order to do their work. But the reality is, at present, in the transition involving the relocation from here to the Huggins Building, there are real problems being experienced out there. You can ask any attorney-at-law involved in conveyancing, any bank that has to do a mortgage and other financial institutions that depend on the work of these people.

It is as though things have virtually halted. I am being told on an almost daily basis that nothing is happening. Only just a few minutes ago I got information that some time during the course of this week some kind of improvements may have been attempted in terms of accommodating more of the search clerks, and they are now beginning to settle down. If that is the case, I am very happy to hear that. I would hope that further attempts would be made to accommodate them, to make every effort to accommodate these people so that we will not have this system coming to a grinding halt; it would really be a sad day.

I know the Registrar General has been a very hard worker over the last few years. She is somebody who is very dedicated and committed, and her ears are on the ground, so she would know what is happening. I have every confidence that it is just a matter of time before these concerns will be met.

Mr. Vice-President, I see, for example, the Real Property Ordinance (Amdt.) Bill, which is seeking to cater for the computerization system for maintaining the records. We welcome this, but I continue to ask the question in terms of the problems we experience, from time to time, in getting a certificate of title or with a lost grant. I know it is a system that takes a very long time. Whilst we are computerizing, I am hoping that there will be systems in place to really make this system work effectively, because the whole idea of the Real Property Ordinance was to simplify our landholding system, the way we register deeds and whatnot. It was intended that instead of having to do a 30-year search and what have you, just by looking at a certificate of title you would be able to see what transfers have taken place. I can only hope that the intent of that system will really be achieved by making more vigorous attempts to speed up the process.

6.10 p.m.

In respect of the Registrar General's (Amdt.) Bill, I notice in the Explanatory Note, that one of the objects of this Bill is to actually change the office hours for the Registrar General's Department. And I thought they would have lengthened the hours. I am not saying this to add to the stress and the hardships that the Office of the Registrar General may have to undergo on a daily basis, but I wondered why is it, at present, the hours are from 8.30 a.m. to 4.00 p.m. *[Interruption]*

Hon. Senator: The staff is there.

Sen. N. Mohammed: But then it is the services to the public that it is being restricted now from 8.30 a.m. to 3.15 p.m, and the cash is closing at 3.00 p.m, not 3.15 p.m. Sometimes a person may have a transaction to do—I know, for example, that some law clerks may have to leave their offices in San Fernando to come up to Port of Spain to register a deed, and if they are caught up in some traffic what it means is that, when they reach by 3.15 p.m, that is it. They may have an urgent deadline to meet or something, and it means that by 3.15 p.m. that is it. These hours in our Government department where cash is closed is the most frustrating experience.

For example, when you go to pay your Land and Building Taxes after a certain hour, that is it. You may try to do that at a time when you have the time to spare to go and line up and pay it, and when you go there cash is closed. Or, you may go to renew your passport and the cash is closed. I know now there is some flexibility but at the same time they are not really user-friendly to the public and it is the people of Trinidad and Tobago who are affected by these problems.

Sen. Ramnath: You need some Linx machines.

Sen. N. Mohammed: I agree with Sen. Ramnath, that we need some Linx machines. In some cases when you go to some departments, do you know what they tell you? If you do not have exact change you cannot go through with the transaction. It is a terrible situation. And I remember when we were dealing with the package of land laws not too long ago, one of the concerns that had been expressed was the need to use stamps when you go to register deeds or deal with any transaction and so; we were given the assurance that that system was going to be changed from stamps to cash. I am not too sure if it is actually being implemented. I hope now that they are relocated and that systems are in place that we are really dealing with cash. But let us hope that in dealing with cash we keep up with the times. We are talking about E-commerce technology and what have you, then let us make it consumer friendly. So that when you go by the cashier, whether it is the link facility or whatever facilities, that we keep up with modern technology, to make it easier and faster in order to accommodate the public.

I keep on hearing this voice from the past, but I would not be side tracked, Mr. Vice-President. *[Laughter]* Mr. Vice-President, I continue—with all due respect, Sir—with the Land Acquisition (Amdt.) Bill, 2000. This Bill is seeking to make some changes in respect of the Commissioner of State Lands, in terms of the time when notice has to be given; when you are acquiring lands the Commissioner of State Lands is involved in this process.

On the last occasion I remember raising this concern involving this office known as the Commissioner of State Lands. I wish the hon. Attorney General could tell us where this office is. My information was that the Lands and Surveys Department is, in fact, the department where the Commissioner of State Lands operates. I mean, you are dealing with a great deal of land here, and the Commissioner of State Lands, I am sure, is an office or an officer whose responsibilities would really be very onerous, indeed. And on that occasion, I had raised the concern about the need to rationalize the post or the position of the Commissioner of State Lands. And I raised it in the context of the Lands and Surveys Department. Since the UNC administration has come into power we have witnessed a shifting around of very important departments in this country.

I remember Town and Country Planning all of a sudden went from one Minister to a next. Likewise with Lands and Surveys Department, it was moved out of agriculture and it is now under the Minister of Housing and Settlements. Sometimes you get confused as to who is in charge; who is responsible. And in

terms of this work that the Commissioner of State Lands has to do, I can only hope that this matter is being addressed. I know for a fact that if you are talking about the Lands and Surveys Department as well, with the amount of work, especially with the kind of legislation that has been brought to the Parliament dealing with the reform of our land laws, it is a whole new system of landholding that is envisaged. In that context, if you are talking about keeping up with e-commerce technology, you are talking about keeping up with the times. One of the things I know, for example, is in terms of the surveying of our lands and the need for equipment; the need for properly trained staff; and what have you, who would be able to do the work.

We know that from a policy point of view certain agreements have been signed by the past and present Government.

PROCEDURAL MOTION

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Vice-President, in accordance with Standing Order No. 9(8), I beg to move that the Senate continue to sit until the conclusion of the Bills presently before the Senate and the Bill listed as No. 9 on the Order Paper, An Act to amend the Legal Profession Act, 1986.

Question put and agreed to.

REAL PROPERTY ORDINANCE (AMDT.) BILL

Sen. N. Mohammed: Thank you very much, Mr. Vice-President. Mr. Vice-President, I was making the point about the need in some of these departments to provide the kind of resources that are required to ensure that the appropriate equipment is made available, and, as well, the kind of trained staff. When you are dealing with land acquisition, whether it is the Government acquiring lands or whoever, one of the first things that is required—you need a survey plan, and it is pathetic when you see the conditions under which our surveyors have to work. I mean, in terms of their remuneration and so on, these are trained people; university graduates and so on, and the meagre sum of money that they earn and the amount of work that they have to do, it is a matter that needs to be looked at.

That is why you may find that in some instances, there may even be a shortage of surveyors. So these are some practical issues that we need to look at. This whole package that we are debating is making further land reforms in our country. Mr. Vice-President, you have the State Lands (Amdt.) Bill. I think after the Attorney General is finished bringing his Bills in this Parliament, we may have to compile a whole new set of law books in this country; with an appropriate index.

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Every little comma and full stop that needs changing, a new Bill is brought, and some kind of rationalization of these Bills would be needed. Look, for example, a State Lands (Amdt.) Bill and then there is the Registration of Deeds (Amdt.) Bill.

In fact, I would like to recommend that at the end of the day, whoever is in charge of implementing these many land laws of our country that they compile an appropriate book or volume whereby a person can find all the laws. Like a one-stop shop. You can get one volume with all the laws that pertain to land in Trinidad and Tobago. *[Interruption]* Otherwise, you are bound to get lost. I am talking now as a practitioner and an attorney-at-law. Sometimes you may need to do a transaction and you have to go and look for all these various pieces of legislation.

6.20 p.m.

The question is whether it is really bringing about improvements in the system. If it is that you want the legal framework—the legislation—in order to improve the system and it is good, we will support it, but at the same time we want to be practical and realistic and we want the thing to work. Perhaps in one Bill some of these measures could have been brought instead of six or seven Bills.

I remember in 1981 the package of landlord Bills that had been passed. There is a lecturer from a university in London who actually compiled a book entitled *The Land Laws of Trinidad and Tobago* and that was an examination of the new Acts that had been passed and a commentary on them, and it is a very useful book. Now, since the repeal of those laws and now that we have these new land laws, well we would hope that somebody would see it necessary to do a similar thing because it will be required. I am sure that there are competent people in the Registrar General's office and other trained persons who might be able to compile that so that practitioners would be able to go to the Government Printery and access a particular book and get all the laws that are required to bring it all together because, if we continue at this rate, Mr. Vice-President, soon we might be bringing a Bill to say what time we should go home and what time we should get up on mornings too.

In terms of the package, there was one other matter that I would like to raise. On the last occasion when we were talking about some of the difficulties experienced in terms of the registration of deeds and doing land transactions and so forth, mention was made of a somewhat obsolete provision in the law that deals with the requirement of an estate and succession duty certificate. I am very glad that the Minister of Finance has come back into the Chamber because it was

a matter that I had intended to raise. I am putting it on the record because when I raised the issue the hon. Minister of Finance got up and gave the assurance that there was a Bill, I think it is a Finance Act, that had actually abolished that provision in the law that required such a certificate as it related to persons who owned or had an interest in property, and who had passed away prior to 1981.

Prior to 1981, if a person was the owner of a parcel of land, or a part-owner of a parcel of land, and that person had passed away, it was required or it probably is still required, that an estate and succession duty certificate be obtained. In the last few years or months, in particular, practitioners have been experiencing tremendous difficulties in getting these certificates, and transactions have had to be held back because of this requirement. In my own case it took some five months to get such a certificate only this year and, although the hon. Minister of Finance got up and indicated that this provision was abolished, up to this week I was informed at the stamp duty section of the Inland Revenue Department that they have no knowledge of the abolition of this and, therefore, it is still a requirement.

So I had cause, Mr. Vice-President, to inquire from the Minister of Finance, and I know that some steps are going to be taken to look into the matter, but I would like to get some assurance that, if it is so abolished, there is some clear-cut guideline that will be put in place and the relevant authorities, be it at the Inland Revenue Department where one pays stamp duty, or at the Registrar General's Department, that they be notified that this has been abolished and it is no longer a requirement.

I can tell you, Mr. Vice-President, that two weeks ago, in seeking to register a document involving the endorsement of the death of someone on a certificate of title at the Registrar General's Department, my clerk was told that we had to get the estate and succession duty certificate and, therefore, my transaction is being held back at this point in time because at the Registrar General's Department there is no formal notification that this requirement of an estate and succession duty certificate has been abolished. I ask that that matter be sorted out because I am not the only practitioner who will be affected by it. Several other persons are being affected. So all we need is the clear-cut guideline that this is, in fact, the case.

So, Mr. Vice-President, with these few words—I know it is very late. We are all anxious to go home—at this point in time I would just indicate that we would support the package that is before us, [*Desk thumping*] and we wish the hon. Attorney General the very best.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, I have one matter that I have brought to this Senate before and that I would like the hon. Attorney General to look into, that is the registration of deeds. We had, some time ago in Tobago, some old people who had gone to their attorneys to have things done with their deeds and there is one particular case that came up where this man went with his deed to a lawyer. He had to do some transaction and he went with his deed to the lawyer and the lawyer said, "Okay, I have to do a search". When the lawyer did the search he recognized that, when he came here to the Red House, the name on the deed was no longer the name of the man. The man said; "The land is mine. This is my deed".

When the lawyer came to the Red House and did the search, he went back and said, "Sir, this deed no longer carries your name. It carries the name of another person." That other person turned out to be an attorney-at-law to whom the man had gone to do some business. So the man left and said, "I will go down to where I pay my taxes and see whether my name is still there". When he went down, his name was still there on the tax roll. So what I am asking, Mr. Vice-President, is that when the ownership changes and someone has a deed, the change must not only be made in the Registrar General's office or wherever it is kept, the land and building taxes must also reflect that there is a different name.

This man would never have known that his land was not his until probably when he died and somebody to whom he had left the land went and said, "Well, this", and then the lawyer would have said, "Well, your father sold the land to me". But the land tax is paid in the man's name and this is a very serious problem in Tobago, Sir. I brought it up in this Senate before but I do not think this Minister was the person bringing a Bill to correspond. It is a very serious matter and I know that people have gone on the radio and talked about it and it probably will do the Minister well to see how many transactions dealing with certain lawyers are coming up with all the lands in Tobago changing hands and belonging to them. Thank you very much, Mr. Vice-President. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): [*Desk thumping*] Mr. Vice-President, in respect of the points made by Sen. Nafeesa Mohammed, there are very good answers and I have asked the Registrar General to meet with Sen. Nafeesa Mohammed so that some of those problems can be sorted out.

In respect of the point raised by Sen. Dr. Mc Kenzie, I would say that under the present Minister there is really an obligation, if I remember some of my

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conveyancing law, for the owner or the lawyers to have that document filled out and sent to the revenue office. That has not been done, obviously, and the Registrar General is here. All that I can say is that in the exercise which is being done, in the reforms, when they are going to get the title, remember there was the Land Adjudication Bill where all the lands—all that will be sorted out. So, Mr. Vice-President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3 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.

REGISTRAR GENERAL (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Registrar General Act, Chap. 19:03, be now read a second time.

In light of the submissions already made, I beg to move.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: The Bill before us contains six clauses and a Schedule. Do I have your permission to take them *en bloc*?

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Assent indicated.

Clauses 1 to 6 ordered to stand part of the Bill.

Schedule 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.

**CONVEYANCING AND LAW OF
PROPERTY (AMDT.) BILL**

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, in the light of the submissions already made in this particular Bill, I beg to move,

That a Bill to amend the Conveyancing and Law of Property Ordinance, Chap. 27 No. 12, be now read a second time.

Question proposed.

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.

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.

6.35 p.m.

LAND ACQUISITION (AMDT.) BILL

Order for second reading read.

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

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That a Bill to amend the Land Acquisition Act, 1994, be now read a second time.

Question proposed.

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 to 8 ordered 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.

STATE LANDS (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the State Lands (Amdt.) Act, Chap. 57:01, be now read a second time.

Question proposed.

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 to 3 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.

REGISTRATION OF DEEDS (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Registration of Deeds Act, Chap. 19:06, be now read a second time.

Question proposed.

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 to 8 ordered to stand part of the Bill.

Schedule 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.

LEGAL PROFESSION (AMDT.) BILL

Order for second reading read.

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

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

Mr. Vice-President, under the current system of legal education in the Caribbean, the University of the West Indies provides undergraduate academic training. Postgraduate professional training is provided by the Hugh Wooding Law School in Trinidad and Tobago, the Norman Manley Law School in Jamaica, and the Eugene Dupuch Law School in the Bahamas.

Mr. Vice-President, the two postgraduate courses which are provided by the law school, one course is for those who have graduated with an LLB degree and lasts for two years. At the end of the two-year course successful students are awarded the Legal Education Certificate and are qualified to be called to the Bar and practice in the participating territory.

The second course is a conversion course for those who are already qualified as barristers or solicitors in Commonwealth states. At the end of the course successful students are awarded the Legal Education Certificate and may be called to the Bar and practice in participating territories of the Caribbean. This course currently lasts for six months.

The professional stage of legal education in the Caribbean, Mr. Vice-President, is regulated by the Council of Legal Education. The Council was established by an agreement signed by certain Caribbean territories, and as a body corporate responsible for the practical professional training of persons seeking to become members of the legal profession in the Commonwealth Caribbean.

Mr. Vice-President, when students have passed these examinations and are admitted to practise in Trinidad and Tobago, they are entitled to practise also in Caribbean countries. Faced with the increasing number of applicants for entry into the law schools, the Council of Legal Education sought ways to place restrictions upon the number of students who have qualified for admission. This was achieved by the Council adopting an interpretation of Article III of the agreement establishing the Council of Legal Education, which would allow holders of LLB degrees from the University of the West Indies, of whatever classification, automatic admission to the Hugh Wooding Law School and the Norman Manley Law School.

However, holders of LLB degrees from recognized universities equivalent to the University of the West Indies, even if they have higher grades, would only be eligible for admission subject to the availability of space and participation in an entrance examination.

6.45 p.m.

The first entrance examination was held in 1997. Accordingly, under the admissions policy of the Hugh Wooding Law School, the holders of an LLB degree from the University of the West Indies of whatever classification, are entitled to automatic admission. Non-University of the West Indies LLB degree holders from the University, recognized as being the equivalent to the University of the West Indies, are only eligible for admission, subject to the availability of space and the successful completion of an entrance examination. This policy has resulted in serious hardships to many nationals of Trinidad and Tobago who had either already embarked on a course of study for LLB degree at institutions other than the University of the West Indies and who had expected to be admitted to pursue the professional programme.

In Trinidad and Tobago, a large number of students hold non-University of the West Indies law degrees and are currently studying at institutions other than the University of the West Indies. This is partly because places available within the Law Faculty of the University of the West Indies are limited and are allocated on a quota basis amongst states. As a result of this, once the number of places allocated to Trinidad and Tobago are filled, no further Trinidad and Tobago students are admitted no matter how good their academic qualifications are. Unsuccessful students for places must either study abroad for their law degree or study as external students, usually with the University of London external programme. Other students, because of financial constraints and family and work commitments cannot attend university full-time and, therefore, have to study as external students.

The Government of Trinidad and Tobago, when it took office, recognized this as a problem. There were representations made to it and the Government's policy has been that there should be available opportunities for education for all and all who want to pursue professional training should be able to do it.

As a result of that, in 1997, Cabinet approved a policy document in respect of legal education in which it was stated that it was going to make representation, both at the Caricom level and at the Council of Legal Education level, in order to address this problem. The Council of Legal Education at that time took the position that their policy was not flexible and that it could not change that policy. At the Caricom Heads of Government, a decision was taken for a special meeting of the council to be held so that the council could consider the position and the plight of people in the Caribbean.

The council took the position it was an autonomous body and it could not be dictated to by the Caricom Heads of Government. The Government of Trinidad and Tobago thereafter advocated that there be a committee, headed by Justice Georges, to look at the whole question of legal education in the Caribbean. It was called a Committee of Experts and the Committee of Experts recognized a special problem faced by Trinidad and Tobago in the demand for legal education. It noted that in Trinidad and Tobago the evidence indicated a high demand for legal education which remained unsatisfied.

The quota system for entry into the Faculty of Law at the University of the West Indies allowed Trinidad and Tobago 34 places. Trinidad and Tobago makes the highest contribution to the University of the West Indies as far as law is concerned. I understand that the contribution is approximately \$10 million a year.

In respect of the Hugh Wooding Law School, it is approximately \$4 million or \$5 million a year.

What has happened as a result of that is that the Government of Trinidad and Tobago has, therefore, been wrestling with this problem. In the meantime, we have been told by the organization, the External Law Students Association, that large numbers of students in Trinidad and Tobago opted for the external degrees—we are told it was about 600—and we have been told also that many nationals who were forced to study abroad because of this situation in Trinidad and Tobago, were unable to come back to practise because there was no space for the extra six-month course and if they come, they still had to undergo the six months and they had to wait.

What the Government of Trinidad and Tobago did was appoint a task force to also look at the question of legal education in Trinidad and Tobago. That task force was headed by Justice Guya Persaud and Sen. Daly was a member of that task force. I think I should put on record, he had indicated to me that because of a possible conflict, he would prefer not to participate in the debate, which I think is honourable.

The task force submitted a report which was made available and the task force, in some respects, felt that this whole question should be looked at again and that every effort should be made to try to make this thing possible but, obviously, the task force felt that it needed further study.

That task force report was made available. There were comments from the public, and the Government then had to consider and make decisions. What then happened was that based on the comments received on the task force report and on the report of Justice Georges, the Government of Trinidad and Tobago made further representations and the Council of Legal Education decided that it was going to have this fixed policy. It was not going to change. There were several other governments making representations, including Guyana, the Bahamas, St. Vincent and the Grenadines and a few other countries.

What then happened was that the Trinidad and Tobago Government decided to indicate to the Caricom Heads of Government how the Government of Trinidad and Tobago intended to go forward and it informed the Heads of Government that Trinidad and Tobago was going to introduce legislation in which nationals of Trinidad and Tobago who were entitled to practise in the United Kingdom, would be able to come and practise in Trinidad and Tobago and if they were not entitled to practise in the United Kingdom, they would have to undergo a certain amount

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of attachment to chambers in Trinidad and Tobago; that in respect of the spaces at the Law School, that the Government of Trinidad and Tobago was prepared to look at that situation to see whether it could assist in making more space available but, obviously, it would have to be a united effort by the Caricom countries because Trinidad and Tobago could not put all the money.

As it stands, the facts and figures would show that although Trinidad and Tobago pays the most money, it gets the least number of students. They work it on the basis that whatever the quota is, they work it on that basis. Be that as it may, the Government of Trinidad and Tobago stated it was committed in order to say, in respect of the spaces at the Hugh Wooding Law School, whether the Government of Trinidad and Tobago could help in that respect.

In the meantime, however, the Government of Trinidad and Tobago decided that it must have an alternative plan and it started having discussions with the College of Law of the United Kingdom to see whether a school could be set up in Trinidad and Tobago so that students who want to attend law school would be able to pay to get legal education. Those discussions are still continuing.

This Bill is not about, at this time, trying to redress the situation of the students who have the LLB degrees and want to get into the Hugh Wooding Law School. What this Bill is about is to redress the situation of the nationals of Trinidad and Tobago who could not get in here or who, for some reason or other, were studying law in the United Kingdom; they have gotten their degrees; they have gotten their professional training and they have served in Chambers in England and are entitled to practise in England, to be able to practise in Trinidad and Tobago. Those who have got their degrees and who have gone through their professional training but have not done their pupillage in England, would have to come here and serve in Trinidad and Tobago for a period of six months with an appropriate certificate.

The other part of the Bill is to redress the situation in which lawyers on contract with the Government of Trinidad and Tobago are treated on a different basis, in that they have to pay their moneys to the Law Association for membership in respect of their practising certificate and the other part of the Bill tried to redress that situation by putting contract legal officers and legal officers in the state in the same position.

Mr. Vice-President, as I said in the other place, this is a Bill in order to try to help the law students, nationals of Trinidad and Tobago, but I think it is my duty to mention, because I know how Trinidad and Tobago is sometimes, that there are

some Ministers of Government who have sons and daughters in the United Kingdom who have studied law. I put on record that I have two children who have studied law. They are practising in the United Kingdom. They do not intend to practise in Trinidad and Tobago because they have been employed in the United Kingdom. I put that as a matter so that no one can say this Bill is for the Attorney General.

Sen. Dr. St. Cyr: Mr. Vice-President, with respect, Attorney General, why are you discriminating against those citizens of Trinidad and Tobago who happen to be blood related to you, Sir?

Hon. R. L. Maharaj: No. I am not discriminating. Parents at this age cannot dictate to children what they want to do. I think it is my duty to put it on record. In the other place, I placed it on record because under the ethics of the Parliament—when one reads the ethics—one has to place that, even though it is an unconscious conflict of interest. That is the basis for putting it on record.

What I say is that there are approximately 500 of my children in Trinidad and Tobago who cannot get admission to the Law Faculty. The figure is about 600, but we are saying it is 500. This Bill is really for 500 of my children, nationals of Trinidad and Tobago, who cannot get admission. They would like to become lawyers but, because of the system, they cannot enjoy that right to, I call it, property and developing their expertise. Because of a policy of space, they cannot get space at the Law School.

What the Government of Trinidad and Tobago had done is to say that we have to deal with this problem. We have indicated our position to the Caricom Heads but at this stage, the first problem that we have to deal with right away—and we are trying to find a solution to the other part of the problem—is that we will have to find a way for nationals of Trinidad and Tobago who want to return to Trinidad and Tobago to practise law, so that they would not be in a position in which they would be disadvantaged.

Mr. Vice-President, I think we have done the Bill in such a way that if one sees the kind of training—

Sen. Rev. Teelucksingh: Mr. Vice-President, the Attorney General made reference to, and it is the first time I am hearing this. Did he say the Government is exploring the possibility of inviting, possibly, a university from England to set up facilities here to meet this need? Did he say that? Did I hear him right? I am worried about that. Do not tell me we cannot persuade our Caricom neighbours to develop the local facilities on Gordon Street?

Hon. R. L. Maharaj: What I am saying is that we are exploring two, but the College of Law, if we set up one in Trinidad and Tobago would not be exclusively foreign. It would deal with foreign participation because, as we recognize, law is not a national issue now in a globalized world. If, for some reason, we cannot get the law facilities extended in Trinidad and Tobago to cater—because this is a Caribbean institution and Trinidad and Tobago has no control in getting the facilities extended.

If, for example, the cost of extending those facilities for Trinidad and Tobago nationals would be \$50 million, it may be very difficult. On the other hand, if it is that you can set up a law facility in Trinidad and Tobago in which you will have participation of Caribbean people and of foreign people, and law students can pay to be able to get training, then obviously, it is a way of providing opportunity for them.

Mr. Vice-President, may I say that one disadvantage lawyers under that scheme would face, who will come under this Bill, is that they would not be able to practise in a Caribbean country because they will only be able to practise in Trinidad and Tobago and if they have to practise in a Caribbean country they would have to get, probably—

7.00 p.m.

Sen. Dr. Mahase: Mr. Vice-President, just for a matter of clarification; what about the spouses of nationals of Trinidad and Tobago who, themselves, are not nationals of Trinidad and Tobago or even attain citizenship here? If they are qualified attorneys, can they practise here?

Hon. R. L. Maharaj: According to the recent Citizenship Act that we amended, I would think that they would come under that, once they are accepted.

The handicap of lawyers under this scheme is, a lawyer who goes through the Hugh Wooding, Normal Manley, or Caricom system can practise in any country, once admitted by the court, and it is a formal admission. What will happen with lawyers under this scheme, is they would only be able to practise in Trinidad and Tobago. If they have to practise in another country, obviously, they would have to go through the examination. When we discussed it with students, 90—95 per cent of them do not practise as lawyers in other Caribbean countries. I think that persons would be prepared to face that handicap in order to be able to practise their profession instead of not being able to practise at all.

I would like hon. Senators to consider situations where nationals of Trinidad and Tobago—every year there are approximately 100—150 nationals who want to study law, and have a degree which is higher than that from the University of the West Indies, but cannot get in because there are only 34 places. Persons who get the University of the West Indies degree would get in automatically. These nationals, therefore, would either have to do the LL.B. degree externally in Trinidad and Tobago or go abroad to study for the LL.B. degree.

When they go abroad to study for the LL.B. degree, in order to get into the law school, automatically first preference would be given to University of the West Indies LL.B. degrees. There is also a space problem at the Hugh Wooding Law School, and Trinidad and Tobago is sometimes allotted 40—45 students for the year. We have students who want to study law but cannot go to the Hugh Wooding Law School, or any place in the Caribbean to study law. What happens is they study law abroad, but when they come back, they have to stay for six months and write an examination. In order to get space to serve that six months and write the examination is also a problem.

This Bill is trying to redress that situation with nationals of Trinidad and Tobago who are entitled to practise law, only in the United Kingdom. What it does is that it is saying, if you are not entitled to practise law, you would have to come here—if you passed the professional course in the United Kingdom—and serve in Chambers with the safeguards, then get a certificate and you would be entitled to practise law, that is what this Bill does.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Nafeesa Mohammed: Mr. Vice-President, I listened to the Attorney General as he presented this Bill, and I must say that I feel very troubled by what is intended here with this particular piece of legislation. Fortunately, or unfortunately, I can say with certainty that I am not one of the Attorney General's 500 children that he is talking about. I happen to be one of those persons who had the benefit of a training in legal education at the University of the West Indies and then at the Hugh Wooding Law School.

In some quarters, persons like myself and other practitioners who, today, hold very high positions in our country have been dubbed "locally assembled lawyers". I must say that I feel very proud and privileged to be a locally assembled lawyer, because when one passes through the University of the West Indies, one has the benefit that—especially when one has to attend one of the campuses out of

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Trinidad and Tobago. In my case, I was fortunate enough to be in Cave Hill, Barbados. It is during these years one develops a certain kind of awareness and consciousness about our people; as a country and, indeed, as a region, given our very common and similar historic background.

I see the hon. temporary Senator, Kelvin Ramnath, leaving the Chamber. *[Interruption]* I wonder why? The reality is that, over the years, we know that long ago, for a person to be practising as a lawyer in our country—especially in the colonial days and prior to the 1970s, with the establishment of a law faculty in the Council of Legal Education—one either had to be an articled clerk to become a solicitor, or one would have had to attend one of the institutions in a place such as Britain for example; where one would get that training to become a barrister, then one would have been able to return to Trinidad and Tobago to practise.

Fortunately, we have a regional institution known as the University of the West Indies. With the introduction of the law faculty, thousands of students throughout the Caribbean region have been able to come together to study to become lawyers. After that intense and rigorous period of academic training, whereby one attains an LL.B. degree, you then had the option to go to one of the two law schools. In recent times I think there is another law school in the Bahamas, but there had been two law schools in the region; namely, the Hugh Wooding Law School and the Norman Manley Law School. After one obtained the LL.B. degree, one was then able to attend one of these law schools for two years. After obtaining a legal certificate of education, one would then be able to be admitted to practise as an attorney-at-law in one's particular country.

That coming together of people throughout the region was very significant, especially for the second and third year in particular. In order to obtain a law degree, one had to do these two years at Cave Hill, Barbados, nowhere else in the Caribbean. Students throughout the Caribbean region had to go—I think they still have to—to Cave Hill, Barbados in order to do the second and third years of their degree. That is where that spirit of regional integration is experienced, nurtured and felt. This is why I feel so troubled by this Bill that the hon. Attorney General has presented here today.

I have to ask the question. I have to query the figures that he is quoting with respect to 500 students not being able to gain entry into the law school. When we look at the Explanatory Note to this Bill it states:

“The object of this Bill is to amend the Legal Profession Act to remove the restriction on returning nationals of Trinidad and Tobago being admitted to

practise law in Trinidad and Tobago on the basis of legal qualifications obtained abroad and to extend to legal officers employed by the State on contract, exemptions from the payment of the annual subscription fee to the Law Association and the annual contribution to the Compensation Fund.”

7.10 p.m.

Mr. Vice-President, this question of returning nationals, in my view, is quite different from the number of students who are here in Trinidad and Tobago, and who have obtained some kind of legal qualification by way of a law degree. The issue that the hon. Attorney General is talking about is rather unfortunate, because this new policy thrust of this Government is a shift in the whole direction and focus of the operations of the University of the West Indies and the Council of Legal Education. It is rather unfortunate that the motivation for this shift is based more so, on their own political agenda as opposed to that concept that he talked about: equality of opportunity in education.

I say this because, when we look at the genesis of this kind of interference with our legal system and the system of training in our region, you would see that it all started when they came into government, when a well-known activist of their party was agitating because he too was doing the external law degree and was unable to gain a place at the law school. That is how the agitation started. They were able to get the Attorney General involved in the whole process. Today here it is; he is bringing this legislation to bring about a significant change in the direction and focus of the Council of Legal Education. It is a matter of great concern. I have no difficulty in seeking to bring about equality of opportunity for people in our country.

Mr. Vice-President, our records will show that in the education system in our country, the People’s National Movement—it is a historic fact, that when it comes to education, over the years there has been that equality in opportunity with respect to education in our country. That existed at the highest level, up to the tertiary level. There is no denying that.

I made mention of the fact that, as a student of the University of the West Indies in the early 1980s, my fees for one year was a mere \$400. We know that economic conditions brought about certain changes and a Cess was introduced and so on. One of the things that past PNM governments did was that they used to provide for the economic cost of a student at the University of the West Indies, and that was a big help. A student from the University of the West Indies recently told me that if one goes on campus now, one would only see students who,

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obviously, would have had to come from a certain type of economic background. It is only those who can now afford to pay the astronomical fees and the costs that are involved, can now attend the University of the West Indies. There is very little equality of opportunity in that. It is now based on those who can afford to pay. I am sure the fees are in excess of \$17,000 for the year in some instances. That makes it very prohibitive to many students in the country. Where is the equality of opportunity in that? It is an economic consideration now; and not based on any policy of equality of opportunity.

When we are dealing with—[*Interruption*] Mr. Vice-President, for the benefit of the hon. Kelvin Ramnath, if I may indicate that it was in the 1980s that the NAR government had sought to introduce a Cess, which was tax being imposed on students at University of the West Indies, the medical school, and the Hugh Wooding Law School. I know of it, because we as students agitated vigorously against the imposition of it.

As I indicated, it was because of the changing economic conditions with the IMF conditionalities and so, that certain changes had to be made; but that was just a Cess. The change that has come about is that the economic cost to our students is a matter that needs to be looked at, regardless of which political party is in government. It needs to be reviewed. If the Government wants to talk about equality in opportunity—[*Interruption*]

Sen. Ramnath: Would the Senator give way to a question? What did you do between 1991 and 1995 about this onerous responsibility placed on these poor students on whose behalf you are advocating?

Sen. N. Mohammed: If I may indicate to the hon. Senator, as I said before; from time to time I keep on hearing this voice from the past. We want to look ahead and look forward. It is a fact that in those days, one of the realities was that certain loan facilities had been made available to students in order to meet their costs, and at a very subsidized rate of interest. I asked the Government to tell me what is the current rate of interest at which students are able to get loans? I was told not too long ago that the rate was 17 per cent or so. It is a very astronomical kind of cost that is involved.

Mr. Vice-President, perhaps the hon. Senator might be able to give us that information. He is in government and—[*Interruption*]

Sen. Ramnath: I am asking you what was the rate charged between the period 1991—1995?

Sen. N. Mohammed: It is a fact that the hon. Senator is sitting on the Government Benches and he would have access to the information. We would hope that, perhaps, he might be able to provide us with those figures. The point I am trying to make is that if the Government is talking about equality of opportunity for all, you have to be serious about it. If it wants to bring about equality of opportunity, then it has to look at the rising costs that are involved for our students to obtain a tertiary level of education in our country.

I said at the start that I am very troubled by this piece of legislation because, in my humble submission, this Bill goes contrary to the spirit and intent of all that we stand for as a region operating with a body called Caricom and more so, the Council of Legal Education. This is not to bring about any old talk, but we know that not that long ago, the Government created a position in this country whereby an individual was appointed as an Ambassador to Caricom. I am asking the hon. Attorney General to please give us some idea, in terms of the implications of this Bill with respect to our regional neighbours and the Caricom position on it.

Mr. Maharaj: The Ambassador for Caricom is in total agreement that there should be no discrimination of nationals of Trinidad and Tobago. [*Desk thumping*] I am sure if you have a discussion with him, he will tell you how a grave injustice is being done to your supporters.

Sen. N. Mohammed: Although the hon. Attorney General has stood up and made that statement, I will put it on record, that I am sure that deep down that is not the case. When you are talking about regional integration [*Crosstalk*] we know that over the years people in this country and in the region have struggled and fought very hard to keep Caricom alive.

I am talking about Caricom because when one is talking about legal education in our country, we have to be mindful of the fact that there is, under the laws of our country, an Act of Parliament known as the Council of Legal Education. It is Chap. 39:50 of our laws of Trinidad and Tobago. For the records, I would just like to refer to certain parts of this Act which states:

“An Act to provide for the implementation of the Agreement between the Governments of certain Caribbean Territories establishing a Council of Legal Education, to incorporate the said Council and to exempt it from certain taxes.”

In the Schedule to this Act, in dealing with the agreement establishing the Council of Legal Education, it refers to the contracting parties. It starts off by saying:

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“Sharing a common determination to establish without delay a scheme for legal education and training that is suited to the needs of the Caribbean;

Aware that the objectives of such a scheme of education and training should be to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change;

Convinced that such a scheme of education and training can best be achieved by—

Firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean History and contemporary Caribbean affairs;

Secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law;

Recognising the needs to vest responsibility for providing the institutional training in a Regional Council of Legal Education which should be established in advance of students being admitted to the Faculty of Law so as to give assurance that the whole scheme for legal education will be implemented in its entirety;

Hereby agree as follows:”

It goes on in terms of the membership, functions and powers.

Mr. Vice-President, Article 3 of the agreement states—I am simply reading this out for the record. It is important that we remind ourselves of these things.

“Every person who holds a University of the West Indies LL.B. degree shall be eligible for admission to the Law Schools, and every person who holds a degree of a University or Institution which is recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any) as the Council may require, be eligible for admission to the Law Schools. Provided that any national who prior 1st October 1972, was holder of a University Degree or had commenced upon a degree programme other than in law and completed that programme before 1st October 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to

obtain a degree of LL.B. from the University of the West Indies or a Law Degree recognised by the Council of Legal Education as equivalent thereto but subject to such other terms and conditions as the Council of Legal Education shall after consultation with the Faculty of Law of the University of the West Indies determine.”

The agreement continues.

The fact of the matter is that this agreement was an agreement that came about with the various member states. There are several countries in the region that are listed here. We are dealing with countries such as Antigua, the Bahamas, Barbados, Belize, the British Virgin Islands, the Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St Kitts/Nevis, Anguilla, St. Lucia, St. Vincent, Trinidad and Tobago, the Turks and Caicos Islands, *et cetera*. I have to ask the question, when the hon. Attorney General seeks to bring a Bill before our Parliament, what he is really seeking to do is, by virtue of domestic legislation, capsize the whole treaty arrangement as provided for under this Act, and that is a fact. How could the Government, unilaterally, go about changing the provisions that are there in the Act that sets up the Council of Legal Education? The Government is not only seeking to subvert our institutions in the country, now they are doing it regionally. We have a great difficulty with that. It is a serious problem!

If it is that the Government has taken a policy decision that they wish to do something to accommodate these persons who are coming from abroad and so, then what it needs to do is to use their negotiating skills to go to that Council of Legal Education and bring about some consensus on the need for change, in order to take into account the changing times. But they cannot come and, unilaterally, seek to capsize this agreement that is codified in our laws. It is something that is fundamentally flawed. I have to wonder as to the extent to which our Caribbean countries are in agreement, or the extent to which discussions have taken place: whether it is at the heads of government level, the Attorney General's level, or the level of the Council of Legal Education. What kind of attempts have been made to bring about some measure of consensus before bringing this piece of legislation here? To me, that is the appropriate course of action to take; not to come in this kind of highhanded way—simply because of the persons who have been involved in lobbying over the last four years—by bringing local legislation now, to just change a system that has been existing for some time now. Whilst we would agree that, over time, the numbers may have increased and the space is insufficient. Let

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us do this—if the Government wants to bring about a change in the system—in a proper manner whereby there can be consensus.

To compound matters, we are hearing now, quite apart from going against the spirit and intent of this treaty arrangement with our Caribbean neighbours and partners—

7.25 p.m.

I am sure that in whatever little discussions may have taken place in the region, that there has been some disagreement with this approach. I am almost certain that there has been disagreement, but the Attorney General would not disclose these facts to us.

In fact, I am aware of the fact that at some discussions that took place at a regional level not too long ago, the hon. Attorney General himself was supposed to have been at a certain meeting but he was not there. But that those other countries that were represented expressed strong objections to this particular course of action. Notwithstanding that kind of division of opinion in the region, we have a situation where the hon. Attorney General, on the eve of the prorogation of Parliament, in yet another instance when we are in the late hours of the evening in the Parliament, seeking to bring about a fundamental change in our system of legal training and education in our region, not just our country—by this kind. [*Interruption*] We know about the fact that it is a sovereign state.

The hon. Attorney General has had a track record of showing total disregard for the principles and concept of sovereignty. It is well documented. It started off with the Ship-Rider Agreement and the very high-handed way in which they went about doing certain things. Whilst we talk about global village and whatever it is, we have an entity known in our region as Caricom. And we are living in a region where we have agreed on certain basic principles. By virtue of that process of regional integration, there is, in our Statute Books, a council of Legal Education, whereby there is an agreement made between several member states from the Caribbean region and here it is, we are looking at a piece of legislation that is certainly going against the spirit and intent of that particular agreement, and that treaty that is codified in our laws.

In my respectful view, it is a subversion of our regional body; it is a subversion of the whole spirit and intent of the council of Legal Education and it is a matter that should not be railroaded so easily through the Parliament. If it is that the hon. Attorney General had come to us and said, “Look, this matter has been pursued since the task force was appointed in 1996/1997—if I am not

mistaken—and they provided their report. If it is that the Attorney General had come here this evening and said, “Look, the concerns that had been raised by these 500 students are so serious, that as a Government we have pursued this matter with our Caribbean counterparts and have now arrived at a consensus, that the laws of our country be amended to accommodate this kind of change in the policy direction regarding the admissions into the law school, then we would say, “no problem.” But the mere fact that the hon. Attorney General is coming by an ordinary piece of legislation, to do something that goes against a treaty that has been signed by so many member states, to me, that amounts to a subversion.

The treaty is being violated. In this treaty it talks about the accommodation at the law school based on the availability of places. If there seems to be a problem in getting these students in, well, then, as a Government, negotiate with your regional counterparts and the Council of Legal Education and assist in improving the facilities to create more spaces. You see, they have not been violating only the treaty obligations, they have gone further now. We are hearing about a parallel law school being established, with the college of laws. Mr. Vice-President, what next?

I have to ask the hon. Attorney General, in all seriousness, how many returning nationals are involved to justify this legislation? I do not agree or believe that it is 500. Because of the 500 number that he spoke about, I am sure many of those are students who are right here in Trinidad and Tobago. I know many of them. Many of my friends are affected by it, too. But like all of us we had to go through the rigorous system that exists. And there was equality of opportunity in the system.

As a matter of fact, because of the politicizing of this matter, it has reached the stage where, in my view, it is a case where attempts are being made to pull strings in certain quarters in order to get students in. It is regrettable. Those who wish to deny it, let them deny it, but I am aware of the fact. It is a very serious matter, because here it is he is seeking to change the whole direction; the whole focus of the Council of Legal Education. It is not as though we are not sympathetic to the plight of the many students who may be the holders of a valid law degree.

To make matters worse, the Attorney General is seeking to change the laws of our country and to capsize the whole treaty established in the Council of Legal Education, to accommodate a few people who might be residing in England or wherever they might be residing, who may have been practising as Attorneys in Britain or wherever else, to allow them to come in here without having to go

through the six-month period at our law school, to be able to practise as Attorneys at Law.

Mr. Vice-President, I want to know if the British Government will make a reciprocal arrangement to enable us, as Attorneys, admitted to practise in Trinidad and Tobago, to be allowed to practise in England just like that, in the same way the Attorney General is seeking to do that. I would like to know if any attempts are being made to bring about some reciprocity in that system. Why should we capsize such a significant institution, to accommodate a few people when there is no reciprocity? If the hon. Attorney General could tell us that the British Government has agreed to allow Trinidadian lawyers, who are practising here to be allowed to practise in Britain just like that, without having to go to anybody's chambers or law school or any inns of court, fine. We might be able to feel a little comfortable with that.

But it shows the way that they are moving with this kind of legislation. It is a very backward step. It is a retrograde step. You see, it is taking us back to those colonial days. I am using these words because it is very serious, indeed. You see, in dealing with this whole question of the training of lawyers, we know that quite apart from the two-year period at the Hugh Wooding Law School, that there is a system whereby you can get some training in the chambers of lawyers.

Mr. Vice-President, it is a well known fact that whilst there may be one or two chambers in the country that are properly equipped and prepared to offer the kind of all round training that a young attorney would need in order to come out and practise the profession of law, the reality is that that system is in the minority. Maybe, just two or three of the law chambers in this country might really have a properly organized structure. But it is no easy matter. Every law firm or lawyer's office have different conditions; different kinds of practices and there would be no uniformity of standards in terms of assessing what kind of real experience or pupillage that that particular practitioner may get. That is a fact. We are not so advanced. I am sure we can pinpoint the law firms in the country that may have such a system. I am sure the hon. Vice-President will agree with me on that. But they are in the minority.

I remember, as a student at the law school, during your two years at the law school, I was required during the August vacation period, to get some in-service training in a lawyer's office or in some legal department; whether it is in a company or in the state or what have you. But there was no real procedure or mechanism in place to monitor or to ensure that as a student you were getting an

appropriate kind of training. It was a very arbitrary kind of thing, and it would fluctuate; it would vary from place to place. So that we have not yet reached that standard or that level where someone can simply go for the six months instead of going to the law school that you can go into somebody's law chambers. I think, in this Bill, there is even a certificate that is being proposed, whereby a law office would certify that the person was in the particular office.

7.35 p.m.

Mr. Vice-President, there is something that is fundamentally wrong with this and whilst we agree that the system needs to be re-examined or to be reviewed in order to keep up with the times, the increasing numbers of students and the limited space and so forth, in our respectful view, the manner in which it is being done here is not the proper way to do it. It should have been done by bringing about some consensus and not in this arbitrary, unilateral way where, through our Parliament, they can simply enact a piece of legislation and change the whole system. This is not just about Trinidad and Tobago. Legal education in Trinidad and Tobago is dependent on the region. It is dependent on the Council of Legal Education. It is dependent on the University of the West Indies.

As the hon. Sen. Ramnath talks about the Privy Council this is the irony and the hypocrisy in it, Mr. Vice-President, because the hon. Attorney General, whose heart I know is still vested in the Privy Council but who goes around talking about the Caribbean Court of Appeal—[*Interruption*]

Mr. Maharaj: I am so happy that Sen. Nafeesa Mohammed knows where my heart vests. [*Laughter*]

Sen. N. Mohammed: We know that the hon. Attorney General has been, like previous Attorneys General, talking about a Caribbean Court of Appeal. That has been high on the agenda in our region and if we are talking about the establishment of a Caribbean Court of Appeal how can he be taking us back now to accommodate British-trained lawyers when they would not even accommodate us and under a system, Mr. Vice-President, where they will be bypassing our regional body? At the law school, you know, some people may feel that the law school is just—I know that there is a certain bias against locally assembled lawyers because of the fact that they have to pass through the Hugh Wooding Law School. [*Interruption*]

Well, now we are talking about “foreign-used”. [*Laughter*] That is what this Bill is seeking to do, to accommodate foreign-used lawyers. They opened up the foreign-used market with the cars, now it is with the lawyers. Thank you very

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much hon. Minister of Finance. That is what it amounts to. We see the problems we are having with the congestion on our roads and now we are going to have the same difficulty.

Mr. Vice-President, the fact of the matter is that whilst we empathize and we sympathize with the many students or the many attorneys who may wish to come into our country to practise, we feel that there should be some kind of equality of opportunity and, at the same time, if we have to bring about changes, let us try to do them in the proper way. This measure, in my view, is really taking us backward. It is undoing what it took us years as a region to establish and to develop. It will just go contrary to the whole spirit and intent of that regional body, especially with regard to the Council of Legal Education. I am quite curious to know, what has been the reaction of the regional bodies with respect to this measure? It is really a unilateral move on the part of Trinidad and Tobago.

It is unfortunate and that is why I say, when they talk about a Caribbean Court of Appeal we really have to wonder, because it seems as though it is mere lip-service being paid to it and, Mr. Vice-President, it is a matter that certainly causes us on this side some serious concerns. We have very serious reservations about it and I am concerned in terms of the numbers that the hon. Attorney General has quoted. I wish he would tell us, sift out those students who are the ones—not students, maybe they are practitioners—who are abroad right now and who want to get into Trinidad and Tobago to practise and who are unable to do so because they have to go to the Hugh Wooding Law School. This is the point.

You know, Mr. Vice-President, when one attends the Hugh Wooding Law School, one of the great things about attending the law school, whether it is for six months, one year or two years, is the fact that one gets a kind of training that is focussed on the Caribbean. When one gets a worksheet from the law school, that worksheet highlights or makes references to the laws not just in Trinidad and Tobago but the laws in Jamaica, in Barbados and in several other jurisdictions, and that is indeed a very helpful matter. Very often, when we debate legislation here, we are able to make a comparative analysis of some of the measures because of that exposure that we have had to be able to compare the laws in other islands, and we do share in many respects, Mr. Vice-President.

As a region we do share a common history. We have peculiar circumstances in the region—in the Caribbean. There are certain issues that affect us as a region but when one looks at the track record of this Government, Mr. Vice-President, when it comes to regional matters they have failed the test. Whether it was the

episode with Julien Rogers, whether it was the—Mr. Vice-President, you know, they brought a Caricom Skills Bill here in this Parliament seeking to allow Caribbean nationals to be able to work in our country and so—lip-service because there is a lot of discrimination taking place with respect to our counterparts in the Caribbean. That whole shiprider agreement, the manner in which it was dealt with made it a topical issue in the region.

The records are there. There are newspaper reports where, in Barbados, Jamaica and other islands, they were complaining about the manner in which we went, so blindly and slavishly. I remember the hon. Attorney General making the statement that these principles of sovereignty are outmoded. Mr. Vice-President, when we are bringing about fundamental changes like these, let us be careful. Let us take the time. In order to bring about these kinds of changes let us try to arrive at some consensus. In our respectful view, the way in which this matter is being dealt with and handled is not in a manner that is consistent with that approach of bringing about consensus.

It is just their own political agenda, whether it is because Mr. Ajvani Mahabir had agitated for the students who are unable to get into the law school, or whatever it is, Mr. Vice-President. As I said, there are many students who I know have been trying and I empathize with their plight but, Mr. Vice-President, at the same time, if they want to make changes they should try to make them in the proper way. Let us maintain the spirit and intent of this treaty that are codified in our laws that established the Council of Legal Education. Let us not go against that because we are subverting that institution. What next? If it is not the Judiciary now they come with the law school! Oh God, we have had the experience with the dental school! What is happening with the dental school? We went through that debate in the Parliament. What next? We just cannot go on like this anymore, Mr. Vice-President. I thank you. [*Desk thumping*]

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, I know it is late but this has turned out to be such an all-embracing debate. I have picked out three issues. One is, the Bill itself is about returning nationals, and then we went on to consider—at least the hon. Attorney General introduced the question of nationals who are non-UWI LLB graduates, they studied as external students and that is a very serious issue in Trinidad and Tobago, and then Sen. Mohammed raised the question of the Caricom Agreement.

First of all taking the Bill as is, concerning returning nationals' admission to practise law in Trinidad and Tobago, personally I will support this Bill. I have no problem with this Bill. I will tell you why, Sir. There are those people who can

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afford it. We have nationals who could afford it, they prefer an international exposure to studies and they have opted to go overseas. They had the money and they preferred to go to England. There are people like that. They remain Trinidadians and they will always be Trinidadians and Tobagonians and if they go abroad to study—I am responding to why I support the Bill.

Sen. S. John: Mr. Vice-President, you know, some of them do not have money. They have to borrow to go to England.

Mr. Maharaj: May I put on record—I should have mentioned this—most of the those who are returning are people who could not get in here, families went to the bank, borrowed money and sent them abroad to study. So it is a not a “rich people thing”, it is a poor people thing.

Sen. Rev. D. Teelucksingh: I am happy that the Attorney General has mentioned that because I am going to add another category to what hon. Senators have led me to understand. What about those who have been national open scholarship winners? They have chosen, because of the same thing of having international exposure to education—they are our own students and the Government—[*Interruption*]

Sen. Dr. Mahase: Mr. Vice-President, of the national scholarship winners in the open section, only the first of each of the five or six groups is permitted to go away at the full expense of the Government of Trinidad and Tobago.

Sen. Rev. D. Teelucksingh: Thank you very much. I agree with that. I am therefore saying, if we support them all these years on national scholarships, now they can choose to go anywhere in the world, and if they have qualified, let us say in England, we have an obligation. Those are our students and this is why I could not see the logic, Mr. Vice-President, in having any restrictions when it is time for them to return home, because it is obligatory that they serve the Government and the country, so this legislation is absolutely essential. How could we persist in having restrictions in our system upon graduation when they are expected, all of these various categories of students, to return to Trinidad and Tobago, yet in spite of all this there are limitations in scope for graduate studies in law at Sir Hugh Wooding Law School and even the Cave Hill campus in Barbados.

Our students, and this is another category I may add to the various suggestions that have been made, nowhere—in fact, the Sir Hugh Wooding Law School, Mr. Vice-President, does not provide facilities for graduate and post-graduate studies. Now, there are some new fields, I have noticed with interest, such as

environmental law, intellectual property law and parliamentary law. Any of our lawyers interested in doing graduate studies have to go away. Now, suppose there are students, such as these who have gone to England, for example, as the Bill mentioned, who have gone ahead at their own expense to specialize in these fields, I feel that they are doing the Government of Trinidad and Tobago a favour because we need the expertise of such people who are, I do not think—certainly the facilities are not here and I understand the facilities in Barbados are very, very limited in some of these specialist and, what will I say, new fields.

Mr. Vice-President, I just want to make a comment about the second item that was added to the debate, and that is nationals who studied as external students obtaining the LLB degree. I just want to make a comment in support of them. For this year, the hon. Attorney General gave us the figure of 34 students who were admitted to the Sir Hugh Wooding Law School. That is all they could accommodate, 34, and I understand over 150 of our students wrote that exam and we are talking about, in one year, 150 wrote the exam. One student told me the persons who sat the exams looked more like 200—such a big group of persons only for this year. Is it that they have all failed their entrance examinations? That could not be. They studied at home, Mr. Vice-President, and they got their LLB at the University of London and other English institutions offering those courses.

Let it be known too—I want to make this point. I have made it before—that several of these law students prefer to pursue the LLB course privately, that is, to remain in Trinidad, because, Mr. Attorney General, through you, Mr. Vice-President, of the phenomenal cost of that two-year programme, the UWI programme at Cave Hill in Barbados. This is prohibitive for poor students who can only afford to study here at home in Trinidad. It is compulsory that they do one year here at the university and they must do two years in Barbados. Now, could you imagine, the Barbados dollar is equivalent to—what is it—\$3.18? It is prohibitive—very, very difficult for our students to go to Barbados.

It is easier for them to do their course here and I personally—for a long time now I have been saying this. I have a problem with the university authorities and our Council of Legal Education, that whole group, whether it be Caricom or what. I am coming to Caricom just now. I have a problem with the authorities continuing to make the Barbados leg of the programme compulsory.

7.50 p.m.

Mr. Vice-President, if our participation in intercampus requirements are based on a treaty more than 25 years ago—that is the Caricom treaty.

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I feel saddened that we could not have improved our facilities over these more than 25 years.

Sen. Mohammed: Mr. Vice-President, the reason for that second and third year at the Cave Hill Campus is not particularly related to the treaty obligations, but more so to the treaties that exist at the campus, especially when one looks at the library facilities and the materials available for the academic training. *[Interruption]* The hon. Senator gave way and I am entitled—

Sen. Rev. D. Teelucksingh: Mr. Vice-President, that supports my argument. I feel disturbed that over these years we could not have provided the facilities for our own students here. That is my concern. I am worried. If that is not a part of the Caricom treaty then I am more persuaded to be sympathetic to those poorer students who cannot go Barbados to study because it is really difficult. I know many students who took loans just to complete that programme.

I want to respond to Sen. Mohammed's concern on the Caricom matter that came up. Personally, I am sympathetic with what the hon. Senator had to say. With respect to her understanding of Caricom, I agree with it with half of my mind. I will tell you about the other half. Why has Caricom been so hesitant in reviewing that same so-called agreement with respect to legal education? I personally believe times have changed but Caricom has not changed. The Government is moving in a direction that is independent. I recognize that in the debate this evening—and maybe it is necessary for us at times to move in an independent direction—*[Desk thumping]* It is a long time I have recognized this but it is not only Trinidad and Tobago. It is a pity the Council of Legal Education, the UWI authorities and Caricom have not kept up with the demands of the participating territories over the years.

I am very sympathetic to the needs of nationals and as I was saying I agree with Sen. Mohammed with half of my mind. I want to mention, however, that in all those Caricom agreements since the Chaguaramas declaration—how binding is Caricom on the policies of individual nations is a very thorny issue that has not been sorted out yet.

I remember Jamaica went ahead of others in Caricom to discuss the question of affiliation in NAFTA Do you remember that? Nobody talks about NAFTA these days. Before a Caricom position was sorted out on NAFTA, Jamaica went ahead—they forgot the whole of Caricom—and held discussions with the authorities and if they had gotten a chance to get into NAFTA—I do not know if they got in; I do not know what has become of NAFTA anyhow.

The fact of the matter is, many territories in the Caribbean were wondering: How it is Jamaica went ahead without a Caricom agreement that we should hold discussions as an economic bloc, to be a participant in the NAFTA fellowship?

Mr. Vice-President, personally, I think, any Caricom country is free to make certain decisions appropriate to the peculiar needs of the island territory. I do not believe that in the Caricom agreement, Sen. Mohammed, through you, Mr. Vice-President—My understanding of the Caricom agreement all through the years and this fellowship we have is that there is a certain degree of flexibility. I believe there has to be flexibility. It has always worked. It has worked in trade and in a matter like this my only reservation is that I will like to see this whole business fleshed out properly as to whether we should have a rival Legal Education Training Institution in Trinidad. I would like to see this one fleshed out but if we have to take a decision to go ahead and to do our own thing to meet the needs of our own students, personally, I feel we should go right on.

I believe the nations in the Caricom bloc, have learned the secret of peaceful co-existence and to respect one another's individuality. We have still remained a family in Caricom. I am not worried at all if we go right ahead to meet the needs of all our students here, our own nationals who are non-UWI graduates with the LLB degree, earning as external students in order that they can pursue their chosen professions and fields.

Mr. Vice-President, I support this Bill. I know it deals with one of three matters, but on returning nationals, I think we have no choice but to support the legislation before us.

Thank you, Mr. Vice-President.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I, too, will be relatively brief. The Bill before us makes a relatively small change to the existing arrangements. It mainly allows nationals who trained in law and are eligible to practise in the United Kingdom, to practise here in Trinidad and Tobago and I support this measure. I would, however, like to remind us of some contextual matters. Prior to the setting up of the Council of Legal Education—that is how we trained our lawyers, we trained them in England and we admitted them to practise here—there was, at the time in the Caribbean, a measure of the philosophy of closure.

We were going to train our lawyers within the contexts of the social and historical realities of the Caribbean and equip them to address problems as we saw them at the time. I believe that in order to ensure the acceptability and credibility of the training we gave, we had to put certain restrictions, and people

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did not continue to go the prior route and so those who studied abroad were required to do a six-month training at the law schools.

The first point I want to make is that the world has changed quite substantially in the last 25 years. I believe we have to admit to that reality. In my understanding it is extremely time-consuming and tedious to get a common understanding within the Caribbean region on changes to be made. Sometimes the cause is that the circumstances differ from territory to territory. I could recognize an extremely rapid demand for legal training in Trinidad and Tobago in the last five years. Much of the problems the Attorney General has referred to, I think, it is the five-year or so problem that has come upon us.

This Bill, unfortunately, does not address the real problem. I believe it has addressed one aspect, namely that we have come to the stage where after 20 or so years of putting out our own legal graduates, establishing our standards and testing the product, we are in a position to open up the system. I do not have any problem, whatsoever, with the measures here.

8.00 p.m.

I would like to just make a few brief remarks on the bigger problem. I think the bigger problem is that we have to start by agreeing that the human resource is what we have to develop and there must be no impediment to the widening of the number of people we train in the various fields. I would be against a closed-shop restrictive approach to training in all areas.

The 500 or so persons with degrees from other universities, some external, who need to be trained, I think we have, seriously, to make provision for them. My understanding is that if you are in a bargaining situation and you are that way cornered, the obvious thing that you would be told is that you do it and you pay for it.

If we were to go in that direction, the cost would, in the present structure, fall entirely on the Government. My understanding is that we are also, as we were told this morning, moving towards liberalizing how we train people, allowing the educational system to be opened up to private enterprise, *et cetera*. Looking at a flow of students of over 100 or 150, I think there is room for another training centre for our legal people—*[Desk thumping]* where the cost could be privately borne, as it is borne by people when they go off to England to study. I think that would be the direction in which we should start searching for a long-term solution. I say this while recognizing that we do have obligations to our Caricom partners and to respect treaties we have signed, but these things have to be negotiated.

Mr. Vice-President, with those remarks, I thank you.

Sen. Prof. Julian Kenny: Mr. Vice-President, just a few brief comments. First of all, I become a bit nervous when there may be breach of treaty agreements. I am always very, very nervous. However, the world is moving at an alarming rate and my other point is, persons qualified in reputable institutions abroad in virtually any discipline should be able to work here. Any national who has gone and done—I am not talking necessarily about a law degree or a medical degree. I mean, we have done it with dentistry. I see no problem with that part of it, people who have qualified.

My other point, which is really a matter of concern is, I am very, very, worried, as Sen. Dr. St. Cyr has said, about the closed shop. I know with the University of the West Indies, the Caricom Community and so forth, that it is nice that we all belong to a part of it, but when we close the shop and look too much inwards, we become isolated from the mainstream of development in intellectual disciplines, whether it is law, science or whatever have you.

When you look at admissions there, the business of people being admitted to the schools on the basis of automatic entry with a University of the West Indies degree of a certain class, I do not think that this is really acceptable. It should not be automatic; it should be on the basis of merit. In other words, if you have 100 or 200 people wanting to get into 50 places in a law school, to my view, this should be on merit, whether it is a UWI degree, a London degree, whether it is an external degree, or whether it is an internal degree from a reputable university.

One of the problems of tertiary education and something which has happened with the University of the West Indies, I am afraid, is that it has grown large but it continues to look inward. Mr. Vice-President, I am not imagining things. At one time, for places in the medical school, there were quotas for different territories. There was so much for Jamaica; so much for Trinidad and Tobago; so much for Barbados; so much for St. Kitt's and there were instances where we had nationals who would have had three and four A' levels, but they could not get into the Medical School although Trinidad and Tobago was paying the largest share of the Medical School.

It is public knowledge within the University of the West Indies—I do not know if it still applies—that in the allocation of places, there was a certain proportion retained for the children of members of staff. Internally, whenever we raised this, we were shut down. We were rocking the boat because the "Republic of the University of the West Indies" which has grown over the years, protects itself. Anything to do with training, whether it is legal or engineering training, I am afraid of this business of the closed shop and certain interests being protected.

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If I had any say with the law school there, I would say, okay let us put on the table academic qualifications, let us look at full transcripts of grades and so forth and let us start grouping people, regardless of whether it is a University of the West Indies degree. Today, with the classification of degrees graduating this year, there will be 37 First Class Honours degrees in engineering. Things are being watered down. When we were there and when we were responsible, we followed the book.

Sen. Kuei Tung: I thank the Senator for giving way. Can I ask—I have never been to UWI so forgive my ignorance—is it true that they also take their professors from UWI in preference to people who have studied elsewhere?

Sen. Prof. J. Kenny: Mr. Vice-President, I will answer that. It is not a question of taking them by preference; it is a matter of taking them because they cannot afford international salaries. This is a major problem at the University; it is no longer competitive. But, at the same time, there is also clearly a system operating where, if you play your cards right, regardless of your academic performance, you can float to the top. That is the reality. I think Prof. Roopnarinesingh was talking about the cronyism which has taken over as the institution looks inwards; it protects itself. That is why, when I had the temerity to suggest in an earlier debate that there were problems with academic performance at the senior levels and my area in natural science, that the Principal of the University responded to what I had to say here by having published in the *Trinidad Guardian*, a couple years back, that “when he was there, he was cynical, critical and caustic and he ought to be reminded of his failures in projects.” The Attorney General will tell you that when you make statements like that, it is libellous, but I am not a suing person. I believe in freedom of speech, but there is a major problem.

The warfare that is going on now between Mount Hope and the University—I do not know the details of it but, clearly, there is fighting. To come back to the issue that I was raising, it is a general issue. Tertiary institutions have grown. All of them have grown. The University of the West Indies has grown and you have a system developing where people can get entry to the system on the basis of special privileges, whether it is as a member of staff—at one time, if the children of members of staff went to the university, they paid no fees because you were a member of staff. It is, to me, totally rational.

My point is about this legislation and the people who have qualifications that would normally get them entry. I do not believe in an entry examination. I believe

in putting all the cards on the table and doing a critical analysis. It does not matter whether it is an external London degree, a law degree from Harvard or wherever have you, or if it is a UWI degree. Put them all on the table and then select the number of places that you can accommodate.

Thank you, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I may end up giving support to the idea of an alternative law school but I would like to preface my remarks by saying that in all my battles with the University of the West Indies, I have told principals and vice-chancellors to their faces, that I do not support them and the way they run the University, and what they have done to it, but I support the idea of a University of the West Indies.

In order to break the kind of thing that Sen. Kuei Tung may have been drifting to ask us about, the cronyism in the institution does not exist among the teaching staff. The cronyism is when teaching staff who are tired or teaching staff whose mediocrity has begun to show, decide they must move into admin to make progress within the system. That is where the cronyism and the corruption take place, at the level of admin and you would find that they are mainly UWI graduates.

My way of breaking that is, year after year, I keep pleading that we should have autonomous colleges of the University of the West Indies; that we should detach ourselves from this cabal that runs the university. The Trinidad campus is the only campus that does not have a Trinidadian as principal. This is the only one where that happens. There has never been a non-Jamaican principal of the Jamaica campus. There has never been a non-Barbadian principal of the Barbados campus. We are the only ones who are generous and stupid. When you have money, you are stupid, they say.

I am a strong supporter of the idea—and I will work for it till I die—of the University of the West Indies with autonomous campuses. I think we need that UWI label. There is much academic and intellectual exchange that can take place. I may, as I said, end up supporting the alternative institution, but nothing that I say should be seen as being against the idea of the University of the West Indies.

I support the notion that entry should be based on meritocracy but I would say it would have to be meritocracy among contributing territories. If you are a graduate of another university and a citizen of another country and you come here, you would have to pay the economic rate if we have a place for you. Entry will be based on merit, but to people who are citizens of contributing territories.

There is a serious problem about lack of space and I think there are three ways out of it.

8.15 p.m.

One would be to be serious about COSTAATT and set up a graduate school within COSTAATT. The other one would be to follow the recommendations of the task force and try to get the Hugh Wooding Law School to expand its courses. The curriculum of the law school should be broadened to include other disciplines relating to areas of law of an international nature, trademark, patents, international treaties as well as information technology. That would be one way; we have to fight to get the existing UWI institutions to expand their course offerings and then to pay for more places to be provided.

Although I am really digging hard for the old world, I recognize that a third way, which may be a very viable way, would be to allow an edu-business company to establish a graduate law school. If we allow an edu-business company to establish a law school, clearly the Trinidad and Tobago Government may have an interest in that business. So the edu-business company, in which the Government of Trinidad and Tobago has an interest, could not be said to be flouting any Caricom agreement. This is an investment by the Government of Trinidad and Tobago in an education business company, which recognizes that there is a market and there is a demand, and that institution wants to set up here.

There are problems with that. There is a problem of accreditation. Any and every business company cannot come and say that they are setting up a law school: certain academic standards, criteria of relevance, and the quality of the courses would have to be met. Somebody would have to pass judgment on the academic standard, the quality of teaching, the facilities *et cetera* of this company.

Before I got vex this morning and decided not to talk about my various amendments to COSTAATT, this is something that I was going to propose: we should write into the legislation that one of the powers of COSTAATT is to examine institutions in this country, to look at their course offerings, check their staff and their facilities, and COSTAATT will allow these institutions to be registered, and COSTAATT will give you an accreditation. That is a very important function of COSTAATT, if the Government is serious about it. I am sorry I got vex and did not follow up all my amendments.

Certainly, in relation to the edu-business company about to set up the law school, COSTAATT might have to be involved in the accreditation. Even if

COSTAATT has to hire people from the Hugh Wooding Law School to be on the committee that does the accreditation exercise, I do not think that would be too much of a problem.

Mr. Vice-President, I think I have drifted towards supporting the notion of forming an educational company a business partnership between the Government of Trinidad and Tobago, and people who have the qualifications to set up an alternative law school. The reason I am drifting to that is not only for the practical ones. I think the offerings at the University of the West Indies at the undergraduate level have benefited considerably from the fact that we have established, at the university, viable postgraduate programmes.

A postgraduate programme is concerned, not only with the theory and principles but, with the practical problems, the subject matter, the cultural, sociological and historical subject matter. I think it is terribly important that our graduate students, in whatever field, should attend graduate courses devised here. Even while they are getting that abstract intellectual training on how to be a researcher or a scholar, they are also addressing specific aspects of our culture and society. The edu-business company setting up the law school would have the advantage of devising the courses here. I would not be too happy about people who go abroad to get their graduate qualifications; I would not be too sure that they would not need a period of acclimatization before being allowed to practise here.

Mr. Vice-President, just to sum up, there is a very deep problem about finding more places and expanding courses. I do not think the Government would get any trouble if it was a party to an edu-business company establishing an alternative law school.

Thank you. [*Desk thumping*]

Sen. Selwyn John: Mr. Vice-President, it seems that we are finishing a little too early tonight, so I must talk. I had planned for midnight.

Mr. Maharaj: Make it short.

Sen. S. John: Okay, I will be short. I think the debate has brought out certain features that one would question the loyalty of people to Trinidad and Tobago and to Trinidadians and Tobagonians. No way in the presentation of the Attorney General, was any mention made of not honouring the obligations this country has to Caricom and its institutions, more so the Council of Legal Education.

What is wrong if the Hugh Wooding Law School cannot facilitate the hundreds of Trinidadians and Tobagonians who are qualified to do the legal

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education courses in order to qualify as attorneys? To me, once there is an institution that could provide that education, they may, by obligation, have to agree to recognize it. But, there are alternatives. I think the Opposition would have many problems to go out on the hustings and justify that there are approximately 500 Trinidadians who want to do law and cannot.

When my daughter applied to the University of the West Indies to enter that programme, she was turned down, and they did not give any reason. But, people who were accepted were less qualified than she was. She has to do the external degree. Whether it means that she goes to England or wherever to qualify as a lawyer, she would have to do it. I am relieved to know that, maybe, we could provide that for her so that she would be able to do it in Trinidad.

Some years ago, I was in Singapore and was fortunate to have lunch with some distinguished people: Bob Hawke, who later became the Prime Minister of Australia; Olof Palme, who later became the Prime Minister of Sweden; and Lee Quan Yew, the then Prime Minister of Singapore.

Mr. Maharaj: Notice I said I did not want you to talk. [*Laughter*]

Sen. S. John: Mr. Vice-President, the discussions that were going on at that lunch table were relevant to what we are discussing. During the independence negotiations with Singapore, Great Britain proposed that they would have to set up certain institutions to take care of educating the people. One such institution was the law school in Singapore, but Britain said that they could not continue to provide that for Singapore. Lee said that it was not a problem, but he insisted that Britain should at least take care of finishing the education of their lawyers; after graduating from the Singapore Law School and they must be able to attend the dinners at the Inns of Court.

8.25 p.m.

You cannot get into the University of the West Indies to do the programme, so you cannot get into Hugh Wooding Law School. No matter what you do, the people who are getting into the University of the West Indies are handpicked. It is a Mafia operation. [*Laughter*] They pick who they want. Let me withdraw that statement, Mr. Vice-President. We have to justify.

I will be on the hustings myself, and I would question what provisions were made when they were in power to provide accommodation for graduates for people like the surveyors who remained 13 and 15 years and could not practise or, for that matter, the pharmacists who graduated from the University of the West

Indies and could not practise for the dentists. The Opposition stood here and said that the Government brought the Bill to provide for the dentists because one of the Members of Parliament had a son in it. Many of them are ashamed, because their families were involved and they graduated and were able to qualify to practise as dentists. [*Desk thumping*]

Trinidadians have to provide for themselves; in the absence of the ability of the region to do it for us, we cannot wait, and we should not wait and frustrate our own, preventing them from the opportunities that they are entitled to. I support the Bill, and I would continue to support it. I will continue to agitate—I am going to Barbados next week, and I am deciding whether I should go at all. The biggest discrimination in Caricom is when you are invited to go to Barbados when the tourist industry has a slump. They come here and campaign for you to go there, and they discriminate against Trinidadians. But they come here and are getting the places at UWI to enter the law programme so they could get into the Hugh Wooding Law School, and we are taking it.

With that, Mr. Vice-President, I thank you.

Sen. Dr. Anna Mahase: Mr. Vice-President, as usual I will be very brief.

The problems that arise today are not new to this country; they have arisen over a period of years. They have fallen upon this Government and it has taken the problem by the horns to look into a possible solution for what we are talking about. Therefore, I fully support this Bill that has been laid on the Table.

Whether or not people are aware of this, Trinidad and Tobago is paying the price for producing the most brilliant students in the Caribbean. If you look at the Advanced Level results throughout the Caribbean, Trinidad and Tobago, you will see, are well in the lead. When the University of the West Indies indicates that there is a quota system allocated to many of the faculties including law, medicine, dentistry and so forth, you can see where our students will suffer. There are very brilliant students who cannot get into the medicine with their three or four A's, and you have other students coming in from other islands with a lower type of certificate or not even three A's, it might be two A's and one B and so forth because of the quota system. If that is the system, we have to live with it, or change it.

I admire the foresight of this Government, because we have to take care of our nationals. We want them back into this country; we want them to go into the offices of the Director of Public Prosecutions. We need them in the government offices; we need them in many of our institutions, and if we do not, as a

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Government, do everything possible to assist them and ensure that they can come back here when they go to the United Kingdom and practise, then we would be failing in our duty.

I would like to support Sen. Dr. St. Cyr, Sen. Prof. Kenny, and Sen. Prof. Ramchand in the suggestions that they have made. I have been on the University of the West Indies' Council since 1976—so we are looking at something like maybe 24 years—and I have seen history unfold itself with that university. I am, in fact, supporting these hon. Senators in their idea of an alternative or another school of law in this country. It has to come, and it will come.

When we look at countries like the United States of America, Canada and so forth, the private enterprise is, in fact, going into education now, and they are, in fact, doing exactly what Sen. Prof. Ramchand just suggested. I would want to support the idea of some company or firm establishing, in fact, another law institution, and, of course, this will have to be certified, as suggested by Sen. Prof. Ramchand, by the College of Science, Technology and Applied Arts of Trinidad and Tobago.

Therefore, I just wanted to make those few comments and to fully support the Bill as it is, and to congratulate my Government on its foresight and concern for the nationals of Trinidad and Tobago. I thank you.

Sen. Muhammad Shabazz: Mr. Vice-President, after listening to the debate, this is, indeed, a serious night for Caricom and whatever happens in Caricom. The Attorney General would well know that this whole business of the University of the West Indies is really a Caribbean thing that was born really to assist students throughout the Caribbean. It happened at a time when the Caribbean was not as opulent as other countries were. In truth and in fact, Trinidad, which still pays the most money, bore the brunt of that money during a time when the country had money in order to assist other students throughout the Caribbean to get a proper education.

The question is whether Trinidad and Tobago, having paid the most money, should still continue to do that, but however it should go, there should be some discussion with the Council of Legal Education to ensure that students of the Caribbean get the best.

There is also the question about the admission to the Hugh Wooding Law School. This law school was born out of the need to ensure that people practising in the Caribbean could go to a place where they could learn about Caribbean law,

the law as it happens in the Caribbean, in order to be able to go out there to practise. It is important that it still happens.

My real point in this debate is to say, let us be very careful as to how we deal with Caricom. We may be saying this is only in education, but there are other matters in Caricom, because if we feel we have the upper hand and choose to pull away, we may be affecting a number of other things that will happen in Caricom. We need to be serious about it.

There have been certain attacks made tonight, I understand—my goodly friend over there who has chosen to withdraw one of his statements about the whole question of the Mafia issue. We need to be aware that when we say things about what happens in Caricom, we could be affecting our relationship in other matters; we need to look at that. This is a time that we ought not to really get selfish and to think that Trinidad and Tobago is an island by itself. All the work that we have been putting into Caricom to develop it and make it viable—we are talking about people travelling throughout the Caribbean without a passport; there are so many other things that we are talking about, that Caricom and regional integration is a vital thing.

We look at the European Community, which is an example. We look at states all over the world, pulling themselves together trying to be one, talking about one money. Do you know how it feels, Mr. Vice-President, when you go to Barbados and your money has no value, and you putting the most money in everything? I went to buy a roast corn in Grenada; I made a joke and handed the man a Trinidad \$5, he said, “That is ‘cockset’ money.” They do not even want our money, while we are doing the most things. It is important.

I remember speaking to somebody at a show in Barbados. This man worked throughout Caricom for a number of years, and what he said to me was that over the years all that we have tried, Caricom cannot come together, and we are doing all in our power to bring it together. I said to him that we should not give up, because now we have some new young minds who will probably bring it together. He said, “But we said that years ago; they keep saying the same thing and Caricom is not happening, because when we get back to our states we want to be insular and only see about ourselves, and think that because we are contributing or we have the upper hand, we do not care about Trinidad or the other states.”

It probably does not only happen in Trinidad and Tobago; it happens throughout the Caribbean. It may happen in other countries for other reasons. We are talking about education here, but just as we have a Caribbean cricket team, I

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would have preferred to see the Caribbean go to the Olympics as a team, that the Caribbean plays football as a team. But we cannot do that if when we are strong we feel that we should go it alone. My warning is that we ought to be very, very careful about that.

This whole education issue comes up again, and it brings a point. It was Trinidad and Tobago's thrust—not only for education, and this is the vital point—under the PNM government and Dr. Eric Williams, to give all students throughout the West Indies and the Caribbean, not only students from Trinidad and Tobago, an opportunity to be better educated. This is what the University of the West Indies was all about. That is why today, we still put more money than anybody else in the University of the West Indies, because we had a windfall before everybody else.

We are talking now because we put the most money, but we should be increasing money with this big windfall that we have, to ensure that we could help our nationals and other people, because the reason for putting the money was to make sure that more people would have been educated. We must be able to put more money.

Sen. Prof. Kenny: I thank the hon. Senator for giving way. I would just like to help the hon. Senator in his understanding of funding of the University of the West Indies. The funding that he is suggesting actually belongs to several years ago. The current position on funding the UWI is that each campus is funded by the national government, so that the Trinidad Tobago Government pays for the St. Augustine campus. It is not a question that we pay more than the others. There is the centre of the university which everybody contributes to, so the question of we paying more than everybody else does not really arise. It has not arisen for over 10 years.

Sen. M. Shabazz: I want to thank the hon. Senator, but I have taken from the hon. Attorney General that Trinidad and Tobago puts the most money in the Hugh Wooding Law School. If it is funded, because it is in Trinidad and Tobago, maybe I could now make the request to let us put more money there.

From what the hon. Senator is saying the money goes to Trinidad; so put more money to ensure that people would get better loan interest. There would be easier access to affordable loans that people could get, and lower the cost to our students here. From the case that the hon. Senator made, I feel now that we have a better reason to put more money into Sir Hugh Wooding Law School. We cannot talk

about privatization, because when you privatize it is only going to increase the loan, the interest and the cost and make it harder for students to go to university.

What we are seeing is that although we are talking about education for all, it should not only be at the Common Entrance Examination level, but it should go right up to the tertiary level.

8.40 p.m.

It should go for everybody. That is what we want to see, not only people who could afford. Because it gave the opportunity to all and if it is going to be done because of more funding, we should be willing to do that for our students.

Again, I want to close off by saying, let us be careful of how we attack and deal with Caricom. All the regional institutions in Caricom are important to us. Whether it is the university, whatever it might be, they are important to us. Let us be more responsible in the way we deal with Caricom. Caricom is important to the development of this region. Where Trinidad and Tobago would have stood by itself years ago, the way that the world is now becoming, one global village, it is our duty to be more responsible and to ensure that we all come together, rather than do things to separate us.

Thank you very much, Mr. Vice-President.

The Minister of Finance (Sen. The Hon. Brian Kuei Tung): Mr. Vice-President, I just want to thank you very much for the opportunity to stand here. *[Laughter]*

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, I owe the Chamber an apology of not being in my seat, but I did not expect Sen. Shabazz to be so short. *[Laughter]* I think he outwitted me this evening in two respects: One, when he got up to speak and two, when he was so short.

I am not going to be very long at all. As a matter of fact, I just have to endorse the words the Independent Senators have said in this matter. I would ask the hon. Prime Minister of Trinidad and Tobago to request Caricom Heads of Government to invite the Independent Senators so that they can see the vision of Caricom. Because we in the Government thought that we were probably singular in that respect, because when you hear what happens at the Caricom institutions, you would see that the same philosophy which seems to underpin it, being enclosed and not opening up without destroying the integration movement, one sees that even though one is part of Caricom and one supports the concept,

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the idea and the commitment for Caricom, Caricom must be able to adjust to the changing times. That is all that we are saying. I just want to put on record again, that the Government of Trinidad and Tobago has tried everything possible to get the Council of Legal Education to change its philosophy.

As a matter of fact, I went to several meetings at the Council of Legal Education and several other Attorneys General tried to get the philosophy changed. When I attended a few of the Caricom Heads of Government meetings, these matters were discussed and several Attorneys General—as a matter of fact, some of the Prime Minister’s were on record as saying that they would not allow the nationals of their country to be subjected to any such policy of enclosure.

As a matter of fact, a few months ago the Prime Minister of St. Vincent and the Grenadines came here at a symposium on legal education and he made a public statement critical of the policy of the Council of Legal Education for having this kind of philosophy. He openly said that he would support Caricom but he would also support Trinidad and Tobago and any other country in any measure to ensure that their citizens are not denied the opportunity of legal education.

All this talk about sovereignty; about breaching treaty, really does not apply. As a matter of fact, the Constitution of Trinidad and Tobago is the supreme law of the land. It says that Parliament has the power to pass laws for the peace, order and good government of Trinidad and Tobago. Nowhere in that treaty or in the law that passed the treaty, did it take away the power of Parliament. And the fact that Parliament passes a law for the benefit of its nationals who are entitled to practise law within its country; within the sovereign space of Trinidad and Tobago, that can in no way undermine the Caricom treaty. Nobody is taking away the functions of the Council of Legal Education. Nobody is saying that the Council of Legal Education cannot operate the Hugh Wooding Law School. What this Bill is saying is that nationals who studied abroad and come back to practice law, are entitled to practise law in Trinidad and Tobago.

Mr. Vice-President, one of the recent scholarship winners, a young lady, said that her ambition and her wish is to study law as did the President of the country and to get a degree as Dr. Eric Williams did, at the Oxford University. Is the Opposition saying—and I think it would be very enlightening from what the Independent Senators have said—that this young lady who goes to Oxford University, gets her law degree, then returns here with the law degree—but because of space and because she did not get it at the University of the West Indies—she cannot get in at the Hugh Wooding Law School?

Is the Opposition also saying that if, for some reason, her parents borrow some money and she goes to do the professional course in the United Kingdom—so she has a degree; upper first or one or whatever it is—she, in effect, gets the professional training; she went into articleship and she returns to Trinidad and Tobago, she has to go and write an exam, but before she writes the exam she has to wait to get a space; whether it is a year, two years or three years, and when she writes the exam if they do not have space, she fails the exam?

Sen. Mohammed: Mr. Vice-President, one of the questions I had asked during my presentation was with respect to the number of students, like the ones the hon. Attorney General made reference to, who have actually studied abroad and are trying to get into a law school. I know he quoted a number of 500, but, to me, that included the students who are down here doing the degree as well. So can he make that distinction and, if so, give us an idea of the numbers?

Hon. R. L. Maharaj: Mr. Vice-President, there are about 500 students in Trinidad and Tobago alone. There are between 3 to 500 students in England who are nationals of Trinidad and Tobago studying law. I do not know where Sen. Nafeesa Mohammed has been living. Do you know how many students, over the years, have not been able to get through to the law school here and had to go abroad?

Picture it, Mr. Vice-President, as a parent you have a child who goes to school and is now ready to study law; applies to get in, and cannot get in. You want to make sure that this child gets an education, and you go and mortgage your house or whatever it is; or you get the sou sou and you send this child abroad to study. When this child comes back here to go to the law school, he cannot get into the law school. Then what would you decide to do now? You decide to borrow money again and send this child abroad to get his professional law course. When he or she comes back he or she cannot practise. Think about the injustice. And we are talking about supporting Caricom?

8 50 p.m.

This is not supporting Caricom. When they support injustice like this, they are undermining Caricom. [*Desk thumping*] Nowhere in the Caricom treaty—as a matter of fact, the Caricom treaty promotes justice. Nowhere in the Caricom treaty would it say so. What has happened, there is a cabal and that cabal wants it to go a certain way and, Mr. Vice-President, the PNM has facilitated that kind of cabal over the years. [*Desk thumping*]

Sen. Mohammed: Mr. Vice-President, on a point of order, the hon. Attorney General is misrepresenting the position of this side of the House in this debate in the sense that the statements he is referring to when he made the analogies and so forth, we made no such conclusions. I wish he would please desist from politicizing the issue and deal with it on the basis of—on its face.

Hon. R. L. Maharaj: Mr. Vice-President, they have come here and Sen. Shabazz got up represented the PNM's position and they are supporting the injustice against their supporters. The poor people in Laventille, the parents of the Laventille people, the parents of the people of San Juan/Barataria—

Sen. Shabazz: Mr. Vice-President, on a point of order, the hon. Attorney General is misrepresenting the position. Never did I say that we must maintain the position of Caricom. My point is that we must be careful what we say about Caricom as far as calling them Mafia and things like that. I would like him to be clear. I have never said that we want their position to stay as it is.

Hon. R. L. Maharaj: Mr. Vice-President, can I say, then, the PNM has supported this Bill?

Sen. Shabazz: He could say what he wants.

Hon. R. L. Maharaj: No, no, no. So you see what I mean, Mr. Vice-President? So what I intend to do is go to San Juan/Barataria and tell the people of Barataria/San Juan of how people had to borrow money, send their children to school and Sen. Nafeesa Mohammed came here and said that it is contrary to the spirit of Caricom for a Parliament to pass a law to emancipate the people from this injustice that Caricom has put there. [*Desk thumping*]

Mr. Vice-President, the only thing I am so happy about is that Ambassador Kamaluddin Mohammed has seen the light and the vision of the new Caricom in a changing environment. [*Desk thumping*] I would say as well that Ambassador Kamaluddin Mohammed is representing the Attorney General in St. Lucia in a few days' time at a Caricom meeting and also on the intellectual property legislation, because he has been emancipated also from the shackles of the PNM. [*Desk thumping*] So Mr. Vice-President, I have great pleasure in moving the second reading of this Bill. [*Desk thumping*]

Mr. Vice-President: Order please.

Question put and agreed to.

Bill accordingly read a second time.

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Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: The Bill constitutes five clauses. We will go clause by clause.

Clauses 1 to 5 ordered to stand part of the Bill.

Schedule.

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

Sen. Job: Mr. Chairman, I am just noting here in the Schedule, I do not know if it is legal jargon or a typo. It says:

“It is hereby certificate that”.

Mr. Chairman: We will take that as a typographical error. Yes, it is correct, it should be “certified”.

Schedule 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.

The Senate Divided: Ayes 17

AYES

Kuei Tung, The Hon. B.

Theodore, Brig. The Hon.

Baksh, The Hon. S.

Gillette, The Hon. L.

Gangar, The Hon. F.

Tota-Maharaj, Mrs. V.

Baksh, The Hon. N.

John, S.

Gray-Burke, Rev. B.

John, W.

John, Mrs. J.

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Mahase, Dr. A.

Ramnath, K.

Teelucksingh, Rev. D.

St. Cyr, Dr. E.

Kenny, Prof. J.

Ramchand, Prof. K.

The following Senators abstained: N. Mohammed, M. Shabazz, E. Job.

Question agreed to.

Bill accordingly read the third time and passed.

Motion made and question proposed, That the Senate do now adjourn to a date to be fixed. [Sen. Brig. The Hon. J. Theodore]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 8.58 p.m.