

*Leave of Absence*

*Tuesday, June 12, 2001*

**SENATE**

*Tuesday, June 12, 2001*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, leave of absence from sittings of the Senate has been approved for the following Senators: Sen. Raziah Ahmed, for the period June 09 to June 15, 2001 and Sen. Stanley J. Ryan during the period June 07 to June 24, 2001.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following communication from His Excellency, the President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Arthur N.R. Robinson  
President.

TO: MR. DAVE COWIE

WHEREAS Senator Raziah Ahmed is incapable of performing her functions as a Senator by reason of her absence from Trinidad and Tobago: NOW, THEREFORE, I, ARTHUR N.R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DAVE COWIE, to be temporarily a member of the Senate, with effect from 12th June, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Raziah Ahmed.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President, St.  
Ann's, this 7th day of June, 2001.”

*Senators' Appointment*  
[MR. PRESIDENT]

*Tuesday, June 12, 2001*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Arthur N.R. Robinson  
President.

TO: MR. VINCENT CABRERA

WHEREAS Senator Stanley J. Ryan is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N.R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 12th June, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Stanley J. Ryan.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 7th day of June, 2001.”

**OATH OF ALLEGIANCE**

*Senators Dave Cowie and Vincent Cabrera took and subscribed the Oath of Allegiance as required by law.*

**COMPANIES (AMDT.) BILL**

Bill to amend the Companies Act, No. 35 of 1995, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Hon. R. L. Maharaj*]

*Question put and agreed to.*

**INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) BILL**

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Hon. R. L. Maharaj*]

*Question put and agreed to.*

#### **FREEDOM OF INFORMATION (AMDT.) BILL**

Bill to amend the Freedom of Information Act, No. 26 of 1999, brought from the House of Representatives; [*The Minister of Communications and Information Technology*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Hon. R. Maraj*]

*Question put and agreed to.*

**1.40 p.m.**

#### **ORAL ANSWERS TO QUESTIONS**

##### **Foreign Legal Opinion (Moneys paid and/or outstanding)**

- 5. Sen. Glenda Morean** asked the Attorney General and Minister of Legal Affairs:
- A. Could the hon. Attorney General inform the Senate of the amount of money spent by the State for the purpose of obtaining legal opinions from persons outside of Trinidad and Tobago on the interpretation of the provisions of the Constitution of Trinidad and Tobago relating to the appointment to the Senate of Trinidad and Tobago of the seven defeated candidates in the 2000 General Election?
  - B. Could the hon. Attorney General give details of the amount of money requisitioned and/or paid on the said matter and the persons who were requisitioned and/or paid?
  - C. Could the hon. Attorney General also state whether there are any moneys outstanding on the matter? If the answer is in the affirmative, could he state the amount outstanding?

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. President, in response to part A of the question, it is to be noted that the matter of the interpretation of the provisions of the Constitution of Trinidad and Tobago relating to the appointment to the Senate of candidates

who were unsuccessful in the general election was the focus of great attention and discussion at all levels of our society earlier this year. His Excellency the President made a public appeal for advice on his decision not to appoint as Senators the seven defeated candidates. The Attorney General, in the discharge of his constitutional duties, obtained legal opinions from five international jurists. These opinions were sent to His Excellency the President.

One is Prof. Sir William Wade, QC, who is the author of leading constitutional texts and who has several decades of outstanding legal practice in constitutional matters in several Commonwealth countries. Another opinion was obtained from Prof. Anthony Bradley. Prof. Bradley has had a very distinguished career as a constitutional, administrative law and human rights lawyer. A third opinion was obtained from Sir Godfray Le Quesne, QC who has been a legal adviser to the Government of Trinidad and Tobago for more than 30 years. The fourth opinion was obtained from Justice P. N. Bhagwati, a former Chief Justice of India and Vice-Chairman of the United Nations Human Rights Committee. A fifth opinion was obtained from Dr. L. M. Singhvi, MP, who is a leading constitutional expert and a distinguished parliamentarian. Dr. Singhvi was involved in drafting the constitutions of several Commonwealth countries, including that of South Africa.

The amount spent by the State for obtaining these legal opinions is \$131,860.30.

In response to part B of the question, the following are the details of the amount of money requisitioned and/or paid and the persons who made the requisitions and/or who were paid.

Sir William Wade, QC	—	TT \$28,240.20
Mr. Anthony Bradley	—	TT \$14,120.10
Justice P.N. Bhagwati	—	TT \$10,080.00
Mr. Timothy Straker, QC who assisted Sir William Wade	—	TT \$18,820.00
Sir Godfray Le Quesne	—	TT \$60,600.00

This is in the process of being paid. The fee of Dr. Singhvi for his opinion amounted to US \$2000. However, Dr. Singhvi very generously offered to waive this fee and therefore no payment is to be made by the Government of Trinidad and Tobago to him.

In response to part C of the question, the only sum that remains to be actually paid is \$60,600 due to Sir Godfray Le Quesne. This sum is already approved for payment and is in the process of being paid through the High Commission in London.

**Local Advertisement  
(Moneys spent)**

- 6. Sen. Glenda Morean** asked the Attorney General and Minister of Legal Affairs:

Could the hon. Attorney General state the amount of moneys spent by the State on local advertisement in both the print and electronic media in respect of matters pertaining to the interpretation of the provisions of the Constitution on the matter relating to the appointment to the Senate of Trinidad and Tobago of the seven defeated candidates in the 2000 General Election?

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. President, the matter of the interpretation of the provisions of the Constitution of Trinidad and Tobago relating to the appointment to the Senate of candidates who were unsuccessful in the 2000 general election generated much public debate, discussion and public interest.

His Excellency the President invited advice on his decision not to make appointments. His Excellency the President said inter alia, "I would like to hear learned comments, which one can rationally examine and accept or reject as the case may be." The Government, in an effort to bring to the public all information pertaining to this matter of national concern and national interest, undertook a public education programme. The cost of the public education programme is \$76,008.33.

**Local Attorneys  
(Representation for the State)**

- 7. Sen. Glenda Morean** asked the Attorney General and Minister of Legal Affairs:

A. Could the hon. Attorney General state whether any local attorneys were sought to represent the State in the two Constitutional motions, Nos. 3223 of 2000 and 3224 of 2000 filed in the High Court of Justice of Trinidad and Tobago by William Chaitan and Winston Peters against Farad Khan and Franklyn Khan respectively?

- B. If the answer is in the affirmative, could he explain why it was necessary to employ foreign counsel to represent the State; and
- C. If the answer is in the negative, could the hon. Attorney General also explain why local attorneys were not sought to represent the State?

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. President, in response to part A of the question, constitutional motions No. 3223 of 2000 and No. 3224 of 2000 were filed in the High Court of Justice by William Chaitan and Winston Peters against the Attorney General. Leave was granted to Mr. Farad Khan and Mr. Franklyn Khan in January 2001 for them to be joined as respondents in the matter. Local attorneys were retained to represent the State in these two motions. Two local attorneys were instructed by a local instructing attorney in the substantive hearing. In one interlocutory matter, the local instructing attorney instructed a local Senior Counsel in the absence of Mr. Guthrie, QC.

In response to part B of the question, the Attorney General considered that English leading counsel, Mr. James Guthrie, QC, should also be retained to appear for the State because of the political subject matter of the proceedings and the need for the Attorney General representing the State to adopt an independent and non-political role. In addition, the issues raised in the proceedings involved specialized knowledge of election law and also knowledge of the historic principles, practice and rules of the English House of Commons. Mr. James Guthrie, QC is very experienced in this specialized field of law. Further, the proceedings are likely to be the subject of eventual determination by the Judicial Committee of the Privy Council in London and Mr. James Guthrie, QC has represented the State in several constitutional matters before their Lordships in the Judicial Committee of the Privy Council.

Having regard to the answers given in response to parts A and B, Mr. President, part C of the question does not arise.

**MOUNT LEBANON INDEPENDENT SPIRITUAL BAPTIST CHURCH,  
THE SACRED CHOICE OF HEAVEN (INC'N.) BILL**

*Question put and agreed to,* That a bill for the incorporation of the Mount Lebanon Independent Spiritual Baptist Church, the Sacred Choice of Heaven and matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

*Mt. Lebanon (Inc'n) Bill*

*Tuesday, June 12, 2001*

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Hon. L. Gillette*]

*Question put and agreed to.*

**UNIT TRUST CORPORATION OF  
TRINIDAD AND TOBAGO (VESTING) BILL**

Bill to repeal the Unit Trust Corporation of the Trinidad and Tobago Act, Chap. 83:03 to vest the undertaking, real property, specified assets and functions of the Trinidad and Tobago Unit Trust Corporation in UTC Financial Services Limited, UTC Holdings Limited and UTC Trust Services Limited and for connected matters [*The Minister of Finance*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Hon. L. Gillette*]

*Question put and agreed to.*

**PROCEDURAL MOTION**

**The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette):** Mr. President, I seek leave of the Senate to deal with Motion No. 2 before proceeding with "Bills Second Reading".

*Question put and agreed to.*

**EDUCATION (LOCAL SCHOOL BOARD) REGULATIONS**

**The Minister in the Ministry of Education (Sen. The Hon. Roy Augustus):** Mr. President, I beg to move,

*Whereas* it is provided by subsection (1) of section 86 of the Education Act, Chap. 39:01 (hereinafter referred to as "the Act") that the Minister may make Regulations generally for the purpose of carrying the Act into effect and in particular for prescribing anything that is, by the Act, required to be prescribed:

*And Whereas* it is provided by subsection (2) of section 86 that Regulations made with respect to section 23 shall be subject to affirmative resolution of Parliament:

*And Whereas* the Minister has on the 28th July, 2000 made the Education (Local School Board) Regulations, 2000:

*And Whereas* it is expedient that the Regulations now be affirmed:

*Be It Resolved* that the Education (Local School Board) Regulations, 2000 be approved.

Mr. President, the amendment to the Education Act, No. 1 of 1966, which allows for the setting up of local school boards, was passed in the House of Representatives on January 19, 2000 and in the Senate on May 09, 2000. These Regulations were passed in the House of Representatives on March 09, 2001 and we now bring them before you for approval. The Government of Trinidad and Tobago proposes to take a number of initiatives in respect of decentralization of education and of the restructuring of both the Ministry of Education and the education system.

The essential aspects of these reforms are to strengthen and promote school-based management, to promote links between school and the community, to bring education management closer to the communities and to make the Ministry more effective. The local school board will have a profound influence, Mr. President, on the way schools will be run, on the linkages between schools and the communities and will particularly address matters concerning the state of the school plant. It is part of the Government's policy of promoting decentralization and school-based management in the education system.

The concept of local school boards in Trinidad and Tobago has its origins in many earlier education reports dating from the Moines Commission, 1939, through the Maurice Report, 1959, to the Local School Boards Committee of 1987. The primary notion of the proposed local school boards is rooted in the concept of broad-based participatory planning in education at the local level, in which scenario the local communities and interest groups will have a direct input in what is essentially an important part of their lives—the education of the school population of their communities.

This effort towards decentralization has, for some time now, been occupying and continues to occupy the minds of a number of educational administrators. While there have been numerous reports and recommendations over the years on community participation, very little was ever attempted. Since 1968 to the present, there has been rapid expansion of the government secondary school sector of the education system. The general belief is that the system has outgrown the original structures put in place for supervision and management. Indications are that decentralization, community and stakeholder participation hold the key to effective management. It is anticipated that the successful establishment and operations of these local school boards will encourage and further develop a community spirit geared to accepting the responsibility for the general education of their communities.



The underlying philosophy for the establishment and operation of local school boards at government secondary schools is rooted in the firm belief that local school boards will enhance the capacity and capability of schools to achieve the objectives through the involvement of not only key stakeholders but also cross-sectional community, individual and interest groups in managing the school. In 1997, a Cabinet-appointed technical committee surveyed principals at government secondary schools. According to the responses, the overwhelming majority of principals, 91 per cent, was in favour of having and working with local school boards. The principals indicated that the following areas should have local school boards involvement:

Physical facilities management	91 %
Security	84 %
Fund-raising	80 %
Student support services	82 %

The management of a secondary school is a complex task. These schools deal with the shaping and moulding of the character and lives of young adults from all walks of life. Principals and teachers have to manage large plants and expensive equipment. The intention behind the establishment of local school boards is to encourage greater cooperation between the community and the school. This will involve as wide a cross-section of the interested community as possible, so as to contribute to the efficient management of schools.

Several problems, primarily in the upkeep and maintenance of plant and equipment, currently exist. Problems such as these more often than not place great strain on the resources available to any principal. Local school boards will share some of this burden and thereby create a more effective system in which principals, in conjunction with local school boards, will manage the schools. The duties and powers of the board are set out in the regulations which include the development of a strategic plan for the school plant, the development and implementation of school improvement plans, the mobilization of community support for the school plant, and the strengthening of community relations with specific members of the community specifically to highlight the areas in which the local school board has control.

### **1.55 p.m.**

The introduction of local school boards will allow positive action to be undertaken in a shorter space of time than as obtains presently. Too often the

complaint is that the Ministry takes too long to respond to the needs of a school. Local school boards will alleviate problems like this to a significant degree, as they will be able to use their initiative to expedite solutions by mobilizing the resources of the community for the benefit of the school. Mr. President, initiatives such as these facilitate the decentralization thrust of this Ministry.

There are 70 government secondary schools and it is impractical to expect that the Ministry of Education can deal with each school as its priority, whereas the only objective of the local school board is the efficiency of the school it manages. The local school board, Mr. President, is specifically empowered by section 18(l), (m) and (n) of the regulations to develop and implement maintenance programmes and security plans. The local school board is also authorized to promote fundraising activities on behalf of the school—section 18(l) and (o)—and to control the expenditure of the funds raised. This empowers the board and also gives it the real means necessary to effect positive changes.

In these regulations, Part I sets out the definitions. Part II sets out the composition and procedures of the board. In Part II, section 3(1) provides that the board shall consist of no more than 10 members: the principal, who is an ex officio member and nine others; six from within the organizations and associations related to the school, and three nominated by the Minister after consultation with the relevant interest groups and stakeholders within the community.

Section 3(2) provides for the appointment of the Chairman and Vice-Chairman. The principal is necessarily excluded from such an appointment. This was formulated in this way, as it was felt that it may be difficult for the principal to perform his duties as principal and Chairman/Vice-Chairman effectively. It would be onerous to place too many responsibilities on one individual, since the purpose of the local school board is to become involved in the management of the school and, by extension, share some of the burdens that currently rest on the principal exclusively.

Section 4 provides that the term of the board shall be no more than two years. Sections 5 through 17 deal with all the procedural issues of the board, including appointment of members, revocation of appointment by the Minister, the conduct of annual general meetings, ordinary meetings, the Constitution of a quorum, the voting process, the decision-making process, the recording process, and so forth.

Part III sets out the duties and powers. Section 18 sets out the role of the board and lists the duties and powers of the board for effective management of the

school. It was felt that the wording of section 19, “including but not limited to”, at 19(1), afforded the flexibility which the board will need as its role expands in the future. It was also felt that any overlap and/or conflict with the role of the principal would be eliminated by interpreting the relationship between the board and the principal as a symbiotic one.

The principal is an ex officio member of the board and, therefore, the aims and objectives of each are the same as the other. Mr. President, I think we have made out the case and I know that these regulations have been debated; they have been placed in the public domain over the last few months and that the final document that we have here is because of the responses which we made to those recommendations made by people in the public domain.

We want to ask the President to permit us to indicate that there are two matters of interest to education which have surfaced over the last few days. One has to do with the Springvale Primary School, and we want to indicate that we wish to respond that while there are comments from the public indicating that we appear to have a certain bias in dealing with the matter, as it relates to the other question of incidents that are taking place in the Arima Senior Comprehensive School, we would like to proffer that the two incidents are of different circumstances and that the Ministry is obliged to deal with every case on its merit. At the moment, we feel satisfied that given all the action we have taken, we are handling both matters competently.

We also, Mr. President, wish to look at the situation in Point Fortin where it has been raised that there are two schools which are now not functioning properly, and we want to say that in the case of the Point Fortin AC, the Anglican Church School, we have been in discussions with the Anglican Board of Management, funds have already been allocated, we understand that the contract has already also been assigned and that building will begin very soon.

We would like to point out that the Point Fortin AC is a school that has been in existence for a long time—very many years—and has been existing in a dilapidated condition also for a long time, right in the heart of a constituency which is in full support of another party and which did not take the necessary steps to ensure that Point Fortin AC, a leading school in the constituency, was dealt with properly.

With respect to Parrylands, a decision needs to be taken as to whether that school should be disestablished in light of its close proximity to Petrotrin's crude production facilities and ill effects on the health of the student/teacher population.

*Education Regulations*  
[SEN. THE HON. R. AUGUSTUS]

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No students are at the school at present. They have all been relocated to the Salazar Trace Government Primary School and the Forest Reserve AC Primary School. We will continue to monitor the situation, given the decreasing school population, to see whether there is a necessity for rebuilding the school elsewhere, or disestablishing the school.

Mr. President, in returning to the present matters at hand, there are many lessons to be learned from other more developed nations in the area of education and school-based management, and we have, in fact, looked at a number of documents from other countries, both developed and developing. We have looked at some of their systems and taken what we think can be used in our present environment to assist us. But, of course, most of our final inputs are as a result of our own local expertise, as I said before, because we listened to the recommendations by those in the public domain when the regulations were first put out.

While we understand that there are lessons to be learned, it is of critical importance that we as a nation begin our journey into the 21st Century effecting meaningful change. School-based management and the involvement of the community are necessary to ensure that the highest quality education is delivered to our children. The education of our children must no longer be seen as something unique and exclusive to any particular school. The time has come for us all to play a part in what is singularly the greatest commodity of any society: the children. To strive to equip them with the tools that will make them useful and vital contributors to our society. The benefits of implementing changes such as these live on long after the pioneers and continue for generations to come.

Trinidad and Tobago has been blessed with extremely gifted children, some sitting in this Senate here, having grown into adults, and it is only right that proper mechanisms be put in place so they can achieve their full potential.

Mr. President, I do look forward to the support of all the Members of the Senate. I thank you very much.

*Question proposed.*

**Sen. Prof. Ramesh Deosaran:** Mr. President, I have a few comments to make because of the very great importance of this initiative by the Government. The establishment of these boards serves not only purposes of the school, but more broadly, as the Minister indicated, purposes for the entire community and, in fact, that was the basis for establishing the school boards; the quality of networking that is required to make school life much more positive than it is today, especially

in terms of the social character of students coming out of these schools, and especially in secondary schools.

I am still not sure whether the input for this particular set of regulations and its parent Act, of course, have enough community input, as such, in the particular case of the schools that they are planning to, as they say, disestablish or move the children from one place to another. I was wondering, perhaps, in his response, whether the Minister could indicate the extent of consultations that took place with the respective communities for such a measure.

Be that as it may, Mr. President, I think there are some fundamental issues facing school board management of this type, especially one which has a preponderance of parents and community leaders. I refer, in particular, to the question of corporal punishment. We have heard imminent legislation in that regard, and we have heard the teachers' union conveying some sentiments in terms of how it feels about the implementation of corporal punishment, but I believe we have not heard enough from the parents, in particular, the parent-teacher association.

Corporal punishment, in relation to students in schools, is a matter that has direct connection to parenting, the feelings and the views of parents, and whilst we have heard in one way or another from different experts of one kind or another, on the very question of corporal punishment, I think the role of parents now should be made clear, and it should be imperative upon parents to make comments as to how they feel about the concept and practice of corporal punishment in our schools.

I make this point, Mr. President, because the role of the parent cannot be easily substituted and, whichever way the parents think about the welfare of the students, they should convey those feelings to teachers as an extension of parental responsibility. That is the reality. In schools, teachers are, in a large measure, serve as substitutes for parenting, and I think on the question of corporal punishment, parents do have varying views on discipline; what it means, the limits of such discipline in terms of physical punishment, and what other modes or alternatives they would want. And I believe through the school boards, Mr. President, the sentiments and the convictions of parents could be properly conveyed to the school authorities.

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

Related to that, I think the concept of school boards and its practice as well, could be very significant in controlling the kinds of delinquency and violence that

we are having in the schools at all times, not only secondary schools but, in increasing numbers, in our primary schools. I believe that there are mechanisms for presentation.

In terms of the representation the Minister is seeking for the local school board authority, I think the presence of community police officers could be very helpful, because they have their own youth programmes and crime prevention programmes. It is not only a matter of decision-making in terms of maintenance and repainting the schools. I think the integration of the community policing officers on a school board could have a significant role, if not in decreasing but, at least, in controlling what is becoming a great concern, these rates of delinquency and even overt aggression in schools.

Related to that, if I might submit again, Mr. President, is the growing presence of community mediation centres to which the schools can also be connected through the school boards. So what we are saying, and I agree with the Minister, is that you have a multi-layered network established through the school boards drawing upon community resources and, in particular, through these different institutions, all for the benefit of the students. It is quite apparent, therefore, that we are not only speaking about academic development in the schools, but the schools are being seen in a very refreshing way as the purveyors of social character which is, in today's world, perhaps more important than academic achievement alone.

Mr. President, I thought I would take the opportunity to commend the Minister, especially for his first enunciation of a government policy. I have known him for quite a long time and I am very proud of his initiatives in this respect. I wish him well, because I think that the initiative is worthy of support.

Thank you.

**Sen. Glenda Morean:** Mr. President, I just have a few difficulties with the wording of some of the sections of the regulations. I do not have any quarrel with the intent of the regulations because I think it is something that we need to develop. It is an area where we need to develop the administration of schools in an orderly and proper way. These regulations are made under section 86 of the Act. In the first paragraph these regulations are cited as the Education (Local School Board) Regulations and they are purporting to relate to government schools established under section 23 of the Act. When we look at the Education Act, section 23 says that the Minister—unless there is an amendment to this and I have not got an amendment to it. If the Minister does have an amendment he can correct me and I will sit. But as far as what I have is concerned, section 23(1) states:

“The Minister may, whenever he considers it expedient, by Order constitute Committees of Management for any Government school, consisting of such number of public officers as he considers appropriate.”

When we look at regulation 2 in the definition section we see:

“‘Board’ means a Local School Board established for a government school under section 23 of the Act;”

But section 23 of the Act does not really give the Minister authority to establish a school board.

When we look at section 2 of the Act itself, which is the definition section, and we look at the meaning of the word “board” at the end of the page, it says:

“‘...Board’ means the governing body of an assisted school established under section 15 for the purpose of exercising such powers and performing such duties with regard to the control and management of an assisted school as are conferred or imposed on it by this Act or the Regulations;”

So the regulations here seem to be establishing a school board, whereas, under the enabling section, the power that is really given is for the establishment of committees.

When we look further, on the second page, the composition and procedures, *et cetera*, we see that Regulation 3(1) says:

“A Board constituted by Order made under section 23...”

So it is quite clear that we are dealing with government schools and not the assisted schools.

“...shall comprise—”

Section 23 is really set up to provide for a committee to replace the supervisor that is created under section 24. [*Interruption*]

**Sen. Augustus:** Mr. President, there was an amendment to the Education Act which called for the substitution of the word “board” and it was passed both in the House of Representatives and the Senate.

In fact, I quoted it in the early part of my presentation when I said that the amendment to the Education Act, No. 1 of 1966, which allows for the setting up of local boards, was passed in the House on January 19, 2000 and in the Senate on May 09, 2000. It might have been distributed with your documents, but the amendments were there. It is as a result of that, that we then brought these regulations to the House of Representatives first and now to the Senate.

**Sen. G. Morean:** Could I have the number of the particular Act?

**Sen. Augustus:** Act No. 26 of 2000.

**Sen. G. Morean:** I am, indeed, grateful, Mr. President, because this is why I prefixed my remarks with whether there was an amendment, because I just sought from the library to see whether there was an amendment, and I was told that there was no amendment; but thank you nevertheless.

Regulation 5(3) says:

“The Minister may revoke the appointment of a member, other than the Principal, where—

(d) he is mentally or physically challenged rendering him unable to perform his functions as a member.”

I have a little difficulty—while these are terms of art—with the terms “mentally or physically challenged”. We should have those terms properly defined in a legal document so that we would have no doubt as to what is intended by the words “mentally or physically challenged” because we use these words in everyday parlance. We tell people that they are mentally challenged. You may look at people and say, “You are mentally challenged” or “physically challenged.” [Interruption] No, I am not pointing to anyone in particular. But we need to have this properly defined.

Mr. President, subsection (5) states:

“A member may resign at any time after providing one month's notice by instrument in writing submitted to the Minister.”

I think this ought to be clearer. It ought to say something else, because we want to know what happens if he does not give one month's notice. Does he just get up and resign? It should be clear that he could resign at any time without necessarily providing for the one month's notice.

In Regulation 7 where it states:

“Subject to these Regulations, a Board may regulate its own procedure for the conduct of its business.”

I would think that you would want to use the word “shall” there and leave no doubt about it as to what are the powers conferred on the board.

In regulation 12(2) while it is true that it is clear what is meant here when it says:



“Unless for good cause, the Principal shall attend all meetings of the Board.”

And there is Regulation 9(2):

“A Board shall meet on fixed dates...”

Regulation 12 states:

- “(1) At any meeting of the Board, a quorum is constituted of five members who are present.
- (2) Unless for good cause, the Principal shall attend all meetings of the Board.”

I think that after the word “unless” we should have the word “he is absent”. I think that should be inserted so as to make it quite clear what is being said.

Mr. President, Regulation 12(3) states:

“If a quorum is not constituted within thirty minutes of the appointed time for a meeting, the Chairman shall adjourn the meeting to a fixed date.”

I believe that we should add there:

“When the members then present shall form a quorum...”

So that the meeting can continue in such an event but it should not be left open so those words should be added at the end. I have no quarrel with the powers and duties of the board.

Thank you, Mr. President.

**Mr. President:** Hon. Senators, before I call the next Member, I just wanted to explain the procedure for the first-time Members of Parliament in connection with motions.

Since this is a motion it will not go before the whole committee of the Senate. It ends at the end of Second Reading when the vote is taken, so that if a Senator wishes to propose an amendment and feels sufficiently strongly about it, the Senator is obliged to put it in writing and forward it to the Clerk. The Chair will then formally propose it and Senators speaking subsequently can speak both on the original motion and on the proposed amendment.

When the vote is being put at the end of Second Reading, the proposed amendment would be put to the vote and depending on the outcome of it then the final motion would be put to the Senate.

I just want to reiterate for those of you who feel strongly about any amendments, you will be required to put it in writing and submit it so that it can be formally proposed by the Chair.

Thank you.

**Sen. Rev. Daniel Teelucksingh:** Mr. President, we have been anxiously awaiting the commencement of this new experiment designed for the management of government schools. We had this debate in May 2000. I am hoping, with the approval of the regulations, which I support, that there would be no more undue delays in the formation of these school boards.

We have been waiting a long time for some new experiment. We have a way at this level, parliamentary/governmental level maybe, of delaying very, very serious and important legislation and laws, the implementation and proclamation of these laws.

Mr. President, the question of violence in schools, particularly at secondary level, is a very serious matter. I agree, we are searching for answers and Sen. Deosaran mentioned family involvement. I know that this is one of the primary objectives of the formation of school boards: that is the involvement of the community. The Minister talked about "school based management" meaning community involvement, and I am hoping that this experiment will get off the ground very quickly.

### **2.25 p.m.**

The latest case we have had, and it is a tragedy—I cannot imagine a Form 1 student charged with murder of a neighbour—is of the two girls involved in some altercation in the South. They belonged to, one newspaper says, the Pleasantville Senior Comprehensive School and the Marabella Senior Comprehensive School and let us not fool ourselves.

I remember one day doing something like this, and referring to a school and the principal called me and said: "Why did you mention my school?" It is for the longest while a school like Marabella Senior Comprehensive—the hon. Minister mentioned a school somewhere in the deep South and he called the name. It is not the first time Marabella Senior Comprehensive—sorry the junior secondary—is in the news. Thanks for the correction. These schools are just one among so many where we have serious problems of indiscipline among teenagers, Form 1 students. Why are we losing a 14 or 15 year-old? What are we going to do with this young lady who has been charged with murder? In fact, one of the news

reporters has been very mild—attempted murder. We do not know how to categorize them; we do not have holding pens for them. You do not know what to do with them and they are our high school students. And the hon. Minister is quite correct in saying the greatest commodity of any society is our children and, I want to add, it seems as though we are losing them, and we must do something about this.

About two weeks ago, we had “No tobacco week”. I wonder what the schools had to say about that. A few days ago, I was talking to a Form 1 student and I just simply asked him—because his mother is having problems at home and I know very little about him—how many times he smoked this week. I asked him that question on Sunday, and he said about six times. His mother did not even know that he smoked.

**Hon. Senator:** Smoked what?

**Sen. Rev. D. Teelucksingh:** Smoked what? Good question. The Ministry of Education should not allow days like these to just pass like that, there should be some kind of observance, not only big advertisement in the newspaper—“No tobacco week”. “No tobacco week” should be observed in the primary and secondary schools; this is where they learn not only to pass exams, but also to smoke, and the same thing about the use of alcohol and the carrying of weapons in school.

I agree with all those who feel that the answer could well be in the home, and getting parents involved in the local school boards might just be a good move in the right direction. We need to do this quickly and we need to have parents involved in the composition of that board because most of these government schools do not have an administrative committee as the denominational schools. We need to have something like the administrative committees which would be stronger and they will be boards with a wider community base, and I have a feeling that the local school boards are certainly going to assist the principals, the vice-principals and members of staff in the administration of the schools.

I am hoping really and truly that the Government will speed up the process of getting this very beautiful project off the ground. We have tried all kinds of experiments: putting policemen in schools and increasing security and all that. I think the time has come when we need to get parents involved. I like this aspect of the Bill, and I really hope and pray that we would get the school boards constituted properly in all the areas, in all our communities in Trinidad and Tobago.

Thank you, Sir.

**Sen. Rennie Dumas:** Mr. President, thank you for the opportunity. I regret that I cannot join in the general expressions of favour and high expectations that greet the announcement that we shall be trying to pass the Regulations or affirm the Regulations. While I may agree with the intent in making the schools better, I know the Senator and the deputy Minister quite well and I have no reason not to trust his intention. When he talks about school-based management and community involvement in the management of the schools, quite lofty ideals with which one would normally agree, I find myself having to face the reality that we are really going to enlist 300-plus groups of people across the country without a guiding philosophy, without a set of rules, a set of concerns, and a set of instruments which would make them effective. We are really going to unleash 300-odd groups that the Government is in fact saying we would be taking no responsibility for it, because the Government has not yet told us what exactly is its policy for school management, what exactly is its policy in discipline and all the other things which Sen. Prof. Deosaran wants to tell us about and hopes will happen automatically by the installation of school boards. That is the part that is disappointing to me knowing the history of the presenter of the Bill.

The concepts are there and they sound good and the history is long in coming from the people who have presented them and the various commissions, but each time they were presented they were presented with a presumption that the rules that are set by denominational boards and schools will filter into the public school system by some means of reconciliation of what, by definition, must be disparate opinions as to how things work.

The denominational schools have all been guided by a strong range of common beliefs and views as to how things work and they come to the schools with a united perspective, because there is a national body run by the various religions which take charge of the schools, that is absent in this case. The Government has not replaced that, or has not inserted or created that central core of philosophy, principles or practices which should guide the government schools and, therefore, my fear is that the boards are going into disparate directions. There is the strong possibility that they would come into conflict with the internal view of the Ministers, the internal view of the principals and the supervisor as to how these schools should work, and that is a serious danger.

When I read what the duties and powers of the board as outlined in the Regulations say, the boards are now going to be responsible for supervision management, community involvement, stakeholders involvement, and they would have responsibilities for things like the development of a strategic plan for the

school plant, a number of things which we are now moving out of the arena of the professionals in the schools among whom I am sure the Minister would name himself. I agree with the concept that there should be client relationship between the schools and the community, but one has to ask whether the potential for conflict could not be ameliorated by putting in place a common code for management of the schools.

The question was asked as to what is the extent of input from the rest of the community that we are now going to charge with this responsibility. What is the extent of the input maybe from the teachers' union and its fear, TTUTA in particular? What is going to be the impact and the relationship between curriculum design, development, delivery and this strategic plan for the school plant that the board is going to have, the relationship to the operational and environmental audit of the activities of the school? Is there a common view of what should be the national indicators for a well-working school, an operational school, a well-managed school?

What is the context of the development and implementation of school improvement plans vis-à-vis the national plans by the Ministry of Education that they should have? Is it that the boards are now going to be empowered to rebuild these schools by whatever means they can? What are the implications for funding and financing of the schools? I have a serious fear that the boards and the existence of the boards could be used for avoidance of state responsibility in some of these government schools. I could tell you with very calm assurance that there is a significant problem and a fear among teachers that the boards are not going to keep their hands off personal and personnel management. There is a real possibility that we could have runaway boards with some serious implications for personnel management and activities of teachers and their terms and conditions of service, whether real or implied, and if that has happened at the national level, I am sure that the fears of the teachers that it can happen in corners of the country are very real.

Mr. President, I think that there has to be a reference as to whether the boards that we are going to put in place have any relevance at all to Tobago. Is there any reconciliation with the Tobago House of Assembly Act as laid out in part 34 which talks about the responsibilities of a secretary where there may be a secretary for education in Tobago? For finance, where there may be a secretary for finance in Tobago? Or section 25 of the Tobago House of Assembly Act where there is a responsibility for education given under the Fifth Schedule in that Act and as it relates to the board? Is there a reconciliation of that situation, Mr. President?

I look at the Act and I feel that there is a part missing, and I am sorry I cannot follow your directive, Mr. President, when it is suggested that the amendments could be placed here now. Maybe I would have to ask the goodly Minister to consider another section, because I consider the absence of a structure for the board and a place where the board plugs in structurally to the management system for the government schools, and if you do not have a clear place as to where they are plugged in, I think we can have some problems.

**2.40 p.m.**

The board is floating and if it is floating then you would have problems with articulation with the school management. When the board comes to these decisions, how are they going to enforce them, or ensure that the principals, the school supervisors or anybody else for that matter follow them? Is it cosmetic? Where would other institutions that have responsibility for the development of schools and education articulate with the board? And how? What are the processes or the measures for that? I believe we have a serious problem.

While the intention is that we should have the symbiotic relationship that the Minister spoke about, in reality we are dealing with people and by definition the board is made up of groups of interests. While I believe in the positiveness of human nature, the reality of conflict is real. How are these to be resolved in the board and between the board and other organizations? I wonder what are the responsibilities for the physical and other assets of the school.

I would be very afraid to consider what I have heard said among teachers, that the board is an instrument of neglect and that the board can be an instrument of avoidance of responsibility. There is a further danger. Some boards—and we have seen it in the distribution of capacity between the various religious boards and the impact on the various schools—therefore, on the various communities, are going to be very rich and powerful by the very nature of the communities in which they exist. Every schoolteacher in the primary schools, at one time, was very much aware of the placing of the earliest I.T. rooms in a primary school in Port of Spain, of which the Minister is very much aware and was very much related to. The rest of the nation was very jealous of that situation. The reality is that we may be setting down conditions for some schools to be very jealous of others by the very nature of the board and the environment in which the board is placed and in which the school happens to fall.

Are we then institutionalizing inequity and inequality in our school system rather than moving to the position where we are going to try to remove that

inequity and inequality from among our government secondary schools? I am sure that is not the intention of the Minister but I am very sure it could be an unintended effect of this Bill. Unfortunately, this time we cannot say it is an unknown and unreckoned effect if we continue without dealing with some of the issues that we have raised.

I go to school every day except when I am here, therefore I know the schools are in crisis. In fact, yesterday when we sat to talk about what should be the theme of this year's graduation, I tried to find the most charitable part of myself to suggest a theme. I am suggesting that maybe the only way that we can treat the schools is as an emergency; a war time emergency. In education today, the situation is dread. The reality is that what we have done, by some of our decisions, is make the schools ungovernable and unmanageable. Unless we move to ensure that the quality in the system is improved, this measure, unfortunately, does not give me the hope that I would have been glad to enjoy, given the deficiencies that I see and given the way the teachers and the communities have also joined their voices.

It is not enough to believe that you can copy what is happening in other schools because there may be vital factors that make the situation in those other schools work, but are missing in the public school system. Fortunately, some of the measures can be designed and must be designed but they can only be addressed if we come to them with open minds and with the fullness of the realization that we need to address them urgently. Unfortunately, these regulations do not go far enough. These regulations are without structure and without place and leave too many things unresolved. Thank you.

**Sen. Prof. Kenneth Ramchand:** Mr. President, before I begin I thought I should let the hon. Minister add to his information on the idea for local school boards. The first record of such an idea being voiced was in 1869 in the Keenan Report. Keenan was an Irishman invited by the Secretary of State for the Colonies to enquire into and report on Education in the Colony. What Keenan said and the fact that he said it—I am not repeating it just for information—I think, points to something about the nature of the local school boards that I feel these regulations do not quite achieve. What Keenan said was that:

“...all schools should be placed under the care of responsible persons having local relation to or connection with the places in which the schools were situated.”

And to Keenan's advice I would add that these people should have connections with the schools themselves.

**2.50 p.m.**

As I understand it, these regulations are here for our perusal only and we are not being encouraged to debate again the amendments to the Education Act, which has already been passed, and which enables the Government to substitute local school boards for committees of management. The Education Act calls for committees of management but the amendment is saying, “no committees of management—local school boards”.

The amendment to the Education Act was debated on March 14, May 02 and May 09, 2000 in the Senate, and there was, at that time, considerable discussion of the regulations. You will recall that on the first day when the regulations were mentioned, they had not been circulated at all, and the hon. Minister had to proceed by reading out the regulations while they were being photocopied to be circulated to us. But eventually, we got going and we had quite a reasonable discussion about the regulations, and certain broad issues were raised and certain questions were posed. I thought I would like to make a résumé of those issues because it is very pertinent to ask whether the regulations as they stand—or as they have come back to us—have answered the questions that were raised during the debate.

I think one of the strongpoints that came up had to do with areas of responsibility. The question was: Do the regulations suggest that the boards would usurp the authority of principals, school supervisors, the Teaching Service Commission and TTUTA with respect to academic and professional matters? The Minister was at great pains to make it clear that the local school boards would have nothing to do with academic and professional matters. Well, we cannot debate that now; that was a decision and the Minister explained that the boards would have nothing to do with professional and academic matters.

Another question that came up—and I think it is a very important one when we try to think about what the local school boards are being asked to do—was: Do the regulations suggest that the boards would duplicate the work of existing PTAs and alumni associations that perform many of the non-academic and community functions which are now being assigned to the boards? What would happen? Would we say we do not need PTAs again? Would we say that we do not need old boys’ and old girls’ associations again? What would be the relationship between the local school boards and these bodies, the PTAs and the alumni associations, that do so much to enhance the quality of the schools? One of the characteristics of the PTAs and the alumni associations, by definition, is that these people have living and intimate connections with the schools, and I think it would



be a pity if we were to push them aside and establish local school boards which did not have a proper representation from parents and alumni and people with direct connections to the school. So I think the regulations do not give one much comfort on this score.

The third issue that came up—well, I brought it up—was: Do the regulations relating to the boards suggest that section 10 of the Education Act will remain unimplemented? To refresh Senators, I would like to read section 10 of the Education Act:

- “(1) For the purpose of conveniently exercising the functions, powers and duties conferred or imposed on him by this Act the Minister may establish local education districts.
- (2) The Minister may appoint local advisory committees in respect of any local education district...
- (4) A local advisory committee shall advise the Minister on such matters as are referred to it by the Minister, and such a committee may advise the Minister on such other matters relating to education within the local education district as it considers fit and proper.”

So we have a national advisory committee on education, but this part of section 10 which calls for the creation of local advisory committees—that has never been established; and I am wondering whether the creation of those local advisory committees liaising with the national advisory committee might not have been the way to go, rather than the local boards. But certainly, talking about alternative forms of achieving what you want to achieve, I would have thought that the division of the country already, into districts, and the creation of local committees within each district, could either be a substitute for, or a valuable addition to, whatever we may eventually decide upon. So the amendment, when it came to us, did not delete section 10, but the regulations do not in any way suggest that there are intentions to do anything about section 10 of the Education Act.

Another very contentious point that came up was: Do the regulations help to clear up the situation with respect to school supervisors? The hon. Minister herself informed us that there were 40 school supervisors dealing with 600 schools, and she agreed that these supervisors were burdened with non-academic duties that prevent them from effectively carrying out the functions of improving the quality of teaching and learning in the schools. Now these poor 40 supervisors, running from district to district, would probably need helicopters to

enable them to visit each school once per year. Therefore, we thought that the boards might have assisted us to clarify what the functions of supervisors were, and take away from supervisors and give to the boards some of the administrative burdens and some of the day-to-day mechanical burdens that these supervisors are now being forced to carry, all of which made them very ineffective.

I did put this question to the Minister and I think her answer is worth recalling. I said to her:

“What I am really asking is: whether the Minister is telling us then that Government will have to come back with an amendment...”

relating to school supervisors? Because—

“...even if there is an increase in the number of supervisors, the creation of school boards will allow the duties of school supervisors to be reduced and whether the Minister then is going to come back to Parliament with an amendment...”

streamlining—

“...the functions of school supervisors.”

And the Minister replied:

“Certainly, if it is that those proposals are accepted for change with respect to duties and functions, we will have to come back.”

And she went on:

“Whenever school boards are appointed it is our view that they could be complementary to the role of the supervisor by relieving that supervisor of some of the duties, really in terms of provision and maintenance of the infrastructural needs.”

She said:

“...the role of the supervisor is that of a professional and the appointment of the school board will not undermine that professional integrity of the supervisors who will be expected to continue with their duties.”

So I do not see anything in the regulations that would suggest that that kind of division of function has taken place, and maybe the Minister can update us on what is the position as regards school supervisors. Will the Government be taking advantage of the fact that school boards are being established to try and streamline the functions of school supervisors?

**3.00 p.m.**

Another question that came up was: Will there be one school board for each school; one board for each primary school and one for each secondary school? If we did that, how much would it cost? How effective would it be? Would we find suitable personnel to put on these boards? The Minister affirmed that she wanted one school board for each school. I wonder if the hon. Minister who presented these regulations would be able to give us an update on the ministry's thinking, whether it should be one school one board right across the country. If that is so, what are the resources? Where would the resources be found to do this?

A very important issue came up with respect to the sentimental feeling we had, that these local school boards would be the beginning of a kind of community school, where people who live in a community would take an active role in making the school the community's school. One of the questions that Sen. Dr. McKenzie raised was whether we are in a position today to speak about community. I am trying to find the quotation. I hope that you would bear with me, Mr. President. Although I marked it, I cannot find it. She said that we talked glibly about communities, but when she looked at the schools in Tobago, none was located in the centre of any community. They were located in places that would be congenial to studying, but they are not community schools as these regulations wanted them to be.

If you look all over Trinidad, by implication, you would find that although it is nice to talk about community schools, we have to face the fact that children travel all over the place. Parents are committed to schools that are outside the region where they live. Therefore, by implication, the real connection should be that the members of the board should have connection with the schools. The children already have connection with the schools, now the members of the board will have connection with the schools.

A point was further developed by former Sen. Prof. Spence who talked about schools like QRC, that have no natural geographical catchment area. In fact, the catchment area is the whole island. How could you turn QRC into a community school without paying close attention to the Parent-Teacher Association and the Alumni Association?

Two big questions came up to considerable desk thumping, indicating the approval of the Senate. Sen. Dr. McKenzie asked whether the school boards will help to solve the main problems of education and the main problems of the schools. Although it was important, it was not the maintenance of the plant, but

the business of teaching, learning, teaching values and producing human beings capable of living and working together in a society. I think that by implication, she found that regulation had a very strong focus on plant; the maintenance of plant and raising money to improve plant and all kinds of capital improvements. She said that it was all well and good to do that; we need to do it, but these regulations would not solve the educational problems.

Sen. Yuille-Williams agreed with her by asking in her presentation, if we were embarking on a piecemeal way upon various kinds of small reforms, when the Minister declared that we have a massive problem of restructuring the whole education system. When you ask what part would the school boards—to be created and determined by these regulations—play in the massive problems of reorganizing the whole system of education, the answer is, very little. In a way, we are wasting our time on this question of the local school boards, if we do not set about solving the huge structural problem with respect to the system of education.

In commenting now on some of the sections in the regulations, I wish those questions remain in the background. They would help to explain why I raised some of the questions. Under composition and procedures of the board, we are told that the board shall consist of the principal who is an ex officio member and no more than nine others. The nine others would include a member of the school's staff other than the principal. I am not sure about the status of an ex officio member; whether he has a vote; whether he can be chairman and whether the principal, as an ex officio member has less status on the board than a member of his staff. I do not know. Maybe, the Minister can explain exactly what is the position of the principal on the board.

Sen. Dr. St. Cyr raised a very important point with which I thought the Minister had agreed. I do not see an amendment taking it. The former Senator in responding to (b)(3) said that there would be two members of the majority Parent-Teacher Association (PTA), at least one of whom must be female. Sen. Dr. St. Cyr in his very delicate manner wondered if it was not the intention to have these boards comprised entirely of women. Might I suggest that at least one of the members of the PTA should be male? The Minister agreed that “of whom one should be male and one should be female”, might be a good thing to insert. I have not seen it inserted in the regulations. I think that the question is still valid.

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

Mr. President, with respect to the member of the student body being a member of the board, I would like to hear from the Minister how this student is going to be

selected. Would it be the function of the student to bring to the board questions raised by the student body and the student council and then to report back to the student body what happened at a meeting of the board? I know that at the University of the West Indies, when there are student representatives, it always seems hard when at some point the student representative is asked to leave the meeting.

I think that a school board discussing teachers, students and parents, might very well find itself having a member of the student body there, a young person listening to the things that, perhaps, might be unpleasant and whereas adults can handle that kind of discussion, it might not be a good idea for a young person to sit there and listen to some of the tough talk that might well go on, on the board. I think if the student is on the board he has a right to be there but it is a problem. I am caught by the democratic principle that he is a member of the board and you cannot put him out. I am always anxious that there would be certain kinds of confidential matters relating to people's character, parents and fellow students that it might not be healthy for a student member of the board to be present and listen to. I would like the Minister to think about this. How would the student member of the board operate?

Three persons nominated by the Minister, as he deems necessary "after consultation with the relevant interest groups and stakeholders" within the community in which the school is located. I do not think there is time to suggest amendments, but I would really have preferred that these three persons who are nominated should be persons who have connections with the school.

Composition and procedures. 5(3) says:

"(3) The Minister may revoke the appointment of a member, other than the Principal, where—

- (a) he is absent without leave...
- (b) he is adjudicated to be bankrupt;
- (c) he is convicted of a criminal offence; or
- (d) he is mentally or physically challenged..."

(4) The Minister on the advice of a majority of the members of the Board may revoke the appointment of a member."

It seems to me that it is quite unnecessary for the Minister to have 5(3) that the Minister may revoke the appointment of a member on the advice of a majority of

the board. Section 5(3) (a) says, “he is absent”. Those would be things that would guide the board in making recommendations to the Minister. I do not see what is the need for allowing the Minister to revoke and then the board to recommend presumably, in other instances. It seems a bit messy. I sometimes cannot understand legislation that comes before us because when we complain it is said that is the way we have to put it.

“(5) A member may resign any time after providing one month’s notice by instrument in writing...”

Could it have been one month’s notice in writing or should it be written on a cutlass blade? I am not too clear why we are saying by “instrument in writing” rather than in writing. I noticed, and I raised my eyebrows, that the board shall meet on fixed dates and not less than once a month. Very onerous.

Section 15 is a matter of some concern.

“A decision of the Board may be rescinded or varied by the Board at a meeting subsequent to that at which the original decision was ratified and recorded in the minutes.”

If at one board meeting there is a decision on a book list and everybody may have started using it, and then two weeks later somebody high up decides that there is need for a different book list, could they come and change the book list just like that even though the communication has gone out that this is a decision of the board? Can a board really have the power to rescind its own decisions at the next meeting or should the rescinding be a more complicated matter so that people who have already received communication about the decision would get a chance to put their house in order? Maybe the Minister can explain.

“17. The Board shall send copies of the minutes, reports, budget requests and project proposals to the Permanent Secretary of the Ministry.”

So the local school board is doing a lot of work but it has to send all its minutes, all its proposals and everything that it wants to do to the Minister. Is the board just then a funnel assisting the Minister to have tighter control over the system? Is that decentralization? If every time you make a plan you have to send it to—I suppose if there are six hundred school boards sending in minutes every month, he is not going to read it. He cannot read it! I find that is a very strange provision.

“The Board shall send copies of the minutes, reports, budget requests and project proposals to the Permanent Secretary of the Ministry.”

What really is the power of the board? And that is the section I want to come to.

#### Duties and Powers of the Board.

Just to save time, my general comment on the section “Duties and Powers of the Board” is that these regulations really take away any kind of power to do good educationally from the board. It reduces them to people who implement policies taken by the Ministry and people who are raising money or finding funds to do things that the Government already wants to do; no initiative is being allowed. The board shall have duties and powers to manage the school. You are saying to manage the school and then to take it all away by specifying:

“...manage the school—

(a) in the development of a strategic plan for the school plant;”

Not a strategic plan for the school but a strategic plan for the school plant.

I have to say something about school plant. These regulations imply that thinking about the curriculum, the kinds of things you teach, the way you teach them, the kinds of teaching aids you introduce at the school is one matter, and the school plant; scrubbing and painting the wall, adding rooms and so forth is another. No proper educational system can divorce the things you teach and the way you teach from the kind of building, environment or plant in which it is done. You might have a school board planning all kinds of things, because, poor thing, it has no concern with the curriculum, the syllabus or the teaching and so forth. It is just saying we need a shiny new building, we need a big one, we need two typewriters, and look somebody is giving me a free Gestetner. So they are just throwing stuff—improving the plant. But who is going to use what they are throwing up? What is the coordination between improving the plant, which you are giving them power to do and curriculum development and various kinds of training programmes, which they do not have anything to do with? This separation of taking care of the plant from taking care of the children and syllabus seems to be a potentially very harmful divorce.

#### **3.20 p.m.**

When Sen. Dr. McKenzie read regulation 18(1)(d) under “Duties and Powers of the Board”, I remember very clearly what she said. She said, “But look trouble!” Regulation 18(1)(d) says:

“by receiving information, complaints and expressions of concern and hope from the public concerning the school and its members...”

This is Trinidad and Tobago, Mr. President. They are giving people licence to *mauvais langue* teachers, students and everybody—to go and report, to go to the board and tell on people. I do not know what the board will do with that gossip or hearsay.

If it is going to receive information, complaints and expressions of concern, we have to keep the gossips and the malicious people out of it by requiring that they make their complaints, not by instrument, but in writing, with documentation. So, if they were trying to make mischief, they would be called upon to justify what they have said. We know how things work. If someone whispers things often enough in the ears of the members of the board, they may very well be influenced against whomever the things are being whispered against. I find regulation 18(1)(d) a very dangerous part. We need to make sure that those who make complaints and express concern about the school and its members should do so in writing and with documentation.

As for regulation 18(1)(f) and (g), they sound good:

“(f) by requesting the assistance of local government bodies and other agencies and departments to assist in the maintenance of the school;”

If it were the case that the local government bodies were given a budget and told that so much was for education, and they did not belong to a different political party from the central government—the whole question of the relationship between central government and local government comes up here.

What will happen if there is a local government body that is different from central government? They ask them; they say, “No, let your party do it.” They will turn it into a party affair right away. Do you know how much assistance I have requested and not gotten, Mr. President? Requesting assistance is nothing. That has no teeth in it. What is the involvement of the local government bodies and other agencies in the departments in the maintenance of schools? That has to be legislated. You just cannot say, “Request it”. When you request it, they will tell you no.

“(g) by liaising with all relevant agencies in order to ensure that the school is adequately served with water and electricity and sanitation services;”

So I will sit down in Icacos and ring up WASA and say, “We don’t have water.” Do you think WASA will take me on?

The regulations tend to show, under “Duties and Powers”, that the local school boards are conceived of as agencies that will carry information to the



Ministry and that will “scrunt” and scrape around to see if it can raise money to build schools and make phone calls to WASA, et cetera. A good idea is the creation of local school boards and a good intention to involve the community, that is the parents and people who have connections with the schools—involve all of them in developing the schools. That idea seems to be lost by the present regulations.

With that, Mr. President, I thank you.

**Sen. Dr. Tim Gopeesingh:** Mr. President, this Education (Local School Board) Regulations 2000 provides a framework for the setting up of local school boards in secondary schools in Trinidad and Tobago—that is, 17 local school boards.

The whole issue of the creation of local school boards in secondary schools was debated both here and in the other place on several occasions in the year 2000. May I, for clarity, reemphasize what the hon. Minister Augustus just said for the benefit of Sen. Morean. This is the history of the Education Act.

In the Education Act, Chap. 39:01, Act No. 1 of 1966, section 23, the Minister was empowered by order to create committees of management for any government school. To give the Minister of Education the power to set up local school boards, it was necessary to amend that Education Act, therefore repealing the power to appoint local committees of management and to substitute the power to appoint local school boards.

On January 19, last year, the Education (Amdt.) Act, 2000, which allowed the setting up of school boards, was passed in the other place and in the Senate on May 9. The regulations made under the amending Act were passed in the other place on August 14, 2000. Unfortunately, the debate and passing in the Senate did not occur prior to the general election and, consequently, the proposed regulations lapsed. This is why we are here now again debating these regulations.

The regulations were passed in the House of Representatives on March 09, 2001 and, therefore, it now remains for us in this Senate to approve them before the hon. Minister can begin setting up the local school boards. That gives a perspective for Sen. Morean on the whole history of these regulations for setting up the local school boards.

I had mentioned on one occasion that since Independence, there were about 15 task forces on education and these were commissioned from 1962. As Minister Augustus mentioned, from 1957, a committee on general education was set up by

the Minister of Education under the chairmanship of Mr. J. Hamilton-Maurice. The terms of reference of Mr. Maurice's mandate were to consider the operation of the educational system of the country and make recommendations of future policy related to the curriculum, the improvement of academic and other standards and the integration of the diverse elements that comprise our population.

Mr. President, the Maurice Committee reported in 1959 and we are now attempting to implement—42 years later—the recommendations in that report that are relevant to the local school boards. The first recommendation on Mr. Maurice's report was that the country be divided into eight local education areas with each having a department of education and a local education advisory board. Persons on the newly created local school or interest groups, for example, religions, representative boards will be on education advisory boards. Recommendation No. 18 states:

“To establish a board of management for both assisted and government schools in each local education area at both primary and secondary level.”

**3.30 p.m.**

He recommended that it should be small, with six members drawn from the locality and with representation from the religious groups. Now, we are seeking to have broader stakeholder participation and broader representation.

Mr. President, some seven years later, we had the Education Act, No. 1 of 1966, which repealed the existing ordinances, and included in this was power given to the Minister of Education to appoint management committees for government schools. This power was deleted and substituted with the power to appoint local school boards by the Education (Amdt.) Act, 2000.

The next major report on the education system was called “A Draft Plan for Educational Development in Trinidad and Tobago 1968 to 1983”. The solutions proposed then addressed more the need to streamline and modernize the ministry itself at head office, and to increase the establishment of staff to deal with the burgeoning school population at that time—which continues up to today. Then came this education policy paper, 1993—2003, produced by the National Task Force on Education. That was a committee of about 20 eminent and experienced educators, chaired by Mr. Carol Keller then dean of the Faculty of Education at UWI. About 200 consultations were held throughout Trinidad and Tobago over a two-year period, which gave rise to the Green Paper and then the White Paper on education.

Mr. President, I remember giving recommendations to that committee in 1994. Some important wide-ranging recommendations were made and I would like to read one of the recommendations at 2.9.15:

“Divisional Boards of Management and Boards of Management of Denominational schools should be established to assist in the operations of educational services in the local areas. They should have a supportive and facilitative function.”

This is what the local school board was envisaged to be doing. I continue to quote.

“Their composition should reflect the educational interest groups - the denominational as well as secular membership/representation should be determined by the character of the local population.”

This is why the local school board is seeking to have a number of stakeholders represented on the board.

Mr. President, the last recommendation which, perhaps, accords most closely with the model envisaged today is the recommendation 2.13.14 made in the 1993—2003 White Paper. I quote:

“School Boards should help with the support and other programmes within the school. School Boards should not be given the power to over-rule on professional and educational matters.”

This would clear up what Sen. Dumas had been asking about, whether we would be interfering with the professional and educational matters of the school.

“Members of School Boards should be elected/nominated to Divisional Boards of Management to provide for continuity and co-ordination of efforts between the two bodies.”

Mr. President, these are recommendations from the Education Policy Paper (1993—2003) National Task Force on Education, almost 10 years ago.

**Sen. Dumas:** Mr. President, could the Senator say if the recommendations have been adopted by the present Government as its education policy?

**Sen. T. Gopeesingh:** Thank you, Sen. Dumas. I was coming to that shortly but as you asked, I will just drift from my talk and respond to your question immediately.

Mr. President, this Government has gone way beyond the recommendations on this White Paper on education. We have, in fact, created a revolution in the

education process in Trinidad and Tobago. There are scarcely any of these recommendations that have not been implemented, or are in the process of being implemented by our education system.

Let me start with early childhood education. In Trinidad and Tobago, it is only the students of parents who could have paid for early childhood education that were able to receive it. We moved early childhood education centres from about 10 to about 40, so that children up to age seven in rural areas could benefit from that process.

The old primary school curriculum was archaic and irrelevant to today's education system. We have now brought in a new primary school curriculum that is more relevant with things like self-esteem, entrepreneurship, moral values. Mr. President, all these things have been put into the new primary school curriculum. Please do not forget the whole question of the cost of primary school textbooks for parents who could not have afforded to purchase those books. We have reduced the cost of primary school textbooks from approximately \$1,500 to less than \$300 [*Desk thumping*] We have made the same books available for children who may have siblings close in age so that they could use the same book over a three-or four-year period. We have provided almost 50,000 needy students in primary schools with textbooks at the cost of nearly \$10 million so that their siblings could also use of them.

Mr. President, as far as this White Paper on education is concerned, they spoke about infrastructural developments. Out of the 500 primary schools in Trinidad and Tobago, our Government made infrastructural improvements to more than 150 of these primary schools within the last five years, and we are continuing to do that.

We have attempted to reduce the size of these senior secondary schools, which were unmanageable. The almost 1,500 students in the schools have now been reduced to less than 1,000. What we have also done is to reduce the teacher-to-student ratio in a number of schools, which was 1:35, to at least 1:30, whereby these classes are now more manageable so students could get the benefit of a more individual education.

It must not be forgotten that this Government abolished the archaic Common Entrance Examination, which had been the scourge for generations of students in Trinidad and Tobago, where 7,000—8,000 students were unable to get places in secondary schools. In referring to what Sen. Dumas asked—what about the universal secondary education where we have ensured, in the year 2000 that not

one student in Trinidad and Tobago was left without a place in a secondary school—[*Desk thumping*] we have built 14 new secondary schools in our five-year period and we are now in the process of another 10 new secondary schools under the Secondary Education Modernization Programme (SEMP).

Sen. Dumas, these are just some of the answers that I have for you on the question of how far we have gone with the recommendations of the 1993—2003 White Paper. There are many more recommendations that we have implemented, but for the sake of brevity this afternoon, I would not bother to delve too much into these other areas.

Mr. President, it is apparent from perusal of all these regulations—I will come back to the local school board regulations—entitled “Duties and Powers of the Board”, that the board is to have a significant and, we hope, a very positive role in assisting the teaching staff to perform effectively, whilst not in any way impinging on their role as educators. These local school boards will be supportive of the whole process of the management of schools, the security of the compounds and would help to implement a lot of policies and programmes which the principals, working by themselves, would have found difficult over a period of time.

Mr. President, it is clearly spelled out that the role of the board is a supportive one whereby it is expected to assist in the development and planning process of the school for the benefit of all its pupils, and of Trinidad and Tobago in the longer term.

**3.40 p.m.**

The board members of these local school boards will be expected to provide ideas and practical support in the form of their liaison function with bodies but relevant to the school. These bodies will include things like the local corporations, regional authorities, government authorities, public utilities and other institutions whereby they can network and discuss issues or problems emanating in the school and help to solve some of these problems and leave the teaching aspect for the principals and the teachers rather than for them to have to deal with all these problems of lack of utilities, garbage collection, security, et cetera. So this is a means of strengthening the institutional capacity of these 70 government schools by creation of these local school boards.

Mr. President, before I come to Sen. Prof. Deosaran’s comments on the question of whether there have been any consultations, let me first mention that the whole question of the formulation of local school boards was not done in a

vacuum, it was done by—as Minister Augustus said and for repetition it is important. We looked at a number of areas which have local school boards—for instance, the province of British Columbia, England and Wales, the province of Alberta in Canada and many more, but I will just give these three as examples. In British Columbia the powers of the board are far wider than contemplated in our local school boards, however, there is a greater degree of similarity between our proposals and the boards of British Columbia and these can be seen in the duty of the board to prepare and submit annual reports to the Minister. That is just one of the similarities existing between the province of British Columbia and our local school boards.

What about the province of Alberta? The steps that are being taken in our local school boards are much more conservative and cautious in comparison with the provisional school boards in Alberta. In England and Wales, the comparison to be made here is primarily that the objectives of the local education authorities, called LEAs, are far wider than those of our proposed local school boards. Our boards do not delve into the spiritual or moral development of the nation's children, although this is what the teachers are doing. Their role is a far simpler one. They are to manage schools so as to improve their quality and, by extension, the nation.

Let me just come to answer Sen. Prof. Deosaran's question on consultation. I will give a little history on this for a short while. In August 1996 the then Minister of Education, Dr. Nanan, appointed a committee to make recommendations for the establishment of local school boards at government secondary schools. This report was presented to the said Minister in February 1997 and Cabinet appointed a technical committee to review the February 1997 report. The terms of reference of the technical committee were to review the report and all the related documents in the context of the original intent for the establishment of local school boards involving broad-based participation in education at the local level, through the involvement of not only key stakeholders but also a cross-section of the community, individual and interest groups in managing the schools in order to enhance the capacity and capability of schools to achieve the objectives.

In February 1998 the technical committee submitted the report and Cabinet, in September 1998, noted the contents of the report of the technical committee and agreed to the establishment, by the Minister of Education, of local school boards in government schools. The next stage in establishing local school boards was the drafting of the regulations, which we are discussing here this afternoon, and rules to govern the operations of local school boards. Cabinet, in May 1999, approved

the Education (Amdt.) Act, 1999 as well as the Education (Local School Board) Regulations, 1999 made under section 86 of the Education Act, Chap. 39:01 and agreed to ratify the introduction into Parliament of the above-mentioned Bills and Regulations and that the said Regulations be promulgated upon enactment of the Bill.

What is relevant here, Mr. President, is that the Ministry of Education invited the public to comment on this Bill and the Regulations. These comments were then incorporated into the Note which was referred to the legislative and parliamentary committee by Cabinet and that committee met and considered the said Note, together with the comments from the general public, and recommended that the Bill and Regulations be amended along the lines discussed. So that, I hope, clarifies your question about the broader consultation for these Regulations.

You raised another important point, Sen. Prof. Deosaran, on the question of violence in secondary schools and in schools as a whole in Trinidad and Tobago. I want, first of all, to inform you that just today the Minister of Education had a press meeting touching on school intervention strategies during which she touched on the question of security. I believe that the Minister had set up six multidisciplinary action teams which were appointed to fast-track a number of existing school intervention strategies and they were mandated to submit their initial findings within two months.

The school intervention strategies, which were six, incorporated security, and one of the mandates was to identify the schools in need of special attention and to recommend special measures for eradication of indiscipline and violence in schools. Out of that there were short-term and medium-term recommendations, one of which I would like to mention and the short-term or quick wins, which he mentioned today I believe, was that some schools have been selected for intensive training. For instance, at the Marabella Junior Secondary School, all teachers, MTS staff and cafeteria personnel participated in a two-day training workshop aimed at fostering a better working environment between students and staff.

Then the medium and long-term security. The Ministry of Education, in March this year, authorized principals to spend as much as \$20,000, up from the \$5,000, without seeking prior approval to repair school perimeter fences. I know this is not what really—it is not too much in terms of indiscipline in schools, but this is for security and other minor repair works so as to improve the levels of safety and comfort in schools by diminishing the opportunity for break-ins and vandalism. Still on the question of security for our nation's schools, this Government is now implementing phase four of the security plan.

Of the original 235 primary schools requiring protection, Mr. President, 193 have been provided with security personnel. The security committee met today to prepare a draft of phase five which will take in the remaining schools and, as we all will recall, the list of schools was drawn up based upon the incidents and the risk of intrusion by vandals and the threat to students and teachers; and there are other areas for the longer term—school for parents, development of a code of conduct and alternatives to corporal punishment—and this is within your territory Sen. Prof. Deosaran, and just let me emphasize—the development of a code of conduct.

Mr. President, the Ministry of Education is at present consulting with principals, teachers and students in designing a code of conduct which will serve as a model for schools to pattern their own codes catering for their own unique issues and concerns. There is much more to be said on it. Just permit me for a short while to go into a little more detail on school security and indiscipline. In these local school board Regulations, 18 (n) to (h) and (m) taken together indicate the role which the school boards are given in working towards greater security in our schools.

Mr. President, school security in all its aspects, whether it be the perimeter fencing, locks to doors, security personnel at the gates or student or parent unruliness, is of importance, as we all know, to every single stakeholder in the education process. Lack of security, whether it be by theft of equipment or indiscipline in classes, can sabotage the educational process for the innocent majority of our pupils. It is in our interest to work together to find successful solutions and strategies to deal with security problems in the school environment, and this is what the local school board would assist in doing towards alleviating some of the security and indiscipline issues that are originating throughout Trinidad and Tobago.

Since at least the early 1980s, Trinidad and Tobago has experienced a wide range of types of violent attack in our schools. There has been pupil-to-pupil violence, pupil-to-teacher, parent-to-teacher and many other types of violence, often drug-related, and as early as 1983 a Mr. William Brown registered an organization called Students Protective Service, which organization was set up to train parents to volunteer to guard primary schools. He did this because it was apparent the government of the day, whilst acknowledging the risk at secondary schools, stated through the then Minister of Education, Mr. Clive Pantin, that it could not afford security at primary schools. So this is not a new phenomenon.

In the following year on September 02, 1985, Mr. Brown was quoted in an article entitled “500 security officers to patrol schools” as saying that they were



needed to save the children from the violent attacks of vagrants, madmen, abductors, rapists and drug pushers among other undesirables. Mr. President, Sen. Prof. Deosaran, some four years later in 1989 you will remember the NAR government jointly with the TTUTA group carried out a national consultation on violence in schools as well as discussing the whole question of corporal punishment which, at that time, still appeared to be sanctioned by statute. The report of the consultation exercise documented the various kinds of violence existing in the nation's schools.

It was only recently last year while Mr. Clive Pantin, who was chairman of the national advisory committee on education and I was the deputy chairman, that we were asked by the then Minister of Education, who is still the Minister of Education, to bring that report out of the cupboards, which was done in 1989, and a lot of work has already begun in implementing some of these issues and recommendations which were touched upon. Some of the major areas that were discussed in that paper were disruptive behaviour in class, theft of money and other personal property, fights, attacks on pupils, drug abuse, carrying of weapons, but, more importantly, that paper found that these attacks and different forms of violence were not limited to any one type of school or age or socio-economic group; and you as a sociologist would understand and know that and will confirm that. They also observed that the most extreme forms of violence were limited to a tiny percentage of pupils. I think that today we must also keep that point in mind. We have thousands upon thousands of schoolchildren ranging in age from pre-school to 18 years old. It is only a very few of them who are violent and disruptive.

Mr. President, the offences for which instances of suspension for a period of seven days were set out and general guidance was given on the question of pupils loitering in shopping malls in uniform were dealt with. There was a circular in 1999 sent out to all principals who were advised to adopt a policy of zero tolerance in respect of illicit drugs or weapons in the possession of pupils. In addition, they were requested to seek the advice and involvement of the community police in these cases.

Two months later in May 1999 a third circular was sent out to principals advising them to adopt clearer administrative arrangements which would assist in dealing with indiscipline. These included producing a school calendar of events, providing parents and pupils with copies of the school rules and providing a copy of the teaching timetable. Furthermore, greater student involvement was to be encouraged by the provision of a suggestion box, a school support team and

student councils. Other advice to the principals included the daily holding of assembly, the singing of the National Anthem and ensuring that the various religious bodies knew the timetable for religious instruction classes.

**3.55 p.m.**

On the question of corporal punishment, with the impending proclamation of the Children (Amdt.) Bill, 2000 and the abolishing of corporal punishment, the ministry through a programme of seminars, both at the Rudranath Capildeo Learning Resource Centre and in each of the educational districts is providing ideas and strategies for dealing with pupils in such a way that violent responses are prevented from occurring. Teachers at every level are being included in these seminars which began early in January and are continuing throughout 2001.

We have also embarked on a moral values education system, and having mentioned the strategies to be employed by principals to ensure that their schools' daily routine adds a spiritual and patriotic flavour, which would be conducive to a more centred, respectful and non-violent attitude on the part of the pupils, the initiatives which the ministry took to ensure that morals and values education became an integral part of the curriculum were implemented. It was part of the Inter-American Development Bank (IDB) funded Secondary Education Modernization Programme that a project officer was approved and appointed in January 2000, whose task was to introduce morals and values education into the new secondary school curriculum.

Mr. President, we have done a lot since last year in terms of assisting in the reduction of violence and indiscipline in secondary schools. We continue to work hard, as far as that is concerned, and I have given you figures to show how security has been increased and a number of measures have been taken to ensure a reduction in violence. It is not something that will be stamped out now. It is not something that will be stamped out in five years. It is something that will always pervade in schools, but it will be diminished very significantly when these measures are taken.

Mr. President, Members of the Senate, it is important for us not to delay the passing of the local school board regulations because these local school boards will work in tandem with the community in ensuring that all people in the community work towards owning the school and the students in the school, and that will be a significant role for every citizen around these schools.

Before I close, I just want to draw an illustrative analogy with what has been happening internationally. There is a black American educator named Dr. James

Comer, and we all are aware in the education system of the Comer process of education. He has single-handedly transformed black communities where the education system was going down rapidly and there was an increase in drug and illicit trade in some of these American areas, and he, as a psychologist in New Haven, Connecticut, started the whole Comer process of education which, in fact, was to bring the community together with the school so that the clergy, the business organizations in the community, the doctors, the dentists, the educators, all important members of the community would come together and work with the parents, the school administration and the principals to help devise programmes and policies so as to improve the education process in these schools.

Mr. President, he has really created a revolution in particularly the black American neighbourhoods where education was falling over a period of time and he has been reporting tremendous successes. In fact, his work has gone unparalleled, and the World Bank has now joined in the process of educating people throughout the world on the Comer process, and we in Trinidad and Tobago have sent representatives to be educated in the Comer process. They have come home and they are continuing to do the work. Now we are looking towards bringing these educators down to Trinidad so that we could educate all the teachers and principals, and when we set up these local school boards, they will be able to educate these local school boards in what their role and functions are going to be, so as to improve the development of the student.

Mr. President, I want to recommend, therefore, that we have no hesitation in adopting the regulations, as far as these local school boards are concerned, because we have seen successful models around the world: the Comer process, the local school boards in Alberta, in British Columbia, in England and Wales where they have all succeeded in ensuring upliftment of the education system and ensuring that the students benefit tremendously from this networking and collaborative effort with the local school boards.

Thank you very much, Mr. President.

**Sen. Joan Yuille-Williams:** Mr. President, this is one afternoon when I did not intend to make a contribution, because we had so much debate on the regulations before us last year. But I could not help, after hearing the last contribution, making a few comments and I will probably make a few comments on the regulations as well.

I do not know if the last speaker lives in Trinidad or is aware of what is happening here with the education system. When I listened, I could not believe

some of the things that I heard, and to end up almost sending us for ghetto training, I am beginning to wonder where we are going, because recently, I know that the Americans were recruiting some of our teachers here [*Desk thumping*] to go to America to teach West Indian children there, because they recognized there was a cultural relationship, and that their American teachers were not getting through to the local children who went to live there. Therefore they decided to come down here to recruit some of our teachers here to go up there to see if they could reach those children. That was the reason for it, but to tell me that they are taking some of our people here to go into the ghettos, or wherever it is in America—black neighbourhoods—

**Sen. Dr. Gopeesingh:** Mr. President, I never mentioned anything about taking our people and taking them into black ghettos. I mentioned that we are taking our people and having them trained in the Comer process. [*Desk thumping*]

**Sen. J. Yuille-Williams:** Do not worry to clap. Thank you. I know what that process is and ask myself why do I have to take our teachers from here to train them to come back here. Have you looked at the cultural values of both systems? Let us be fair to ourselves. We do not need that. Please! This is why I had to point this out, because this Government has been boasting about a “revolution in education.”

Here is another aspect of the revolution: taking the teachers from here to the United States to get this kind of training. I could not sit as a past educator and allow that to pass by. That is why he woke me up from my slumber, because I really did not intend to make any contribution, but I have to get this loud and clear so that the community will start to talk about it. Please let our teachers stay here. We could train them here in that. We send them abroad for certain aspects of training, but not for what you want to do with them. That is not going to solve our problem. As we said before, they created a “revolution.” They are creating one again.

I am not surprised, but I am very sorry that I have to make this comment, because a few years ago, I met this same speaker at a conference, and he mentioned to me that we had not done enough with the Regional Health Authorities (RHAs). I said to him, “Wait. Give yourself three or four years. Talk to me again.” I remember saying that to him at the Ambassador Hotel, and every time I hear something about the RHAs, I said to myself, “I told you so!”

People are quite willing and very quick to find fault with certain things, but we have got to let things lie. Probably some of us are not aware of Trinidad and how Trinidadians feel about what is happening in this place. This Government

had to rush last year, a few months before the general election, and make a change of personnel to see if they could rescue the mess they had put this education system into. I remember that, and I did not disagree with them for making the change. If I was in the position of the Cabinet, I would have made the change.

It was absolutely necessary to make a change, because we saw where the education system was going and we saw what the “revolution” was all about. Sen. Prof. Ramchand was on a textbook committee. He had to resign from it. We were serving textbooks with hundreds of errors and we were having an errata slip at the back of them, trying to correct the errors. Children were reading at the front and had to look at the back to see what was the correct word.

That was the “revolution in education” we had in this country! Therefore, to sit here this afternoon and try to condemn somebody else? They talk about the primary school curriculum being archaic. We talk about Keenan. They are going to say that is archaic? That suited the time. Education is a dynamic thing, and as we move through, we make the appropriate changes. That is what we have to do. One Government comes and does it; 10 years down the line, we need to change.

What could be more archaic than the fact that we were doing social studies and science for Common Entrance and they stopped it? What could be more archaic? Is that not going backward? They should be adding a little literacy in information technology. Is that not a backward step that we had that before and now you have changed it as we go forward? Why do they think we brought in social studies and science? Now they are talking about violence and they are knocking those things out.

We have to be thinking about it. Do not try to criticize others. They talked about the consultations—200. That is how we had our consultations: 200 consultations taken over a year. Thank God he said it. That is how we run a consultation. A long time, giving everybody a chance. I want to commend Carol Keller and the rest of the persons for that document. [*Desk thumping*] It was about the best we could find anywhere. Just follow the document and do not worry to send our teachers to America. It is right here. We have it here! [*Desk thumping*]

Why are they going to go there with it? They did not understand it, because the divisional boards of management he is talking about are not the same school boards they are talking about here. This board only carries the same name. The boards they have in Alberta and all those other places are different to the boards here. Their education system is structured differently. Not even the religious boards, the school boards of management, the Catholic Board and the ASJA Board are the same as this. This is something else.

I do not know why they put “board” and not “committee”. They got confused with their own language. Better they had left the word “committee” and they would not run into problems, but from the time they put “board” here, they will start going all over the world to get models for the board for these schools which do not even exist in certain communities. It is different.

We went along with the difference and we said “Yes, they are trying something,” but when they are trying something and they are trying to be as critical as they are and taking us backward, I really have to come to my feet and say enough is enough. They are carrying this joke a little too far. [*Desk thumping*] They talk about how they reduced the school population. All of us who live in Trinidad know after the Common Entrance they had to open all the doors to find places to stuff children. We accepted it. We would not say “place”. I say “stuff” and I know why I say that.

**4.10 p.m.**

We did everything we could; we had to live with it. We put schools in the wrong places. I do not want to go back to where we put schools. I know that people were trying to find places. We put children in different places. What “reducing” the population?

Right now the problem with the ministry is that they do not know where to put the children from this year’s Secondary Entrance Examination, because we filled all the places the last time; where are we going to ‘stuff’ some more children. I am saying “stuff”, because I know why I am using that word. Go to the Ibis High School right there on London Street and you would understand why I said stuff. The Government put up a huge fence the other day to keep the children inside; that will not help. Go right there and you will see. I would tell anybody in this Parliament, you must visit your schools. Go and visit that school; all the 500-odd children in there. It was a warehouse before; it is a furnace now, no oxygen, and those children are stuffed inside there.

The Minister is talking about curriculum, up to now that school does not have a curriculum for those children. In fact, they should not have been there in the first place. You are fooling yourselves with the whole idea of giving universal secondary education. If you put them there, you had a right to get a programme that would suit them; you had a right to get the teachers that would work with them. You do not have the teachers. There they have a number of young teachers and some retired ones that you had to bring in just to put a teacher in front of the class. They cannot handle the children there. I dare anyone to go there and see what is happening, and that is only the tip of the iceberg.

Today you heard about Marabella Junior Secondary School. When we were talking about this I told you that you were ‘stuffing’ children into Marabella Junior Secondary School. You took some of these children who were below the line, put them in that junior secondary school and you had some kind of special classes for them, but you did not provide teachers go with them. After all that, the children are just there dragging themselves through.

I understand that this year they cannot be promoted because they have not done much. There is nowhere to promote them to, but this is a problem for all of us, and we would accept the problem and try to help. But when you start to be critical of everything like that, you stood there and everybody thumped his or her desk. How are we going to move forward? We cannot!

We talk about the schools we built; cost overruns. We are investigating some of the schools. Let us be fair to the system. We came here to do something. We are talking about school boards which we are trying to put in place for some reason, to see if it would help but, at the same time, do not start to pat yourselves on the back when you honestly know that things are not right.

We powdered it up for the election. We fooled many people with the universal secondary education. Every morning when I listen to the radio, the parents of school leaving children call in to say that up to now they have not been placed. I am sure you listen to it and I am sure the Senator listens too. I listen to your radio all the time and I hear them calling him every day. [*Interruption*] [*Laughter*] All of them have said that the children have not been placed; they cannot find places for them. All right, they cannot find places for them; let us be humble and stop trying to criticize other people who have made great strides in our education system here.

Mr. President, you talk about the junior secondary schools. I cannot help it, but when we were leaving office we had talked of de-shifting. When you came into power, you came in on a platform of going to de-shift, because that was “the worst thing the PNM had ever created”, the junior secondary schools. That was a platform, de-shifting. Probably you were not around at the time. You were listening to the better voices at that time, Sir. [*Laughter*] So they were trying to de-shift.

**Hon. Senator:** You shifted. [*Laughter*]

**Sen. J. Yuille-Williams:** What has happened since? You now embrace the junior secondary system like that was the best thing that has ever happened to Trinidad and Tobago. Why? Because you have to find places for everybody. To

allow your version of universal secondary education go through, you had to find places, so the junior secondary schools were the best thing. I have not heard you talking about de-shifting again. How are going to de-shift? Where are you going to put the people? You are so glad to get the spaces, so you cannot de-shift. That is when you do not have a programme. You do not know where to go. You want to de-shift and you want to put everybody in school.

Education is difficult. We have a problem in the country; we need to know where we are going and we need to do it together. But to stand and read out a whole lot of nonsense to blame a former administration that was trying and had done a very good paper that you could use—If you use it and move on and a new administration that comes in continues the work, Trinidad and Tobago will get somewhere. Once you feel that everything you see there you have to change, then you have to talk about it.

Therefore, let us be fair to ourselves. We talked about indiscipline and violence. We talked about these schools, but let me just go to these school boards and tie it in. The hon. Minister was presenting this on school boards; I was a little embarrassed when Sen. Prof. Ramchand was talking, because he went back into the *Hansard* to see what we had said a year ago. I know if my friend, Sen. Mark were here that would never have happened to him; he researches everything. He needs to teach others.

I know that the hon. Minister is a member of the education community, even though he is here his heart is in that. If he had only gone back to hear some of the things which were said, I am sure he could have prepared, on his own, a much better presentation today, because he would have understood what we were talking about. Everything that Sen. Prof. Ramchand said today, we talked about that almost one year ago. What is hard is that we said that a year ago and the Minister responded in what we thought were some favourable terms. Now you cannot trust people when they tell you they are going to do something, and from the time they get into the Parliament they change. We saw that last Friday. [Laughter] The Minister responded and then we got the regulations just as they were. So what was the purpose? That is what gets me. What is the purpose?

I said I was not going to say anything today, because I had said all these things before, but they just fell on deaf ears. People were hearing but not listening—I want to put it down as that—so we got back the same documents. All he had to do was to go through it, see what everybody said then—and it is being said here to you again—and try to re-emphasize this thing, because we cannot change it; it is too late. But it is there and I am sure if the Minister had only done



that, he would have been able to ask some of the questions and question some of the things that are here. It is better that we did not push this so fast and made the changes, so that it could be a little more acceptable.

When we did it the first time, we were at both primary and secondary schools, I think; but today I am hearing that it is in government secondary schools you are going to start. When we started last year it was open to all schools. One of the problems we have—and it is the same problem with the Senator who spoke just now—that “board of management” means different things in different places. Remember this is only for government schools. It was said at that time when this was being presented, that the education boards of management found that these religious schools were doing so well, they thought that they could move from that to this for the government schools, but it is an entirely different thing. That is a board of management for a number of schools with a different focus and purpose. This only carries the name board but it is doing something entirely different.

In fact, I was a little bit wary when somebody said—I think it was Sen. Rev. Teelucksingh, with whom I did not agree too much this afternoon; I usually agree with him—it is an opportunity to bring a number of the parents to bear with the school. But this board calls for two parents, when a parent-teacher association says everybody is coming. [*Interruption*] Is it one? This “two members” of the majority parent/teacher organization in the school; that is what it calls for, two.

We also have the parent-teacher association there all the time, where all the parents are supposed to come to the parent-teacher meetings. We went down to the point where even sections of the school run their own, so that they can talk to the parents correctly. In that respect, what this is supposed to do, the PTAs had been already doing. What worries me in terms of the administration itself, is that, quite clearly, we do not understand what this is, because I remember—and I am saying it again—we had talked about restructuring, having these regional education districts called “REDS”, six or eight REDS, and each of these districts would come together.

What I was saying then and I still say now, we are doing these things piecemeal. I was asking them: How does this fit into the rest of the restructuring programme? I am still asking that. I remember making the point that you are taking all the information from all these schools and sending it to the permanent secretary who already has a lot of information, and I asked: Where are the school supervisors in the whole process? It seems to me that this was a process by which we could circumvent school supervisors.

I think at that time people started to think about it, because you are not going to the school supervisors; from the board straight to the permanent secretary. So there is another tier and layer there and you were having all these REDs, six or eight of them, and we were asking how these things would fit into all of those. One would have thought that that was the kind of consideration you were going to be doing, rather than just dropping this here and saying that you are going to do it.

I asked how many of those committees were established. Apparently some of them were never established and we have just removed that section and we are just fitting it into that Act, when we have a whole lot of changes going on with this whole thing. This is part of your document, “Restructuring and Decentralization of the Ministry of Education Final Report 1997”, all these things in here, and nowhere could this fit into this. You are going to have more problems.

I remember too—for those who did not know—that these boards would have been well treated. They were going to have a little office somewhere, their staff, computers and whatnot, and all the nice things, to which we said yes, and the chairman and members were all going to be paid a stipend. We even asked: What about the same schools in some of these areas? Remember it was primary and secondary, and we said, “You know what would happen; they are coming to occupy a little office in the school, with all this equipment and the school itself had absolutely nothing.” They do not even have an old typewriter. The principal does not even have a secretary, and here were these few chosen people—and I am being kind this afternoon—coming in to sit there to do work and they have all this at the school, and the principal and the teachers who are doing all this work, they would just talk and talk, and the pens and papers, and nothing was going on.

We even asked the Minister: “Could you not look at that?” Because, really, something had to be going wrong with the way we were thinking. We were not putting both things together. All of that we said at that time and I am surprised that nothing has been done. In fact, when I heard the response this afternoon, I did not get a response that tells me that people are serious about this. In fact, I heard something said by the last speaker when he talked about the religious aspect of it.

I know, in fact, that in St. Lucia they were trying to do this. I remember that even in Trinidad an assisted secondary school principal spoke to me about it, when we did it the last time. He said that there was a little discrimination, because here were the government schools getting a set-up like this—even though we found it was not the best in here—with the financing and whatnot, but what happens with the assisted schools. Their boards of management are different.

In St. Lucia they attempted to do something and they had the same problem. What I know they did was to set up boards of management with the assisted schools. This had nothing to do with the religious head. They spoke with the religious boards of management, but the local school board, they did set them up with those schools, even in assisted schools, but the membership of the board carried more of the persons of the various religions. So if it was a Catholic school, their local board contained more Catholics.

I am just saying that we have to think. You cannot get this in America. It is right here in the Caribbean; you cannot go to America to get that, it is different. We just have to think. When this was first put forward, we were being told that you could not interfere with the religious schools. I said all right. If I am a principal of a Catholic primary school and you are a principal of a government school, and you had support. I am asking myself, if at this level I do not need that support? We all need the support—how come I was not getting it?

So the religious focus of it was shown up in St. Lucia where the religious board of management spoke with the ministry. In fact, in St. Lucia they had resisted it stoutly and the way they got it around was that the religious board spoke to the management and they put more of that religion's members on the board and tried to work it out. The terms of reference were not the same as what we see here but, for what it is worth—

I was listening to my friend, Sen. Rev. Teelucksingh. As I said, normally I agree with him, but I do not know how this is going to help very much with discipline in schools. I do not see how this is going to help very much in that area. Probably it was not meant for that. Some of us are feeling that this would help in that area. I was speaking to the guidance counsellor in a school. Before I get to that—we were told that one of the persons involved in the last problem which had that shocked the whole of Trinidad, that some member of her family had told the person, “You better put some money aside, because you are going to have to put some money in that direction.” Which means to say that there was some signal or problem telling somebody that something was wrong.

#### **4.25 p.m.**

What support do we give when these people see their children going wrong? That is a question we need to ask ourselves. This school board would not help, but something is needed to help because the parents are talking to the children and some of them feel that is as much as they can do. They cannot afford to go to the psychologists and counsellors and in the schools where you have a counsellor—I have some of my students who used to work at the college.

One young lady told me she is a guidance counsellor for primary schools and she has 12 schools with which to deal. We could talk how much we want in this place. One guidance counsellor for 12 schools? She said she could only take referrals, so this means it is only when you kick the bucket, when you snap she could take you, which means there is no help to prevent you from getting there and even when she gets the referral she says she has to prioritize those that she gets. So you understand what I am saying. How many of those can she do having 12 schools?

We are thinking about it, we had 50 of those counsellors before, they are down to 33 now, and we wonder why. So instead of building on what we had, we are getting less and less of those, but it is serious. Seeing the problem, we need to focus now on that. On this board I do not see anybody here who could help with that, so we need to put in place and develop the whole question of guidance counselling and it is going to cost the Minister some money.

I also understand that they are supposed to be in the secondary schools—I think there is one for one or two schools. What can one guidance counsellor for more than one school do? We must know if the parents need to get some support, and in fact, we would have liked to have it earlier to see if we could prevent some of them from going the way that they are going. So this is something about which we need to think seriously as a Government and as a people.

I know that the university wants to run an MA course in guidance counselling so we could stay in Trinidad and Tobago and work here, but the fact that they have not started the programme, although some people have applied, is that those who are supposed to go—our teachers and those same guidance counsellors—cannot afford to pay, they just do not have the funding to do it. They are writing agencies outside to see if they can get the funding.

I appeal to the hon. Minister of Finance today realize, because that is critical, that and more money is going to be spent outside. If we could get at least 12 or 14 of these people trained with their Masters, then they can train more people because the first set we had, had some elements of training. That has stopped, there is no more training going on, so if one comes out of the university with psychology or sociology, one could qualify as a guidance counsellor. We need to train many more, so we need to put that money and let that first group go in right here at the university using distance education and get that training so they could train more because that is one way we are going.

That booklet on “*Violence in Schools*” that the ministry sent out, the strength of that booklet is in the appropriateness of the penalty for the crime: that is part of it.

We need to go much further than that. We have to start with our young children and help so we need to have money spent in that way. Yes, you want your school board but if you feel—and that is why I say to Sen. Rev. Teelucksingh that I disagree that this is going to go far in that respect. They are not going to touch it, we need to get into those areas of guidance and counselling to help our children because I agree with my colleague that we are in crisis at this moment and it is something that all of us need to think about.

I am not blaming anybody for it, I am just offering some kind of direction in which I feel we need to go at this time and, therefore, we need to spend the money; we need to put it into the Teachers' College as part of its curriculum. Every year 200 or so people graduate and if that could be an integral part of the curriculum, we could also see every year 200 more going out to the schools to assist and that is why I talk about revolution, doing things here that we have not been doing before and that is what I am also talking about.

Nothing is archaic in terms of the fact that when it is needed we have to move to it. We have to move in that direction and, therefore, we have to get there. Ten years ago you might not have thought that some of these things were needed as they are needed now. The world has changed a lot, we have had the television with all kinds of influences coming in, we have everything happening, we need to move to that and any time I am talking about schools and education I need to plug in for the HIV programmes. We have that destroying the rest of the generation and we need to spend some money even in our schools to help with that because sooner or later we would not have that generation. As the girl said, there will be that missing generation.

This afternoon is not an afternoon to get up to criticize something that you really cannot justify, that is not the point. We have come in, we have moved on a platform of education, we have done quite well, many people sitting opposite have benefited from the education of the People's National Movement. We are moving on. We do not stand up to look back to see what you have done. No textbooks, no discipline no uniform, will solve the problems as you have seen them. We have to go further than that, we have to do a little more. You could send out as many circulars as you want, in some cases they do not even have the money to get the uniform.

I am a little upset that people have not seen the truth in the whole matter, or they are not willing to accept the truth, and as I told my colleague, when you hear what is happening up there in the North West do not worry to criticize anybody

because all of us are sympathetic that there are so many things over which you do not have control and I want to say, you did not have control. What we need to do at this time is to put our heads together and see how we could make things work.

These Regulations are going to be put in place. How far they would go I still do not know and I want to agree, and we spoke about it in some areas where you have schools with communities, schools far away from communities, schools without businessmen to assist. How are you going to help the school boards? How do you help them with the training or what they are going to do? This is not too much of a problem because I have seen these things coming here and leaving. I have sat here and I saw mediation centres opened, and some have closed before they are even opened. I have sat here and seen that. I have even seen the Drop-in Centres—which were an excellent idea—opened and for the lack of funding, I have seen them closed and they are going to open again.

I want to tell you that these are things that happen. We have sat here and witnessed it, not that we are criticizing anybody, we are just saying to get serious, focus and see where you need to go. I know sometimes when you say something, a Minister who is responsible feels you are trying to get at him/her, it is not that you are trying to get at anybody, but you are just saying the plain truth.

Therefore, Mr. President, I hope this afternoon that people would understand that this does not solve our problem, we understand that when we say things from this side, it is not that we want to criticize we really need to help. Sen. Prof. Ramchand demonstrated this afternoon that the things which were said were very worthwhile and that nobody listened, and not even to ensure that we have a male and female on the board—as basic as that—do we make any changes. I am not too worried because I feel at this time that we should all be focused; I think we all have the welfare of the country at heart, and in spite of the fact that things are not going to go well, in spite of the fact that we still cannot find places for the children who are going to be entering schools now, and we are going to stuff a few more in, we have to just move on and be very serious. I am hoping that at the end of the day something could be done to help us with the education system in Trinidad and Tobago. We have problems which you need to understand, you do not have all the answers and I hope that you will listen to everybody including those of us who sit on this side of the Parliament.

Thank you, Mr. President.

**Mr. President:** Hon. Senators, a word of caution to Senators speaking in this Senate. I have already said that the conduct of the affairs of the other place is not a matter upon which any comment ought to be made in this Senate and when

there is any derogatory inference, it makes the matter worse. So please, do not make any comments about the conduct of the affairs of the other place.

We shall break for tea now and resume at 5.05 p.m.

**4.35 p.m.:** *Sitting suspended.*

**5.08 p.m.:** *Sitting resumed.*

**Sen. Dr. David Quamina:** Mr. President, I thank you for recognizing me at this time.

I agree with the concept of the establishment of school boards. As one of the previous speakers said, it is time for us to move into the 21st Century. Those of us who will not do so might very well be dragged into it screaming.

I have one or two problems with this. Are we going to find enough people to adequately fill on the boards of these many schools? Or as an alternative, is it contemplated that, perhaps, some of the schools in close physical proximity may be grouped together? This will ease up the personnel problem. If this is not the case it would be very difficult to find all the people informed about matters of schools that would be needed. Some of them may not have been to school since they left in seventh standard. There is a problem there.

I think the new boards would need time to organize their thinking with respect to the organization of the schools. They would need to identify the problems of the schools and they would need to establish priorities. Having established priorities they would need to implement those priorities. I see that there are several points that are listed as guiding-regulation under 18 “duties and powers”. There is also the relationship with the schools, the principals and the teachers. I think if we are going to be realistic about school boards, two years in which to achieve this sort of relationship is much too short. At least people who have spent their time looking at the schools and trying to be of use to the schools would like to be on the board to see some initiation of the results that come from it.

I chair a school board with a difference. I chair a school board that has authority, but I chair a board of a school with children who are hearing impaired. I have a problem with this because it seems that these children are without the purview of the school concept. They all learn sign language. They do other things as well. They cook, they sew, some of them are intellectually good enough to have attempts at the school examinations and come out at the end and do not find jobs that they would like to hold. What is the reason for this primarily? The prime

reason for this is that while children are deaf, some 75 per cent or more have residual hearing, and if this residual hearing can be amplified: in simple language, if they could be given hearing aids to amplify their hearing, they would make good citizens.

Many of us have had the opportunity on occasion to have dialogue with people and need to be told that those persons are deaf; they lip read or they hear minimally. The big problem is that most of these children come from poorer homes. Few of these children can possess hearing aids; and even fewer still can replace them, if, as in the case of children, they get broken. I can go as far away as the United Kingdom. They provide children who are deaf with hearing aids. Canada also does so. Let us come nearer home, even our neighbour, Barbados, considers it an obligation to provide their children who are hearing impaired with hearing aids. Why can we not do that here too? Why do we leave these children in the backwoods of our education programme?

I think it is only reasonable that these children be given the opportunity to form part of society. The Government has an obligation to provide them with the wherewithal just as they provide some children with food and some with books. These children need hearing aids.

**5.15 p.m.**

The third and last point that I want to raise is one of character building. I come from the generation where children behaved well. They behaved well because there was always the threat of a good spanking if they did not. I cannot see with the modern trend that advances that corporal punishment for children is wrong. Obviously, it must be controlled, but I think that the threat of corporal punishment can help the parents significantly in bringing their children up well. I suggest that these three points that I made are worthy of consideration.

Thank you, Mr. President.

**Sen. Joel London:** Mr. President, I was tempted to say this afternoon that this was probably the best piece of legislation that I have seen brought to the House by the Government in a while, simply because it was not clouded by “the Minister shall” and “the Minister will”. But I was just tempted. Because it seems as though all the legislation we have been seeing of late is coming clouded with, “the Minister will have responsibility”, and “the Minister will”, and “the Minister shall”.

We on this side welcome initiatives by the Government to regulate Government schools. It is hoped that these boards will address some of the serious



concerns facing our education system today. We welcome similar initiatives to deal with government-assisted schools. I promise I shall not be on my feet for very long; I just want to make a few brief comments on some things that still concern me where the education system is concerned.

I heard Sen. Rev. Teelucksingh speak a while ago about some schools and some of the problems that we face in some of the schools. There are several irregularities in several schools in Trinidad and Tobago. I want to ask the question this afternoon: Has the hon. Minister in the Ministry of Education, or the Minister of Education, paid a visit recently to some of the schools that we are hearing some of these concerns coming out of? Has the hon. Minister visited the Biche High School and looked at some of the concerns we hear coming out of Biche? Has the hon. Minister visited the Ibis High School? Does the hon. Minister know where the Ibis High School is?

Recently there have been reports coming out of Ibis High School that would frighten you. I hope that the school board can shed some light on some of the reports that we are hearing coming out of the model schools, for example—reports of drugs and weapons hidden in the ceiling. I would like the hon. Minister, or someone from the school, to correct me if I am wrong. I would like someone to put me at ease and tell me that my information is incorrect. There are reports of drugs and weapons in the ceilings of the schools. But the Government did not think about that when they put all children of the same ability in the same place. I hope the school boards will look into the irregularities of universal secondary education for all.

I remember the Prime Minister and the Minister of Education touting about a place for all; universal secondary education for all! Twenty-nine thousand-plus to go forward for the first time! They accused the People's National Movement government of putting 7,000 children—late developers—on the dung heap. I would like to ask the Minister this afternoon, through you, to shed some light on a letter that I have asked about before in this honourable Senate, and I am going to ask about it again this afternoon. If the hon. Minister cannot answer the question, then the question will have to go on the Order Paper.

I would like the Minister to shed some light on a letter sent to school principals telling them that students above the age of 14 could not write the Secondary Entrance Assessment examination this year. I find it strange that the population is growing at a rate, yet the number of children writing the SEA examination was reduced from 29,000-plus to 22,000 this year. This Government used some primary schools as Form 1 centres. Now that we have Form 2s, where

is the Government going to find places to put them? Is it that the Government has reduced the numbers going forward by keeping back 14-plus students in order to maintain a hundred per cent placement? That is the question we would like to have answered this afternoon. Is it that they have reduced the numbers so that the number is smaller so you can squeeze more of them into some little nook and cranny somewhere about the place?

The school above the rum shop only has one room. So when you have Form 1s going into Form 2, where are you putting the Form 1s? Is it that the Form 1s will be on the morning shift and the Form 2s will be on the evening shift? Where does the Government intend to put this new set of Form 1s, especially in a situation where the schools that they have used as Form 1 centres have no room to accommodate a Form 2? We have used primary schools as Form 1 centres. Now that we have used them, those same primary schools are indicating they have no room to accept any more students. Where is the Government going to find room to put these new Form 1s?

I would like the hon. Minister to shed some light on that letter, because I know for a fact that letters have gone out to primary school principals, indicating that there are students who would have sat the 14-plus examination, but were exempted this year from the SEA. If these students have been exempted from the SEA, then where are these children now? Granted that the number of students taking the examination this year would have been smaller because there were no repeaters, but I would like the Minister, through you, again, to tell this honourable Senate, if, in fact, this letter did go out to school principals telling them that all students, 14-plus, could not write the examination. Where are those students now?

Some of these Form 1 centres, as I have said before, have no room for a Form 2. Where is the Government going to find room to place these students? Is it that they are finding room by cutting the list by some 7,000 students? Because this is the situation with which we are faced. The list has gone from 29,000 to 22,000, and we are seeing that the number has been reduced by, one, the fact that there were less repeaters this year and, two, because all of these students were not allowed to write the examination this year.

I am always amazed when Sen. Dr. Gopeesingh stands and starts to speak. Every time he speaks I keep looking over my shoulder expecting the former Minister of Finance to come in and take back his budget speech. When we speak about the abolition of the Common Entrance Examination, that has not been abolished. The name has just been changed. [*Desk thumping*] That is all that they have done. Because there are things that should be put in place before the SEA that

were not put in place. We speak about the Continuous Assessment Programme that did not take place. So all that has happened, in truth and in fact, is that the name of the examination has changed. There are students who are still in primary school who will be undergoing the Continuous Assessment Programme, hopefully, that we can safely say will be taking part in the SEA examination, but the batch of students who wrote the examination this year did not write the SEA, they wrote the Common Entrance Examination by another name.

**5.25 p.m.**

These are the things we are dealing with when we speak about universal secondary education for all. Mr. President, my main concern this afternoon is that through you, I would like someone to shed some light on this letter which we keep hearing about. This letter has gone out to primary school principals.

As far as the regulations are concerned, as I start to read them, I get a little confused. I look at section 3(1)(b) that speaks about the composition of the board. The board is supposed to be comprised of persons with the exception of (i), (v) and (vi), where a member of the union is nominated by the union; a member of the parent-teacher association, is nominated by the PTA and a member of the past pupils association is nominated by that association. I have absolutely no idea who is nominating or appointing the member of the student body.

It goes on to say in (vi):

“three persons nominated by the Minister as he deems necessary after consultation with the relevant interest groups and stakeholders...”

This whole question of relevant interest groups and stakeholders will come up again, because it has left me confused. If all these stakeholders are sending forth their nominations, the union, PTA, and the past pupils association, I would like some light to be shed on who appoints the member of the student body, seeing that the Minister only appoints three persons after consultation with the relevant interest groups.

Section 23(1) of the Education Act says:

“The Minister may, whenever he considers it expedient, by Order constitute Committees of Management for any Government school, consisting of such number of public officers as he considers appropriate.

- (2) Subject to this Act, a Committee established under this section shall exercise such powers, functions and duties as are conferred on it by the Minister.”

I go back to section 5(3) of the regulations which says:

“The Minister may revoke the appointment of a member, other than the principal, where—”

It goes on to state the circumstances under which the minister can revoke an appointment, again, with the exception of the principal.

The regulation goes on to subsection (4) which then states:

“The Minister on the advice of a majority of the members of the Board may revoke the appointment of a member.”

Does subsection (4) take back the fact that the Minister cannot revoke the appointment of the principal? Is it that the principal is a member of the board and therefore, subject to have his appointment revoked by the minister on the advice of the board? Can we find ourselves in a situation where the members of the board can be displeased with some action of the principal and they cannot have the principal removed? I am trying to understand it.

On one end it says that the minister can revoke the appointment, other than that of the principal and then it goes on to say on the advice of the majority of the members of the board, he may revoke the appointment of a member. Is it that he may revoke the appointment of a member other than the principal? I would like to get some clarification on that. Is that revocation inclusive of the principal, being a board member; or is the principal above the board and cannot have his appointment revoked? What happens in the event that the majority of the board feels that the principal should be removed? This situation can very well arise. We have seen recently, where a school had a problem with a principal and he had to be removed. If such a situation occurs in this instance, can we say that the board can ask to have the principal removed from the board? Except he has a horse, apparently.

Section 5(1) says:

“Where a member is, by reason of illness or otherwise, unable to perform his functions as a member of the Board, the Minister may by Order, appoint another person to act as a temporary member during the period of absence not exceeding six months.”

It goes on in section 6 to say:

“Where a vacancy arises in the membership of the Board the Minister after consultation with the relevant interest groups and stakeholders, may appoint a person to be a member to fill that vacancy for the unexpired portion of the term of the Board.”

What does the Government mean by “relevant interest groups”? We are talking about any member of the board where a vacancy may arise. We saw in the constitution of the board that members were appointed to the board based on nominations by the various interest groups. The Minister appointed three persons based on consultation with the relevant interest groups. If a vacancy arises where a member of the union vacates his position, who appoints someone to replace that union member? Is it that the Minister has the authority? The regulation does not say whether or not the Minister has the authority.

In section 5, he makes the temporary appointment after consultation with anyone. It does not say that the Minister may order an appointment of another person after consultation with the relevant interest groups or stakeholders. With whom does the Minister consult to appoint the temporary member, if that temporary member was not nominated by the Minister? Some of these things have me confused. If it is in section 5 we are saying that the Minister shall make the appointment after relevant consultation with the interest groups, that should be included in the section.

Just for further clarification, I need to clearly understand who are relevant interest groups. One relevant interest group is identified as far as the Minister’s appointments are concerned. Is it that we do not consider the union, the PTA and the pupils association to be relevant interest groups and stakeholders? It is not very clear at all. We would like some clarification on that before we can give our assent to this regulation. I ask for clarification on all of these matters.

Thank you.

**The Minister in the Ministry of Education (Sen. The Hon. Roy Augustus):** Mr. President, I appreciate all the contributions made here this afternoon. It continues to demonstrate that we are all interested in the business of education and we want to work together. I particularly like the offer from Sen. Yuille-Williams during her contribution as to the fact that we have to work together to ensure that we produce quality work in our schools. I thank Sen. Yuille-Williams for pointing out to me that I made an error in my presentation, when I quoted from section 19 when I meant section 18.

**5.35pm**

There are just one or two things that I want to speak on, but I will speak generally in response to all the valid comments that have been made. Let me start at the outset by responding to the last speaker first.

At the moment I do not have information about that letter which was purportedly sent to schools, *vis-a-vis.*, children who are 14 years and over in the primary schools. What I can state quite clearly, however, is that discussions with the officers in the Ministry of Education have led me to be informed that the process of placing all the children who have written the SEA examination 2001, is well on the way and that there are no problems. [*Desk thumping*]

I also want to indicate that the information given to me by the technical officers suggests that there would be no need to purchase space in private schools to the extent that they were purchased last year. I do not want to tie myself down to a particular figure but it is only fair to inform the Senate that I have been told that we would not reach anywhere near 500 places to be purchased in private schools this year. My information will be that all children would be placed, and we would not have to purchase that number of private school places. Further, there is no school above a rum shop at the moment as far as I am aware. As far as I am aware the officers of the Ministry of Education were able to prevail upon the authorities in that school, and that school is now situated elsewhere with accommodation consistent with what we want our children to have, given our circumstances and given our resources at the present time.

I also want to indicate that there is a committee in the Ministry of Education at the moment working on the placement of all residual post-primary children; those who had not passed the exams in years gone by, and who remained in the system and who would not be writing the examination this year because they were not qualified. So there is a residual group of children in the primary schools presently and that matter is being addressed and they would also be placed come September 2001.

I have visited some schools in my short tenure as the Minister in the Ministry of Education. In fact, I went into the school at Blanchisseuse to see what was happening up there, and I also visited a number of other schools.

Mr. President, I want to state that I am considered as a town boy, and a town boy must know where the Ibis High School is because that is part of town. I have visited the Ibis High School. I popped into the Ibis school as I had promised myself very early in my tenure. I met officers of the Trinidad and Tobago Unified Teachers' Association there and I felt that it was not a wise thing for the Minister to interfere with the operations of TTUTA and the teachers who were talking about the business of the Ibis High School at that time and I informed them that I would return. However, I took the opportunity to talk to a number of the senior teachers, in fact, the dean in particular, and I eventually had a chance to speak with the

principal. I am very much aware of some of the problems that exist in the Ibis High School. I agree that the situation is not perfect but we have the idea and all educationists would want to have this idea where they must address the situation of a number of children in their school population who, for want of another term, fell through the cracks, and an effort is being made to deal with it.

What we have to do now is to ensure that we provide more support—I am not satisfied in saying that all the support has been provided and I have promised the Minister that I will work very, very hard with her to ensure that those children and teachers at the Ibis High School would be given all the support that we can necessarily give and I want to ask for the support of Senators on all sides of the Senate in this particular exercise.

I got the impression that there exists in the minds of some of us a confusion in terms of the operations of the local school board as it relates to the professional delivery of the curriculum that is handled by the principals and supervised by the school supervisors. The Education Act is extremely clear that the delivery of the curriculum and the professional services in a school are handled by the principal—plenty, plenty authority.

I know a principal who used to boast that in all Government agencies the manager with the most authority is a school principal; that the principal develops his strategic plan for ensuring that his school goes where he wants it to go in the full context of the philosophy of education as devised by the Government. He ensures that he does that and inclusive in that, would be things to provide support. The Government would never be able to give them all that is needed in our schools and, therefore, a number of peripheral things would have to be done; fund raising, making contact—and we do it all the time—with regional bodies, with corporations, making contact with international bodies, with the embassies. What these local school boards purport to do is to provide the principal with support so that they can relieve the principal of some of those duties and give him more time to ensure that teaching and learning take place in his school, and it frees up the supervisors to ensure that the supervisors do the work for which they have been appointed. That is, to go into the schools to assist the principals in ensuring that there is delivery of the curriculum and to work along with principals in a whole district. And this is where we are mixing up local advisory bodies and the rest, operating together and the supervisors are there ensuring that they provide the professional support to the principals and the teachers and where possible, develop in-service training programmes for the young teachers as they come on

board. They are given the opportunity to do all of that while these local school boards go about the business of raising money.

When I hear that teachers are worried and the principals are worried about the local school boards and whether they would take over the school, I know principals who say they do not want any parent teacher association in their school because the PTA would take over.

**5.45 p.m.**

My response to that is, if a principal allows a parent-teacher association or any external agency to take over the school to which he was appointed head, then that was not his school. He did not properly establish his control over that school. In fact, I want to tie in two things here. I know of a very large school with a very large Parent-Teacher Association—probably one of the largest in the Caribbean—and out of that large Parent-Teacher Association a small group of people was selected. Now when one looks back, that small group of people operated along the lines of the local school board that we are talking about here, to the extent that they were able to raise funds and to improve the school plant. In fact, they took a jump on others and established a laboratory for computers, so that when the Government was ready to distribute computers, it had infrastructure in place in that particular school and was able to put that school on the priority list. That principal was not afraid of parent-teacher associations or school boards taking over his school. It was his school.

I want to respond to Sen. Prof. Ramchand. Parent-teacher associations and alumni associations can work well with the local school boards. When Sen. Dr. Gopeesingh spoke about the Comer process, I smiled, because the Comer process is something from which we can say that the local school boards is a spin-off, in terms of using people with skills to assist as support agencies for the schools. One of the schools in the leadership in using the Comer process was the Queen's Royal College, which has one of the most vibrant alumni associations in this country. They existed side by side. It is a question of how one manages the exercise.

I really, as an educator, enjoyed Sen. Yuille-Williams. In fact, I enjoyed her to the extent that this afternoon my combative spirit will give way to responding to that request made by the lady Senator—that we should work together to assure that we get some of these plants going. While there were things I could have responded to, I will not. I will take up the challenge given by the lady Senator to ensure that all the things of which we have spoken will be addressed, for example,



the violence in schools. The Education (Local School Board) Regulations were not meant to be the panacea for all ills. These are just one of the planks we are using.

There are so many other things that are happening. For instance, Sen. Dr. Gopeesingh referred to the Minister, who had a press briefing today. She spoke about the report by six committees that are devising strategies for intervention in schools vis-à-vis violence in schools. The Education Project Coordinating Unit (EPCU) and the Secondary Education Modernization Programme (SEMP) are working with us—one IDB funded, one World Bank funded—to ensure the development of curriculum and teacher training. In fact, I was speaking with the director of SEMP on Monday afternoon and we spoke in terms of the re-engineering of the Ministry of Education so that we can manage the human resources within the administrative arm of the education system to get better results from what we are doing. There is a whole number of planks on which we are operating. This is but one. I do not buy the idea of schools not having a community. Wherever a school is situated, a creative principal will ensure that he uses the community—whatever is around him. There will always be a community with which a school can co-exist.

We need to get the community to buy in and be a part. There are some schools about which people do not know anything. People pass the schools straight and do not even know that there is a school there. We must get the community in. This is one way of doing it. Yes, it might be two parents, but two parents out of a large body—two parents whose involvement in the local school board will energize them to go back to the larger parent body and get them more involved in the process.

We are looking at all these things. We hope that Senators understand that we have to take it step by step. Education and the process of education are alive: they are not static, they are dynamic. Therefore, when we begin to operate this school board system, if we have to make amendments, then we must do so. I will not be afraid to come back here and say to Sen. Prof. Ramchand, “We were wrong. We must now implement what you have been proposing.” We are going out there and we want to go with all the goodwill. We want to go out there with your complete support.

I beg to move.

*Question put and agreed to.*

*Resolved:*

That the Education (Local School Board) Regulations, 2000 be approved.

**PLANNING AND DEVELOPMENT OF LAND BILL**

[Third Day]

*Order read for resuming adjourned debate on question [May 22, 2001]:*

That the Bill be now read a second time.

*Question again proposed.*

**Sen. Prof. Ramesh Deosaran:** Mr. President, this Bill has, in terms of its general objectives and contents, a long turbulent history. In two respects, there was, for example, a National Planning Commission Report, 1989, in which many of the questions raised in this Bill were documented in terms of what was needed for land reform, a particular instance being the bureaucratic delays and the need for coordination among the different agencies.

Following that, there was a document issued by the Town and Country Planning Division, *A Guide to Developers: An Application for Planning Permission*. In that document, again, the question of bureaucratic delays or what could be more untidily called bureaucratic bungling in handling both applications and the general question of land development was mentioned with deep seriousness.

**5.55 p.m.**

This guide to which I refer also mentioned the need to collaborate, to get advice from the Highways Division or the Traffic Management Branch in matters of development, especially residential or commercial development. There are two points, therefore; the history of concerns is there and a lot of time had passed without anything much being done about those concerns.

Secondly, we are faced with a bill which reflects, and properly so, integrated planning and for my own self I am wondering whether as serious as it appears, the Bill, when it becomes an Act, will be able to achieve the lofty objectives to which it aspires. This is a matter to be seen. I have, in my view, some serious points to raise, not that I have not raised serious points before, but I think whether there is agreement or not with them, I wish to submit with respect, they are very serious for current consideration.

The Minister, of course, in addition to what I have just said, had a lot of power—and still has a lot of power—under the Town and Country Planning Act. The question, as I will show, is how did he use those powers, which leaves me to the ambivalence to which I have just referred. It is not just a question of power

which is central to the intended legislation—this question of control by the Minister, which everybody is so jealously guarding. I think I would have to make a few comments on that issue to suggest how by the imperatives of governance, the assumptions over such centralized control have to be modified.

Mr. President, so what is it? It is not a question of power, the power was already there and the legislative basis was already there as well, in a large measure. I agree the need for integrated planning requires, as is evident through this Bill, integrated legislation, although it looks as if little bits and pieces were put together. It still makes sense, however, and I think on that score—I am sorry the Minister is not here, I guess he has a higher calling but it would do him well if his advisors or his colleagues try to bring what is being said here—not only by me but by the speakers following—to his attention.

The Minister himself has said it took him 10 long years to bring this particular document to fruition and he has also stated his grave discomfort with red tape and bureaucracy, so he is now bringing a bill which, presumably, intends to cut down on that red tape and bureaucracy. Mr. President, when you examine the Bill, however, you will recognize the Minister having to establish a national physical planning commission, which will be then empowered to appoint committees either in groups or as individuals. These sub-committees would also be required to consult or appoint other people ad hoc, if not statutorily, and on the other hand, the Minister would appoint these local authorities, these local bodies, from which other committees and sub-committees will be derived and you would really have a network of bureaucracy.

Mr. President, perhaps the effectiveness of this legislation is really a matter to wonder about. I am not disputing the need for bureaucracy and I will explain why. We need bureaucracies to run governments merely because it is part of public administration. In fact, we have had a minister of public administration, if only to accentuate the importance of public administration. I am speaking about proper public administration for good government. Of course the Minister in charge of this Bill is known for his passion to get things done, but like other men and women of passion, that is not enough; you need some guiding principles especially when you are spending other people's money, as is the case with legislation of this kind. We have quite a few ministers of passion; one went and paved the road and the savannah, I suppose with great passion and that is good. Men with passion can stand up for their rights at the right moment and so could women and should women. Passion is important but I think it should be judiciously guided by some principles of public administration.

Mr. President, with that in mind, I note that we are putting a tremendous amount of power in the hands of the Minister. In a sense I have no serious dispute with that so far. We are asked to put a tremendous amount of faith and confidence through clauses, in particular, 23, 24 and 25, although you note that there are some of what I would call, bullying clauses; bullying people to obey and if you do not obey, the popular word in this document is not merely reject or disapprove, it is rescind, which carries something that makes you want to shiver. It is very ominous because of its possible consequences; after processes have been gone over, suddenly they could be rescinded.

I, too, have no problem with that but it must be done—and one of the bullying clauses to which I refer is 23(7)(b) as an example. I still have no problem with that and I will tell you why, Mr. President. The country needs to be pulled up in several aspects of its national life. A lot of those aspects fall within the ambit of this legislation; the way things are done very chaotically and I suppose that is the dilemma. In terms of the Minister's powers: a suggestion which had formed the centerpiece of previous contributions, I think it reminds me of Thomas Hobbes' book on the Leviathan in 1651, when he said that without the State, life would be solitary, poor, nasty, brutish and short. At that time he was right because the need for structured governance was necessary because of feudalism, greed and hedonism that is found within different cultures, and also to control anarchic tendencies of one kind or another. The State, therefore, was seen as something virtuous and the ministers within that State were seen to be men who would preserve the freedom and the rights of individuals. I guess that is one of the premises used for justifying, today, control by a minister, I guess to prevent us from becoming nasty and brutish.

Mr. President, ministerial control, justifiable by an election process, is a very seductive argument. It is quite logical; that is to say, the official who is elected for particular purposes should be the one accountable directly to those who elected him or her.

**6.05 p.m.**

That is a very seductive argument, but, in large measure, Mr. President, it is the theory of government. It does not stand up to the proof and the evidence, the realities of how things operate, especially in a country as this one. Perhaps I can be rhetorical and ask you: when last did you see a minister being pounded upon for direct accountability? It is a general point. I mean, I wish we would take it in that spirit. It applies, in my view, to governments—in terms of perpetual succession—the principle of government, not this Government.

That has been a problem in this country, political accountability. So somebody could say, "I will give you water at the end of the year", and no water comes and you hear nothing else after that. I do not want to enumerate from the last 15 or 20 years such instances for lack of accountability, apart from which, the assumptions made for the electoral product, that is, electing people, are not sound, and the processes used for the electoral process, the electoral system, are also not sound. That is, we do not vote for people or parties based on issues, which is a theoretical assumption if you want to conclude on the question of ministerial control. The assumptions just do not work. We have never had debates on issues during election campaigns. We well know what the campaigns and election results are, unfortunately, perhaps inevitably, based on. Sometimes even within parties you get a sign of what the wider motivations are.

So when you put all these things together, to cut a long story short on this matter, the assumptions used for centralized control, in this case ministerial control, are seductive but not empirically based, and that must be considered especially in light of a very alert citizenry, more sophisticated about matters in public affairs, and the presence and role of our non-government organizations today is evidence of that. In fact, a government, any government, which has a narrow majority in parliament, should be even more sensitive to the voice of the people during election periods. That is what makes the difference between government and governance, the latter being the fresh imperative for a civil, well-managed society.

So on the one hand you are saying you need decisive powers, but you must be able to accommodate civil requests for mediating structures because that is what will ease the arbitrary tendencies of those who govern, especially on a question as sensitive as land which is not merely, as has been said before, a matter of geography—economics. As Sen. Daly put it, it has strong and deep emotions over it. It is people's psychological roots. Those of you who have land of any size or kind would recognize the spiritual connection which you have over that on which you live. So the state, really, from Hobbes' time to now, has lost much of its virtue. It has been denuded for exactly what it has become, partisan, no longer presumed to be a referee of competing interests but a partner on one side or the other. It has lost its neutrality, and those are serious points, you know.

We can go on and look at it on all sides but it really does and should bring us up-to-date on the extent to which we ought to govern this country, especially with such pieces of sensitive legislation. Also in people, there is mistrust. There is mistrust by people not only in this country, Mr. President. It is a growing mistrust

of governments over the world. I do not have to enumerate the instances where countries have checks and balances to allay those apprehensions but, to come to the point, let me provide for this honourable Senate a relatively recent example from the *Express* of May 28, 2001 with the headline—it is over a land dispute—to suggest the bureaucratic bungling and the mishaps that can happen and can lead to violence and sometimes murder.

The headline is, “If corporation wants my land, they have to pay for it”. This was in the *Express* on page 6, May 28, 2001 and part of the story briefly goes this way: A private contractor was hired to dig a canal through the land of Dwarika. When the family stood up against the contractor and the bulldozer, as it were, the driver of the vehicle said, “I’ll come back and show you”. The matter reached the chairman of the corporation in that district, Ranjit Ramnarine, who told the *Express* that he really sent them to dig up the drain because the people asked him to do so and the corporation was doing that for the people.

It is one of those slogans we have, “for the public good” and “for the general benefit”, forgetting that the protection of individual rights is also a serious protection of the public good. [*Desk thumping*] So it goes on to show you, and I submit with respect, it is not a point to ruffle any particular side in the Senate. It is merely to underline the grave possibilities that could arrive from mismanagement of land and for those reasons NGOs are duly apprehensive over certain provisions of the Bill. So with this particular Bill, there is an opportunity to revive ourselves and to convince the country that, yes, with such control—which I jealously admit should be had by the Minister, but that control should be used transparently, decisively and fairly, if at all that could be obtained—the ministerial control would be justified. However, if we have to continue behaving as we have been behaving for the last 10, 15 years, even when there was control and legislation, I think, as we would say, “crapaud” will smoke your pipe because we really have a crisis of incivility in this country. [*Desk thumping*] There are no two ways about it, and it is mounting.

You see, that is why I supported the school boards and any effort made to mitigate the mounting disaster. This country has a bad habit, Mr. President, of only reacting decisively when a crisis hits. Six people get killed on a highway, so you see “traffic lights fix”, police “right there” next morning or they “shoot up” the—I always like to watch that hole. It is the neatest hole I have seen in a long time. A bullet has passed through there. It is a reminder. It is only then we get busy—more security. However, I have always said and, as your mother would have told you since you are the former generation, prevention is better than cure.

In fact, an American writer, said—since we do not see the Minister of Education here—“My sleepless nights come when I know—[*Interruption*]

**Mr. President:** There is need for a procedural motion.

#### PROCEDURAL MOTION

**The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette):** Mr. President, in accordance with Standing Order 9(8) I beg to move that the Senate continue to sit beyond 6.30 p.m.

*Question put and agreed to.*

#### PLANNING AND DEVELOPMENT OF LAND BILL

**Sen. Prof. R. Deosaran:** Mr. President, an American writer who had a steep interest in matters political, said, “My sleepless nights come when I know Congress is sitting.” [*Laughter*] Another one, a British writer, said, “Sometimes the people have to protect the country from its government.” It just suggests, by observation, how far the pendulum has come over the question of mistrust and it is not to deny it, it is more to cope and to overcome it by the policies and the strategies you are using.

You speak about destitution. These are the things you have to focus on and not close your eyes to because you belong to one side or another. You would be damaging the public good if you do not recognize the reality, so much so that a World Bank development report in 1997 put it this way. “An effective state, a strong state, with centralized control, is vital, but the message of experience is that the state is central to economic and social development but not as a provider of growth, instead, as a partner, a catalyst and a facilitator.” From experiences all over the world, that is the modern point, in a sense. It will save you from self-destruction and perhaps civil strife because the pressure could be handled if you relieve some of that power through mediating structures and civil participation.

In fact, in that same 1997 report, page 4 tells us of government's credibility—which is the key issue in this Bill, because of the history of such events over the environment and land development. Government's credibility, the predictability of its rules and policies and the consistency with which these are applied, are all very important for gaining public confidence, private investment and securing the social fundamentals in the society—predictability, credibility and consistency. The question we should ask is: Have these things been applied to the previous relevant legislation and by previous Ministers?

To demonstrate the essence of that statement, here I have a graph from the same World Bank Report of 1997 which puts the Caribbean fifth among seven different regions of the world in terms of our institutional credibility. So we have some work to do and Sen. Yuille-Williams is right, you cannot do it separately, not these issues. These issues are too pervasive for them to be resolved by partisan effort. It has to be a cohesive approach and I myself welcome Sen. Yuille-Williams' attitude and I would expect the Government's receptivity to indicate a similar attitude.

I now move on. As far as they affect several clauses, I will not elaborate on them because of the time but I call these the dynamic trio—squatting, illegal vending and “PH” cars. They are the dynamic trio because each one is enigmatic, they are each social needs but they are still illegal. They are slippery. You cannot really pin them down through public policy, but they are omnipresent, and I think they are helping to destroy, I would say, the fabric of civility in the country, which is the dilemma because each one has a particular use which tells you the need for planning and policy, so that this use will not arise and be attained through illegal means.

In fact, when you examine the Town and Country Planning Act today, and you look at the offences being committed around you, there are thousands of such offences. When you add on those committed under the Environmental Management Act, Mr. President, there are further thousands of offences being committed every day, and when you add up the traffic and vehicular ordinances, another thousand come up on you. When some people ask me what is the crime rate today and you pull out the Central Statistical Office document and look at that figure, it is a very small percentage of the number of crimes committed in this country every day. So we are, in that sense, living in a fool's paradise when it comes to the true rate of crime in this country.

### **6.20 p.m.**

That is why I say we have to wake up, because in these respects, especially activities under the Town and Country Planning Act, and the Environmental Management Act, Trinidad and Tobago is the most lawless country in the Caribbean, and I say so with deep sadness. I say so with deep sadness, but it is a matter that we have been studying over the years; with comparative data and the trends, especially the lack of enforcement of the many laws which are brought before us. The more laws there are, as I have said, the more offences there are to commit; so there is an inverse relationship which I need not elaborate upon.



These are matters of public administration, and we hope that this particular legislation will find favour by having an effective mode of public administration for both implementation and enforcement. You see, we have had too many godfathers in this country. We have godfathers over squatters. We have godfathers over vendors. Everybody wants to protect the vendors, to protect the squatters, and there is some good in that.

We all are very sympathetic towards the plight of the squatters, the illegal vendors and so forth, but we cannot solve that problem, as pervasive and rooted as it is, by mere sympathy and trying to play godfather overnight with some bravado. In fact, we might be exploiting them if we do not give them a sustainable way out. I believe this Bill seeks to do that, not only on its own, but through the squatter regularization and the Land Settlement Act, and so forth.

We are in hope, because, as I have indicated with respect to the *Express* report, many crimes are committed over land disputes. There have been many acts of violence in the police records, and by proper land development, fair implementation of this intended Act, such disputes could be avoided. So, that is the dilemma. On one hand, they may not wish too strong controls and decisive action, but on the other hand, there is this kind of anarchic behaviour through squatting, illegal vending and “PH” taxiing. That is the dilemma facing the Government, I am quite sure, in terms of developing its public policy.

Squatting is about the most serious in terms of relevance to this Bill. The Land Settlement Agency has told us that January 01, 1998 was the cut-off point for regularizing squatters. I would like to know what has happened since 1998 to now, in terms of the number of squatters, and what is being done about that particular number, because the spokesman for the agency, Robin Rajack, as reported in the *Express* of April 11, 2001 said there are 25,000 households squatting on state lands; 23,000 applied for regularization, but 15 to 20 per cent of those squatting on private lands are now knocking on the State's doors for protection.

I would have thought that the landowners would be knocking on the State's doors for protection [*Laughter*] but there is a serious policy implication here in terms of how one deals with this crisis for the squatters; a dilemma for the Government. When we add up all these figures, according to Mr. Rajack—and I do not believe he was speaking about the individual squatters; he was speaking about the families.

He said that when added, these figures amount to nearly one quarter of the population. So we have a country with one quarter of its population squatting.

This must disappoint the Minister of Finance tremendously, because on the one hand he is looking after growth, GDP of 5 per cent, surplus balance of payments, 42 per cent debt servicing must be reduced., He is looking at it that way. And on this side, the government agency tells us that 25 per cent of the population, or thereabouts, is squatting. This is a tale of two cities. Things are not cohesive.

This is a serious issue. This is not any criticism of the Government. This is a commentary on our people and the way we have been doing business, and what we need to do today if we have to get serious. If anybody wants to glance it off and feel it is a passing remark, well, just look at that hole in the glass window there. [*Laughter*]

In fact, two weeks after Mr. Rajack's statement, and as reported on April 28, 2001 in the *Newsday*, the then Minister himself, Sadiq Baksh, said that some 50,000 persons squat on public and private lands. Almost double the figure for 1990! I mean, double the figure for 1990? So we do not have a simple increase. We seem to have an exponential increase in squatting, and that is why I come back for the Government to tell us what has happened between 1998 and now in terms of the number of squatters.

The taxpayers' bucket does have some limit to it. We cannot be spending taxpayers' money so. The fact is, we really do not know the actual rate of squatting in this country, but it is not a matter of numbers. There are qualitative implications. For example, they create what is called criminogenic circumstances. A squatting area is typically an insanitary area lacking in many kinds of amenities until the Government decides what it is doing to put in certain amenities. But as fast as the Government seems to be filling the hole, there are other places being used for squatting.

You just ask the police about the relationship between the squatting population and crimes in those areas. Perhaps it is not the squatters' fault. There are many sociological reasons we could use to explain the connection, but the fact is that squatting premises produce criminogenic circumstances. There are many squatters who are poor; some are single women. We know. We have done the surveys. They are left with their children and they have nowhere else to go. The deserting fathers and husbands with iron hearts desert them, and the poor lady has to go and squat somewhere with her two, three or four children.

So, there are deserving cases; and it is a matter for public policy but we must know how serious the issue is. If we go to a place, for example, called Bangladesh just by St. Joseph on the Priority Bus Route, sit there for one hour and one will

see the frightening sociology of how some people live. There are other places with fanciful names, which is the only way they could compensate for the destitution, by using fancy names like Hollywood. The squatting community is called Hollywood, Beverly Hills. That is the only psychic consolation. They can change the name as we seemed to change the name from DEWD. [Laughter] There is prostitution in these places, and I say so with great sadness.

So, the Government is right. I think this Bill should bring not only hope, but decisiveness. When I speak about these things, I begin to have some sympathy for the controls given to the Minister, except that I wish it be applied fairly, transparently, and with credibility. I hope I am not hoping against hope, because land reform is a serious business. In the Philippines they are not only kidnapping. They are slaughtering people over the issue of land reform and land ownership. Less than 10 per cent of the population, including very small families, own over 50 per cent of the land.

There is a more dramatic example in Zimbabwe where President Mugabe is implicitly allowing others to take over other people's lands arbitrarily for political purposes. That is why you make a difference between seeking political patronage by helping vendors and squatters, because you are destroying good government and good public administration.

I wish the Government well in doing the best that it can, but when you add "PH" cars, the number of people who do "PH" taxiing and the number of people doing illegal vending, Mr. President, to the number of squatters, you really have over 25 per cent of your electorate involved in such activity. So, what kind of electorate do you have? Except to say, it is good food for political exploitation and "godfatherism", as it might be.

You see, this growth in disrespect for other people's property, or flouting these legalities, what it does is diminish the general respect we ought to have for other people's privacy and private property. It extrapolates itself from the criminogenic conditions I spoke about in reference to squatting, to other people in the periphery, the widening circle of commission, especially in terms of praedial larceny.

Let me give another example of the confusing forms of public administration we have had in this country and the deleterious effects it has on the public good. Caroni, in 1997, attempted to deal with its squatting problem in the way that its management saw fit. But, this is what happened, as published in the *Newsday* of May 20, 1997 at page 6 the Member of Parliament for the area came in very

quickly and he threatened to take civil as well as criminal action against Caroni if the company should touch any one squatter in his constituency. The MP for the area, as the article said, in addressing the squatters, vowed to face any consequences and do all within his power to fight for these squatters' rights.

Now, I will not press the point and say that any Member of Parliament should not seek to protect his or her constituency, but we are not speaking about it in that light. We are speaking about the problem in terms of using good public administration to resolve what is a squatting problem. And certainly, there were other ways for the Member of Parliament to do it, especially since he was well versed in the law, because, in fact, he is Attorney General of the country.

I do not like to see that profile unfolding before the public where a Member of Parliament, a senior member of Cabinet is dealing with a state agency in this particular way. It makes good news, but it does not make for good public administration, good governance. It cannot work. This is what has been happening over the years; undue political interference. They could interfere. They have the power to call the Chairman, the power to call the other Minister, his colleague, because that is what it amounts to.

There are ways to do these things. Everything is not legality. There is something more profound: ethics even in government and amongst politicians. But to compound the issue, when the public looks at these things, they feel they can always run to get help, bypass the legitimate avenues of governance and go to some Minister or some politician for help and leave the man in charge stranded in the middle with all the powers he has, but facing undue political pressure. That is why people are scared of this particular piece of legislation. The possibilities arise from their experience, as I am trying to suggest here. There is another prominent person. This is in the *TnT Mirror*. I am like Sen. Daly. I am very liberal with my sources, my readings. I give everybody a chance. The *TnT Mirror* gets a chance. [Laughter]

### **6.35 p.m.**

He stressed that he would go to any length to support the Attorney General on this squatting issue; that is Mr. Subhas Panday. He said that he will attack anyone who gets in Maharaj's way as he fights for the welfare of poor, homeless citizens. But Subhas raised concerns about why Maharaj did not discuss the issue with the respective Minister instead of taking a harsh stand. Do you see what is happening? I really do not want to get too far into that, because Mr. Ramesh

Maharaj has been a good friend of mine for many years and I respect his passion for getting things done.

In fact, we both belonged to the same organization many years ago in the late 1960s, if I remember. He was a member of a youth organization which focused on human rights, but I was the President of that organization. I hope that I have given him some inspiration. I take some responsibility for what he has eventually become. [*Laughter*] I do not want you to misread what I am saying. I find that he has done very well.

Frankly, you know, Mr. President, they say people “fraid” Maharaj; I do not see that there is anything to “fraid” in Mr. Ramesh Maharaj. He has a way of doing things—[*Laughter*]—and, perhaps, we need him to be Minister of Integrated Planning to get things done; except that with this—[*Interruption*]

**Hon. Senator:** Then he could be Prime Minister too. [*Laughter*]

**Sen. Prof. R. Deosaran:** Well he has come close to it. [*Laughter*] I am not afraid of Mr. Maharaj. I do not see that there is any reason to be.

**Mr. President:** Senator let us get back to the Bill, please. [*Laughter*]

**Sen. Prof. R. Deosaran:** Thank you, Mr. President. So when you have such instances, I think it unsettles the public in large measure, because there are contradictions in the administration of certain pieces of legislation and Government policy.

More than that, Mr. President, in 1996 there was a corner at the University of the West Indies where they were selling doubles, soft drinks and so on. That was quite good, except that it was causing serious congestion and discomfort to both pedestrians and vehicular traffic. When we checked with the police—and the report is here—the police told us that there were dozens of offences being committed at that particular corner on a daily basis, and they listed it here: obstructing the free passage and the lack of sanitation. The latter coming under the Public Health Inspector, whom we also interviewed. He said that a number of offences were also committed and were free from any kind of proper adjudication. When the senior Public Health Inspector went to take corrective measures, there was political interference. He narrated the interferences. He even said that some people told him that the vendor used to make doubles for the Prime Minister, at one time—[*Laughter*]—and that was part of the whole scenario, which really does not sit well.

The question is not so much—[*Interruption*]

**Mr. President:** The speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. E. McKenzie*]

*Question put and agreed to.*

**Sen. Prof. R. Deosaran:** Thank you, Mr. President. Too often we deal with the theory of things in discussions of this kind and we get carried away so much so that we repeat our mistakes. What I am trying to do, with a bit more than usual frankness, is to delineate the empirical realities so that we will not forget that easily as we usually do. I hope I do not stretch your patience anymore.

The issue is not the insanitation and the breaking of the law. The issue is the obstruction of the rightful authority when they intervene. In this case the Public Health Inspector and in the other case I am going to cite, the police. The Nariva Swamp issue; whenever the police moved in to take corrective action against those who were charged with squatting on large pieces of State land, there was undue political interference, and it should not be, because the police had to leave embarrassed in full public glare. So when we criticize the police for not taking action, sometimes we have to recognize that they have been burnt in several instances; as if we are making the police a "pappy-show" in the eyes of the public. These things do not make for good public administration.

The politicians cannot play Robin Hood with taxpayers' money. They would eventually create a very funny looking society, as if we are Disneyland or something. We have to be serious. That is the reason I am taking the time and making the effort, with some trepidation, of course, to cite some of these examples of which there are many, many more, going back to 15 and 20 years as well.

Once you create these syndromes and criminogenic circumstances, they will backfire on you. You will have to hire more police and do more things for damage control. The expenditure will be much more than if you had tried to prevent them.

A similar incident happened a couple weeks ago at the Chaguanas Market. The vendors had a problem and the proper authority told them what to do and how they should do it. A market costing \$14 million, but they prefer to go and see the Attorney General again and so Mr. Maharaj struck once again. [*Laughter*] Fortunately, this time the Prime Minister was quite correct on the issue of zero tolerance and he assisted in telling the vendors, in no uncertain terms, what the situation should be. So that quick rectification is what you need in terms of

implementing matters of not only land reform, but also the occupation of State property and State facilities.

The question I am putting in a nutshell and in those instances, is the attempt through this legislation to create harmony within our modes of public administration. If you look, all you have to do once again is to travel from Port of Spain to Arima and you would see the Croisee. I am happy that the Minister's advisors are here, perhaps, they can send the message down. The Croisee between the Priority Bus Route and the Eastern Main Road is something now of a La Basse. It is really unsanitary, untidy and it needs attention.

You cannot have a Town and Country Planning Act, as we do have, and be faced with that kind of spectacle. What kind of country is this? That is why we are putting our hopes in this particular piece of legislation again. If you go down to Curepe, again, questions about planning need to be raised. There are several fast food outlets, but the parking is a threat to public safety. You have to just pass there. I am not speaking about any partisan issue; we are citizens when you get down to it. When you get in an accident it is not because you are a PNM, UNC or Independent Senator. You get into accidents because there are hazards, sometimes, to which you are exposed on the roads.

It is the same thing with St. Augustine. That strip on the Eastern Main Road, several buildings are going up almost on the Main Road itself. Yet you tell me we have a Town and Country Planning Act and you are bringing a piece of legislation to correct those things? It is very embarrassing and I think we need to get serious about such things. It is unbearable. We cannot deal with the theory of things without looking at what is the reality.

I have already alluded to the Muslimeen land dispute. There have been several editorials on it, stating that if the Government and the related authorities—meaning, in particular, the City Council—had handled this matter consistently and expeditiously, we would never have that hole in the panel up there. [*Laughter*] I could quote the evidence to suggest what really happened, but there is really no need to do so except to remind us that what has happened ought not to happen again. The very dilapidated conditions and chaotic land situation we have should not happen.

Mr. President, I want to refer to one or two clauses in my conclusion. In clause 25(2) I think there is a role for the police as an additional agency to the list. There is something now called “Crime Prevention Through Physical Design” (CPTPD), in which the police can be used to make developments safer by creating

social safety and security protection. It has been used in many other countries. In 1996, the Netherlands used it and when the police joined with the developers in creating certain social safety and building designs, it was found that burglaries and house break-ins reduced by 70 per cent, as compared to other residential areas that did not have such social safety and physical designs. I, therefore, suggest that the police commissioner be added to that list.

My other concern is with section 23(5), page 51 and the extent to which it is related to clauses 49, 50 and 59, because people are concerned about acquisition of private lands, not so much for public purposes, but I would be grateful if the Minister would answer this question for the public interest. Does this Bill seek to give the Minister the power, at least, implicitly or indirectly, to acquire private lands to be used by other private developers or is the acquisition of private lands still to be strictly governed by the existing Land Acquisition Act? I would be happy if that matter could be clarified for the public interest, if not so much for mine.

I do not wish to distract the Minister from his mission which I think will be a hallmark when this Bill is passed. It will be a hallmark to his long, distinguished career in politics. But I have two amendments which will speak for themselves by changing the word “may” to “shall”. I am worried about clause 20(2); why this very harsh action against people and bodies such as the Planning Authority and the regional council by the Minister coming in so suddenly and rescinding almost everything they do, not on all grounds, but the particular grounds that he has stated.

In clause 27 the policy statement comes as if by magic. After everything is said and done, the Minister can come with a policy statement and capsize everything, as clause 27 says. So you may say, “That is all right,” but what is the source of this policy statement? Is it his own, Cabinet’s or Parliament’s? We need some clarification there.

My final comment is on clause 48, where the Minister reserves power for application to be referred to him for final decision. Clause 48(1)(b) raises some significant questions to me, especially when the Minister can do so on architectural or urban design issues. He as a Minister has the expertise to do it, but I am wondering if there is another Minister, what would be the position? If he rejects all the advisory bodies and the National Planning Commission itself, who will he turn to for such advice?

I thank you for your patience, Mr. President, and for this opportunity.



*Adjournment*

*Tuesday, June 12, 2001*

**ADJOURNMENT**

**The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette):** Mr. President, after consultation with the Leader of Opposition Business and the Leader of the Independent Benches, we were actually going to meet on Monday. Because this side is such a caring Government and I have such a compassionate heart, I realize that they have commitments. Some people have to go down the islands or Mayaro and use this opportunity to extend the vacation, so we decided to come on Wednesday instead.

In that context, I beg to move that this Senate do now adjourn to Wednesday, June 20, 2001, at 1.30 p.m. at which point we will discuss and continue to discuss the Air Navigation Bill. We have some redrafting and as I told hon. Senators, they will get it by Friday. [*Interruption*] It is guaranteed by Friday. You will have your weekend to look at it and we will come back on Wednesday to discuss it.

I want hon. Senators to also prepare for the Immigration Caribbean Community Skilled Nationals (Amdt.) Bill, because those are two Bills I want to really get through next week

I beg to move, Mr. President.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.51 p.m.*