

*Leave of Absence**Tuesday, June 26, 2001***SENATE***Tuesday, June 26, 2001*

The Senate met at 1.30 p.m.

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

**Mr. Vice-President:** Hon. Members, I have been requested to announce that Sen. The Hon. Ganace Ramdial, President of the Senate, will be out of the country during the period June 23, 2001 to July 07, 2001.

**LATE ARRIVAL OF INSTRUMENT**

**Mr. Vice-President:** Hon. Members, I want to bring to your attention that we are expecting an instrument from His Excellency to have a Senator sworn in. The instrument is yet to arrive and at the appropriate time, with your leave, we will seek to have the new Senator who will be holding on for Sen. Ramdial sworn in.

*Agreed to.***PAPERS LAID**

1. Sector Policy for Food Production and Marine Resources 2001—2005. [*The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette)*]
2. The Profession Related to Medicine Rules, 2001 [*Hon. L. Gillette*]

**COMPANIES (FORMER-ACT COMPANIES)(VALIDATION) BILL**

Bill to validate certain acts of former-Act companies [*The Attorney General and Minister of Legal Affairs*]; read the first time.

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

*Question put and agreed to.***ARRANGEMENT OF BUSINESS**

**The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette):** Mr. Vice-President, I know we had an agreement where we spoke about Bill No. 1 on the Order Paper, which is a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996, but I think that the Minister

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has been delayed a little, so I would like to move straight to “Private Business” until such time as he arrives.

**Mr. Vice-President:** Hon. Members, the Leader of Government Business has indicated that based on agreement, we were supposed to proceed with the Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996, but because of the absence of the hon. Minister, he has asked that this matter be deferred and we proceed with “Private Business” whilst we await the arrival of the Minister of Enterprise Development, Foreign Affairs and Tourism.

**Sen. Daly:** Why? Where is he? At lunch?

**Mr. Vice-President:** Well, he is not here at the moment and the Leader of Government Business has requested, with the leave of the honourable Senate, that we proceed to deal with “Private Business” on the Order Paper.

Senators, do I have your support?

**Hon. Senators:** No!

**Mr. Vice-President:** Senators, I think this is a matter that I feel we ought not to split hairs on. I think that, for instance, a motion is before us that we delay the debate on a particular bill’s second reading. There was an agreement, as I understand it, that we would deal with “Bills Second Reading” first—today is Private Members’ Day—and having dealt with that, we would deal with “Private Business”. That was the agreement.

**Sen. Montano:** Mr. Vice-President, on the last occasion, we agreed to accommodate the Government’s agenda by setting aside time that was normally allocated for “Private Business”—

*The Minister of Enterprise Development, Foreign Affairs and Tourism arrives in the Chamber.*

The point of the matter that I was going to say was that we respect the Government’s agenda and it is a pity that the Government is not respecting ours. I see that the Minister is here, so that under those circumstances I will yield and I assume that we will press on with the agenda as it was originally intended.

**Sen. The Hon. L. Gillette:** Mr. Vice-President, I seek leave of the Senate to deal with Bill No. 1 under “Government Business” before proceeding with “Private Business”. I know that now the Minister on my right will probably give the appropriate answer to Senators’ concerns.

*Agreed to.*

**IMMIGRATION (CARIBBEAN COMMUNITY SKILLED NATIONALS)  
(AMDT.) BILL**

*Order for second reading read.*

**The Minister of Enterprise Development, Foreign Affairs and Tourism (Hon. Mervyn Assam):** Mr. Vice-President, I beg to move,

That a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996, be now read a second time.

Mr. Vice-President and Senators, I want to apologize profusely for holding up the business of this Senate and for being late in attending to the important work of the Senate. It was entirely unavoidable, so I do apologize.

The genesis of this piece of legislation dates back to as far as 1989 when Caribbean heads met in Grenada, and emerging out of the heads meeting was the Gran' Anse Declaration.

**1.40 p.m.**

The Gran' Anse Declaration proposed a radical reform of the relationship existing or subsisting within Caricom in order to advance CARICOM from just a simple common market to a stage where it can become a single market and a single economy, indeed, a single economic space.

Mr. Vice-President, they were mandated to look at the Treaty of Chaguaramas, which had been signed almost a quarter of a century earlier, in order to come up with what was necessary to establish the Caricom single market and economy. As a result the legal committee of Caricom went to work and it took several years because this was a very painstaking, comprehensive and radical revision of the Treaty of Chaguaramas. As we all know, it finally ended with the writing of nine new protocols. These nine new protocols have been all approved by Heads of Government and Heads of State and we shall be coming to the Parliament before long, because when we go to the Bahamas next week all of these protocols would be bound into one legal document for final signing by all heads and subsequent ratification by the constituent parliaments of the members that form the Caribbean Community.

One of the very important protocols of the nine protocols is Protocol II which deals with the right of establishment, the movement of goods and services, the

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movement of capital and the movement of natural persons. It is in this context that all states were mandated to introduce into their respective parliaments, legislation to give effect to the movement of natural persons, although the movement of natural persons would have been somewhat restrictive because at that time it only envisaged persons who had degrees from the University of the West Indies and other suitable types of recognized skills.

Mr. Vice-President, Trinidad and Tobago did attempt to pass legislation as far back as 1996 and the bill was passed in both Houses of Parliament and proclaimed, but when it came to the implementation of the Act, the Immigration Division of the Ministry of National Security found that the Act could not have been put into practice because certain parts of that Act, in terms of its application, were inconsistent with the existing Immigration Act; or, if not inconsistent, its applicability would have led to administrative problems for the officers of the Immigration Division.

Mr. Vice-President, a note was brought to Cabinet and an inter-ministerial committee was appointed to review the Act. One may ask: Why has it taken so long from 1996 to 2000? It is because ministers were saddled with so many various responsibilities—in terms of all types of work on their plate—notwithstanding the importance of this, and notwithstanding that we wanted to give it priority, we wanted to ensure that after we had done our job it would have been acceptable to all, and that its applicability could not be in any way faulted.

Now, I have the honour, today, after having gone to the other place, to present this Bill for the consideration of hon. Senators in the hope that all of us will give it our total approval and concurrence, recognizing the importance and significance of this Bill in the context of Trinidad and Tobago's membership in Caricom and the responsibilities that we have to discharge under Protocol II. More importantly, I gave an undertaking when I went to the intersessional meeting in Barbados in February this year, that Trinidad and Tobago would have its bill passed in both Houses of Parliament and assented to in time for the heads meeting in the Bahamas in the first week of July.

Mr. Vice-President, the intent of the Bill is to amend the Immigration (Caribbean Community Skilled Nationals) Act of 1996 which was passed in this honourable Senate as Act No. 26 of 1996 in order to define the terms "dependent member of the family" and "infectious or dangerous infectious disease" as used in the Act. Also, to clarify the role of the Minister with responsibility for

immigration within the context of Act 26 of 1996. Also, to authorize an immigration officer to deny entry to a person who is the subject of a deportation order issued against him or is afflicted with any infectious or dangerous infectious disease. Also, to make Act No. 26 of 1996 internally consistent by deleting the words—this is part of the parent Act—“and has gained employment in accordance with his training or experience” which were added in the House in order to impose an additional condition for the grant of the certificate of recognition of Caribbean community skills qualification.

Mr. Vice-President, I have accepted alterations made to the Bill since it was laid in the House.

**Sen. Montano:** Mr. Vice-President, I thank the Minister for giving way. On one of the points he just mentioned, I wonder whether the Minister would explain, because when I looked at the wording of the Bill it was not quite clear. While I understand fully that the Bill is dealing with Caricom nationals per se, who are not necessarily citizens of this country, the authority that we are giving to the immigration officer to refuse a Caricom national who is the subject of a deportation order, would seem to me to include citizens of Trinidad and Tobago who are subject to a deportation order from wherever coming into the country. Is that the intention? Are we going to be giving the authority to an immigration officer to exclude a national from coming back into the country? If the Minister could just explain that I would be grateful. Thank you very much.

**Hon. M. Assam:** Mr. Vice-President, as I develop I hope that I will be able to clarify any concerns of the distinguished Senator.

These changes have been circulated by a list of amendments and Senators would note that the amendments being introduced involve new clauses 2A, 2B, 2C and 5.

Mr. Vice-President, clause 2A deals with two definitions, “dependent member of the family” and “infectious or dangerous infectious disease” that I believe would improve the implementation of the existing Act. Clauses 2B and 2C give the immigration officer the power to deny entry to someone who is subject of a deportation order or is afflicted with an infectious or dangerous infectious disease. Additionally, clause 2B provides for the deletion of the words “and gained employment in accordance with his training or experience” from section 3(2) of the Act. Clause 5 clarifies the drafting in section 10 of the Act.

**1.50 p.m.**

The intent of Act 26 of 1996, as I said earlier, is consistent with the decision of the conference of Heads of Government of the Caribbean Community. The Act serves to remove the restrictions on entry into Trinidad and Tobago, of university graduates of Caribbean Community countries that are seeking employment in the Caricom single market and economy. The effect of the Act to a citizen of a qualifying Caricom country issued with the appropriate certificate, is the right to enter—that is, the effect gives it the right to enter and stay in Trinidad and Tobago—for a definite length of time and also to enter and leave Trinidad and Tobago without restrictions, as often as he or she wishes for the duration of that stay.

Subsequent to the passage of Act 26, during a review for purposes of proclamation, as I have indicated earlier in my preamble, concerns were raised regarding the relationship of the Act to this Immigration Act and the general workability of the former, in relation to the latter. The matter of implementation of Act 26 of 1996 was then considered by an inter-ministerial committee. The committee identified certain areas in which the Act be improved by amendments, or in which its implementation could benefit from the promulgation of regulations dealing with specific points.

Advice was received that the following area would require an amendment to the Act, while the other matters could be dealt with in regulations. Clarification and amplification of the “for cause” provision in section 5 of the Act which deals with circumstances under the permission to enter, under section 3(1) and section 4(1), may be revoked. The Bill being considered addresses the matter of circumstances under which permission to enter under sections 3(1) and 4(1) of Act 26 of 1996, may be denied and, the residual power of the Minister of National Security to deny entry to and revoke permission of certain categories of persons.

New clause 2A amends section 2(1) of the Act, so as to define dependent members of the family and infectious or dangerous infectious disease.

New clause 2B amends section 3 of the Act to permit an immigration officer to bar a person who is the subject of a deportation order issued against him, or is afflicted with an infectious or dangerous infectious disease. Subsection (2), is amended by deleting the words, “and has gained employment in accordance with his training or experience”.

New clause 2C amends section 4 of the Act to permit an immigration officer to bar a person who is the subject of a deportation order issued against him, or is afflicted with an infectious or dangerous infectious disease.

Clause 3(b) of the Bill introduces a new clause 4A into Act 26 of 1996, which invests the minister with responsibility for immigration, with the power to prohibit the entry into Trinidad and Tobago, under sections 3 and 4 of the Act, of any person whose presence would be prejudicial to national security.

Clause 4 of the Bill clarifies the power of the Minister of National Security to revoke permission already granted under the Act, if a person is the subject of an order made against him, for his extradition, deportation or other form of surrender, or commits an offence which is punishable with imprisonment for one or more years.

New clause 5 of the Bill amends section 10(1) of the Act, to make it clear that this section applies to the spouse and dependent members of the family of a person to whom section 3 applies, in the same way that section 10(2) makes it clear that the subsection applies to the spouse and dependent members of the family to whom section 3 applies.

The words, “and has gained employment in accordance with his training and experience” were added in this House during the debate on the Bill. The effect of these words, is to impose an additional condition for the grant of a certificate allowing entry for a period of indefinite duration. The certificate is supposed merely to recognize that the holder possesses qualifications that entitle him to the grant of a certificate of recognition of Caribbean Community skills qualification. The words added mean, that in addition to possessing such skills, the person must have gained employment and which was totally inconsistent with the spirit of what was intended. The effect of these words is to exclude from the grant of a certificate by the Minister, anyone who possesses Caricom skills, but intends to be self-employed.

The stipulation regarding prior employment before the grant of a certificate lacks merit on three grounds. It imposes an additional condition on the grant of a certificate of recognition of skills, when that grant should be based on only if the person possesses the skills. It conflicts with section 3(d) of the Act which clearly envisages that the certificate holder may establish his own business. It is also inconsistent with Protocol II, to which I alluded earlier in my preamble, of the Treaty of Chaguaramas. This is being provisionally applied and permits persons establishing businesses in the single market to live and work in Trinidad and

Tobago, as part of the CARICOM single market and economy, even if they do not possess a certificate of recognition of Caribbean Community skills qualification.

Retention of the words, “and has gained employment in accordance with his training or experience”, would mean that a person with Caribbean Community skills qualification would be denied a certificate of recognition, because he is not someone’s employee, but a person without Caribbean Community skills qualification and, would be allowed to live and work in Trinidad and Tobago, in accordance with the provisions of Protocol II of the Treaty of Chaguaramas, without the need for a certificate. Indeed, a contradiction in terms.

The words recommended for deletion in section 3(2) of the Act are inconsistent with the spirit and intent of the Caricom Agreement, under free movement of skilled persons, hence the need to come to this honourable Senate today, to seek the amendment to Act 26 of 1996.

The words recommended for deletion in section 3(2) of the Act are inconsistent. The Caricom citizen whose qualifications are recognized by the receiving member state is entitled to indefinite permission to enter. The right is limited to those who are citizens by birth of a Caricom state. The basic rights to work or engage in a trade or profession and acquire property for residence or business purposes are also conferred by Protocol II. It is surely better that the skilled persons of the region be allowed to employ their skills in the region, for its betterment, rather than be lost to the region, possibly forever, through emigration to North America, Europe or other metropolitan destinations.

The Heads of Government of the Caribbean Community, at their sixteenth meeting of conference in Guyana, in July, 1995, agreed as a first step towards facilitating the free movement of skilled persons among member states, to implement with effect from January 1, 1996, the free movement of Caricom nationals who are university graduates, subject to the acceptability of their credentials by the member state concerned.

**2.00 p. m.**

The Caricom Heads of Government subsequently agreed in July 1996 to extend this facility to include artistes, sports persons, musicians and media workers. To date, all Caricom member states with the exception of Suriname and Montserrat, have in place legislation or, as in the case of Barbados, administrative arrangements to give effect to the decision to permit the free movement of university graduates. In addition, Belize, Guyana and Jamaica have



enacted legislation to give effect to the free movement of artistes, sports persons, musicians and media personnel. The rationale for the decision on the free movement of skilled persons is that in order to achieve the objectives of the Caricom single market and economy, closer integration of the markets of the member states of the Community and the eventual fashioning of a single market in the region, those factors of production susceptible of movement must be allowed to move within the Community in order to achieve an optimum allocation of scarce resources within the single market space. This requirement applies equally as well to labour as it does to capital. The decision regarding the free movement of skilled persons represents a balancing on the one hand of the economic imperatives flowing from the creation of the single market and economy, and on the other hand a recognition that economic and social dislocations could arise from unrestricted movement at the stage of development of the economies of our region.

Mr. Vice-President, Trinidad and Tobago, as you are aware, is a leading proponent and a very important actor in the establishment of the single market and economy. Freedom of movement of skilled persons is an essential building block in the process of the creation of this single market and economy. As we are all aware, a sizeable number of nationals of Trinidad and Tobago are already benefiting from the Caricom Agreement on free movement of skilled persons through their employment in respective Caricom countries. Approval of this Bill followed by proclamation of the 1996 Act, would allow Trinidad and Tobago as an important member of the Community to reciprocate to other citizens of the Community the treatment now being extended to its nationals in the region in the matter of the free movement of skilled persons.

The policies and programmes that strengthen the single market and economy will no doubt redound to the benefit of Trinidad and Tobago and the Community as a whole Caricom is now only second to the United States of America as the preferred destination for this country's domestic exports. During the period January to May of 2000, 24 per cent of total domestic exports were consigned to Caricom markets while 41 per cent went to the United States of America. The next most important extra-regional domestic export markets for the period January to May 2000 for Italy and Puerto Rico amounted to 3.5 and 3.4 per cent respectively of total domestic exports. Jamaica alone with a market of about 2.6 billion consumers and a gross domestic product of US \$6.7 billion, accounted for 36 per cent of total exports to Caricom countries or approximately one-fifth of all domestic exports to the United States of America. Barbados accounted for 21 per

cent of total domestic exports to Caricom countries or approximately 12 per cent of all domestic exports to the United States of America. Economic development in the region is, therefore, of vital importance to the continued health and vitality of Trinidad and Tobago's manufacturing sector.

The Community has agreed that the single market and economy is the vehicle by which enhanced development in the region would be achieved and sustained. The Caricom single market and economy is not only concerned with trade but impinges on economic, financial, legal and administrative issues to the member states and within the Community as a whole. All of these issues have a bearing on Trinidad and Tobago's political relations, and how we manage them with other member states. The heads of Government of the Community took a decision at their last intercessional in Barbados in February 2001, that, in addition to a lead Prime Minister with quasi cabinet responsibility for the single market and economy, there would be a prime ministerial subcommittee for this purpose, modeled along the lines of the prime ministerial subcommittee on external negotiations. At the same time, in the intercessionals the heads also signed the agreement establishing the Caribbean Court of Justice, which is an integral part of the single market and economy, which would, in the initial stages, operate as a dispute settlement resolution body. The court which would be headquartered in Trinidad and Tobago and is expected to come into operation in two years' time has been invested with an original jurisdiction in respect of the interpretation and application of the Treaty of Chaguaramas as revised by the recently completed nine protocols that constitute and would create the single market and economy. Work continues in Trinidad and Tobago and the rest of the region on removing restrictions within member states so as to give effect to Protocol II and, perhaps, the most important part of the right of establishment, followed by the movement of capital and the provision of services which, as you know, is the growth pole of the future, and that would give us the kind of competitive edge that we require and which we do not possess in many other areas.

Act No. 26 of 1996 represents a significant change in the law governing the entry into Trinidad and Tobago of persons who are neither citizens nor residents in this country by enacting a special regime providing for reciprocal rights and privileges for nationals qualifying from Caricom countries. Trinidad and Tobago, in the context of the regional efforts to establish the single market and economy would signify its intention to discharge fully its obligations to the Community in this rather important matter of the movement of skilled persons. I am sure Senators on the other side would agree that ensuring that the Minister of National

Security retains a residual power under the Act to prohibit entry of persons who are the subject of deportation orders or who are a security risk, or who are afflicted with communicable diseases, is very sound public policy and, indeed, protects every citizen of our country which is in no way inconsistent with the commitment that Trinidad and Tobago made to permit free movement of university graduates in the single market and economy.

The passage of this amendment and the subsequent proclamation are consistent with the ongoing efforts to establish the single market and economy. I sincerely hope that Senators opposite are satisfied that this amendment to the parent Act is very important, and I would appreciate the support of all Senators.

Mr. Vice-President, again, I apologize for my late entry into the Senate and I beg to move.

*Question proposed.*

**2.10 p.m.**

**Sen. Joan Yuille-Williams:** Thank you very much, Mr. Vice-President, for the opportunity to speak on this Bill. I was quite sure that the hon. Minister would have made it here on time because this Bill, at this particular time, is very important. In July, Trinidad and Tobago would be an embarrassed member of the Community if this Bill is not passed, assented to, proclaimed and put into action. It is almost a threat from the last Heads of Government Conference, which was held, I think, in February where we gave the undertaking that it would be done.

Mr. Vice-President, it surprises me when I hear the hon. Minister say that we are one of the leading proponents of the Caricom single market and economy in the region. If we are leading in the region, why is it from 1996 to 2001 we are now going to pass this piece of legislation? This legislation was passed in this Parliament in July 1996 and five years later we are here with it again. What amuses me, Mr. Vice-President, is that we usually meet in this Senate on a Tuesday. This Bill was passed on a Thursday. The Leader of Government Business told the Senate, when they came in at 1.30 p.m. on that day, that the Senate was not going to leave until 10 o'clock that night because he needed to have this Bill and some other one passed. I do not know if anybody could remember that. I think the Leader of Government Business then would remember. They were here on Tuesday and Thursday trying to get this Bill passed. This Bill was passed since 1996 and it has not been proclaimed. In fact, when the hon. Minister first started he said it was proclaimed but it was not proclaimed. All the

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research I did showed that 10 countries had proclaimed it and had put it into motion. Montserrat and Suriname—I could understand why—had not gone through with the legislation. Trinidad and Tobago went through with the legislation, passed it in the Parliament, had it assented to by the President but will not proclaim it so it was not effective.

Mr. Vice-President, they cannot tell me they are a leading proponent or anything when they took five years dragging their feet. If they were really serious about it, all that the Minister has said concerning the “other approved categories”—and, there is some reciprocity in this. The Minister was able to tell us that Trinidad and Tobago nationals were enjoying working in the other Caricom countries. We could not reciprocate that. We could not be a leading proponent when our people were going out there to work and the other persons could not come in. One cannot forget Julian Rogers. We must remember that. Phil Simmons was working in Barbados at that same time but we could not have accommodated Julian Rogers here and we were aware of why we could not do it. I still believe at the end of the day—of course, I am going to ask about the approved category—whether or not we could still not do it. We are not going to be fooled or blinded this afternoon.

During the debate in 1996, in this Senate, one of the Senators talked about sincerity when dealing with the Caribbean and Caricom. He went back to the days of the Federation when he talked about sincerity and why things do not happen. We still have to look at how sincere are we when we go to these conferences. We make agreements and come back and find all kinds of ways to drag our feet to prohibit things from happening. Yes, we are to make these amendments today. We have to make them because this Bill which we started was not in the spirit of what was expected. Caricom did send legislation; it sent a format from which we could work. How come the other 10 countries could have done it and Trinidad and Tobago could not get it right and we are the leading proponents of this thing? How come we have to come here today to make this adjustment?

Mr. Vice-President, when we were doing this Bill in 1996 in this Senate—and I think the hon. Minister gets the Houses crossed—if you look at the Hansard:

“and has gained employment in accordance with his training or experience...”

My colleague who is now the Leader of the Senate, I do not know if he remembers, raised that in the Senate and he said at that time some of them might be self-employed such as professional lawyers, doctors, accountants, engineers. The same thing we said here. Wisdom was here and they did not take heed. Five

years later they have come around to what they were told then. They now have to delete what they had been asked to delete five years ago.

Mr. Vice-President, there is more to it. We talked a lot in that Bill about accreditation; we talked a lot about the University of the West Indies. I would have thought this afternoon, quite frankly, that not only would the hon. Minister come to tell us what amendments are being made but also as a matter of courtesy, at least, we would have been told where we are with Protocol II. I would not bother about the other seven protocols. At what stage are we with the other elements of the Protocol? Mr. Vice-President, with respect to the free movement of skills, that is only one element of the Protocol II which deals with free movement. There are several other elements and I would have liked to know where we are in terms of the other elements that make-up Protocol II. I would not even bother to look at the other protocols.

When we are talking about free movement, we are talking about the elimination of the work permits for several categories and the elimination of requirements for passports. All of that is dealt with under free movement. It has been broken down into two areas, hassle-free travel and the free movement of skills or free movement of natural persons. Those are the two elements into which we could break down Protocol II. The free movement of skills that we are doing here is just one element and we are also asking about the other elements. It would be nice if we could have been brought up-to-date on the other elements. For example, in terms of hassle-free travel, some of the other elements are the elimination of the requirements for passports for Caricom nationals. It would be good just to educate the national population and us so that we could show how things are as a whole. Some of those we have done, some we have not done and we need to know where the Government is at this point in time, in terms of the other requirements.

We do not want to hear when we get to the Heads of Government Conference in July, where are we on this or where are we on that. I am sure we are going to save face this time, hopefully. Elimination of passports is one of the things we had. I know that in some countries it is easy to go through without passports. For example, I heard that, I think, the Bahamas said they could not go through with it because one had to pass through Miami and therefore one would need a passport. I would like to know, however, what is the status of it?

Then there were suggestions for a Caricom passport. All these issues came up at the meeting and all of that is part of free movement. How do we see this whole

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idea of a Caricom passport? How are we looking at it? Where are we? In fact, at the Heads of Governments Conference there were even designed passports and it has been put back for you to consider and we want to know if all of this is part of the free movement—hassle-free.

With respect to the elimination of the visa requirements, all of these are elements of hassle-free travel so if we are moving free we want to know. We would like to know about the elimination of visa requirements so that any Caricom member could enter any of the member-states without visas. There was the suggestion of a Caricom form as part of the hassle-free travel, a common immigration form; I do not know what we thought about it here. I understand some countries felt that they were not able to get their statistics right with a common form but the secretariat is saying that they had tried to get in this form so that it would be much easier. It is a simpler form than the forms some countries use. I think they are making a second attempt to see if they could get a common Caricom form. It would be nice to hear what is the Government's view on that. How they see it. Do we really want to go that way? Have we been thinking about it?

Another point of the hassle-free travel is the facilitation at immigration points. I know we have a special line for Caricom nationals at the airport. In some of the member states they have both the Caricom nationals and citizens in the same line.

**2.20 p.m.**

What I am trying to say is, here we are amending this Bill, but it would have been nice to hear where we are on this whole business of free movement, rather than just having this small piece of legislation. We are curious and it would be nice to know. So hassle-free travel—all those elements are part of the support for free movement in the Caribbean and all these things have been done time and time again, decisions were taken and Heads of Government signed them. You are going there to sign another package and if you are willing to put them in place—why do we sign them? Or, is it that we have to sign because we are there, and then we drag our feet afterwards on them? We need to be honest with ourselves and we need to enlighten ourselves on what it is. In fact, I know you have to look at your own country to see how things fit in or how you adapt certain things, but just ignoring them until the very last minute does not make us a leading proponent in the area at all.

Then the second aspect of free movement—I talked about hassle-free travel and all the elements that would make travelling between the member states easier

and more comfortable, and how one feels about being a citizen of the Caricom area. That is all I am talking about, easy to go through. The second element is the movement of skills and that is what we are saying. The movement of skills is not the only part of the protocol. That is another area in the protocol, the movement of skills, and, as you quite rightly said, in January 1996, free movement of Caricom nationals was for the university graduates. I agree with you and there was some kind of discussion. Even in the earlier Bill here we had that discussion on accreditation and I know the Independent Bench, which boasts of so many UWI professors, had spoken very much about that.

We had wondered at that time what had been done or where we were in terms of the accreditation, because I think they said quite a lot about it. I think you raised the question of the University of Guyana, the University of Suriname and those from North America, whether they would be accredited. We talked about them. I think we need to know exactly what is happening because we are looking at the acceptability of the credentials of the citizens of these member states. As the Minister quite rightly said, later in 1996, there was this conference in Barbados in which the free movement was extended to cover artistes, and that is, both the visual arts and the performing arts, sports persons, musicians and media personnel.

Even after the Minister's presentation, I am not sure whether this Bill that we are amending today covered those approved categories. He was not quite explicit on it and I would still want to know whether those approved categories of artistes, sportsmen, musicians and media workers were covered by this. In fact, I had seen a matrix and in that matrix I saw "enactment of legislation to implement the free movement of the other approved categories". I saw, "Trinidad and Tobago, not yet". I heard the Minister talk about Jamaica and I saw St. Vincent and the Grenadines and I am seeing Barbados and Belize. I am still wondering, and the Minister will have to—I am asking him clearly whether or not this Bill that we are now going to amend and have proclaimed and implemented before July would allow for the latest free movement to cover artistes—visual and performing—sportspersons, musicians and media workers.

In 1996 that declaration said "as early as possible". So five years down the line could not be as early as possible and therefore you need to clarify it. I did not want to interrupt you at the time, Minister, but I really, really wish you could tell me because we want to know what is going to happen. Our sports persons—you talk about Jamaica—go to Jamaica—it is hassle-free travel and we can enter. Do

we reciprocate in terms of this special category of workers, or are we going to have another Julian Rogers on our hands “jus’ now”? In terms of the free movement of skills, there are several elements that would permit the free movement of skills, and let me say that legislation is only one aspect in terms of that.

We are still in Protocol II—hassle-free travel, free movement of skills. Legislation protecting the rights of approved categories is only one of those. Today we are looking at legislation here and we have to broaden it because ours was very limited. I think the hon. Minister knew it was limited and therefore certain categories of self-employed persons were not able to enjoy the benefits from the free movement of skills, and I think that is what part of the amendment is to allow it to do. We were very restricted in terms of that and that is one of the major things in this bit of legislation now.

I would like the hon. Minister to talk a little to us about the accreditation, if we had looked at it, because I know that was an earlier complaint. Now that we are talking about accreditation for these same graduates, how are we seeing it, or is it that everybody who is coming with their diplomas and certificates will be admitted, or how is this to be done? You have to know what you are doing or else we will have difficulty in implementation. Just as I said, the immigration officers had some difficulty, although I do not think they started it. What directions did they get? How are they to interpret them?

I know that somewhere along the line they said something about the Secretary General was going to be—that is in the earlier Bill—in some position to do something about accreditation. However, this is Trinidad and Tobago and I would like to know from the hon. Minister where we are on that—mutual recognition of the qualification. I am glad, though, that we recognize that those people who are self-employed in certain areas will have the benefit of this bit of legislation.

Then we have other elements of freedom of movement of skills; legislation is one. The other element, therefore, is the elimination of work permits, therefore that is something we have to put in place to go along with this, and I had hoped that the hon. Minister would have talked about it. The mechanism for accreditation I talked about before; the development of a skills register, I remember that came up somewhere along in the 1996 discussion. People asked about a skills register. I am being told that something is happening somewhere in the United States in terms of doing some registration and when that is completed it will benefit each of the member states. I think they have undertaken to do something like that and that was going to benefit each of the member states.



What I think would be necessary, then, is for us in the region to link up so we can have an appreciation of that kind of skills bank in each of the states. That was one of the things that came through in the earlier discussion. I know that somewhere along I might have read that something is happening in the United States that would benefit us as a result of it. When that happens, we should have gained, as individual territories, a register of the skills within the territory and then Caricom or each—we will have to link up with the others to get that done. They have something about the coordination of social policies and I want to say that I think Trinidad and Tobago has adhered to it.

In the matrix, I saw where Trinidad and Tobago and most of the other countries had done that and that you were also paying in terms of—it is called “Ratification of the CARICOM Social Agreement and Enactment of the Caricom Social Agreement” and nearly everybody has done that, including Trinidad and Tobago. So at least in one area we are there with the rest of the community.

Mr. Vice-President, what we are doing today is important and the Minister has asked us for our support. We want to give him that support to get the legislation enacted because we do not want to be embarrassed, but we would want to ensure that the other approved categories be part of this bit, as we are doing the amendments now. You said that Barbados dealt with it administratively. Some people have done it the legal way and I think that we need to see how we could do it in Trinidad and Tobago. We need to have the other approved categories included in this Bill.

Mr. Vice-President—oh yes, the one I wanted to talk about I am seeing it here. The US Department of Labour is the organization and the labour exchange project—those are the two organizations in the United States that will deal with the establishment of a skills register which would make it easier for us. It said that the project would establish in all member states, by November 2001, a labour market information system and a labour exchange system, and the Caricom body will now have to get funds for the establishment of a regional link-up.

Mr. Vice-President, I know that in some of the member states there was some kind of, I do not want to say fear, but some people felt that with the granting of free movement of skills that there would be an outflow of persons from some territories and Trinidadians and Tobagonians were thinking that as well. So far, in those 10 countries that have already granted that, there is no significant outflow. In fact, as the Minister quite rightly said, the US, Canada and Europe are still the

preferred destinations for expanding the Caribbean diaspora and therefore I do not see any reason why we should not do what we have to do as a member of the community.

There is another area that I want to ask about and that is, in the amendments it deals with:

“afflicted with any infectious or dangerous infectious disease.”

I would really like the hon. Minister to tell us something about categories, when you are talking about “infectious or dangerous infectious disease”. You said it is the same as in the Immigration Act, but if you could tell us, those of us who are not aware of it, where does tuberculosis fit in? I am just asking. It is good for us to know. In this day with the incidence of the AIDS virus, where does that fit in—you know, it would be good for us. Today there is a world conference which will be taking place shortly. I think our hon. Minister of Health will be making a presentation, and we would like to know the Government’s response to or policy for admitting persons with AIDS in particular. This does not clearly refer to it.

I am not sure how you will view the other infectious diseases. I do not know the means by which it will be done but probably you will be able to tell us about it. Of course, I know that it is always the residual power for the Minister, and I am not going to stand here to argue about it. I am pleased to see that persons, when they come, can bring their families with them because we are not the kind who want to break up families, and I am happy that families can come.

There is one other area that I wanted to get from you and it did not come up in the amendment. It was in the parent legislation, and that has to do with the acquisition of property. I was reading where, when we allow persons in—I think it was said, and it was not quite clear—I do not think anybody clarified it—if I am just coming to do business can I acquire property for business, or is there the possibility that I can acquire private property? For instance, can I buy a home in the country? I think there was a lot of debate and discussion on that and I do not think anyone really was able to say what it is. You are coming in, yes, to do your business, and you may wish to acquire property, but we also want to know whether or not you can buy a house and a piece of land.

**2.35 p.m.**

I have seen that one could come, stay, leave and return without hassle, and I am hoping that that is implied in our regulations. It is important that they clarify that. That is why I said at the beginning that it would have been nice if we had

been able to get more of a sense of the entire Bill that we are now going to try to proclaim, and implement before the early part of July. I do not think anyone would want, as I said earlier, to have the Minister in a position to say that Trinidad and Tobago has not yet implemented this. Remove the “not yet”. Five years down the line is a long time. Probably those on that side will not want me to say it, but I must say that there is a practice in this Senate of passing legislation in a hurry and not getting it implemented or proclaimed. I would hope that those who are here now would understand the importance of such a thing.

I hope we are genuine in terms of the Caricom in a single market. I hope we are genuine that we want to be a part of the single market. We have seen the pros and cons of it and I do not see why, at this point in time, we should have to be forced into it. This is where we are, and we on this side want to support it because we had agreed to it from whatever year. Others have agreed, and we are benefiting from their legislation, to some extent. Those in the other Caricom countries cannot benefit from it, as far as Trinidad and Tobago is concerned and, therefore, I really would like to see that happen.

Particularly, Mr. Vice-President, in closing I want the Minister to tell me about those approved categories. Would they be covered in this Bill?

I thank you very much, Mr. Vice-President.

**Sen. Prof. Julian Kenny:** Mr. Vice-President, I first of all would like to apologize to you for taxing your concentration. We were actually engaged not in trivialities or passing the time of day, but we were engaged in trying to find the meaning of the terms “infectious disease” and “dangerous infectious disease”.

There is a serious problem. Today I was made aware of something called the “brown book” as opposed to the black books we are working with and I am indebted to Sen. Daly for worrying it through. When one reads the Immigration Act, one will notice that the terms “infectious disease” and “dangerous infectious disease” has the meaning of the Immigration Act. When one goes to the Immigration Act, one is sent to the Public Health Act, and when one goes to the Public Health Act, one does not find it. One has to go to the “brown book” to Acts that are not included in the black books. I am not making this unnecessarily complicated, but the Public Health Act actually defines an infectious disease and a dangerous infectious disease, and if we work our way through this thing, the meaning in this Act will be the meaning in the Public Health Act.

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I have been shown the trail that leads from one to the other and, Mr. Vice-President, I would like, simply, to read out, if I may, the meaning of the term infectious disease. It means:

“diphtheria, membranous croup, typhoid or enteric fever, cholera, plague, yellow fever, smallpox, pulmonary tuberculosis, tuberculosis other than pulmonary, pneumonia, chicken pox and any other disease which the Governor, by proclamation...”

That is infectious disease and it still stands, unless an eminent lawyer corrects me. I do not know whether the hon. Junior Minister wishes to? No! [*Laughter*] But anyway, “dangerous infectious disease” means:

“yellow fever, smallpox, plague, cholera, and any other infectious disease which the Governor, by proclamation...declares to be a dangerous...”

It means then that some of the really horrible diseases that have appeared since this legislation was written will not be included. In other words, HIV and AIDS will not be included in the present legislation. So, I am suggesting that there is a case to be made for some serious rethought and redrafting as to exactly what is meant. It is not only HIV. I shudder at the thought of a patient with Ebola ending up in Trinidad and Tobago, and the thing spreads like wildfire.

There are a number of other things. This is my main point here. We have to re-examine this definition which Sen. Yuille-Williams has also raised. It is not clear, and I think that it has to be properly drafted. We have two eminent medical practitioners. We have Sen. Dr. Gopeesingh and Sen. Dr. David Quamina who, perhaps, will help us with it.

Secondly, Mr. Vice-President, I wonder whether we are perhaps not overreacting to people entering the country with highly infectious or dangerous infectious diseases. I would like to think that we would protect our country, our citizens, from someone with raging AIDS entering the country to pass it on to other persons. There are people like this in the world who feel, “Listen, I am going to die, so I am really going to go out in grand style.”

Here we are dealing with CARICOM and we are dealing with a number of other Caricom countries that are quite small and do not have the resources. We have Mount Hope, premier medical center in the Southeast Caribbean, and I wonder if somebody from say, Carriacou or St. Kitts has AIDS and comes down with one of the conditions that is associated frequently—pneumonia of one kind and that person genuinely wants to extend life. It might be a raging case of pneumocystis

(pneumonia) and the person might want to have treatment not available in Carriacou. Is there something wrong with us as a nation that we feel that this person has to be barred from treatment at our top medical centre? These are only questions that I ask so that perhaps we might really rethink what we are doing.

The other point I would like to make, Mr. Vice-President, not being medically qualified and being merely a biologist, how does an immigration officer determine that a person coming in will be refused on the grounds that he has a dangerous, or an infectious disease, or a highly infectious disease? For example, if I am an immigration officer and somebody is coming through and he is coughing all over me—he has got the flu—this is an infectious disease. Is he going to say, “Out you go!”

The law has to be written in such a way that it has some meaning. What about the person from Caricom who is HIV positive but has not been diagnosed as HIV positive? It takes a period of time for the virus to get around. How does an immigration officer act? I do not know. There are other things. People come from other parts of the world. There are a number of cases from time to time where somebody comes from West Africa and the next thing you know, he has got malaria.

The Ministry of Health is very quick on the mark. The minute somebody is diagnosed with malaria, they find where the person is, take people from that whole area there and bleed them and check to see, to contain the spread of malaria. A person coming back from an international conference in Lagos, as has happened—one of my colleagues at the university actually came back with malaria. He did not know it until a few days after he landed here. I think this thing is a bit woolly, and I think the medical people really ought to advise us on how one might—I am not saying soften it, but how one might make the application of the law a little more meaningful than it is.

Finally, Mr. Vice-President, I think that from those many hours of travel where we have gone to other parts of the world where one hands over one's passport and a rather large, red-faced immigration officer starts thumbing through a black book to check one's name, we do not do this sort of thing. Is this being planned, that there will be a register of people who have dangerous and infectious diseases? It may happen in other parts of the world and, in fact, there are other administrations where there are proposals to keep people with AIDS out of the country.

Within Caricom the HIV infection rate is comparatively high and with the movement of people, I question whether people who have active AIDS moving from one part of Caricom to another is going to have that profound an effect.

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Because I would only guess that many of them would be travelling for reasons other than entertainment.

Mr. Vice-President, while I am quite happy to support getting this legislation through after five years, so that people can move freely, I wonder whether—especially as we have ministerial reserve powers that always bothered us—perhaps we are making rather much of it and legislation that may be very noble in this way may, in fact, end up being abused for other purposes. I am not accusing. I would not accuse any government of doing this, but if this thing appears on the books, it is very easy if someone is known and a person does not like him and the immigration officer at the airport says “No entry! You have got an infectious disease,” there is no challenge. The instructions may pass.

There may be other ridiculous possibilities that somebody does not like a person and might pass information that this person has got HIV. So, my suggestion, Mr. Vice-President, is that we really ought to rethink or draft a meaning for the interpretation clause of the terms “infectious disease” and “dangerous infectious disease”. I do not think that what they have there will work.

Thank you, Mr. Vice-President.

#### SENATOR’S APPOINTMENT

**Mr. Vice-President:** Hon. Members, I did indicate that I was awaiting an instrument to have sworn in a new Senator. I am happy to report that the instrument has arrived, so with your leave at this time, I will read the correspondence 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 Ganace Ramdial 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

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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 26th June, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Ganace Ramdial.

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 25th day of June, 2001."

**OATH OF ALLEGIANCE**

*Sen. Dave Cowie took and subscribed the Oath of Allegiance as required by law.*

**2.50 p.m.**

**IMMIGRATION (CARRIBBEAN COMMUNITY SKILLED NATIONALS) (AMDT.) BILL**

**Sen. Martin Daly:** Mr. Vice-President, like those who have spoken before me, I do not have much difficulty in supporting the passage of this Bill. It does raise one or two wider issues that I would like, perhaps, to make a brief comment on.

First of all, as other speakers have said—but I simply wish to identify with in one sentence—it is really amazing how we continue to pass legislation in order to meet the exigencies of some particular Government circumstance or another; whether it is a Civil Aviation Bill or an Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill, they must be passed by a certain date. I really continue to be disappointed that we pass important legislation by reference to the exigencies of politics in the broad sense.

The first indication I had that we had to attend to this amendment quickly was, I think, about a week ago. When I asked why—after it had laid dormant for five years—it suddenly became so important, I was told that some personages were attending some meeting in the Bahamas, and that made it important. As far as I am concerned, that makes it quite unimportant. If we have run our affairs sufficiently badly that we have not carried out our obligations, to suddenly wake up and say, "Oh well, I would have a red face when I go to the Bahamas next week", it is no good reason whatsoever for passing legislation in a hurry or at all.

Certainly what Sen. Prof. Kenny's contribution has shown and the research which I did on his behalf is, of course, that we have more "hurry-curry" drafting. He asked me, in all innocence, how to track down a definition of "infectious diseases", for reasons which he has now made plain, and it turns out that it was an important enquiry. Here we are passing another piece of legislation where we have, in order to understand an important part of it, to go to a piece of legislation that is off the books in the sense that it is not even contained in the most recent revision of the laws of Trinidad and Tobago. That is just sloppy. We are just passing a sloppy law; and it is not nit-picking.

The work that we do here must be credible. So we are just sort of being lazy and saying, "Well, we would not worry to look." It never occurred to anybody to make the enquiry, which Sen. Prof. Kenny has made, to see if the list is up-to-date. Worse than that, it never occurred to anybody to say, "Well look, we cannot continue going back to the brown books or the 1950 revision in order to find out what a statute passed in 2001 means." Sloppy work like that just gets me. I feel I have to make my protest yet again. It is just plain sloppy; it is lazy and I have a problem with that.

Of course, we are not approaching this legislation professionally. We just have to pass something for some meeting in the Bahamas next week. So if the people in Caricom say, "Let me see an updated copy of this Bill that is important throughout Caricom,"— The people who have been waiting for it for five years may ask, "Well, let me see a copy of your Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill. Then they look at it and say, "Well, do I fit within this exception?" they would have to employ a lawyer in Trinidad and Tobago to go back and find what infectious diseases qualify by reference to the 1950 revision. This is just plain sloppy.

In this case, we are clearly exporting the sloppiness because this Bill is going to be of widespread interest throughout Caricom and it is just unprofessional. It is not a criticism of the Minister, it is just the unprofessional way in which we do things. I have a problem with that.

The other point which I would like to raise, is the wisdom with which these exceptions are going to be used. In order to make good the point, let me just say briefly what is the scheme of the immigration laws, as I understand them. Citizens have an unqualified right to enter the country. Residents have a fairly unqualified right to enter the country and other persons have qualified rights—well, they are not even rights—qualified conditions under which they can enter the country. The ability of persons other than citizens or residents to enter the country, subject to a



long list of qualifications which are much longer than just infectious diseases or national security risk, is not relevant to the point which I wish to make to refer to the whole list.

It is entirely sensible that if we are going to provide fairly unqualified rights to another category of persons besides citizens or residents, that we should still have residual powers to exclude persons. I always like to take very homely examples, because I think we take ourselves much too seriously in Parliament. It cannot be that if somebody happens to have a university degree and in some way it qualifies him for entry under this Bill, but he is known, in fact, to be the top hit man in the Caribbean, and is coming to Trinidad and Tobago for the purpose of carrying out a "hit", that we do not have residual powers to exclude him, even though otherwise, on the face of it, he might qualify for entry. So it is important to have residual powers relating to health and national security. The question is: How wisely are we going to use these residual powers?

I am not going to deal with the question of infectious diseases. There are persons who are far better qualified than myself to deal with that, but I would just like to spend a few minutes looking at how our governments in the past have viewed national security risks. It makes me very suspicious when I hear the debate going on that we might deal with entertainers administratively. I get a little worried about that because, clearly, one of the biggest pressures on movement within the Caribbean comes from entertainers, many of whom cannot get recognition in the wider entertainment world abroad and have no better economic prospects for themselves than to travel to the various islands in relation to various seasonal and other events that are promoted off season.

I sincerely hope that this desire to continue to deal with entertainers administratively is not some kind of fear of lyrics, because our politicians have a terrible fear of lyrics. I mean lyrics, of course, in the common parlance sense, not of Shelley and Keats. We have a great fear of lyrics. Let me take a more historical example: I wonder whether it is that we would like to continue to deal with someone like Gabby from Barbados, administratively, because if certain circumstances develop in Trinidad and Tobago we might regard him putting on a live performance of Boots, as subversive. That is really the reason that we do not want to have a category for entertainers.

Mr. Vice-President, our track record is very poor. Remember Stokely Carmichael, who was kept out of the country where he was born by a predecessor regime, I hasten to add. What is their name? Stokely Carmichael was kept out of

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the country of his birth for a very long time. I assume it was done administratively. Then, unfortunately, when he was sick, probably with a disease that might be caught by one of these definitions, everybody then ran to kiss his foot and greet him as a home grown hero. We had no use for him when he had his prime oratorical powers, but everybody ran to kiss his foot and, of course, to get some political mileage out of a photo opportunity with him, when it was really quite cynical to be promoting him as a good “Trini” at that stage.

C. L. R. James, by a predecessor regime was placed under house arrest. Then, of course, I would not refer to more recent events with media personalities, as that might cause the afternoon to become somewhat contentious.

We have to make these two exceptions, particularly the one relating to national security, but I sincerely hope that we are going to use those reserve powers much more wisely than they have been used in the past. We are not simply going to use them as the grounds for suppressing free speech and contemporary speech and music; in other words, for suppressing lyrics. For that reason, I would be a lot happier if the position with regard to entertainers was a lot clearer. I do not like this administrative business; I would like the position to be a lot clearer.

Generally, I would just like to remind everyone that we must use these national security exceptions wisely, not frivolously to prevent persons within Caricom with whose philosophy we disagree from entering the country otherwise. I like, as I say, to have my little homely examples, but I assume that Mr. Dhanraj has a Trinidad passport, otherwise he would not get past Piarco, because his diagnosis has already been made. [*Laughter*] So we have to be a little careful how we do these things. I am sure he would be all right, because he has a Trinidad and Tobago passport. God forbid that Mr. Dhanraj did not have a Trinidad and Tobago passport, he might not get past Piarco [*Interruption*] “poor fella”, as Sen. Dr. McKenzie says—for whatever reason. We really have to be very careful with these things.

This is a very serious issue, and I wonder if the Government knows, in its haste to look good in the Bahamas, what it is getting into. Much of the lyrics of contemporary writers and entertainers are fairly fierce. For example, my attention was drawn recently to some lyrics that advocated the “bunning” of people of a certain orientation. So the lyrics of contemporary writers are quite fierce.

I hope we understand that if we are really serious about Caricom countries mutually throwing open their doors to each other, that we understand what are the

implications for a democratic society. I am not so concerned about lyrics that deal with the “bunning” of people of a certain orientation but if, for example, we have had a party split in Jamaica and Barbados and, God forbid, some lyricist on the question of splits wanted to come to Trinidad from Jamaica or Barbados, in certain circumstances which I certainly foresee, I certainly hope he would not be deemed a national security risk. So it is a very sensitive and dynamic subject

**3.05 p.m.**

So that in summary, I have no difficulty in supporting this, but I sincerely hope that we would use these reserve powers very wisely, we will not use them oppressively. I really think we should consider doing something explicit about entertainers and, perhaps, if we were not passing this legislation in order to avoid some external embarrassment, some more thought might have been given to the category of entertainers and the category of persons with infectious diseases.

Thank you, Mr. Vice-President.

**Sen. Prof. Kenneth Ramchand:** Mr. Vice-President, we must accept that the Bill does not go far enough if we are talking about the establishment of a single market and economy, the free movement of labour, capital and goods.

Mr. Vice-President, the Bill is chicken feed. I am quoting the hon. Minister who introduced this Bill in the debate in 1996. The hon. Minister said that it was chicken feed, and it does not go far enough in deepening or widening the integration movement. Like the present Minister, he begged us nevertheless to cooperate with what he confessed was a small step.

In 1996, Mr. Vice-President, I cooperated even though I had serious difficulties with the limitations of the Bill. In 2001, I am going to cooperate, I am going to support the Bill, I am not going to call for a division, but I want it to be said and I want it to be recorded in *Hansard* that I flatly oppose it. I oppose it, not because I am against regional cooperation, not because I am against deepening and widening the integration process, I oppose it because I am an ignorant—

**Sen. Ahmed:** Point of order! Mr. Vice-President, under section 35, is it that the hon. Senator is debating the Bill that was passed, or is he making reference to the amendments before us today? I wish to propose that he is debating the Bill that has already been passed and that his statements be withdrawn.

**Mr. Vice-President:** At this time, I would suggest with due respect to the Senator, that I do not think that he is making reference based on Standing Order

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35. I was not too clear in terms of the particular Standing Order to which you are referring.

**Sen. Ahmed:** Standing Order 35(1).

**Mr. Vice-President:** I did not get the impression Senator, that he was infringing Standing Order 35(1) in that strict sense, so I would like the Senator to continue. [*Desk thumping*]

**Sen. Prof. K. Ramchand:** Thank you very much, Mr. Vice-President. I am very happy to have survived my first encounter with censorship in this Senate. [*Laughter*] Yes, I oppose it, not because I am against widening and deepening the integration movement, but because you might say, Mr. Vice-President, I am an ignorant and diehard federalist. I want a federation of the West Indies; I want political unity; I want economic unity; and it is because I want those things I have to let it be recorded in *Hansard* that I oppose the present amendment as contributing to tokenism.

Mr. Vice-President, I would like to spend a minute or two on the amendment to section 3. During the debate in 1996, it turned out that the reason we put in that phrase about occupation and employment, was that there was a fear that if you gave somebody a certificate that says you are qualified to work, without saying what you are qualified to work as, somebody who came in as a teacher of French could change profession and become a journalist, or change profession and become a public relations officer, et cetera. Unless there was reciprocity, unless we all had the same legislation, then one particular country could be bombarded by hordes of people who have the qualifications and whose degree qualified them for no real field, and, therefore, qualified them for all, like politicians. We would be bombarded by hordes of people with degrees who could change profession as they pleased, and the hon. Minister himself says that what we are trying to provide in the legislation is that you come to Trinidad and Tobago and if you are qualified as a doctor, you work as a doctor; if by training and experience from the university you are trained in that way, you come in and work in that field. That is what we are saying, nothing else. So the intention was that if you come in to work as a doctor you work as a doctor, and I think the logic of that debate would have been that we should have amended the certificate to say: "that the person has skilled qualifications in general and that he is permitted to work in the following fields." I think that would have protected the country from an invasion when there was not reciprocity and when there was not a single West Indian government and when we were not one country. So I think that was the reason for

that phrase, and I would like the Minister to address that when he is defending the deletion of those phrases.

Mr. Vice-President, this amendment is related to some other difficulties in the Bill and I hope it would not be said that I am debating the original Bill, but I think there is a problem about who issues the certificates. I recall there was pretty strong opinion that the University of the West Indies (UWI) should be the authority to issue the certificates. They would tell you whether the degree of the University of Suriname was recognized as equivalent to the Caricom standard that we were setting. They would tell you whether the degree from the University of Saskatchewan was equivalent. In other words you needed a body with the academic authority itself, or with the outreach to get expert advice to make the decision as to what kinds of degrees would be acceptable for skilled qualifications.

I know, for instance—I do not want to say that not everybody with a degree from the UWI or UG, or the University of Technology is the same—degrees vary. You have a first class degree, an upper second degree, a lower second degree, you have a third class degree and you have a pass degree. People with pass degrees and third class degrees—there may be extenuating circumstances, but in general—are people who really have wasted their time at the university and they are not qualified to do anything except to teach in this country. They send them to teach, they give them these bad degrees and send them to teach, that is why we are having metal detectors in the schools now.

So, Mr. Vice-President, I think you need to tighten up on the degree and the kind of qualifications, and the certificate needs to specify the fields. I think this amendment is indirectly a result of some of the lack of clarity in clause 3(2). What we did with clause 3(2) in 1996, was try to tighten it up, but obviously we did not tighten it up enough and the intention got lost. It really was not an intention to insult anybody, or to be restrictive in a cruel sense. It was restrictive in a selfish sense that we cannot just let in any and every body who has the basic minimal qualifications and tell them they can do whatever jobs they like here. We needed some measure of protection.

Mr. Vice-President, the Minister said that the intention of the Bill is to promote the single market and economy, and to promote some of the aims, to advance the steps that had been recommended in the Gran' Anse Declaration. Mr. Vice-President, I am very unhappy about the progress we have made since 1989

in promoting the steps listed. Maybe they should not have chosen 13 because as they chose 13 it got a kind of blight. Very little has been done about those 13 steps and I would like to look at some of them to show that since 1989, and then since 1996 when this Bill first came, and when the Minister confessed that it had not gone far enough, we have not taken a single step towards fulfilling the recommendations embodied in the Gran' Anse Declaration which we are trying to turn into a sacred text, much in the same way that the people of India turned Gandhi into a guru and do not do what he said. So we are having this sacred text to disobey, and we have this holy man to ignore.

In the Gran' Anse Declaration, there were 13 steps recommended and I will only give you three or four, Mr. Vice-President. The three common market instruments required by the Treaty of Chaguaramas, common external tariff, the rules of origin and a harmonized team of fiscal incentives. Our score there I think is one out of three. Customs cooperation and our customs administrators strengthened to prepare ourselves for movement towards a customs union—zero; a scheme for the movement of capital introduced by 1993 starting with the cross-listing and trading of securities on existing stock exchange—zero; arrangements by January 1991 for the free movement of skilled and professional personnel, as well as for contract workers on a seasonal or project basis—three-quarters out of three; immediate and continuing action to develop by July 1992 a regional system of air and sea transportation including the pooling of resources by existing air and sea carriers, conscious that such a system is indispensable to the development of a single market and economy—minus 10.

So, Mr. Vice-President, we are talking about the Gran' Anse Declaration, we are talking about deepening and widening the integration movement and this is what we have: a Bill that gives further privilege to the privileged. People with university degrees and qualifications from the West Indian territories have had no problems coming to work in Trinidad and Tobago. They have had no problems moving from island to island and in fact, the procedures for getting a work permit for these people are simpler than the procedures for getting one of these Caricom certificates.

**3.20 p.m.**

Mr. Vice-President, I feel that this present amendment is privileging the already privileged with its very unsatisfactory administrative arrangements. Why do we have to come to Parliament to bring ours in line with somebody else's and to ask ourselves, what are we going to do about the artistes? Some people are

doing it administratively. If we really wanted regional cooperation, what in the world would have prevented the Caricom governments from setting up a committee to draft legislation that would apply to all the signatories to this agreement? Why does everybody have to do his own? They did that and they are still different. [*Interruption*]

I am glad to hear there was model legislation that got muddled up because to hear that some other country is allowing the artistes; and another one is dealing with it administratively; and we have to bring ours in line before we get to the Bahamas, means that the cooperation that is required, if you want to deepen and widen the integration movement, does not even exist at a superficial level of getting together legislation on something as simple as this.

The deepening and widening of the integration movement—I am getting very reluctant to speak because I do not want to be told that I am not sticking to the matter under debate—but since the Minister spoke about deepening and widening the integration movement, I believe this allows me to refer to deepening and widening the integration movement. During that debate all kinds of ideas came up about deepening and widening. If I may paraphrase myself, I argued that Caricom states had made no attempt to create a sense of community; or to help West Indian people to know one another; or to create a sense of community.

No island government in the West Indies has given the slightest indication that it would be willing to surrender island nationalism for West Indian nationalism; or that it would be willing to be a party to any form of political unity that would weaken its hold on power in its own island; or that it would give to any other body the right and power to intervene in the affairs of that island. It is in the context of the proven unwillingness and the proven refusal of integration that I am looking at the present amendment.

The term that we have now boiled down to, having absconded, departed or abdicated from the idea of federation, is “single market and economy”. I feel that those words are being used without due attention to the significance that each of them contains. Deepening the integration process is a very difficult issue. We cannot even deepen the integration process in Tobago; we are called Trinidad and Tobago. Where is the integration process? Where is the deepening? Where are the cheaper and regular flights? So we have moved from free trade to common market; to single market and economy.

In the report of the West Indian Commission called the "Time for Action", the Commission describes the single market and economy as a single market structured and functioning to a large extent as if it were within the borders of a single country. And it said that such a single market would help to develop common production. It went on to say that it recognizes the benefits to production and development that would flow from the advent of a genuine single market.

Sometimes when a student brings a poem to me and asks if it is a good poem or bad poem, I say I do not agree with those adjectives. It is either a poem or it is not. When we sneak in the adjectives, we are trying to dilute the liquid. It is either a poem or not a poem. It is either a single market or not a single market; but the diplomatic gentlemen writing this report, who did not wish to be kicked out of the territories they were visiting by the Caricom heads, had to say genuine single market. A single market has to be a genuine, single market and what they are telling us is that they themselves agree that we are not really interested in a single market.

The late William Demas, in a pamphlet called: "Towards West Indian Survival", argues the same thing. The single economy means that we are behaving as if we are one country and this would involve central planning. So if the present amendments are intended to be seen as a contribution towards an evolution to single market and economy—I am sure that Sen. Prof. Kenny can give me the earliest form of the entity that is going to evolve into that.

We really are at the very primitive stages and there is no way of saying, from the thing that we are dealing with here, that this could evolve into the single market and economy. I do not have the biological terms but it really is hard to make the connection between this amendment and the evolution of a single economy.

So, Mr. Vice-President, not only have we not, since 1989, done anything about the Gran' Anse programme; not only have we failed to move in a constructive and positive way towards a single economy and what the single economy implies, it got worse than that. We have set about murdering the federal idea. And the murder of the federal idea—I think the report of the West Indian Commission is really a wonderful document. These were people who saw the problems of the countries and saw the problems about getting federation going, and who, I think wanted federation but they had to appear not to be in conflict with the governments. They had to be as diplomatic as possible. They had to see whether they could secure some of the advantages of federation without political



unity and hope that when they got those advantages going, we might move towards political unity.

On page 465 of their report, the Commission says very clearly:

“The alternative routes of a federal system or one of closer political unity are not options now open to CARICOM as a whole. We are too close to the federal experiment that raised so many hopes, yet failed at its first major political hurdle. We do not recommend federation, federal structures or federal concepts as the way forward for CARICOM. It is important that these exclusions be fully understood...Both federalism and other forms of political union involve the surrender of sovereignty, in part or in whole, to a federal or unitary government.” *[Interruption]*

**Sen. Gillette:** On a point of order, Mr. Vice-President, I would like to hear the debate with respect to the one CARICOM market and the federal union and the coming together of Caricom. I think we are straying a little and we are really talking about immigration and immigration issues. So I am just trying to focus back the discussion, really.

**Mr. Vice-President:** May I advise all Senators, that when you rise on a point of order, guide the Chair so that I would be able to make reference to it, rather than to attempt to usurp the power of the Chair or the presiding officer. *[Laughter]*

Sen. Prof. Ramchand, I would like you to try your very best to keep a little nearer to the debate. Thanks very much

**3.30 p.m.**

**Sen. Prof. K. Ramchand:** Thank you for your charity, Mr. Vice-President. When you watch Dillon, Cuffy, Corey Collymore and all these fellows, you cannot help bowling a few “wides” yourself.

I think, hon. Minister, through you, Mr. Vice-President, the matter of immigration or the movement of peoples within the region is integral to the notion of federation; it is integral to the notion of the common market. You cannot talk federation or single economy unless you talk about the movement of goods and people. So I do not think I am really being irrelevant. I, perhaps, am being repetitive because I keep saying these things year after year.

What I am trying to report is that the West Indian Commission, abdicating the notion of federation, described a set of economic and political arrangements

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which they would have called sovereignty-sharing, that is, that we get together; we do not surrender our sovereignty, but there are certain areas where we come together and exercise our sovereignty as a unit against external forces and so on. So sovereignty-sharing plus the genuine single market were the ways that the commission recommended that we should go in the development of the Chaguaramas Treaty, the Gran' Anse document and so on. These were the steps that they were moving towards.

If it is a fact—and we do not know it as a fact—that the federal idea is dead, or the federal idea has to come back at a later time after we have got better air and sea transportation; after we have worked on the single market and economy; after we all read the works of the artistes from the different islands; after the painters, musicians and calypsonians and so on, can travel freely; if the federal idea is to come later, I would wait, and I would go along with the kind of recommendation put forward by the commission.

I just wanted to let the Minister know that although I oppose the present amendment I am not going to vote against it. I am opposing this because it is tokenism and it is too shallow, because it is chicken-feed, and I just wanted to remind him of what I am sure is an ideal of his own, that is, the federal idea. Perhaps we should all work together through the recommendations of this commission to do the single market and the economy and to get political unity and sovereignty-sharing going before coming back to the federation. The phrase I use to describe this—and I close with that—I think a trusting common-law federation would eventually lead to the true marriage of the federation.

Thank you, Mr. Vice-President.

**The Minister in the Ministry of Community Empowerment, Sport and Consumer Affairs (Sen. Dr. The Hon. Daphne Phillips):** Mr. Vice-President, I thank you for the opportunity to speak on this Bill. I have been awaiting an opportunity to speak in this session of the Parliament and to speak on previous legislation for which I have prepared, but I have not yet had that opportunity, and I am very pleased to be able to contribute on this occasion.

I also wish to take this opportunity to state how much I feel about this great responsibility and great honour which have been afforded me to, again, be part of this Senate; to again have been selected to participate in this honourable Senate. I do know, from all our deliberations in the past and present, that this is the House of our Parliament in which we have the most serious debates, the most organized, the most honest, the most disciplined, and debate that is supported on most

occasions by research, empirical evidence, and this almost always characterizes the deliberations in the Senate. I am indeed very proud to be part of the Senate of Trinidad and Tobago.

I know that we are pressed for time, but I seek your indulgence for just one small moment to correct a perception which—and I take this on the privilege of speaking now for the first time in this session. I seek your indulgence just for one moment to correct a perception that became evident very recently to me. It really occurred on a radio talk show in which I was engaged recently, in which my presence in the Senate—this was the perception—had somehow denied those who were legitimately elected, their part and their manoeuvrability, their participation in the Parliament.

*Sen. Montano rises.*

**Mr. Vice-President:** Let the Minister continue—

**Sen. Dr. The Hon. D. Phillips:** I am just taking this opportunity to correct a perception, because when it did occur, I was asked on a radio show to explain to the population, because they did not understand the difference between the Senate and the House of Representatives. Mr. Vice-President, can I go on?

**Mr. Vice-President:** I would not want to stop you, but if you can try to stick to the Bill itself, it would—

**Sen. Dr. The Hon. D. Phillips:** Okay.

**Sen. Montano:** Mr. Vice-President, on Standing Order 35(1), if somehow what the Minister is saying is relevant to the legislation, we would be willing to sit and listen to it, but, quite frankly, she is referring to a radio show that has absolutely nothing to do with the subject at hand. Now we have already heard something about that. She can have a press conference at her leisure. This is not the place for that.

**Mr. Vice-President:** Sen. Dr. Phillips, if you could try your best to stick to the Bill, and even if you have to make reference, it has to be relevant to the particular matter, so kindly assist us.

**Sen. Dr. The Hon. D. Phillips:** Thank you, Mr. Vice-President, I will follow your ruling. I again want to reinforce my point that I am very proud to be part of this Senate. [*Desk thumping*]

In relation to the Bill, of course, I fully support the legislation which looks at the definition of the dependent members of family, the clarification of issues related to

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infectious diseases, and I am sure from the comments made before, at the committee stage we may want to even further clarify some of those definitions.

The restrictions in the Bill are for persons who are subject to a deportation order or an order of extradition and so on, and the powers given to the Minister of National Security are, of course, all supported, but I want to raise a few issues which may have not come to the attention of some persons. Although I agree with the Senator who spoke before me, that this Bill really—and the Government has acknowledged that—the Act, though it is an important piece of legislation in relation to the single market and economy, it is only really one small step in that direction. It does not go far enough. In fact, all categories of workers should eventually be allowed to move freely in the region if we are to really reap the full benefits of the single market and economy, and we know that.

However, there are ways in which we can maximize the provisions of this Act and the attendant Bill through which we are now amending the Act. I want to point to some issues which affect us in our country. The Bill allows us to contribute to the movement of persons with skills in areas which are sorely needed in our country—new techniques in what we may call, social engineering—and those skills are necessary to address the needs which are developing in our country at the social level.

**3.40 p.m.**

For example, we know that persons have, for some time, been trained in studies related to gender, domestic violence prevention and prevention services for men and women; employment creation; also skills related to our aging population; population studies and home and community care techniques for our ageing population. We are experiencing certain social conditions, some emerging demographically and others related to social problems which are evolving in the larger world and in our country, Trinidad and Tobago.

We need to get whatever skills are available through the criteria which are laid down in the parent Act and the amendment Bill so that we can have persons who are skilled in these areas come into our country—for example, persons skilled in physically and mentally challenged care. We need no longer work only on the sympathies of people but we need persons who are trained and skilled—certainly at the university level—so that they can carry out the care, training and direction that is necessary.

We need persons with community mediation and dispute resolution techniques. We have already passed legislation in this Senate for some of these

programmes, but we need the staff. We need the persons with the training and we can look to Caricom for those skills. We need to improve our skills in distance learning techniques and adolescent learning. We know we have certain kinds of problems with adolescents and, perhaps, it is because we are not approaching their situation in a way that is meaningful to them. We need people with the skills and training to come and work in all these areas of social engineering. We need persons who are also skilled in environmental issues since we have environmental programmes that are so important to our well-being. We need skills in these areas. I am saying that we can use the provisions of this parent Act and the amendment Bill to attract these skills into our country.

Mr. Vice-President, at present I am engaged in creating an implementation programme for overseeing the restructuring of the social service delivery system in Trinidad and Tobago. This is related to the new kinds of skills we need coming into Trinidad and Tobago for implementation of such a programme. The broad objectives of restructuring our social service delivery system is to get the services nearer to the people and to put together a package of services that are relevant to our needs. The persons who have these skills can be brought into Trinidad and Tobago to beef up our source of skills in these areas.

If I may be permitted, Mr. Vice-President, I would outline what we are looking at in our social service delivery system, the package of services we want and, therefore, the kind of skills we could get and how we can use the Act to attract our colleagues from Caricom. The total package of skills consists of early childhood education—we have some of that—dispute resolution services; drug rehabilitative and preventive programmes; mediation centres; adolescent learning centres; employment agencies; adoption and foster care services; elderly walk-in day-care and other centres; community elderly neighbourhood centres; family planning services; environmental programmes; AIDS awareness programmes; women's and youths programmes and so on. All these social services we want to put in packages to deliver to communities in a meaningful way. Hence, we need skilled persons and we need to implement this in a way that would be sustainable and would contribute to sustainable development.

Mr. Vice-President, our Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill allows us to use the resources available in Caricom to beef up our services here in Trinidad and Tobago. Of course, it also allows us to export some since many of our university graduates are unemployed and they too can benefit from work in other countries.

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Just one other point, Mr. Vice-President, and that is in relation to two categories of skilled persons in our country who are very critical to our social system. One category is the teachers and the other, the nurses. We know that, in the context of the teachers, we have recently been able, through the various negotiations to improve their income and professional status, and with the recent offer of migration to the United States of America, I understand that only 180 of the 13,000 registered teachers resigned to take up work in the United States of America. This is certainly a good sign that we can hold our teachers in Trinidad and Tobago, but we can also look to Caricom as well, to beef up the gap that exists between those that are available and those that are required. This is becoming increasingly necessary because we are continually building new schools and would require new staff.

A friend of mine called me just this morning, Mr. Vice-President, saying that she was offered a job in COSTAATT and she was looking for my advice on where she can place her child. So, indeed, the process is taking place. People are coming to participate and work in the systems that we have put in place COSTAAT—the institute of technology, the community college and the various social programmes that we are developing in Trinidad and Tobago. We will benefit them through offering them avenues to implement their skills and we will benefit from those skills.

Just one other point about the nurses, Mr. Vice-President, and I say this in relation to a study that I did since 1990 along with Dr. Ralph Henry in which we were looking at nursing migration from Trinidad. We found that in 1990, of the nurses who existed at the time, 75 per cent said that they would migrate if given the opportunity. The vast majority, of course, to the United States of America, Europe and Saudi Arabia. At that time less than 5 per cent of the nurses said they would go to any Caricom country. Of course we had further disquiet among the nurses in the year 2000, but they really got no real benefits out of that except, perhaps, for those who may have moved to the Regional Health Authorities and got a bit of an increase in their income.

Mr. Vice-President, I have been a nurse, midwife and nursing instructor myself so I am very sympathetic and I see myself still being affiliated to the nursing profession. So, what I say here, of course, is not meant at all in any derogatory way.

**3.50 p.m.**

I recommend that in order to increase their level of professionalism and their assessment as professionals, nurses need to get their training accredited or

stamped, that is, acknowledged by the University of the West Indies. I know that we were working on a programme, but that has not come to any fruition. I recommend that nurses continue to struggle to get their training in the university and benefit from this and other kinds of legislation that we have. We know that they are professionals; their training is good and their work is critical to our health services, but we want to see nursing in the university.

I think that we can use the provisions of the Act and the amended Bill to our benefit in Trinidad and Tobago, to beef up our social services in health, education and other areas emerging in our evolving social context. We have a number of problems and we need professionals to deal with them at the community level.

Thank you.

**Sen. Joel London:** Mr. Vice-President, let me congratulate the Senator on her contribution this afternoon, if you would allow me, as I beg your indulgence for just a few minutes. Much has not been said about it, but I want to take this opportunity as well to congratulate Sen. Dr. Jennifer Jones-Kernahan on her acting appointment as Minister of Food Production and Marine Resources. I look forward to seeing her take her place on the Front Bench and her name changed from just Senator to Sen. The Hon. Dr. Jennifer Jones-Kernahan, but that was not forthcoming. I am not certain why that did not happen. I suppose that there is a reason why she was not included on the Front Bench and her status changed to Sen. The Hon. We congratulate her, nonetheless, on her acting appointment.

We welcome the Government's initiatives to treat with the matter of movement of Caricom nationals through the region and their attempts to align the Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill with our immigration laws. While my good friend from Toco/Manzanilla, Sen. Michael Als may subscribe to the school of thought that variety is the spice of life, I am of the view that repetition is a key ingredient in any learning process. Sometimes it becomes necessary to say the same things over and over and over, in the hope that the Government will some day listen and learn. I agree with the sentiments expressed by the Minister in the Office of the Attorney General and Ministry of Legal Affairs, that we need to get the thing right. To get the thing right, the Government has to listen and not just feel that every or most of the suggestions that are made, are designed to put the Government in an unfavourable light.

Every Bill that is passed in this Senate cannot be a work in progress, that we must constantly find ourselves revisiting, amending or repealing. It is a sad day in our nation's Parliament, when we find ourselves repealing legislation that was

assented to or passed not more than a year ago. These things happen because the Government will not learn and will not listen.

Had the Government listened, some of the things which we are repealing today, would not have even been necessary. We keep hearing of the malpractice of attempting to pass legislation in the still of the night, or the wee hours of the morning, but it does not stop there. This process continues to go on and on and it seems as though the Government is not listening. It seems as though we are not happy until we are forcing some legislation down our throats, trying to meet some regional or international deadline, that we have brought on ourselves.

The rush is strange because I am not certain that we are rushing to avoid international obligation, embarrassment, or promises made over a round of drinks. I am not certain that as a nation, we are afraid of international embarrassment. I remember the debate we started some time ago on sustainable growth. It was a motion raised by Sen. Prof. Kenny. The question was asked whether the Government had been meeting its international agreements as far as some of our international treaties were concerned. The Government was totally unaware that it had to submit reports to show its implementation of Agenda 21 imperatives. The hon. Minister of Finance said then, that Agenda 21 or no Agenda 21, the country was experiencing sustainable growth. Treaties on bio-diversity or no treaties, the country was experiencing sustainable growth. That is how we approach our international imperatives.

The concern for meeting those international obligations, or submitting a report in time to meet the deadline in March, that was set by the international bodies, seemed not to be the concern of the Government at the time. The question was specifically asked and the Government decided it would not even answer. That is how we operate in this country. We seem to be operating in a vacuum, where we do everything in our little space, unconcerned as to what is going on in the regional and international environment. I do not think that we are rushing to avoid international embarrassment. I think we need to meet promises before the Bahamas conference comes around.

#### **4.00 p.m.**

Today we are looking at amendments to the Caricom nationals free movement legislation and while I may not have a problem with the proposed amendments per se, I do have a problem with those amendments which were not proposed, which the Government knows it must address. In doing so, I want to touch very briefly on two things. First of all are the questions of reciprocity and qualification.



Trinidad and Tobago has the dubious distinction of being one of the last member states to enact legislation based on the 1995 Caricom agreement. And even though the legislation was enacted in 1996, proclamation seemed to be a problem because, even up until the Julian Rogers' fiasco in 1998 the Bill still had not been proclaimed. The hon. Minister stood here today and said that the Bill was, but I am certain that the hon. Minister knows fully well that the Bill was not proclaimed and it is yet to be proclaimed.

Countries came after us. Antigua came after us. Belize and Jamaica, and they enacted the legislation and they proclaimed it but Trinidad and Tobago has failed thus far to proclaim the legislation. I want to refer to the same document that my good colleague, Sen. Yuille-Williams referred to, the very matrix that comes from the Caricom web site, [www.caricom.org](http://www.caricom.org), which speaks about the countries that have actually proclaimed the legislation, and one would see a whole host of nations proclaiming it including Antigua, Barbados, Belize, Dominica, Guyana. When it comes to Trinidad and Tobago, it says it was enacted but, however, not yet proclaimed. This is from the Caricom web site. But more than that, in July of 1996, as Sen. Yuille-Williams alluded to, the free movement for work purposes was extended to other categories of workers and from then till now, this Government has brought no legislation to this honourable Senate for enactment, for amendment or anything to include these categories. I say enactment or amendment because, granted that the 1996 changes in terms of extending the categories came after the Bill had passed through the Upper and the Lower Houses, there was nothing to prevent the Government from including it in an amendment in any subsequent piece of legislation after that, but not five years later. You are talking about something that was passed in 1996.

Five years later, even though we know beyond a shadow of a doubt that the terms were extended to include other categories of workers, at no time in those five years did the Government think it beneficial to bring to the Parliament any legislation to include these new categories of workers. I am certain that the Government is aware of the regional changes to include other categories of workers.

Mr. Vice-President, is the Government today, through you, in a position to say why as a nation we have not considered such legislation? The Minister, in fact, made reference to it when he gave his preamble but gave no indication as to when it was coming. Once again we are still in the starting blocks long after the gun has gone off, and while it may not be a race, it speaks to our commitment and our willingness to play our role in regional integration. The point I am making is that there is a clause in the Act that speaks about reciprocity. There is another way of

putting reciprocity—that is, by saying “do unto others as you would like them to do unto you”, and if that is the case we can find ourselves in a very unfavourable position where member states would be willing to scratch Trinidad and Tobago’s back, but we are not scratching anybody else’s back. There are countries that have done it. Again, referring to the same matrix, there are countries that came after us, even after 1996, and changes were made. Jamaica did it, Belize did it, Guyana has done it and St. Vincent and the Grenadines has done it. They have amended their legislation to either include other approved categories or to give the Minister the discretion to add additional categories.

In doing so, they have made it open to a larger number of Caricom nationals. We can be creating a very embarrassing situation for ourselves and for the people of Trinidad and Tobago. Could you imagine our musicians being given the opportunity to work in Jamaica unhindered, unfettered and in return Jamaicans coming here and we then tell them that they do not qualify. What would happen to reciprocity then? “How it go look” the next time Ronnie Mc Intosh goes to Jamaica and they “blank him” because we refused their musicians here? It has happened before. It happened with some Barbadian entertainers who came to Trinidad and found themselves in a similar situation, and these kinds of acts or circumstances in my opinion are against the very spirit of regional cooperation and free movement.

What is the Government’s position on the free movement of skilled persons other than university graduates? I would like the Government and the Minister to make that position very clear today in terms of when we would see legislation that opens up the nation to other categories, other than university graduates. There is absolutely no provision in the Bill for unqualified businessmen, for example, who want to bring capital into Trinidad and Tobago and make investment into the economy. The Bill is very silent on that and no amendment seems to be coming from the Government to even suggest that it is willing to consider anything in that area.

The Government has been known to look a gift horse in the eyes and turn away. The Government has been known to see an opportunity to do the right thing and go contrary to advice and recommendations. It is only when these decisions come back to haunt us do we learn, when we had an opportunity to make it right—and not right in terms of seeing it through our tinted glasses, or seeking our own interest, but right in terms of the greater good for the greater number.

I think we ought to revisit the qualifications under consideration in the Act and seek to include in some way other categories of skilled persons. Otherwise,

we would find ourselves coming back to Parliament to introduce legislation to this effect, when we know that right now we have to do it. We are aware that it has to be done today.

**4.10 p.m.**

If we do not do it today, we would have to bring legislation at another time to have it done then. I propose today, Mr. Vice-President, that the Act be further amended to include persons so skilled or so qualified in the areas of music, sports and the performing arts or in media work and that they be included in the Act. If it is not included today we need to include in the Act or make the option available, to have the Minister with that responsibility consider adding additional categories to the Act, at least, for reciprocity sake.

Mr. Vice-President, with these few remarks, I close my short contribution on the debate today and anxiously await the closing comments of the hon. Minister.

I thank you, Mr. Vice-President.

**The Minister of Enterprise Development, Foreign Affairs and Tourism (Hon. Mervyn Assam):** Mr. Vice-President, let me from the very outset thank, very sincerely, all the Senators who made an invaluable contribution to this debate.

Let me, first of all, make a few corrections because both Sen. Yuille-Williams and Sen. London said that I, in my presentation, indicated that the Bill had been proclaimed. I never said so and I will quote directly from my speaking notes. It says here, subsequent to the passage of Act No. 26, during a review for purposes of proclamation, concerns were raised regarding the relationship of the Act to the Immigration Act. That is what I said.

In another part of my speaking notes I also said, “the passage of this amendment Bill and the subsequent proclamation of Act No. 26 of 1996 are consistent with ongoing efforts.” I never said the Act was proclaimed. In both instances I said the Act was not proclaimed. I would like the record to be corrected and I would hope in future that I would not be misquoted because I try to be as clear as possible.

The next thing I want to do—and I really enjoyed the contribution of the young Senator—is to congratulate him, really. I think his contribution was very good and he has a long way to go. Mr. Vice-President, that is why sometimes I feel so refreshed when I come to the Senate. When I listen to the erudite contributions of the professors and the senior counsel, I go back to the next House

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with some amount of satisfaction. [*Laughter*] I want to advise Sen. London that there is no need in the future to come to this Senate to amend the legislation. The parent Act provides in section 14:

“The Minister may by Order amend the Schedules subject to the affirmative resolution of Parliament.”

All he has to do is to come here and say I want to add A, B, C, D, E, F and have it affirmatively approved by Parliament. That is all! There is no need for anything else! I want to allay his fears and assuage his woes [*Laughter*] that there is no need for any further amendment, the Minister may, by order, amend it and come for an affirmative resolution of Parliament.

I really enjoyed the dissertation of Sen. Prof. Ramchand. I know that all of the Senators are passionately Caribbean nationalists as evidenced by their contributions here this afternoon. I want you not to doubt the resolve and the passion of Senators on this side, in terms of our commitment to Caribbean nationalism and Caribbean integration and unity. Do not ever believe that we are not so resolved.

Mr. Vice-President, there is a Latin phrase which the distinguished senior counsel will tell you he may use in court from time to time it is: “*festina lente*”—hasten slowly. Even though the other Caribbean countries may have opened their doors to all sorts of other professionals and skilled workers, because of the economic structure and the opportunities available in Trinidad and Tobago that are available nowhere in the Caribbean—I do not say so because I want to boast or because I want to say that the other Caribbean countries are not doing so well, but I am speaking facts—the only country that has these opportunities is Trinidad and Tobago and therefore if you were not to go “*festina lente*” and you were to open up the doors widely, you may find that some of the unfortunate circumstances that attended us in previous times may reoccur. Obviously when you open the doors, not only are you dealing with jobs that may be available, you are dealing with all the social consequences: the provision of housing, the provision of health services, the provision of other forms of infrastructure, more telephones, more water and more electricity. These are some of the consequential effects of opening your doors, not only for employment, but also for other things. I just wanted to clear that up. I did enjoy the contribution notwithstanding some people wanted to rule you out of order, professor. I enjoyed your poetry. It was not as some people think totalitarian prose.

Of course, I always enjoy Sen. Daly's contribution. I think Sen. Daly enjoys being a Senator. After leaving the bruising conflict of the courts, I think he comes here to regale and enjoy himself and, by extension, give us some comic relief. Without a doubt the kind of language, the way he puts over things, the fear of lyrics and so forth—although I think he was a bit unfair to my former colleague, Mr. Dhanraj Singh. I think it was unfair to say that Mr. Dhanraj Singh's diagnosis has already been made. I think that was a bit unfair because there is a principle in the common law which is so well known by the distinguished senior counsel that there is the presumption of innocence; always the presumption. *[Interruption]* Well, again that is being prejudicial because you cannot presume not being a psychiatrist—at least, I do not know if that is one of your qualifications—*[Laughter]* that my former colleague is insane. Whether it is in terms of his mental condition or in terms of his alleged crime, you were still, in my opinion, a bit unfair to him. I nevertheless accept that you have admitted that there is need for the Minister to exercise residual powers with regard to health and in regard of national security measures, so I thank you.

Indeed I thank all the Senators opposite who have all agreed to support this measure, notwithstanding the fact that you think I brought it in order to save myself and the Government from international embarrassment. That is not really so because if we had gone to Caricom and this measure had not been passed, I would have been able to give them a very plausible reason why it had not been passed. I thank you nevertheless—do not think I am being ungrateful—for being so cooperative and giving your signal that you are going to support the measure.

**4.20 p.m.**

Now, I want you to know that there is a Schedule in this parent Act called Schedule II which gives the Certificate of Recognition of Caribbean Community Skills Qualification which is signed by the minister responsible for Caribbean Community affairs—who happens to be me at this point in time. It is on the basis of this certificate that a person will enter Trinidad and Tobago, having presented it to the proper immigration official. So even before a person comes to Trinidad and Tobago to live, to work and to reside, he or she would have had in his or her possession a Certificate of Recognition of Caribbean Community Skills Qualification duly signed, authenticated and authorized by the minister responsible for Caribbean Community affairs.

So that there is a diminution of the discretionary power of an immigration officer to disallow the entry of a Caribbean national wishing to come into

Trinidad and Tobago for that purpose. When we say that the immigration officer whimsically could say, “You have AIDS because a fella whisper it in mih ears” and, whimsically, “You are a prostitute because somebody tell me so” and so on, that is not really the case because a large part of that discretionary power would have been removed, in the first instance, because of this certificate.

With respect to the brown book and that lovely trail that Sen. Prof. Kenny took us on—very reminiscent of his research in marine biology and other types of environmental matters. He took us through this trail, this maze, this, you know, almost Byzantine kind of thing, from our law to that law to the public health to the brown book and so on, for which we are very grateful. We are very grateful for the research you did for us—very, very grateful. I am not in any way trying to be facetious—very grateful. It is my view, Mr. Vice-President, that the terms “infectious disease” and “dangerous infectious disease” are not being defined, which Sen. Prof. Kenny led us to believe. These are merely examples, not definitions, of infectious and dangerous infectious diseases.

There is no intention to define an infectious disease or a dangerous infectious disease. It is merely an example, a list of these diseases which the Minister of Health has so determined and he, at any time, with the powers vested in him, can add to that list. He can add HIV/AIDS and he can add any of the other things that he feels, by the powers vested in him, now constitute either an infectious disease or a dangerous infectious disease. It is not a definition, it is a list, and that list could be augmented at any time. Therefore, if the Minister of Health so determines that AIDS and hepatitis and all of these things should be added to this list, it would be so done, but it is not a definition. It is a list identified by the Minister of Health. So I just wanted to put some clarification on that.

Now, I thought Sen. Yuille-Williams made an excellent contribution and I was very happy and pleased that she challenged me to answer certain questions and to provide some information, which I am very happy to do. I must admit, though, that I did not agree fully with Sen. Prof. Ramchand saying, nothing has happened since the Gran’ Anse Declaration. In fact, Mr. Vice-President, more has happened in the integration movement and the movement to the single market and economy as opposed to what has taken place in Europe in terms of their single market. More was done here in a shorter space of time, and when we speak about nationalism and all this kind of thing, there is still the United Kingdom not wanting to give up the pound note because of nationalism.

When Germany spoke recently of federalism, the rest of Europe trembled. I wonder if you read that. When Germany spoke of a federal system that would

now constitute the countries of Europe, the rest of Europe trembled because they recognized what happened in World War 1 and in World War 2, the might and the power of the German Reich. It would now be the German Bundestag, no longer the Reich.

It has been said that we are not a leading proponent and we are merely talking. Trinidad is the leading proponent in the formation of the single market and economy [*Desk thumping*] because Trinidad pays to every institution of Caricom 29 per cent of the budget. We are financial and the only country that is financial—up to date, 29 per cent of the budget, [*Desk thumping*] including the regional negotiating machinery, which is not really an organ of Caricom but has been created by the CARICOM in order to ensure that there is a coordination of the negotiating process for increasing market space in terms of the Free Trade Area of the Americas, in terms of the ACPEU negotiations and all the other negotiations in which we have been engaging— Caricom /Dominican Republic, Caricom /Cuba and so forth—and now we are moving into Caricom /Canada FTA.

We have been in the forefront of the formation of the Caribbean Court of Justice (CCJ) to the extent, Mr. Vice-President, that it is headquartered here. If you pass down Richmond Street you would see that the offices that were formerly occupied by the Attorney General are now being transformed and converted to be the headquarters of the CCJ. We are not a leading proponent and we are taking on all of this? The CET, which was supposed to come down from 45 per cent to 20 per cent—we are the first country to reach 20 per cent [*Desk thumping*] and still there are countries in Caricom that have not gone down to 20 per cent. We are one of the first countries to sign all the protocols.

**Sen. Prof. Ramchand:** Mr. Vice-President, I just wanted to say, through you, to the Minister, that I fully appreciate the points he is making. The general point I was making is that we, the West Indian islands, have not followed up as a group to do the Gran' Anse requirements. I was not blaming Trinidad and Tobago.

**Hon. M. Assam:** We have signed all the protocols, Mr. Vice-President, the nine protocols—signed all.

Bilateral visits: Trinidad and Tobago is the only country, in order to cement relationships, in order to pursue and deepen the integration movement, that has invited Heads of Government and Heads of State on a bilateral basis. We just had the Prime Minister of Grenada, the Prime Minister of St. Vincent and the Grenadines, the Prime Minister of St. Lucia, the Prime Minister of Antigua/Barbuda, the Prime Minister of St. Kitts/Nevis, the Prime Minister of the

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Netherlands Antilles and we have also brought people from Africa too—although that is not part of the thing—but we have brought the President of Ghana, the President of Botswana and so on. Soon we will have two other visits—I shall not announce yet—but two other important visits of Caricom people who will be coming to this country before the end of this year. Yet you say we are not the leading proponents of the integration movement in the Caricom single market and economy?

Trinidad and Tobago is the only country that has opened its doors wide to the importation of every good and service in this country. Indeed, Mr. Vice-President, Article 56 is the order of the day which seeks derogations on all kinds of products, debarring Trinidad and Tobago's manufacturers from entering markets in St. Lucia, Grenada, Dominica and Antigua, and there is the imposition of all kinds of extraneous taxes like environmental tax and revenue adjustment tax. Belize has imposed it on Trinidad and Tobago's goods—revenue adjustment tax. Grenada, Guyana and I believe it is St. Lucia have imposed the environmental tax. We have no such thing. We are the leading proponents of the single market and the single economy. I can go on but I do not want to take up too much time.

They spoke about the elimination of visa requirements. Nobody needs a visa to come into Trinidad and Tobago. No Caricom member needs a visa to come into Trinidad and Tobago, so I do not understand how Sen. Yuille-Williams made the point because there is no visa requirement for any Caricom member to come in. Once you come in with a valid passport there is no visa requirement, but I will tell you something. The PNM government under the late George Chambers imposed visa requirements on Grenada! We did not do it; the PNM government did it, imposed punitive, harsh and onerous visa requirements on the nationals of Grenada! [*Desk thumping*] We did not do it.

Therefore, there is no need for the elimination of work permits because, once you are granted your certificate of recognition of Caribbean Community Skills Qualification, the question of work permits does not arise. More than that, as the law stands now, you can come in for 30 days without a work permit. You can just come into Trinidad and Tobago for 30 days without a work permit to conduct whatever affairs you want to conduct. That is the law right now. The work permits do not arise.

Now, under Protocol II you spoke about whether you can acquire—of course, that is the centrality of Protocol II, not only movement of this and goods and so on, the centrality is the right of establishment. That is the core of Protocol II, the



right of establishment. I have here Protocol II, Mr. Vice-President, but I would not read it because it is so long. I would not go into it, but you have the right to—and what is the right of establishment? That you can set up business, buy a house or buy land to have a factory. That is the core, the right of establishment. I know senior counsel will know that because I am sure he does commercial law and he must be advising clients, so that is the central part of it. So there is no problem.

On the question of accreditation, we have put that in place. I think it is Niherst that is responsible for the accreditation process. So once you have submitted your diplomas, your university degrees—and I know perhaps that Sen. Prof. Ramchand might have been interested in UWI doing that evaluation. I do not deny it. They may be a very good and competent agency to do it, but the Government has so determined that Niherst will do it. So they are the accreditation agency, but it is in place. So nobody can say that when they submit their application there is no agency to which they can submit their credentials. So we have that.

Sen. Yuille-Williams talked about a skills register and about the United States, but Trinidad and Tobago is way more advanced than that. This is not the PNM government, you know—[*Laughter*] [*Desk thumping*] very advanced. Go to the Ministry of Labour, Manpower Development and Industrial Relations and you will see. One of the most advanced software programmes resides there and I am sure Sen. Dr. The Hon. Roodal Moonilal will tell you so. It is there. It is right there—long time now. In terms of skills bank and all kinds of fancy programmes “an’ ting”, breakouts here and “all kina ting, yuh know wha’ ah mean”, and hooked into the various employment services and “all kina ting, man”. Trinidad and Tobago is way ahead, you know.

“Listen nuh”, under the last five years this country moved, you know! [*Desk thumping*] This country moved! [*Laughter*] [*Desk thumping*] From Dash 8, Mr. Vice-President, we went Concorde in the last five years! [*Desk thumping*] I do not know what the new invention is, but I will tell you, in this five years [*Interruption*] it is rocketry. Thank you, Sen. Gillian Lucky. This five years “is rocketry”, Mr. Vice-President. [*Interruption*] “Yeh”, I know you would say “racketry”, of course, but, you see, it is on her mind. It is so much part of the PNM culture, “racketry”, that it is on her mind, you know. Is like Shadow, “de baseman in he head”. [*Laughter*] It has to be on her mind, “yuh know”. Unless, of course, she comes from a different country where rocketry is “racketry”. I do not know. I think I have answered enough because—I think I have really answered enough, Mr. Vice-President.

**Sen. Prof. Ramchand:** Mr. Vice-President, just a clarification. I know there is a 30-day rule, but are there circumstances when the immigration officer will allow a Caricom skills national to stay for six months rather than indefinitely, and what is the difference? When does he give him six months and when does he grant “indefinite”?

**Hon. M. Assam:** As far as I am aware, once you get your Certificate of Recognition of Caribbean Community Skills Qualification, it is indefinite. You can stay indefinitely. You can come in and go out as you like, once you have this certificate. The 30 days, I suspect, is for an itinerant, somebody who wants to come in here for a short period as an itinerant, go into the Hilton Hotel with his computer laptop and so on, “yuh do your lil business” and you are out again, but you have up to 30 days. That is it.

**Sen. Prof. Ramchand:** Mr. Vice-President, you make no distinction—I am not quarrelling with you.

**Hon. M. Assam:** No, no, no, I am not quarrelling.

**Sen. Prof. Ramchand:** You make no distinction between somebody who comes with the certificate to look for a job and somebody who has a certificate and has obtained a job and he lands here?

**Hon. M. Assam:** There is no distinction because, once you get the certificate, you could come without a job. Suppose you come to invest? You do not have a job. That is why this amendment is so important.

**4.35 p.m.**

One has one’s certificate, but one comes to invest. As a self-employed person in some business, one cannot have a job in advance, so that is one of the cases where this amendment becomes very important and relevant.

Mr. Vice-President, I believe that I have answered, to the best of my ability, most of the concerns—and very genuine concerns, I must admit; very good points that were raised; very important and valuable points—and I think now that Sen. Yuille-Williams has raised some of these points, it is incumbent upon my ministry to start some sort of education programme around the country. I think she has given me an idea. It is important for us to sensitize people on all these very important areas with respect to the single market and the economy, the nine protocols and so forth. She has given me an idea, I will take it on board and we will do it, because I believe there is a lot of lack of knowledge of some of these

matters and it ought not to be. The community ought to be involved and to buy into the whole process. Thank you for the idea.

Mr. Vice-President, I think I have answered, I believe, most of the questions and therefore I want to thank Senators opposite again for their support and their contribution, and I beg to move. [*Desk thumping*]

**Mr. Vice-President:** Hon. Senators, before putting the question, let me inform you that based on consultation involving the three leaders, it was agreed that we will sit throughout this particular sitting until the conclusion of the matter before us.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

**Sen. Yuille-Williams:** Mr. Chairman, I know you are finished, but before you revert, I am sure the hon. Minister will give me an opportunity. This is not about one of the clauses in the Bill. I am sure he will permit me to ask in this committee stage something we had asked before, whether the approved categories are inherent or is it that we have to have an order later on to include that particular group? So we are going with the Bill without the approved categories still?

**Mr. Assam:** Yes, and we are going to come with an Order.

**Sen. Yuille-Williams:** So this Bill does not include sportsmen, artistes and media workers?

**Mr. Assam:** I am going to come with an Order before long.

**Sen. Yuille-Williams:** Are you taking it to the Bahamas?

**Mr. Assam:** No. I am taking it to Cabinet. Cabinet has to approve it, and once they approve it, I will bring it to the Parliament for an affirmative resolution, because we have taken on board the widespread sentiments.

**Sen. Morean:** That Order will be made under which section of the Act?

**Mr. Assam:** Under section 14 of the parent Act where it states that the Minister may, by Order, amend the schedules subject to affirmative resolution of Parliament.

**Sen. Morean:** Yes, but I just have a little problem with respect to the schedules and what they deal with, except there is going to be introduced a new schedule to deal with the categories.

**Mr. Assam:** That is right. Amend the schedules.

**Sen. Morean:** To include a new schedule.

**Mr. Assam:** Yes, you are quite right.

**Mr. Vice-President:** Any further clarification, Senators?

**Sen. Prof. Ramchand:** I just wanted to be sure we have decided there is no merit in specifying the field in which the person should take up employment?

**Mr. Assam:** It is in the certificate. It says here that whereas “Mr. or Mrs. So-and-So” has applied to the Minister responsible for Caribbean Community Affairs in the Government of Trinidad and Tobago for a certificate of recognition of Caribbean Community Skills qualification in reliance on the qualifications set out below. So one has to set it out below here. It is written into here.

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

*Senate resumed.*

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

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette):** Mr. Vice-President, before moving the adjournment, I just want to inform Senators by consensus that next week we will have Private Member’s Day. [*Desk thumping*] Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, July 3, 2001 at 1.30 p.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 4.45 p.m.*