

SENATE*Tuesday, May 10, 2005*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**PAPERS LAID**

1. Administrative Report of the Penal/Debe Regional Corporation for the period October, 2001 to September, 2002. [*The Minister of Local Government (Sen. The Hon. Rennie Dumas)*]
2. Administrative Report of the Tunapuna/Piarco Regional Corporation for the period October 01, 2002 to September 30, 2003. [*Sen. The Hon. R. Dumas*]
3. Administrative Report of the Tunapuna/Piarco Regional Corporation for the period October 01, 2003 to September 30, 2004. [*Sen. The Hon. R. Dumas*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Environmental Trust Fund for the year ended September 30, 2004. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
5. Annual report and annual audited statements of accounts of the Central Bank of Trinidad and Tobago for the year ended September 30, 2004. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS*MV Sonia***(Details of Contract and Payments of Acquisition)**

- 60. Sen. Wade Mark** asked the hon. Minister of Works and Transport:
- A. Could the Minister provide the Senate with a detailed breakdown of the terms and conditions of the contract entered into between the owners of the *MV Sonia* and the brokers International Shipping Partners?

- B. Could the Minister further provide the Senate with all the details concerning the actual payments made to date towards the actual acquisition of the *MV Sonia*?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, the answer to question No. 60 is as follows:

The Government of Trinidad and Tobago only has a contract with International Shipping Partners for the lease/charter of the *MV Sonia*. In this regard the information concerning the terms and conditions of the arrangements between International Shipping Partners and the owners of the *MV Sonia* are not lodged with the Government of Trinidad and Tobago.

The Government has thus part paid the sum of \$9,329,760 in two payments towards the actual leasing of the *MV Sonia*.

Firstly, the sum of \$4,650,000 was paid on December 09, 2004 to Achiever Shipping Limited disponent owners of the *MV Sonia* as named in Part I (3) of the Shipping Charter Party Arrangement. This sum represented payment for mobilization and fuel cost, to secure the initial release and delivery of the *MV Sonia* from the port of delivery/redelivery Naples, Italy under clause 21 of the Charter Party Agreement where Achiever Shipping Limited is located.

Secondly, TT \$4,679,760 was paid to International Shipping Partners which represents payment for the charter/hire of the *MV Sonia* for the period January 10 to February 10, 2005.

Sen. Mark: Madam President, I did ask, as you see in part B of the question for details, and I was wondering if the hon. Minister could not provide us with a detailed breakdown in terms of fuel charges rather than giving us a figure of \$4 million including fuel charges. So I wanted to get from the hon. Minister what were the breakdowns involved in that \$4 million, Madam President.

Sen. The Hon. Dr. L. Saith: Madam President, I do not have the information, but I will convey the request to the Minister of Works and Transport.

Sen. Mark: Madam President, through you, it is either we are getting a proper response or we are not. In part B I asked, specifically, the details concerning the payments, so I would have expected the hon. Minister to provide the Senate with details; I did not ask him for a figure that would be all encompassing.

Sen. D. Montano: You asked for a breakdown!

Sen. Mark: I said details! I mean you want me to spell out that too?

Madam President: It may have been a misinterpretation of what the word “details” is, but the Minister has said he does not have the details here with him and he would try his best to get them for you. Do you accept that?

Sen. Mark: Madam President, would the hon. Minister be able to give us a commitment that next week we would get those responses?

Sen. The Hon. Dr. L. Saith: I indicated that I would convey the request to the hon. Minister.

Sen. Mark: I do not want you to convey! I want you to get answers!

Sen. The Hon. Dr. L. Saith: I do not know—

Sen. Mark: Are you the new Minister of Works and Transport?

Sen. The Hon. Dr. L. Saith: No, I am not.

Sen. Mark: Okay.

Sen. The Hon. Dr. L. Saith: Would you like to be?

Sen. Mark: Me! No man. *[Laughter]* I want to take over the Government; I do not want to be Minister of Works and Transport.

Sen. R. Montano: The short answer to that is yes, providing that you all move out of the way. *[Interruption]*

Sen. Mark: Okay. Madam President, through you I will just pose another question.

Madam President: Yes. I think that is all we can do. Thank you.

Sen. Mark: Madam President, before I go to question No. 67, with your leave, you had ruled last week that the hon. Minister in the Ministry of Finance should make available to the Senate the bundle of information that he said was so heavy and weighty that he could not walk with it last week. And he did give an undertaking in writing—it is in the *Hansard* record—that he would make those documents available to all Members of Parliament today. I have not seen any on my desk as yet; I would like to know if the hon. Minister has brought the material, so that we can all have it.

Madam President: Hon. Minister of Finance, do you have a reply to that, because I remember you did say—

The Minister in the Ministry of Finance (Sen. The Hon. Conrad. Enill): Yes. Madam President, the short answer is no, it is not yet available; it will be by Friday of this week.

Madam President: By Friday?

Sen. The Hon. C. Enill: Yes.

Madam President: Okay. Could we move on to question No. 67, Sen. Wade Mark?

**Mr. Michael Quamina
(Details of Services Rendered)**

67. Sen. Wade Mark asked the hon. Attorney General:

- A. Could the Attorney General provide the Senate with a list of all the cases involving state enterprises, statutory authorities and any other state institution/agency in which Mr. Michael Quamina, attorney at law has been retained as counsel?
- B. Could the Attorney General also indicate the amount of moneys paid to him for services rendered to the State during the period June 01, 2004 to January 31, 2005?

The Attorney General (Sen. The Hon. John Jeremie): Thank you, Madam President. The answer to question No. 67 is as follows:

Mr. Michael Quamina is retained as counsel in four matters involving state enterprises, statutory authorities and other state institutions/agencies, details of which are listed hereunder:

1. Civil Appeal No. 100 of 2002; which is the Attorney General v Northern Construction Limited;
2. Civil Appeal No. 174 of 2004; which is the Sanatan Dharma Maha Sabha of Trinidad and Tobago Incorporated v the Hon. Patrick Manning, Prime Minister in his capacity as Head of the Cabinet and Minister of Finance;
3. In the matter of the arbitration between the Trinidad and Tobago Airports Authority and Calmaquip; and

4. Civil Appeal No. 4 of 2005; which is the Trinidad and Tobago Senior Staff Association v The National Broadcasting Network Limited.

With respect to the amount of moneys paid for services rendered to the State and the institutions referred to in part A, during the period June 01, 2004 to January 31, 2005—that is odd—Mr. Quamina received a total \$238,441.25. That is the answer to the question.

Sen. Mark: Madam President, I am wondering if the Attorney General could not give us a breakdown of that sum. Is it possible that you can provide us with a breakdown of the sums as you had given us in terms of the cases? For each case, what was he paid? Is that possible?

Sen. The Hon. J. Jeremie: No. I do not have that information with me. That was not sought in the question. What was sought in the question was a global figure in respect of a particular period. That has been given to you.

**Security Arrangements
(Accounting Records)**

68. Sen. Wade Mark asked the hon. Minister of Planning and Development:

Could the Minister state:

- A. The reason(s) for the complete absence of security arrangements for important accounting records, pay record cards and other documents at the Ministry's accounting unit located at No. 76 Henry Street, Port of Spain since January 01, 2005?
- B. Whether she is satisfied that the Ministry's accounting unit is functioning in accordance with the financial regulations and guidelines for financial institutions in particular, those governing the security and storage of accounting records and documents?
- C. If the answer to B. is in the negative, could the Minister advise the Senate what are the Ministry's plans to ensure full compliance with the financial regulations?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam President. The accounting unit of the Ministry of Planning and Development was previously located at Beacon Building situated at No. 78 Independence Square, Port of Spain. The Caribbean Insurance Company Limited, the owners of Beacon Building, through their lawyers

JD Sellier and Company, gave notice to the Property and Real Estate Services Division, Ministry of Public Administration and Information to quit and deliver the premises located at No. 78 Independence Square on or before December 31, 2004.

A building located at No. 76 Henry Street, Port of Spain was identified for the relocation of the accounting unit and other divisions of the Ministry of Planning and Development. However, prior to relocation, the Ministry of Planning and Development recognized the need for a vault to store the accounting records, pay record cards and other documents. Accordingly, arrangements were made for the vault to be constructed in November, 2004. The basic structure for the vault was completed, however there existed a see page of water from the roof where the vault abutted the main building and the contractors were recalled to remedy this problem. The problem was resolved and the Dexion shelving was installed by the end of March, 2005. In the interim the accounting records and other documents were safely stored within the main office of the accounting unit. The vault has since been completed and became operational at the beginning of April 2005.

The Minister of Planning and Development is satisfied that the Ministry's accounting unit is functioning in accordance with the financial regulations and guidelines for financial institutions. Security arrangements are in place for the staff members and the records of the accounting unit of the Ministry located at No. 76 Henry Street, Port of Spain.

Thank you very much, Madam President.

Sen. Mark: Madam President, through you, could the Minister indicate to us at this moment whether she is satisfied with the particular building in question, and whether she believes that the building in which the records of the various Ministries are currently located—given the recent fire—has adequate security, to at least avoid any possible destruction of those records of your public offices? Are you satisfied that adequate measures have been taken to secure the public records of the public offices in question?

Hon. C. Robinson-Regis: Thank you, Madam President. As I said previously, the Minister of Planning and Development is satisfied with the safety and security arrangements. The vault is a fireproof vault. That is the most we can do. Thank you.

**National Housing Authority Housing Project
(Green Street, Tunapuna)**

69. Sen. Sadiq Baksh asked the hon. Minister of Housing:

- A. With respect to the National Housing Authority (NHA) Housing Project located at Green Street, Tunapuna, could the Minister provide this Senate with:
- (i) a detailed status report on the project;
 - (ii) a list of the firms that tendered for the project and the details of their tender price;
 - (iii) the name of the contractor to whom the contract was awarded and the tender price; and
 - (iv) a detailed breakdown of expenditure incurred as at March 23, 2005?
- B. Could the Minister also inform the Senate of:
- (i) the number of houses and/or apartments to be constructed; and
 - (ii) the number of houses and/or apartments that have been completed as at March 23, 2005?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam President, if I may, that question has now been directed to the Minister of Planning and Development and next week I will be here to answer that. Well, next week the Minister of Planning and Development will be here to answer that question. [*Laughter*]

Sen. Mark: Are you are not sure that you will be the Minister of Planning and Development?

Hon. C. Robinson-Regis: Thank you, Madam President—[*Interruption*]

Sen. Mark: Thank you very much, Camille. [*Interruption*]

Madam President: Sen. Baksh. Is that all right then?

Sen. Mark: I understand the Attorney General is about to resign in any event—

Question, by leave, deferred.

**National Housing Authority Housing Project
(Ramgoolie Trace, Curepe)**

70. Sen. Sadiq Baksh asked the hon. Minister of Housing:

With respect to the National Housing Authority (NHA) Housing Project located at Ramgoolie Trace, Curepe, could the Minister provide the Senate with:

- (i) the names of all the firms that submitted bids and their bid prices for the original project; and
- (ii) the projected completion date of the original project?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I have been advised that the answer to question No. 70 is not yet ready, and therefore I am seeking for this question to be deferred for one week.

Question, by leave, deferred.

**Raymond and Pierre
(Contracts Awarded)**

79. Sen. Sadiq Baksh asked the hon. Minister of Finance:

- A. Could the Minister inform this honourable House of all the contracts awarded to the firm Raymond and Pierre for the period January 01, 2002 to April 12, 2005, the scope of work and the fees paid?

Sen. S. Baksh: Madam President, I would like to withdraw question No. 79 and have it re-filed with the appropriate Ministry.

Question, by leave, withdrawn.

EDUCATION (LOCAL SCHOOL BOARDS) (AMDT.) REGULATIONS

Madam President: Minister of Education.

Sen. Mark: Madam President, through you. I would just like to get your guidance. I was going through the records of the other place. Looking at the records, this Motion was not completed even though the debate had ensued. So, I am wondering for instance, if we can have a debate on a Motion, in which the debate was almost adjourned some time ago. That is what the records are showing, unless I am incorrect and Madam Minister can correct me, if I am wrong on this one.

Sen. Manning: Madam President, this Motion was completed.

Sen. Mark: Okay, well thank you very much.

The Minister of Education (Sen. The Hon. Hazel Manning): Thank you very much, Madam President. I beg to move the following Motion standing in my name:

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

And whereas it is also provided by section 86(2) of the Act that Regulations made with respect to section 23 of the Act shall be subject to affirmative resolution of Parliament:

And whereas the Minister has on the 19th day of February, 2005, made the Education (Local School Boards) (Amendment) Regulations, 2005 (hereinafter referred to as “the Regulations”):

And whereas it is expedient that the Regulations be now affirmed:

Be it resolved that the Education (Local School Boards) (Amendment) Regulations, 2005 be now affirmed.

Madam President, I rise to debate a number of improvements that have been included in the Education (Local School Boards) (Amdt.) Regulations, 2005. The purpose for including these enhancements in the legislation is based on the fact that the legislation has to be aligned to the vision for Trinidad and Tobago, the vision that was developed by this Government and its many stakeholders. And as significantly the legislation has to be aligned to the particular vision, the particular goals and objectives, for the operation of the local school board.

As Minister of Education of this Government that places emphasis on Vision 2020; on developed country status and on the development of human resources and to the establishment of efficient and effective managerial systems, it is with pride that I debate the improvements that have been included in the Education (Local School Boards) (Amdt.) Regulations, 2005.

Madam President, I want to start with a little history. During 1991—1992, during the first incarnation of this administration a task force was established to

School Boards (Admt.) Regulations
[SEN. THE HON. H. MANNING]

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evaluate the education system in Trinidad and Tobago and to make recommendations. After two years of meetings and discussions with the citizens of Trinidad and Tobago, a White Paper on Education Policy 1993—2003 was published.

Broadly, the recommendations were based on the premise that every child can learn and that if the education service provided was one of high quality and decentralized human resources, the human resources of this country would assist in the development of a quality nation. One method for the development of such an effective decentralized education system spoke to the establishment of school-based management, that is, the decentralization of the education service to individual schools as the main unit of improvement. It is in this setting that decision-making authority falls on the school itself, which must rely on its expertise to stimulate and to sustain necessary improvements.

So arising from this over-arching vision is the vision of the successful local school board, that is, the school board is the team at the forefront of the realization of the quality school-based management. The philosophy supporting site-based management, through collaboration between the staff of the individual school, the local school board and the community, is based on ready examples from countries such as New Zealand, Australia, Jamaica, et cetera. What is expected is improved effectiveness in the school system, successful schools, greater efficiency in the management and the governance of the system, more efficient delivery of services and resources to schools, more effective supervision and democratization of the system, allowing the community and stakeholders to be consulted and to be involved in decision-making.

Therefore, it was not surprising that the previous administration brought to this Parliament, the Education (Local School Boards) Regulations, 2000, which were approved by Parliament in June 2001 and which came into effect soon upon publication. The purpose was to establish local school boards in government secondary and primary schools, in technical institutions and vocational centres, to be able to assist principals of schools to evaluate the schools annually and to make recommendations to the Minister.

Madam President, unfortunately, irregularities were observed in the local school boards programme when the Ministry began its pilot programme during the period 2004—2007. Irregularities were most notable in the areas of the composition of the board, the appointment of members, the regulation of board procedure and the role of school supervisors *vis-à-vis* the board. And so in 2002—

2004, the Ministry of Education began its pilot programme by establishing 10 local school boards in Trinidad and two in Tobago. The directives given to these boards were:

1. To develop data-driven strategic plans;
2. To work with principals to manage schools; and
3. To strengthen the relationship between the schools and the community.

Unfortunately, a number of challenges occurred and they were: A varying interpretation which led to confusion; the legislation was subject to varying interpretation which led to confusion; confusion in roles and responsibilities between the board and the school administration. The power of the principal was eroded because the principal was an *ex officio* member and had the authority of managing the school but with no responsibility to take decisions on the board. The situation was so bad that the principal could not vote but had to implement the decisions of the board.

The second challenge, Madam President, was the choice of persons placed on the board; that choice was not well defined. There was no stipulation that persons serving on the board should be familiar with the day-to-day management of the school. Because members were nominated, there was the possibility that members of staff who were suspended, who were on no-pay leave or on sabbatical leave, could be nominated on the board. The same challenge held for members of the Parent-Teacher Associations. Persons representing Parent-Teacher Associations which were not functioning in the school and whose members were not actively involved in the school management could be nominated on the board.

The selection of students also posed a similar problem. Students were not selected based on their civic-mindedness to school life. Finally, there was no stipulation that persons to be nominated by the Minister had to have some level of expertise relevant to the operation of the board.

Thirdly, Madam President, there was the lack of vision by the Members of the other side. A serious flaw of the Act was that there was no stipulation that the vision of the board and that of the school must be aligned to the overall vision of the Government and of the Ministry of Education. You see, it would appear that when this regulation was passed in June 2001, there was no vision by the then administration.

Fourthly, Madam President, there was no effective management. You see, throughout the world the policy governing the establishment of local school boards speaks to effective management of schools. It speaks to site-based management; it speaks to quality education, school inspection, strategic planning, school improvement planning and continuous assessment. It tracks student improvement over time; not only at one point in time, but continuously, to make corrective measures early.

It speaks to the role of the local school board to assist in the management of these projects in the school environment. Instead, one of the most disturbing managerial omissions in this regulation was the clear distinction of the role of the principal *vis-à-vis* the role of the chairman of the board.

2.00 p.m.

Madam President, whereas the Education Act of 1966 appointed principals to be managers of schools, it would appear that this regulation was also appointing chairmen to manage the schools. There was a need to clearly define that the role and responsibility of the principal was to manage the school, while the role of the chairman of the board was to support the principal and the managerial team to develop the school. The conflicts that arose because of the omission led to many altercations. It was necessary to facilitate collaboration between the principal and the chairman of the board to develop the school. A major challenge was the lack of managerial support by the relevant line person of the Ministry, in this instance, the school supervisor.

The role of the school supervisor was defined in the Education Act so as to ensure that there was accountability in the system. In this instance, there was no provision for monitoring public and financial responsibilities of the board members. There was also no provision to monitor the impact of that responsibility on the family of members of the board. Further to that, there was no provision to manage the amendment to decisions of the board. There was the need to ensure that decisions were not changed arbitrarily. To sum up, the philosophy underlying the establishment of the local school boards points to the main objective of an efficient and effective school-based management system.

The Ministry of Education is directing that each school has to put in place a structure to manage the operation of the education service, both the creation of a quality curriculum and efficient physical maintenance of the school plant; that each school must develop a relationship with the community and ensure its linkage with the school; that each school must support the strategic direction of

the school by assisting in the process from policy formulation to implementation. Therefore, Madam President, after considerable research and hard and bitter experience of those two years, this administration sees the role of the local school board as to assist in the development of site-based management in the school system by charting strategic direction of the school; by maintenance of the school's physical plant and by building relationships with the communities that make up the school. The role of the school board is to support strategic direction by assisting in developing planning strategy; implementing action plans; funding resources to implement plans; sourcing alternative funding and maintaining accountability within financial regulations.

At the start of this academic year, local school boards were established in 26 government secondary schools, bringing the total figure of local school boards in the system up to 36. A number of these schools have been very successful at strategic planning, collecting data, doing SWOT analyses—identifying strengths, weaknesses, opportunities and threats—and not only taking a snapshot of the situation, but also tracking the development of the students and visioning what the school has to become; working on time lines to achieve goals and resources as required.

Outstanding schools using this local school board system have been the Waterloo High School; a well integrated system as managed by Mr. Raymond Jurawan, principal and Mr. Prakash Narinesingh, the chairman, who at the end of their strategic planning requested the establishment of a new sixth form programme in the school; so too did the board and staff of Cunupia High School, with Mr. Vishnu Gopaul, principal, and Mr. Desmond Ferret, chairman; they also requested a new sixth form programme. Other schools which engaged in successful strategic planning and implementation exercises were: the Blanchisseuse High School, with Mr. Phillip Kalloo, principal, and Mr. Andrew Hernandez, chairman; the San Fernando Secondary School, with Janice Clifford, principal, and Mr. Alfred Phillip, chairman; Preysal High School, with Mr. Ashram Deoraj, principal, and Mr. Raffee Mohammed, chairman, who got together with their board to establish an apprenticeship programme in the school; the San Fernando Junior Secondary School, with Mrs. Edme Friday, principal, and Mr. Trevor James, chairman, who have established programmes building students' self-esteem.

Another feature of the board is the facilitation of maintenance of the physical school building and its grounds. This was very evident in the operations of the Point Fortin Senior Secondary School, where Mr. Mansraj Ramphal, principal, and Ms. Margaret Funrose, chairman, obtained consultants to conduct a

comprehensive environmental audit on the school and its surroundings. Both the board and the Ministry combined roles and responsibilities to provide solutions to outstanding problems, such as electrical wiring and drainage problems and general physical upgrade. The principal and staff are responsible for implementing the curriculum, while the board assists in the maintenance of the physical infrastructure programme.

Then the boards have also been mandated to build relationships with the communities that make up the school. Another important feature of the local school board is the building of links with the community from which the school population comes. Community relationships are based on the groups in the community working with the schools to achieve greater support from the community for the school and, all the while, promoting the school, forging closer ties, celebrating the success of the school.

We also have Palo Seco Government Secondary, Mr. Fitzgerald Jeffrey, the principal, Mr. Frank Bobb, the chairman, developing a community outreach project to get fathers more involved with the education of their children. At Success/Laventille Composite School, we have Mrs. Margaret Radix, principal, and Mr. Leon Hypolite, chairman, developing a community mobilization programme to make the school and its immediate environment safe.

This Government has been able to establish 36 boards at present, from 86 government schools. Phase three is now in train. Training began in the month of April for 25 local school boards and phase four, the last phase, will begin in June when the final 25 local school boards will be established. By the end of this year, the Government would have established 86 local school boards, one in every government secondary school in this country, following the tradition of the denominational schools in Trinidad and Tobago, where the governance of boards has produced well-managed schools, very successful students and a thriving quality education service. Therefore, as the exercise bears fruit, the Government takes the opportunity to enhance the clauses of the Education (Local School Boards) (Amdt.) Regulations, 2005.

I now come to the Bill. The purpose of the Bill is to align the legislation governing the operations of local school boards to the vision that the Ministry of Education and the Government of Trinidad and Tobago has for this school-based management initiative and cure perceived defects in the legislation as recognized

from the operation of local school boards during the two-year pilot programme 2002 to 2004.

Section 3 which deals with the composition of the local school board, regulation 3(1)(a) states:

“The principal or person acting in that post for the time being;”

This amendment would allow the principal to now have a vote in respect of decisions taken by the board, since the principal is the manager of the school and has to implement in the school the decisions taken by the board. Regulation 3(1)(b)(v):

“a member of the student body who is diligent, conscientious and an all round team player...”

must become a member of the board. There was a need to specify the type of student to ensure effective representation on behalf of the respective student body. The student representative is to be nominated by the student council to encourage the creation of such bodies so as to ensure a greater level of student involvement in school governance. This is a tenet of school-based management.

Regulation 7A states:

“Decision of the Board shall not conflict with the policies and guidelines of the Ministry of Education.”

The board’s operation must be within a context and must be in sync with the Ministry’s strategic plan, be a part of the education system and their activities must fall within the overall plan for the improvement of the system.

Regulation 12(5):

“Any School Supervisor or member of the Ministry of Education Local School Board Committee may attend the meetings of the Local School Board.”

Such person or persons may not be denied entry unreasonably. This is a monitoring mechanism to ensure that the board is operating in sync with the Ministry’s strategic plan and to have a resource person available upon whom the board may consult.

As the Government moves to developed-country status by the year 2020, the Ministry of Education takes cognizance of its role to build up the human capital of the country and is putting all the strategies in place to facilitate that growth. Site-based management of our schools is necessary, so too the maturing of community skills to look after the community affairs to produce an efficient and effective education service and a well-developed citizen and a robust democracy. It is the desire of this Government that you, the Members of this honourable Senate, having the same desires for our country to create a mature and responsible citizenry, would support the amendment to the Education (Local School Boards) (Amdt.) Regulations 2005 to ensure the development of an efficient and effective education system.

I beg to move.

Question proposed.

Sen. Roy Augustus: Madam President, thank you for giving me the opportunity to speak on another important aspect of human development resource in this country. It is, probably, the first time that I want to speak on an education topic and feel that it is not a priority, given the situation in the country at the moment. It is the first time that I am participating in a debate that has to do with education, which is my lifelong experience, and wondering whether it is relevant to the circumstances that exist in the country today, but more of that anon. Of course, you can be certain that I am talking about the criminal situation in the country, which our friends on the other side seem not to have the resources to deal with. I am very, very scared about what is happening in our country, but be that as it may, I will want to address some of the things which have been raised in this Motion here this afternoon.

First of all, I looked at some of the issues raised in the other place and wonder as to the real reasons that they were not addressed by our friends on the other side. I find it difficult to accept that where a school board is appointed to assist a school and the principal who is in charge of the operational functions of the school, he or she will be a de facto member of the board. I thought that the point was clearly made in the other place and even when I looked at the interjections from the senior person on the other side, I thought that it was accepted. I really listened with a lot of intent to the hon. Minister, expecting to be given real reasons as to why the principal must be a de facto member of the board.

One of the things I heard coming out is that there was conflict between the board and the principals in the schools, because the board members were not

given proper directions—I do not know who appointed those boards; that was what I heard here recently, in the last few moments—or the laws did not guide them properly. I think in the appointment of the boards, we probably did not guide them through the Education Act—those who were responsible for appointing, and we did not mention their roles properly to them, neither did we indicate to them the authority of a principal in his or her school. I am going to repeat it: the authority of a principal in his or her school.

When there was conflict between the appointed boards and the principal in some of those pilot schools and even in some of those schools where the appointments were made, the investigations tend to reveal that there were some political appointees who felt it was their responsibility to control the principal, and no good principal will allow that. In fact, it went even further than that. The information that came back was that even the Trinidad and Tobago Unified Teachers' Association (TTUTA) representative—and there seems to have been some kind of relationship, in those days, between TTUTA and the government of the day; I am not certain I am seeing it now—also took an opportunity to attempt to “manners” the principal, to use a colloquial expression. That was where the conflict came in. It had nothing to do with the regulations themselves.

I will be the first to admit that, of course, there are some things in these regulations which need to be addressed. When you are entering new ground and you place something there and you begin to operationalize what you have put there, then the experience will assist you in making the changes. That is why I was happy when I realized some amendments were coming, because I want to be part of making the amendments to these regulations to ensure that we get the maximum benefit out of the potential that there is in the appointment and operations of local school boards. That is why I am certain about that.

Do not blame any fault in the regulations for the conflict that took place between the then appointed boards and the principals; blame the political appointees on the board who, probably, were given directions to deal with those principals who understood their roles properly and who stood for what was correct, in terms of running a school. But I am happy that good sense prevailed and people were brought together, both in terms of the boards and in terms of those whose responsibility it was to ensure that the boards operated properly. Representatives of the Principals Association were brought together in various seminars and so on and now I understand that things can move smoothly. I am

being very careful in my language; can move smoothly, until somebody interferes again. But I come back to the point of the principal being ex officio member.

A principal in a school, whether primary or secondary, has a lot of responsibility and a lot of authority. In fact, there are some people who argue that in the public service the manager who has the most authority over his institution is the school principal; so you can well imagine principals being asked to subject themselves to a board of which they are a member. To me, the principal being a member of the board, makes the board the overriding authority in the school and I refuse to accept that. If somebody can tell me that my thesis is wrong, I will submit. I thought that the authority of the board would be supplementary to the authority of the principal, that the board would be helpful to the principal.

You have got to understand that the principal is a well-trained person in the field of pedagogy. Therefore, when he or she has been provided with a group of people with differing skills coming out of the community, he has been provided that resource for assistance purposes and, therefore, he is not part of that board. His ex officio membership gives him the authority to attend all the meetings; to interject and to offer information as to what is happening in his or her school, so that the board will be properly directed. I ask through you, Madam President, that the Government please revert to what was originally in the regulations, that the principal is ex officio on the board. I want to state that quite clearly.

In the 2000 Regulations the principal was ex officio. What has happened now is that the principal has been made a member of the board. I am not too sure, I did not hear clearly, whether the omission of a mechanism for appointing a chairman or vice-chairman has been tended to since. Has it been?

Sen. Manning: Yes.

Sen. R. Augustus: So we probably have a clause here that tended to that. There was a time I was not hearing—I should not say that; let me be honest; I was not listening. Therefore, I want to ask again: Did we attend to that? I have a document here which shows me that a particular clause is missing. [*Sen. Augustus holds up document*] The clause which allows regulation 5(5). I do not know if I have the wrong document. Regulation 5(5) in the Regulations allowed a board member to tender his resignation. In my document here, regulation 5(5) is missing.

Sen. Manning: It is there.

Sen. R. Augustus: Remember that in the original, regulation 5 had a subregulation 5(5) and (5) was repealed. I am looking at what I have here and the new regulation has (1), (2), (3), and (4). So, therefore, subregulation (5) is repealed? Do you, therefore, say that you cannot resign? Madam President, is it that a member of the board cannot tender his resignation?

Sen. Manning: I have here in my document regulation 5(5):

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

Sen. Seetahal: It is repealed.

Sen. R. Augustus: The old Regulations says in 5(5) that a member can resign and so forth, but what I have here—[*Interruption*]

Sen. Manning: What we are saying here is that this section deleted, as given the nature of the board it was felt that the members should not be restricted by a time period. [*Crosstalk*]

Sen. R. Augustus: Madam President, guide me please. I have the original which says in 5(5):

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

I have here what I have been provided with; (1), (2), (3), (4); I am seeing no 5. Therefore, when you repealed (5) you left 5(5) out. If it was not this good Minister, and she is reading something there, I would have thought that there was some kind of deception, but this lady would not allow that to interfere with the debate. There are other people across there who I think might do it. I do not think that this good lady would do that.

Madam President: Hon. Minister, are you saying that it was left out in the documents that the Senator is speaking of?

Sen. Manning: Can I clarify this later?

Madam President: Yes.

Sen. R. Augustus: Okay, it would be dealt with later, so I am happy to wait on that.

This particular point is really for my edification. I am looking at regulation 15 amended, section 6:

“insert after the word ‘minutes’ the words ‘where there is a change in circumstances or fresh evidence which affects the original decision.’”

What this deals with is the particular clause which said that the board at a subsequent meeting may change the decision they took at a previous meeting. This clause seems to limit the conditions under which that change could take place. It limits it to circumstances and I see here that circumstances meaning a number of other things happening, or I see fresh evidence, reminiscent of a court case. I am wondering if it is not possible, having made a decision and having gone home and thought about that decision, you confer by telephone and realize, “Hello, we did make an error,” are we limited by changing circumstances only? Are we limited by fresh evidence only? Can our own opinion, based on a reflection of the discussion that took place in the meeting, not cause us to reintroduce the matter at the next meeting? This section prevents that? Tell me, is that the correct thing to do? If that is the legal position, if you must be bound by what you said yesterday and you cannot change it tomorrow, no matter how good your new thought process is or what good things your new thought processes have produced, I want to think that has to be a negative. I am sure the goodly Minister would respond to the matter as we go along.

“The Board shall have the following duties and powers to support...”

I like this one and that is a change to what we had. I went through the original recommendation and I tried to remember who piloted it in the Senate in 2001. I hope nobody remembers who it was. I saw one or two things there which I wondered how I allowed them to slip pass me. [*Laughter*] However, it is stated:

“The Board shall have the following duties and powers to support the Principal in the management of the school.”

That is very, very, very clear. It was not clear in the original legislation; that was a mistake; although I still say that everybody who had the interest of education at heart and who understood the Education Act and the reason behind this must have understood that to be the role of the board. Therefore, there should have been minimal conflict. There would always be conflict, once you have human beings dealing in an organization. Some of us have our own personal reasons for it; some of us have serious reasons for it. Some of us are judicious; some of us are injudicious, but there will always be conflict. The conflict must not have a bias of prejudice, especially when you are dealing with education. I worry about all those conflicts that took place.

Having appointed these boards, I thought that I would have had some more details from the Minister as to how it has really improved the delivery of education in our schools. I thought I would have heard from the Minister some of the reasons they used for selecting people on the boards. I know that the Regulations indicate quite clearly: principal; staff member; then you have Government appointees; people from the communities and so on, but that is the bald statement. Have we been able to say, for instance, that when we went into Morvant/Laventille Secondary—and I would like to hear this—or when we went into Arima Senior Comprehensive—is that the name of the school?

Hon. Senators: Yes.

Sen. R. Augustus:—or when we went to Chaguanas Senior Comprehensive or we went to Marabella or Penal, because of the problems of violence and drug selling by pupils, which take place in these schools, particularly some of those in Central, did we in appointing boards take that into consideration? I would like to hear the Minister tell me yes. If the Minister said no, I would like her to tell us what we are going to put in place. Outside there is a sea of criminal activity. I heard a statement by some educationist a few weeks ago that said our schools are breeding grounds for criminals. In appointing our boards, are we taking into consideration that the membership of our boards must have a wide knowledge about the community and worldwide knowledge, a variety of skills, a knowledge of the behaviour in the community so that we can address the kind of students we want to produce?

To me, the main purposes of these boards, are: one, to assist the principal in developing a district vision, and I agree with the Minister, that the vision must be in line with the Ministry's vision and the national vision. Of course, you cannot go outside of that, unless the national vision is no good, and when it comes from that side, you are not sure. But I would expect that the board would understand that they must create a district vision. Have we put people on those boards who will assist the principal in developing the kind of vision, the kind of goal setting for the school that will make the school success-oriented, that will make the school the producer of better citizens than they are producing today? I need to get more intimate details.

I need to know that five years down the road, we are not going to have a fire in a toilet at Arima Comprehensive and a principal who has been there for how many years and who has not responded to all kinds of entreaties and disciplinary actions, all kinds of things, is still there and the problems continue to persist.

When a school has an ongoing problem, blame the principal. I know I have some friends on that side who feel that I must never advance that the Ministers have no control over the discipline, appointment or transfers and so on. I thought that when you are in government then you must create the kind of situation which allows you to do the best for the country. You do not throw your hands in the air and say, “Well, I cannot transfer the person, the service commission will stop me.” You have to find a way to do it. [*Desk thumping*] [*Crosstalk*] Judicial review, thank you very much. You have to find a way to ensure that if— [*Interruption*] Legal fees? [*Crosstalk*] Now, I like to hear my friend. I do not want to stop calling you my friend, because I have a lot of friends from the teaching profession. But boy, what “yuh” doing before the Integrity Commission? Tell me.

Madam President: Senator, talk to me. [*Crosstalk*]

Sen. R. Augustus: Sorry, Madam President. You have to find a way to do it. If you felt that you have found a way by bringing legislation to change the laws and you were blocked, then the people of the country and Mr. Robinson put you there to find another way. [*Desk thumping*] Do not just throw your hands in the air. And I am waiting for the Police Reform Bills. [*Laughter*] Do not tell me about, “cyar have meh cake and eat it”. I have my cake and I am eating it, because I am a Trinidadian paying taxes. [*Desk thumping*] Therefore, I expect you who I am paying to do the job I have given you to do. Sorry, I did not give you; the job that others gave you to do for me. [*Laughter*]

The drugs that are being sold outside of the domestic area—the people who cook in schools, you have to find a way to prevent them from selling weed outside that area. The board must be able to go into that and to assist the principal and the staff in developing the environment to ensure that five years down the road we do not have that same problem. The Minister has to find a way to get her boards to work along with the administration of the school to cut out the rampant absenteeism and unpunctuality of teachers. “Doh” tell me about service commission. That is going a long way in creating the problems of criminality that exist in our schools; the breeding of criminality. I did not say so, but I agree with the person.

We have to find a way of bolstering our supervisory staff. I am happy to hear that this afternoon we are going to pass that piece of legislation which would ensure that our supervisors will be properly compensated. I understand that at the end of this month they are going to get the money a newspaper ad had said that they had gotten already, with a little back pay. I am really happy for them. I am

happy that this evening we are going to debate it and say a lot of things about it and it is going to be passed, I am certain, so that supervisors would be adequately taken care of. But it does not stop there.

The boards that we are appointing will have to find a way of convincing the administration that the structures we have in place and the manning of these structures and the numerical strength of the supervisory staff have been outgrown by the expansion of our education population. Therefore, we have got to find a way to increase the number of supervisory posts and other posts that must be made available for people's promotion. Of course, people will only go for the promotions if after we have done our part this afternoon, the Government does its part expeditiously to ensure that people are properly rewarded.

The board must also have as another objective the question of the maintenance of the school plant. I am not even talking about buildings; I am talking about maintenance. I leave the building and rebuilding to the planner and designer. He is getting enough money for that and he is only planning and designing; one day we will start to get real new buildings and more space in our schools. But let us talk about the maintenance of the plants we have now. Our boards must have enough human resource skills to ensure that enough attention is paid to providing our school population, inclusive of staff and pupils, a comfortable physical environment in which to work. I am not saying that they have to sit and ask the Government for 10 cents everyday; it will not happen. Our boards must be proactive. They must assist the principal in coming up with creative ways of raising funds using the school population and the parent body to ensure that the environment is properly taken care of. I have a serious belief about that.

I think that too many of our people sit back and expect to beg the Government for everything that they want. I am saying that even though I know that is a syndrome that was developed and is still being nurtured by those on that side; that you feed them all the time. If we had these people, the PNM before 1940, we may not have had the steel band, because we do not have the resilience now to invent anything. All we are doing is feeding them; giving them a little; giving them, giving them.

Our school boards must ensure that they use the school environment, the human environment, inclusive of the pupil body, parent body and the commercial people in the area, whether it is a mauby parlour or not, to raise funds for the benefit of their school institution, so that they buy into it. It is part of them. They know that this brick was mine. This is what I want to see the school boards doing;

and party hacks will not do it. I am looking forward to more boards being appointed, because we have to look at the clusters of primary schools and attach boards to them, so that they can do the same for the primary schools. If you do not do it at the primary schools, you are wasting your time, because by the time they reach 11-plus they would have gone. So we have got to start quickly at the primary schools to provide assistance to those principals and teachers there.

The boards must also be part of assisting the schools in developing their school improvement plan. There is a belief that a school improvement plan means a school building improvement plan, no way; it goes beyond that. The board must have among its membership, those people who have a sense of the values that our country needs at this time. They must have a sense of improving what happens in the school, to the extent that when a child leaves that school that child has good value systems by which to live. That is what I talk about when I talk about school improvement plan.

It has nothing at all to do with the building; it has to do with the mind; the product that you are putting out there; the child who is going to live in society. Every good child you put out there will improve the quality of your society and will improve the quality of the Government, would improve the quality of the police service you have; will improve the quality of the fire service you have; will improve the quality of every single service. It starts there. The most important commodity you have is your child, therefore, we have got to raise the child properly.

I want the Minister to look again at the question of the principal being a member of the board. That principal must be *ex officio*. I wondered why we left out females. We were saying that there should be two members of the Parent-Teachers Association and in these days when we are talking gender all over the newspapers and we left out the ladies. [*Crosstalk*] No, there is a clause which we had that spoke about the majority PTA in the school, one of whom must be a female. [*Crosstalk*]

Hon. Senator: The majority of teachers are females.

Sen. R. Augustus: You all went to the wrong schools. [*Laughter*] [*Interruption*] The Professor is warning me that it should be the two best persons. That is not a surety, you know.

Madam President, seriously, these regulations are valid to the education system in the country. Whenever you have new things you have to keep changing them; I have no problem with some of the changes that are being projected. There

are one or two instances I have raised, however, and I am hoping that we can address them.

Thank you.

Sen. Prof. Kenneth Ramchand: Madam President, let me begin by saying that I agree 100 per cent with what Sen. Augustus said, that you have to begin with the primary schools. In fact, let me suggest that it would be better still if the school boards were made responsible for the primary and secondary schools within the community. I will not be saying much more about that, but that is, in essence, one of the suggestions I would put: to make these school boards truly bring about the school and community-based management, the decentralization that is necessary to establish relationships, not only between the school and the community, but between the different schools in the region. We have to make the system flow in that way. One of the functions that the boards might very well perform is looking at both primary and secondary schools.

Before I go specifically into the Regulations, I think it might be worth reminding Senators of the provision in the Education Act of 1966 for the management of schools. It may be a bit tedious, but I have to go into it, because all our attempts, since 1966, have been to redress certain imbalances that were created in that 1966 Act.

The 1966 Act divides the schools into public and private schools. A public school is one which is wholly owned by the Government or one that is assisted by the Government; so we speak about Government and Government-assisted schools. The assisted schools are normally the denominational schools. The provision with respect to denominational schools is quite different from that for the Government schools. Denominational or assisted schools have boards of management. The Act says that every assisted school shall be controlled by a board of management. In section 17 of the Act, the powers of the board of management, with respect to the assisted school, are spelt out quite clearly; the board of management runs the schools. All they need to get, in the end, is the approval of the Ministry and the approval of the Teaching Service Commission. They know what the Education Act says and they know what they have to do, and they have a pretty free hand to run the schools.

People have looked at the assisted schools with a certain amount of envy, "Look at how successful they are; maybe it is because they teach religion; maybe it is because so and so," but the answer is that the assisted schools have always

had a free hand and they have had the opportunity to practise a certain amount of school-based management.

On the other hand, for the Government schools, the Act says that we should have committees of management. That is not bad, because a committee of management could be like a board of management, but then it says in section 24 that in the absence of the establishment of committees of management:

“Government schools shall be controlled by a Supervisor of Schools designated as manager of the school subject to the directions of the Minister, and the Supervisor shall have and exercise such powers, functions and duties as the Minister may confer.”

One problem with that is if you want to decentralize, if you want school-based management or site-based management, you cannot have a ministry official as the person who, as it were, is in sole charge of the school.

There are other problems about the application of school supervisors. Again and again, the ministry has bemoaned the fact that there are just not enough school supervisors. If a school supervisor has to deal with eight or even five schools, how can he or she keep in touch with all the things that are happening with the schools under his or her jurisdiction? School supervisors have been overworked and have got a bad name for not paying proper attention to their schools, because there are just not enough of them. The school supervisor is really not the answer to the running of the school.

It puzzles me as to why since 1966, although the legislation speaks about committees of management and it clearly was an attempt to parallel the boards of management of the assisted schools, we have opted to continue with the school supervisors rather than committees of management. If you read sections 26 and 27 of this Act, you will see that the supervisor is not a usurper, I am not saying he is a usurper. The law tells him that it is his power, but the supervisor makes the principal a hollow person. A supervisor is, in fact, the manager. He is almost Corporation Sole in relation to the school. The principal is a very reduced figure, who has to seek permission from the school supervisor for almost anything that he wants to do.

So the 1966 Act began the process of turning the principal into a figurehead, somebody who supervises the physical safety of the pupils; the discipline of the school; the proper use of school equipment and stock; the keeping of proper records and the making of financial reports. How did he become a school principal? He became a school principal, we hope, by being a good teacher who has a vision of

what education is for; somebody who knows how to relate to students; somebody who can recognize other good teachers and so on. He is a person who understands subjects, curricula and syllabuses; a person who reads books and knows what are good and bad books for the school. That is who the principal is; that is how he became a principal. People thought that he could do that.

After he did all these things as a teacher, we say to him, “Okay, be a principal, supervise the physical safety of the pupils; maintain the discipline of the school and make sure school equipment and stock are properly used,” and yet when he asks for computers or Xerox machines—up to today, in most of the secondary schools in this country, teachers are so fed up at the long process involved in making handouts to students that they spend out of their own pockets to make them. I know, because when I was in university I used to get the university to do a lot of handouts for teachers, because I know that poor teachers, their salaries were pretty bad. I used to get it done quietly. I knew if I was caught, I would not be punished, because it was for good works.

Since 1966, there has been this problem, that the supervisors are running the schools and there are not enough of them and the principal is becoming a kind of lower functionary who has to seek permission of the ministry through the supervisor. So the creation of the local school boards I think was motivated by a number of circumstances. One is a perceived difference between the success of the assisted schools and the lagging behind of the Government schools. The assisted schools seem to be doing better and maybe they have a better management structure; perhaps, there is something wrong with the management structure in the Government schools.

In the assisted schools there seems to be more site-based management so, perhaps, we need some more of that. Either the supervisor is an absentee person, because there are not enough of them or the supervisor is controlling the Government schools, but the assisted schools do not have supervisors. The kind of jargon being used these days is good; let them use it, because it means something: “school-based or site-based management”; “social capital” and so on. I hope the people who use these terms know that they indicate a wish that there should be an integration between the school and the community, not only in the sense that the rich people or the well-off people in the community give material support to the school; not only in the sense that the educated members of the community give their assistance to the school; not only in the sense that the parents in the community take an interest in the school, but also in the sense that the school being locally managed on site would look around and say that when I am teaching

children the curriculum subjects in this school, physics, chemistry and so on, although I am teaching them the subject, I am going to teach them a lot of physics and chemistry by talking to them about preservation, refrigeration, smoking and in various processes related to fish, because this used to be a fishing area. I will teach them about coconuts; I will teach them specifically about coconut processing, but I will teach them a lot of physics, chemistry and so on through coconuts.

3.00 p.m.

So it is practical and it is also abstract or theoretical and that is the kind of teaching I would do in all schools. In another part of the country we may talk about cocoa, but the school relates to the community, in that the school recognizes how people in this community have lived traditionally; what new challenges are facing the community and how the school, knowing the community, can help the people who live there to develop, to cope with the changing world, and this would make maximum use of the human capital in the community.

So I am very much in support of the establishment of this kind of board, but there are problems. When it was debated some years ago, I took a little dig at TTUTA for accepting regulations which would further reduce the power of the principal. I had concerns then and I have those concerns now, as well, about the relationship between the principal and the school supervisor, between the principal and the board, between the board and the supervisors, and I am not sure that the present regulations do anything to remove some of the ambiguity in this web.

At that time, too, I was very concerned about whether the board was going to end up being a glorified fundraising committee. In what way was the board being given the power or the authority to make an input into the school as a school; the teachers, the curriculum, the syllabus, et cetera? I was not sure that this was happening, and if it was happening, who was treading on whose territory? Would the school supervisor feel: "Stop there?" Would the principal say: "Stop there?" I agree with Sen. Augustus that still remains a problem that, in my opinion, we have to decide not only that the principal is the chief officer when it comes to running the school, but *ex officio*, he should be chairman of the board. We have to decide if we are having these boards, what is the role of the Parent-Teacher Association? Are we going to kill the PTAs when we establish the boards and let them grow and fulfill themselves? Will that be an end of the PTA? So how can we structure a board which will do some of the things that we now want the boards to

do but which would also incorporate the PTA? I would really like to see us think over this problem.

One member of the PTA on the board is not enough. You cannot have PTAs meeting and raising funds and doing things for the school and the board meeting and raising funds and doing things for the school and the supervisor saying: “This is the ministry policy”, and the principal saying: “Where do I stand in all this?” No. I think one of the reasons PTAs are so poorly attended is because the PTAs feel they do not have any authority or teeth, but if the PTA was absorbed into the board; if the board was so constituted that the board was also a PTA, so you would have special meetings of the board which are PTA meetings and special meetings of the board which are another kind of meeting—it is only a suggestion about how we deal with a very complex and potentially confusing situation.

I want to look at some of the regulations in detail. Regulation 3:

“A board constituted by Order made under section 23 of the Act shall comprise the following persons...

(a) the Principal or person acting in that post for the time being;”

I would like to see that say: “The Principal ex officio as chairman.” It continues:

“(b) no more than nine members drawn from among the following persons:

(i) a practising member of the school staff other than the Principal;”

Who chooses that practising member? Is it the principal’s recommendation or who? I would like to be clear as to who chooses that member.

“(ii) a member of the union most representative of teachers nominated by the union who is a practising member of the school’s staff;”

I suppose that will be a nomination by the union, or, at least, I hope so. And (vi) states:

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

Are we saying who the stakeholders are? Are the stakeholders the PTA and the union? Can we name the stakeholders?. We must give the names. You cannot have a blanket phrase: “relevant interest groups”. Who defines “relevant”? If you

say, “the business interests within the community, we would consult with them”, that is fine, but I would like more specificity than the word “relevant” conveys.

I have said that the principal has problems. If you look at regulation 7:

“Regulation 17 of the Regulations is deleted and the following new regulation is substituted:

17(1) The Board shall send copies of the minutes, reports, financial statements, budget and project proposals to the Permanent Secretary of the Ministry and the School Supervisor III as applicable.”

So the board really has to send its work to the centre. It goes back to the Ministry and the school supervisor. I do not know why. Are they sending it for it to be approved, or are they sending it for information? Will it be the prerogative of the Ministry and school supervisor to say: “Yes, this is within the guidelines of the Act so it is okay”, or, “No, our policy is so and so and this school is going out of sync”? It continues:

“(2) The minutes of the meeting shall be submitted to the School Supervisor III on or before the expiration of two weeks...

(3) The documents referred to...shall be subject to random inspection by the respective School Supervisor.”

So I am a school supervisor. I go down to El Dorado and I say: “I want to see your books.” I do not find that is consistent with site-based management and proper decentralization, because the supervisor could act like a police who is coming there to check on the school all the time. You either have confidence in the boards you have created, in the principal you have appointed and you have confidence in their wisdom and their interest in the community and you believe in your stated theory that you want site-based management, and you therefore will save time and avoid insult by allowing these boards to do their work without that kind of tight control.

I am concerned that even though on the one hand we want these boards to do the job, we are not giving them the freedom because when you check on it, the school supervisor still has all those powers that the school supervisor had before the creation of the boards. So I do not know if you would want to attach a school supervisor to each board and make the school supervisor a member of the board. You would probably have to change his name. Give him the same money but

have him on the board, if you like, so the board does not have to report to the ministry every minute, and let us make these boards groups of citizens who could turn the schools into much more than a school.

Sen. Augustus was saying that things are happening in the society that we really need to talk about urgently: crime, various kinds of violence, corruption, and so on, and he seemed to have a little reluctance about having to speak on this Bill, but they are connected. What we do with and about the schools will have a great bearing on those crimes and evils spoken about by Sen. Augustus. We have to face the fact that over the last 50 years, communities have been destroyed and the drift to the city, industrialization—some years ago I went down to; I am a sinner in that respect too. I used to go down to Cedros to the cemetery in Bonasse Village for La Toussaint. I know what it means now, but as a little boy I did not know what it meant—all of us going to the cemetery. While I was living up at St. Joseph, every time I went down there, it would be a meeting of all the people from the village; it was a gathering of the community. I do not go now because we have scattered all over the place.

So our communities and the ways in which we expressed our togetherness and talked to one another, many of those things have disappeared. We cannot just say community is impossible, we have to find new ways of reconstituting community, or the idea of community. It has been many years now I have written crank documents to a number of ministers about using the schools as community centres. This is where extramural classes take place; this is where sport takes place; this is where the parents come; this is where children can come and do homework because we have security in the schools. If the home is not a satisfactory place to do homework, come to the school and do the homework. This is where we hold concerts; this is where we hold art exhibitions; this is where people come and sell cake and sweetbread, and so on. The school and the school grounds can become a focus for community activities. It is not only a place where the children go.

So what we do with our schools, how we manage and develop them, has a great bearing on the kind of people we encourage to develop, and if we want to deal with some of these problems that are going on now—and I am unrepentant about this—what we are suffering from now is a result of our neglect of the Junior Secondary Schools and the shift system. The people who passed or were kicked out or dropped out of the Junior Secondary Schools are now parents and grandparents and they do not know how to talk to their children. They have been so brutalized themselves that they just manage their own survival.

It is a serious problem and the state of the schools is related. So when people come and talk about school violence, you cannot stop school violence by just going into the school. The problem is much more subterranean than that and all these hotshot and easy solutions that are being offered will go nowhere until we recognize what is the purpose of education and try and work out ways of using the school to arrest this runaway individualism, materialism and lawlessness in the society. You talk about teaching values. You do not teach values by reading from the Bible every morning. You set up a kind of infrastructure and a kind of atmosphere where people would recognize the better possibilities available to them and to themselves as persons. That is what we have to do and I feel that for the next 10 or 15 years, we should be really involved on the one hand on a defensive operation to try and protect ourselves from what is going on and a more long-term preventive operation through the educational process.

One reason I hope that the Reform Bills would come back here is—I am going to give you all a real Kremlin-like plan to solve crime. I am going to zone the country and I am going to have surveillance cameras in and out, and everybody would have to walk with their ID card, and if I catch you in Port of Spain, I would want to know where you are living. I am going to do a census and find out where everybody in this country is living and I am carrying the police and the army and I am covering every track and trace. [*Interruption*] For 20 years, yes, because my freedom has been taken away from me already by criminals, so I do not mind if the State takes away some of it in order to deal with the criminals. But we would come back to that.

Just to summarize, although I am very much in favour of the establishment of school boards, I really wish we could resolve some of the major areas of conflict between principal, supervisor and board and think more creatively about the relationship of the school to the community; the school as a creator of the social capital; the school as a creator of values and try to work these into the regulations and into the kind of school boards we want to create.

Thank you, Madam President. [*Desk thumping*]

Sen. Robin Montano: Madam President, the man who is probably the world's foremost entrepreneur, Bill Gates, spoke recently at a summit meeting of American governors, and at that summit meeting he said that American high schools were obsolete. By "obsolete" he meant, it was not just that they are

broken, flawed and under funded, but even at the best of times when the best high schools are working properly—let me quote him exactly:

“I mean that our high schools - even when they are working exactly as designed - cannot teach our kids what they need to know today. Training the work force of tomorrow with the high schools of today is like trying to teach kids about today’s computers on a 50-year-old mainframe. Our high schools were designed 50 years ago to meet the needs of another age. Until we design them to meet the needs of the 21st century, we will keep limiting - even ruining - the lives of millions of Americans every year.’

Let me translate Mr. Gates’ words because as far as I am concerned everything that he has said applies to Trinidad and Tobago. So using his words, what he is saying is, if we do not fix Trinidadian and Tobagonian education, he will not be able to hire our kids. I consider that kind of important. Here you have a man who has become—I believe he is the wealthiest man in the world through his entrepreneurship. He runs probably the most important IT company in the world—Microsoft—and here he is talking about American high schools and American education. What would he say about ours?

I understand—and hon. Minister, please correct me if I am wrong—that there are some schools in Trinidad where less than 3 per cent of the graduating class gets a few O’levels. O’levels should be something today almost like a kindergarten education, and yet there are some schools in this country that only approximately 3 per cent of the graduates are getting one or two O’levels. I shudder to think about my country. What are we doing? I see we are now growing into a flat world where “B to B” and “B to C” means “back to Bangalore” and “back to China”, and you see China and India forging ahead; you see them fixing their things and making a real effort to haul themselves up by their bootstraps.

Let me read you a piece of an article by an Op-Ed columnist in *The New York Times* called Thomas Friedman, who says: “What, me worry?” The article was printed in *The New York Times* on April 29 of this year. He is quoting President Lawrence Summers of Harvard who told him that the United States is:

“going to face competition from low-wage, high-human-capital communities, embedded within India, China and Asia. In order to thrive, ‘it will not be for us...’”

He is talking about America but read Trinidad and Tobago:

“to just leave no child behind. We also have to make sure that many more young Americans...”

Read Trinidadians and Tobagonians:

“can get as far ahead as their potential will take them. How we meet this challenge is what will define our nation’s political economy for the next several decades.”

That was Lawrence Summers of Harvard. Listen to this. Mr. Friedman goes on. He says:

“Meeting this challenge requires a set of big ideas. If you want to grasp some of what is required, check out a smart new book by the strategists John Hagel III and John Seely Brown entitled ‘The Only Sustainable Edge.’ They argue that comparative advantage today is moving faster than ever from structural factors, like natural resources, to how quickly a country builds its distinctive talents for innovation and entrepreneurship - the only sustainable edge.”

Madam President, what are we doing? You hear what is said, the only sustainable edge; you cannot rely on natural resources. We seem to operate as if the oil and gas will last forever, but we are not fixing our schools. Even when you take the best of our schools, our best schools today are not gearing up to meet the challenges of the 21st century, and the challenges simply are not being met.

My friends, Sen. Augustus and Sen. Prof. Ramchand, have both spoken about the direct correlation of crime to education and we know that we are in the middle of a crime spree gone crazy. I mean, it is the Wild West we are living in now and nobody seems capable of fixing it. That is for another debate, I agree, but we come back down to looking to see what our primary schools are doing. I have said in this Senate on another occasion in different debates how, for example, across in neighbouring Venezuela, the five-year-olds begin to study English and some of the five-year-old classes are conducted in English. We are talking about Spanish and Trinidad and Tobago being the natural home of the FTAA and we have got to start learning Spanish in the high schools. You have to start learning Spanish in the primary schools.

We keep hearing about a 2020 vision and, of course, we have been hearing this now for three or four years and in that period of time, although I have asked a thousand times, it feels like, we have not yet had any benchmarks; we have not yet said: “Okay, this is our definition of 2020; this is what we want the country in

education to look like.” Now, where are we? In 2005 we have high schools where less than 3 per cent of the graduating class is getting two or more O’levels. How do you hope to fix this in 15 short years? What are you doing with it? Where are you going?

Our teachers are drastically and radically underpaid. They do not have the respect from the society that they need. There needs to be a whole new approach to the teachers. I agree with Sen. Augustus. Something has to be done to cut out teacher absenteeism. Teachers have to be made accountable. One of the problems in this country is that nobody is accountable. For example, I sit on a joint select committee that deals with service commissions. We had the Commissioner of Police before us the other day and I asked him: “Commissioner, what are your benchmarks for us to be able to judge how well you have done in your job?” He could not or would not say. He refused to say.

So it comes down into the schools. You see it everywhere. Nobody is accountable. No benchmarks, no nothing, and yet we come here this afternoon and start talking about regulations. We spend a lot of time on a lot of things but where are we dealing with the real issues? I would have liked this afternoon for the Minister to have turned to us—maybe she will do it at the end of this debate—and say: “Look, we are bringing in these regulations and this is how these regulations are going to help fix the system”, and she be specific with it: “We are going to fix the system like this. These are the problems and this is what we want to do.” Instead, what we get are beautiful sounding words.

I do not know about you and I do not know about the rest of my fellow citizens, but I for one am sick and tired of hearing lovely flowery speeches that actually do not translate into any sustainable development; into any sustainable edge given to our young children. Instead, what we are doing—and it is the fault of all of us—we, as a society, are condemning our children to having to take a back seat in the world bus of the flat world. Mr. Hagel said in his book:

““But it’s not just about current capabilities. It’s about the relative pace and trajectories of capability-building.

You have to look at where Shanghai was just three years ago, see where it is today and then extrapolate forward. Compare the pace and trajectory of talent-building within their population and businesses and the pace and trajectory here.””

He is talking about the United States, but he could well be talking about Trinidad and Tobago.

Nothing that I have heard this afternoon relates to the global economic playing field and how the education system that we are trying to build is going to bring our children back. To show you how there is a total lack of thinking, what we find happening with the system is that people keep on tinkering with it: “We would just do this; just do that”, but there is no innovative thinking; there is no saying, what do we need.

I have asked the question a thousand times of educators: If I put a bomb under the education system of Trinidad and Tobago this afternoon so tomorrow morning we had nothing and we had to start again, would you put back the exact same system that you had? No, they say; no, no. Well, would it be just slightly different? “No, radically different.” Well, if it would be radically different, why are we indulging Einstein’s classic definition of insanity, which is, insanity is doing the same thing over and over again and expecting a different result? That is what we are doing.

Madam Minister, through you, Madam President, why do we not get together with the best and brightest of the educators in this country; let us have a big education conference and let us sit with a clean sheet of paper and design the ideal education system for this country? Because I will tell you something, what we have here is just not working. We need to think outside of the box; we need to get our children up, over and out. Even our best schools do not have the kind of pass rate that is necessary for 95 per cent or 99 per cent of the graduating class to go on to university. They are just not getting the marks in the best schools and that is what we should be having. Our standards are too low.

We need a radical rethink of our problems. We need to come to the table with a blank sheet of paper and we need to say to ourselves: “Okay, we need to be honest, this is simply not working. What can work and how will we meet the challenges of this 21st Century?”

I have a six-year-old son and a three-year-old son. They are facing challenges that none of us here can begin to imagine. They will have available to them professions and occupations that are not yet invented. A heck of a thing, is it not? They would be able to become whatever it is and the occupations, the professions, have not yet been invented, and this would be available to them. Things are moving so fast. My father was born in 1918. If we could all go back this afternoon in a time machine to my father’s baptism, we could look at my father lying in his crib and we could turn to my grandfather and say: “You know, this kid could have a future in broadcasting.” My grandfather would turn to you and say: “What is broadcasting?”

The first radio station in the world came on stream in 1923. The first television station came on stream in 1937. My father did not have a future in broadcasting; he had a future in business and politics. But that is beside the point. He could have had a future in a profession or occupation that was not yet invented at the time of his birth.

Think about the children today and think about how fast things are changing as compared with 1918. Think about what is happening now with our children and the very real challenges that they are going to have to face, and think, when we look at what is happening, at the disparity in the society and how the society is turning quickly and rapidly now into “haves” and “have nots”; look at it and think, how can we save ourselves? How can we save this country? We can save it not by pious bleatings and beautiful flowery language, but by real serious, innovative thinking which, unfortunately, we are not getting from the other side at the moment.

Thank you very much, Madam President.

The Minister of Social Development (Sen. The Hon. Mustapha Abdul-Hamid): Madam President, I would not be very long this afternoon. We have been down this road before and we are really only here because in the year 2000 there were a number of pieces of legislation which were put together hurriedly, perhaps with expediency only in mind, and we find ourselves having to make significant corrections to those things that were put together perhaps without too much thought, without proper consideration given to all the factors that would have affected the outcome documents.

As I have said, we have been down this road before. This is just one change to a piece of legislation. We have done it before. In particular, I refer to the mediation legislation and others, and there are others to come. So this exercise is an exercise where we are faced with the task of having to clean up that which was done before and done improperly, inadequately and inefficiently, even. It seems as though, looking at what we had to do with the mediation legislation, that the government at the time was very good at creating confusion. I say so with particular reference to confusing roles, because we see the same theme would have shown up here today, where with the regulations that they had put forward, a lot of confusion was created, in terms of principals, school boards, school supervisors, et cetera; members of the school community not understanding what their respective roles would be; those roles not being defined properly so that each

person would understand how they related to the other as we move forward in the new system.

That was the same problem—confusion of roles—that we had showing up with the Community Mediation Act of 2000, where roles of important persons in important offices were being compromised and persons were unsure as to what their specific role would be with the passage of the legislation. You would recall that the Director of Public Prosecutions' office was compromised in the opinion of the Judiciary, with particular reference, again, to the Community Mediation Act, where cases were being compromised. As you would recall, the Community Mediation Act provided for criminal matters to be mediated. Our law does not allow for any matter to be compromised without reference to the DPP. If a case was presented before a magistrate, the magistrate would have to have all the evidence before that case could be determined. However, the Community Mediation Act again compromised the authority of the DPP.

There were a number of other deficiencies with the Community Mediation Act. There was no provision for the training; no certification standards; a number of issues that made that legislation bad legislation, and again we see today, bad regulations. Right now, within my own ministry, we are looking at the Homes for Older Persons Act of 2000, and again, bad legislation to the point where we attempted to make amendments only to discover that there were so many amendments, that we had to repeal the legislation and advance a new Homes for Older Persons Act of 2005, which we are in the final stages of completing.

The same theme is there, confusion of roles, bad legislation. We had a serious problem with something established, called the Older Persons Care Board, and the role was not specifically defined. You have an Older Persons Care Board within an Act that is called Homes For Older Persons, but the Older Persons Care Board is given responsibility for a host of matters that are not directly relevant to Homes For Older Persons. We had a problem with something called the Facilities Review Team established, however not given the legal authority that would be necessary to allow the Facilities Review Team to enter into homes for older persons and do their investigations as necessary.

So we have been down this road before and we will go down again. The Children's Authority is the same thing. The legislation there is bad legislation. So when we hear Senators coming today and telling us that the confusion of roles had to do with the appointees and the nominees, that, in my estimation, has to be foolishness, because it is not the nominees; it is the system that you have

structured. Our responsibility as legislators, when we put Bills together and we pass Acts, is to ensure that each person understands specifically what his or her role is, and if you are creating new entities to relate to existing entities, again, the roles have to be clearly defined. So it is not reasonable to say that the confusion was created as a result of the particular nominees; to any particular thing.

I would say the confusion was created as a result of bad legislation and bad legislation is something for which the Opposition today is known. I could go through a list of pieces of legislation that were passed by them, particularly in the year 2000, which we are having difficulty in moving forward, in proclaiming, et cetera, really as a result of the fact that there were minimal consultations conducted when the pieces of legislation were drafted and in the face of that minimal consultations, a number of persons' roles were compromised. The entire thought-process was not complete and we ended up, as I have said, with horrible legislation, having difficulty moving forward with them.

It is not only with their legislation that we have experienced problems and we have had to go through this review exercise—continuously we have to undo some of the damage that they would have done; to undo some of the bad systems that they would have set up—we have to do it with programmes and projects too. Coming to my mind immediately is the “Dollar for Dollar” which they marketed as this great benefit to the people, and when you look deeply, you see that there was a certain shortsightedness and myopia that characterized their thinking when they put programmes together. Because that “Dollar for Dollar”, as well as it was marketed, so bad it was, because if you look closely you are going to see that in some ways it was discriminatory, because it allowed persons who would have the first dollar to access the benefit. What about those persons who do not have that first dollar? What we have replaced it with is something called GATE which introduces a mechanism to determine the level of your need and provide you with assistance based on the need that you have. We do not have a cutoff point for persons who have “x” amount of money. We have a system that reflects a continuum; understands that people have different needs, different status, and as a result of that we improved that particular thing.

Again, it is a review of something that was put in place by what I like to call, the illusionists, because they were very good at creating illusions of solutions, and those solutions were in themselves flawed. When they spoke about the education system, about secondary school places for all and they marketed secondary school places for all, the Minister of Education in this Government has had to work very hard to fix the problem that they created and I would make a particular reference.

What they did was dump children in secondary schools in Form I—they found places all over the place—without making any provision for what would happen the following year. The Minister, in particular, had a great task to find places to accommodate students as they moved to Form II. The entire school was Form I. They just dumped these students into the schools leaving no space for what would happen the following year. It was an illusion and they created a solution in the name of an election in 2000. We had to come and clean it up afterwards.

Even the Distance Learning Secretariat that they talked about where they could educate people in the countryside, et cetera, are you aware that the Distance Learning Secretariat is not a teaching institution? They do not have a curriculum. In order to make distance learning effective you need to have a teaching institution associated with distance learning. What that means then is that they would provide the mechanism or the medium by which you teach a curriculum which would belong to a teaching institution. They did no such thing and what ended up taking place was that in all of these distance learning places they did Microsoft Word and did over Microsoft PowerPoint—fullstop. Those are the only courses they offered because there was no teaching institution coming to be part and offering courses and participating in the programme.

Again, you see the shallowness and the myopia. But what they did achieve, I will tell you this. When you look at where these centres are located—for a short time I held the position of junior Minister in the Ministry of Science, Technology and Tertiary Education and had the opportunity to visit a number of these centres. I was most surprised where they were. Let me start with the centre in Couva South. The centre in Couva South where the government put all these computers was located downstairs the same building that housed the Member of Parliament for Couva South.

Sen. Mark: You are being irrelevant.

Sen. The Hon. M. Abdul-Hamid: No, I am talking about your myopia. When you look at what took place in the centre in Couva North, it was in a building next door to the office of the Member of Parliament for Couva North. In Arouca, it was in a building that was owned by one of their special advisers and in Barrackpore, it was in a building that was associated with the Member of Parliament for Barrackpore.

So I am saying to you, they create illusions to give people the impression that progress is in place. It is nothing of the sort and we have been down that road

before, and it is my responsibility to explain to the people that you are hollow and you have no solutions.

Sen. Mark: You are just talking—

Sen. The Hon. M. Abdul-Hamid: Madam President, I can give a few minutes to the Senator to speak, because I have some questions for him. If he wants to speak he could get up and tell this Parliament what is his association with No. 5 Palm Avenue. I would be interested in knowing that. Why are the residents complaining about him? He could get up and answer.

Sen. Mark: Which residents?

Sen. The Hon. M. Abdul-Hamid: In the community.

Sen. Mark: You think I am building a house in Providence? Tell the country about that—in Santa Cruz.

Sen. The Hon. M. Abdul-Hamid: Madam President, we are well accustomed to the illusions that they create. They have created illusions continuously. That is the main point I wanted to make. They talk about fixing the school system—

Sen. Mark: We will send you to the Integrity Commission.

Sen. The Hon. M. Abdul-Hamid: I will send you to church. I am almost through, Madam President—

Sen. Mark: Sit down “boy”. The President is on her feet.

Madam President: [*Inaudible*] I ask you to desist and let us get back to the Motion at hand.

Sen. The Hon. M. Abdul-Hamid: Thank you, Madam President. I will do so. I just have one short point to make again.

In terms of fixing the schools and about putting a bomb under the education system and foolishness like that, they need to understand that systems evolve. We need to work things out and fix problems as we move along. It is silly—the only word I can think of—to bring to a House like this, the concept of putting a bomb. That is a silly metaphor. They need to understand how this system of school boards will form part of that revolution that we are witnessing and it is an integral part of it. We are simply making the corrections that are necessary.

I am very surprised to hear that anybody would argue with the regulations that we have suggested. They are strong; they are good and they are an improvement of what was there before. I just want to express my strong support for the Minister

of Education in this effort and to reiterate that our task is an important and serious one, but we have been faced with the need to fix what was there before and we would continue to have those challenges and we would continue to meet those challenges.

Thank you, Madam President. [*Desk thumping*]

Sen. Dana Seetahal: Madam President, what we are really dealing with today is simply an amendment to the regulations dealing with local school boards, and if I may just say—and this is having regard to some statements made by the last speaker—the Regulations in 2000 were the first regulations ever made in relation to local school boards. Under section 23 of the Education Act there is provision for boards in respect of government schools as distinct from assisted schools. So in 2000, after that Act had been in existence for some 40 years, we find for the first time, from my research, that you have regulations being made to deal with local school boards.

I think that is something that is commendable in relation to the actions of the last government in this regard and in the Education Act, because too much is being made of who is better and who is not and who is doing something. The thing is, regulations were made; they ought to have been made long before that; there are certain things in the regulations that the current Minister thinks can be improved and that is what we should be looking at. I mean, there are other good pieces of legislation and there might be flawed legislation passed in 2000, too. One good piece of such legislation, as an aside, is the Community Services Orders Act which we have been utilizing in the courts. So I really do not think it serves any useful purpose having this constant thing about, you know, you have legislation that is bad, because we have passed many amendments in this Senate, of legislation that had been there for a long, long time and always we can see need for improvement.

Let us look then at the proposed amendments to the 2000 Regulations. As my colleague, Sen. Prof. Ramchand pointed out, one of the amendments is in relation to the principal—I think it may have been Sen. Prof. Ramchand, or it may have been Sen. Augustus—now no longer being an ex officio member. It seems to me that that amendment is really to facilitate the second part of that, that a person who is acting as a principal should be a member of the board. This is my understanding of the proposed amendment, and in view of the fact that there are so many principals and vice principals who are acting, for whatever reason. I

mean, there are sometimes obvious reasons: when people go on leave; people are sick for a long time. So I think that is a useful amendment.

There is a concern I have, however, in relation to the provision in the new proposal where:

“a member of the student body who is diligent, conscientious and an all round team player and is nominated by the student council of the school;”

should be a member of the board. Now the thing is, that is so subjective. One can look amongst us: Who is diligent, conscientious and an all-round team player? I may feel that I am; another person may feel that I am clearly not. That, to me, opens up the Ministry to possible litigation. If somebody feels that that person is not an all-round team player, how dare this person be nominated by the student body? So that is something, I think, unnecessarily, could open oneself up to litigation.

If you have a student body and they are nominating a person, I would think one would expect that they would nominate someone who would represent at some level, the views and concerns of the students. I really do not think that this diligent, conscientious, all-round team player—subjective language in legislation, much too much. One ought not to have that because it is liable to massively different interpretations.

There is an amendment that was moved in the other place. I have seen this amendment which relates to a deletion in the original regulations and you are bringing it back. This is the proposal in relation to who is to be the chairman of the board. That is really just a repetition of regulation 3(2). So it seems to me all you have to do is renumber that. So there is no point, really, in deleting it and then having to do it over.

There is a proposal—and that is in relation to something raised by Sen. Prof. Ramchand—that in the future a school supervisor, a member of the Ministry of Education Local School Boards Committee and any member of the public who expresses an interest, can attend the board meetings. I think that those two amendments are very good. I think that it is not necessary, in my view, for the school supervisor to be a member of the board. I think you might have a conflict of functions there, but if the school supervisor wishes to attend, if there is some reason that he or she is required to, to explain certain things, or wants clarification, then it is useful. I think that you have members of the public—some more than others—who might be interested in what is happening in the school,

whether it is in terms of security matters or other matters. If we have reports of students selling drugs in schools, as you have happening, or people who are not of the school going to the school and recruiting people—too often you see this kind of thing in the juvenile courts coming up—then you would think that members of the public, other than the normal PTA representatives, may have issues that they would want to attend those board meetings and raise matters with the board members, and I think that should be encouraged.

There is one issue here, and if I may just mention that, Madam President. There seems to be a suggestion at some level that you have all these people fighting in the community to be members of the school boards and that you only want conscientious people and all these qualifications. That is a problem, because I know people who are members of boards and often, to them, it is an intrusion in their lives and they do not really want to be members of the boards. This is a reality of life when you have people who have many other things to do. So I do not know if there needs to be some kind of public education at some level as to the importance of these things so that people would want to be members of school boards or members of other boards. But as it is right now, sometimes you have to take what you can get and you may find that you do not get people who are suitable in many ways to be members of school boards.

Finally, the penultimate point I wish to make, there was a question, and I think it was raised by Sen. Augustus, as to an amendment to regulation 15. The previous regulation 15 allowed a decision of the board to be rescinded or varied by the board at a subsequent meeting. Now, the proposed amendment is that you must include where there is a change in circumstances of fresh evidence. I think that is a commendable amendment. Why I say so is that one has to have some kind of certainty in decision-making. It ought not to be that you make a decision this week and next week someone who did not get his own way wants to raise it again and then bullies people and eventually, by the third meeting you are fed up and you say: “Okay, go ahead.”

4.00 p.m.

That is the kind of thing that can lead to the current regulation 15 being abused. Just like a normal decision whether it is in court where you have an issue being *functus officio*, they have expended their functions and you have made a decision. If something new transpires this is the normal course of life. You will then bring up that and ask for the decision to be reviewed. I think that is all to the

good. I do not think that you want to have any matter being under perpetual review. You can go through a whole year with someone bringing up a matter to be determined and then you can never come to any decision.

All in all, I think in general that except for one or two little things, we should consider positively the amendments to the Regulations.

In closing, many of the previous Senators mentioned the relationship between the boards, the violence in schools and the poor performance of students. It seems to me that no one person or body can really have an effect in relation to these kinds of matters. If people, whether it is as a result of their upbringing or other kinds of influences or peer pressure—we try to label these things too much—have these kinds of criminal deviant intentions and pick up guns—I know that 14 year-olds in the square have had guns—how can one say that any school board will make any kind of impact? The school boards are to attempt to run things in a reasonable way and some kind of body must assist in the management of the school. We hope that it will work out. The real body to deal with the gangs created in the schools will not be the school boards. After things are detected the principals and the boards can come together.

What is happening in the country in relation to schools is what is happening in the United States where you have the Blue and the Red Crips and the other gangs. In many of the other gangs people dress that way. I know this from having been exposed to it and meeting with people who deal with gangs when I was in the United States. This is happening here. You have more than one gang in a school, or one gang in one school and another gang in another school. How does it jump to the attention of the board unless you have at some level, some kind of detection mechanism to find out what is happening with gangs? Many students who are subjected to those things will not tell their parents because they are afraid. Bullying is going on there.

That is the responsibility not merely of the school authorities because oftentimes they cannot find out. It would come under national security because those things merge into crime. It would come within the purview of parents who do monitor their children. I thought I would mention that from my experience in terms of gangs that we seem to be having a proliferation of them and it would not go away. It is not in Trinidad and Tobago alone. We want to deal with it but we cannot say that there is a board to deal with it. The good students will always be subjected to the bullying of the others who might be in the minority and you will continue to have that kind of peer pressure to belong to gangs. We have seen it and are seeing it happen elsewhere.

I cannot offer any overnight solutions and there is none. We might want to have some undercover activities in the school. It is a wider problem than we think.

Thank you.

Sen. Parvatee Anmolsingh-Mahabir: Madam President, thank you for allowing me to make a contribution on the Motion before us. The recent eruption of violence at Five Rivers Junior Secondary School coupled with the students' recent arson and violence at the Arima Senior Comprehensive School are clear symptoms of an education system in which all is not well. I must say that I have no doubt that some of the regulations proposed by the Minister will go a long way in alleviating some of the ills in our education system, by forging closer ties between the school and the community.

The Minister of Education has been proactive in introducing many innovative programmes to stem the tide of violence and inappropriate behaviour in the nation's schools. There are programmes such as Light The Way and many others too numerous to elaborate here. Music too, has played an important part in the process. At this point in time I must thank the hon. Minister Hazel Manning for her delivery of the promised East Indian musical instruments to some of the Maha Sabha's schools in Trinidad and Tobago. These instruments are being put to very good use. I look forward to further distribution to the various other Hindu schools and they are eagerly awaiting these instruments.

As I was saying, the boards will have their hands full. The target group of any education policy must be the students of the nation. There must be correct and adequate resources together with fully trained teaching staff. Modern adequate teaching materials are essential in lifting today's generation of children to First World status by 2020.

Mr. Satnarayan Maharaj, Secretary General of the Maha Sabha Education Board of Management has expressed serious concerns about the lack of philosophical underpinnings for dramatic changes in education that are being announced in an uncoordinated manner. He has written:

No country has achieved developed status by lowering standards. Zoning and mixing up differently abled children merely to pursue a bureaucratic idea of equality damages thousands of children. You do not help the weak by weakening the strong. But by all means give special help to weaker children.

We hope that the board will look at it.

My colleague, Sen. Prof. Kenneth Ramchand, pointed out the difference between the management of the public schools and the denominational schools. I

will like to highlight in detail the plight of the denominational schools. It cannot be denied that denominational schools have worked well to deliver quality education at both primary and secondary levels. Where discipline of children; respect for teachers, music, drama and academic results are considered, the denominational schools have saved our nation from total descent into a degenerate society. Yet, these are the most financially disadvantaged schools. They get less funding than state schools.

I have an article written by the Secretary General of the Maha Sabha, Mr. Satnarayan Maharaj. Madam President, with your permission I will read the contents:

Recently there is a sinister movement to undermine the authority of the denominational boards. This is widespread in all areas of administration especially in the matter of filling vacancies. Funding is critical to meet the expanding expectations of parents of the nation. One hundred years ago under colonialism, denominational schools received a small subvention. Today, the needs have multiplied but the funding remains parsimonious and totally inadequate. A school needs a wide range of input, stamps, stationery, a PA system, CD players, projectors, and computers, in addition to non human teaching resources like technical and security guards. We get no money to do all this work.

The new education czars who are contract advisors to the Ministry of Education have emerged from the 1950s and 1960s to implement their old ideas. That was the era of state domination; closed economies and also many minds closed to the ideas of ethnic diversity or religious and cultural pluralism in education. They have taken over the ministry and now endeavour to destroy the good work of the denominational boards, work that the denominational boards put in for generations. They are covertly implementing the Romain Report.

Madam President: The Minister will like to make an intervention here.

Sen. Manning: Madam President, that document was written maybe a year or two ago. Since then we have not used the Romain Report. We have done something else with decentralization and devolution. The funding to those boards has increased considerably especially for those doing CAPE. I really would like that statement to be withdrawn because it is really very old. The circumstances have changed considerably since that statement was made.

Madam President: If the information is wrong according to the Minister, it should be withdrawn.

Sen. P. Anmolsingh-Mahabir: Madam President, the Romain Report was being used. If the Minister says that it has been withdrawn, I thank her for that. It was a bone of contention among denominational schools.

Sen. Manning: Maybe, I need to say that it was never policy. It was a research document that was done on behalf of the ministry by the IDB. We looked at it and did what we had to do.

Sen. P. Anmolsingh-Mahabir: Thank you, hon. Minister.

Madam President: Where do we stand with the information?

Sen. P. Anmolsingh-Mahabir: The information here would be that there are still some problems with regard to the Concordat and I want to make mention of those with your permission. The Concordat says what the board can do.

A teacher shall not be appointed to a school if the denominational board objects to such an appointment on moral or religious grounds. Similarly, if a teacher be found unsatisfactory on those very grounds moral or religious, the denominational authority shall have the right to request his removal to another school after the due investigation.

The boards are being undermined in the matter of promotion, appointments and transfers of staff.

Section 4 of the Concordat says:

For these reasons it is proposed, provided the legal and constitutional arrangement allow, that vacancies as they occur in all schools should be advertised and applications submitted in the first instance to the respective board of management which will examine them and forward them with their recommendations to the Public Service Commission for final action.

The agreement in the Concordat is being systematically circumvented. The proposals of a joint Cabinet committee of which the Sanathan Dharma Maha Sabha was a party have disappeared from the report. This report must be accepted and implemented.

Under rights of religious bodies the report says:

The rights to property guaranteed to the religious bodies in the Concordat of 1960 will be honoured and maintained by this agreement.

Under construction of the new school it says:

The State will grant to religious bodies the right to establish, build and operate schools in designated areas in accordance with a set of criteria agreed to between the parties to this agreement.

Under grants it says:

Grants to denominational schools for furniture, equipment, maintenance, including refurbishing of laboratories, utilities, security, expansion of existing plant and facilities shall be brought in line with the funding of other public sector schools and funded 100 per cent by the State. Mechanism shall be put in place for the timely release of these funds.

These recommendations can help the denominational school boards to make greater inputs to provide quality education. We recommend that the report be accepted.

In conclusion, I must state that I support the Regulations before us and lend my voice in support of the recommendations made by the Maha Sabha Education Board in its 2005 perspective which states:

- (1) Modernize all classrooms and put in the latest technology.
- (2) Promote formal music teaching of all musical instruments from the primary level.
- (3) Primary schools must have a modern library, computers and music room. These must be linked to parents and community institutions like the temple, church and mosque to instill values.

Education without value is dangerous. Money cannot build morality. Children need to be immersed in their values and appropriate cultures in all aspects of education from pre-school to tertiary level.

Thank you.

Sen. Yuille-Williams: Senator, while I was listening to you on the Maha Sabha report that says, to promote musical teaching of all musical instruments. Could you tell me more about that particular aspect?

Sen. P. Anmolsingh-Mahabir: Continue your policy of teaching all musical instruments in the schools. You have been doing a very good job. I must compliment the Minister of Education for this because the music in schools is going very well.

Sen. Yuille-Williams: Could we say that the steel pan will be one of those in the Maha Sabha schools?

Sen. P. Anmolsingh-Mahabir: I cannot speak for Mr. Sat Maharaj, but I know that he did mention that once they have all the various instruments students should be free to choose whatever instruments they will like to play, including the pan, of course.

Sen. Yuille-Williams: Be careful.

Sen. Brother Noble Khan: Madam President, thank you for allowing me to express a few thoughts on what is before us. This is a most important piece of legislation. It is indeed heartening to see an element of recognition in a highly dynamic situation where inadequacies are being addressed and definitely competencies being raised.

I must say that with respect to these areas I will share some thoughts. The concept of the board as some of the Senators have mentioned may have had its genesis in the experience raised by the denominational school boards. There is much for which we can credit the denominational school boards from the earliest times.

Within recent times—Sen. Prof. Ramchand has touched substantially on this—there has been an element which I make mention to. It is the question of the erosion of community. This is historically part of the community coming out of the homes and areas where the homes had an expansion within the school system. With the explosion that took place in the late '50s and '60s some of this fell by the wayside to build big schools. Even as today there may be schools where you have children who may not know the names of their fellow students and some of the teachers may not know all the names of the children that they are teaching. One sees an element of hope when we see the coming together within the school system of the adoption of what was developed in the denominational school system and being brought to bear within the framework of the total school system and more so the government schools. As some of our colleagues have mentioned before it raises serious questions of administration about the way these noble hopes and aspirations for bringing better schools in the community will be achieved. Even without these boards the question of the role of the ministry continues to be one of high concern particularly in relation to the denominational boards as mentioned by Sen. Anmolsingh-Mahabir. It would seem that what emerged from the Concordat where recognition was made of the denominational schools, when that Concordat was coined in 1960 by the Minister of Education at

the time, Mr. John Donaldson, a great patriot and icon of our island who was regretfully taken away from us by an accident, has not been given the type of respect within the legal framework as it exists. This is what I think we should be addressing at a later stage. I am not unaware that some work is being done to address the question of the Concordat and deepen the processes. It does not matter what the situation is, the education system as it is and the contribution made by the denominational boards is here to stay and has a long way to go in forming the partnership with government in advancing the education of our children. It is in the Constitution and practice. To this end, I think that we have great hope in the present Minister of Education that we will see some fruition along these lines.

To get back to the question of the relationship, I will like to touch on it as the operation of the board with regard to the ministry, the children and particularly the principal. Perhaps, this might be going into a sort of pseudo academy as a student but we did touch the question of being in a position where you had high expertise and interaction in an area other than that. For example, you Madam President, will know that when a doctor goes into the operating theatre, the hospital manager has no control of that doctor when performing the operation. It is all in his hands and the creator, of course. Built within the system there are the education laws and with due respect to laws, I had mentioned that men were men long before we were made citizens by men. There are laws that supercede the laws that we make. Within the framework of the law that exists and duties placed on the minister, principal and supervisor, you will find that there could be conflict when it comes to these boards that are now emerging. One would think that better sense will prevail and what has been referred to in the literature as forming a symbiotic relationship where the board and each of the players or stakeholders will realize their positions and work towards the common welfare. We know what human beings are and that is why there is emergence of laws, constraints, accountability and transparency. All parts of the political and eternal will, our desires that emerge within ourselves and find repose in our consciences, what we wish to achieve could definitely be, especially in a small economy like ours.

So many feel and are looked upon as not belonging, as second class. We have heard about first world, second world and third world. I was looking at a map last night and the First World is way to the north; there is a fringe below the north and that is called the second world and the rest, when you look at the centre was Trinidad and Tobago as being part of the third world. We use these references to get our ideas across. This may appear in our country particularly in the education system. I think Sen. Montano made reference to some of the percentages. To

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some extent within recent times we have seen low percentages moving upward and this gives us a reason to hope. These I guess may be subject to fluctuation.

With respect to the selection of persons who will form these boards, there is something which I think is good because it recognizes the question of community. It makes reference to nominated by that association; nominated by the members of the organization; nominated by the student council and then the minister in his or her right will put people. It is important that the thrust towards communities that we have emerging, there will be that input. You will not be taking people by the minister or some authority. It is merging from within the grassroots. This is a good input that commends itself. Mention was made of the tradition of the denominational schools; managerial emphases; part of the ongoing skills of the technical professional—I stress again—the deepening of the processes of community involvement and exposure to expertise and specialization.

Not too long ago I was part of a pilot project in the Marabella area.

Madam President: How much longer do you think you will be?

Sen. Bro. N. Khan: I will say about 10 minutes again.

Madam President: I think we will take the tea break and come back.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Sen. Bro. Khan, you may resume and you have 12 minutes more.

Sen. Bro. N. Khan: Thank you, Madam President. When we took the break I was making reference to what may have appeared to be conflict or contradiction that existed between the structure of the Constitution represented in the Public Service Commission; the Teaching Service Commission; the ministry with their staff and responsibilities; the denominational schools, which have been recognized in the Constitution, and how we could bring this to bear in a sort of symbiotic relationship for the welfare and thrust forward for the education process.

As most of us have agreed and as has been mentioned here, the question of boards has been one of the gates that have been opened whereby new vistas could become an area in which we can bring to bear some of our hopes and aspirations as far as education is concerned.

We have touched on the question of the school being a very focal point as far as the development of our children and our society is concerned. It has always been a bulwark as far as the generations that have emerged in our country, and I dare say that generations have been outstanding; have been great contributors, despite some of the fallouts that we are now facing. One of the major areas of dealing with the upbringing of children, so to speak, was basically within the family: the Sunday school, the maktab, the mandirs, these are the first areas, that formal education exposure to the faith-based systems or traditions where our children meet.

Also, within recent times governments, too, with due respect and congratulations over the period of time, have always recognized a period where you would have religious instructions being taught in schools. This is well catered for within the denominational school system but there seems to be problems within the Government school system. One of the suggestions I would like to make is that there are many schools, more than 100, and to attract the resource personnel into these schools—I would not want to sound too mercenary—there are expenses that have to be met when persons come to the schools, and usually the resource base is from humble persons.

I would like to suggest—I am sorry the Minister of Finance is not here but I am sure the other Ministers might see the value of what I am saying and be supportive of it—that consideration must be given to a stipend, so to speak, for those persons who could provide that service when that period comes. Of course, controls will have to be put in place for persons of the right ilk; with the right stock of knowledge who could transfer from the different traditions and this could possibly be worked out. I would suggest, come this new budget, that consideration should be given to this. This will have long-range effect; we have got to take this thing at different levels. In a multi-causal way I would like to use—have you heard the expression before, “where the cause lie” or we will face the different disciplines which we now have?

We have been able, over a period of time, and through the educational process, to bring to bear and to make contribution in our country. I will come back to that.

Madam President, let me stress that within the curriculum and the timetable of the secondary schools and probably the primary schools, too, we could build that resource base from among the faith-based groups to service the religious period. I know there are other inputs which are being anticipated to bring to bear, too, within the education system, for example, the values of education and matters

such as those. With those coming together—we are not talking about short-term here—definitely we would have a salutary effect in ensuring that the future generations would be exposed to some of the ideas, some of the thoughts, some of the philosophies, what have you, which past generations had and which formed part of the contribution to the educational process to which this generation or future generations will be exposed.

I did make mention to something which I said I would come back to and that is the question of an experience I had. The experience came out of the work of a small group in the Marabella area and I dare say that the Minister of Education and the Minister of Community Development and Culture had some input. I formed part of it as resource-base personnel who took part in that experiment. My own view is that it was a prototype and I think that it could be applied in other areas. It was a school in the south area that does not bear a beautiful reputation. In my books all people are good; it is just that their deeds at times deviate. With respect to our children I would always think that all our children are good even though their behaviours deviate at times. We have to take responsibility for that because they are still under parental and school control.

In the experiment that took place the target group of very high-powered personnel—outstanding persons from our communities—formed the resource base that lectured to the parents. Over that period of time there were about six or seven lectures to which they were exposed. It was just one parent—I do not know what was the reason—who did not attend, so you could imagine the high interest that was shown. At the end they were very satisfied with what took place. I think you may be hearing more about the operations level of that pilot project that took place. I do not want to mention the school because, as I said, the area was selected because they thought there was need to have an interaction at that school.

I mentioned two Ministers who were involved in the project so I am sure you will hear more about this. I am appealing, from my own personal experience, if we could expand the area, even into that school and to other areas too, because it will definitely have an effect because the parents are exposed to good or “better practices”; and who is better to interact with their children than the parent? It has just flashed in my mind that it is said that “The worst of homes, once there are parents, is better than the best of whatever homes you may have without parents”, that is the rule of thumb and I still feel that way.

If we can have an effect on the parents by other people who have those skills, the training, professional qualifications and what have you, with the parents, and

also at a later stage with the children, we would have a sort of confluence at some point where in areas that they were not exposed to would now form part of their package or tools in which they could interact.

On these points I would like to end, Madam President, in support of what is before us. I know that it is a new area; it is a new door that is being opened and there will be hiccups. I made mention of the point that legislation is one thing and, again as a person who has had some experience in the area of planning, one of the best plans at the global level, as far as economic development was concerned—I remember a few decades ago—was the Nigerian model. Today what was written, it was acknowledged in the academia in the professional areas what those plans were but one could only look to see what the materialization of those plans came to be. It is the same way that no matter what beautiful laws we may construct in our documents, brilliant speeches and what have you, it is at the operations level where the thing will be won or lost.

Thank you, Madam President, for allowing me these few words.

Sen. Carolyn Seepersad-Bachan: Madam President, I rise to make a brief contribution to this Motion this afternoon with respect to the amendments to the Education (Local School Boards) Regulations.

In listening to the Minister this afternoon, a number of issues were mentioned with respect to the local school board, and I want to quote some of them, being that they are the objectives of site-based management strategic planning; continuous monitoring and evaluation; the roles and responsibility; policy formulation and implementation; those seem to be the areas that if I summarize, was the gist of the concept of the local school board. The Minister mentioned SWOT analysis, et cetera.

In looking at the Regulations, I think some of the speakers may have touched on this, but there is a point I want to make and I always make this point in this Senate. Whenever we speak to legislation, we are speaking to legislation that evolved out of some policy that was formulated and in trying to achieve the objectives of this policy the legislation was born. We have to be careful sometimes that we do not use legislation to the point where we want to legislate how someone behaves. We cannot legislate any and every thing. In life we must have some discretion. People must be able to operate. In a decision-making environment there must be some discretion. These are some of the issues I want to address, because the Minister indicated that the

amendments recommended here were to be able to address these particular issues.

Secondly, Madam President, we also have to be very careful that when we legislate that we do not legislate to the point that we remove all flexibility, remember the legislation must be able to remain. With the passage of time you will find that circumstances change, and where absolutely necessary, you should avoid having to come back because you have made legislation so tight that with a changing circumstance the legislation no longer remains applicable. That was my concern when I listened to the Minister this afternoon. I just want to go through one or two of the Regulations.

Again, Madam Minister, I know my colleague raised it, but I would appreciate an explanation as to why the difference between the principal being a member of the board and not being an ex officio member. In comparing the two Acts, I looked at regulations 3, 5, 6 and 7, which were repealed, and in terms of regulation 3, apart from the changing of the principal from being the ex officio member to being just a member, to me, all the other regulations seem to remain the same apart from the one which says just “the members” and does not necessarily state that there must be a female. Also the regulation which Sen. Seetahal outlined in 3(v):

“a member of the student body who is diligent, conscientious and an all round team player and is nominated by the student council of the school;”

Madam President, this is my point when I said that you cannot bring legislation that will try to determine some of these subjective issues. There must be some discretion on the role of the persons with the authority to make those decisions. When I saw this regulation I asked myself what does “diligent and conscientious” mean. Sen. Seetahal raised the same issue. The other issue is, by specifically stating that the student must be nominated by the student council of the school, we know that some of the schools may have a student council but what happens to schools where there are no student councils? Is it now mandatory that each school, even the primary school has a student council? My problem with that is, what if, as time goes along, the school or the student body itself sees some other mechanism apart from a student council and would like to use that mechanism to determine who is that representative. That was my point, Madam President, you know you are losing the flexibility in terms of operations when you become this specific.

In the old Regulations, 3(1)(b)(vi) says:

“three persons nominated by the Minister as he deems necessary after consultation with the relevant interest groups and stakeholders and within the Community in which the school is located.”

The new regulation 3(2) is the same but just that you have added:

“The persons nominated by the Minister under subregulation (1)(b)(vi) shall have an interest in the School and possess some form of expertise relevant to the operations of the Board.”

What does “interest” mean? I may not have an interest and declare I have an interest, so does that make me eligible for the board? In a situation like this what I would imagine is that either you have specific selection criteria, because when you put this sort of subjective language into the legislation it leads to the problems of the interpretation, as Sen. Seetahal pointed out. I had a problem with this particular regulation because I did not understand what is meant by “shall have an interest...” and “have some form of expertise...” What is “some form of expertise...”? Madam Minister, unless you use specific selection criteria—because someone could say: I am a PNM and that is my interest and this is a PNM area and I want to be a representative on the board. What stops that sort of political interference when it comes to selecting these three persons? I am suggesting you use specific selection criteria if you want it to be this way or, if you want to leave it to the discretion of the Minister to select these three representatives. This regulation, in no way, makes any clearer the selection criteria for the three persons.

Madam President, “Appointment and termination of appointment” in regulation 5, my colleague dealt with that “six months” to “three months.” Regulation 2 remains; regulation 3 remains but when I come to regulation 3, regulation 6 which is being repealed, I quote:

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

When I read regulation 6 in the amended version it is the same:

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

Why are you repealing regulation 6 if it is the same? Is there something missing from this particular regulation, Madam Minister, because it is exactly the same? You have repealed the Regulations and reinserted an exact regulation. Regulation 6 in the old Regulation is the same as 6 in the new Regulations and which was repealed and replaced with exactly the same regulation.

Madam President, the Minister said that they needed the regulations to address certain issues, some of which I have mentioned, and one of them being that decisions of the board in clause 3, regulation 7:

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

That is stated in the old Regulations, but you have added in regulation 7A, which says:

“Decisions of the Board shall not conflict with the policies and guidelines of the Ministry of Education.”

That is a step in the right direction but my concern is that we are making amendments to a regulation which has not really been tried because it is just a few boards that you have appointed. If you had appointed more boards over a longer period of time probably you would have gotten more data—as you say your data-driven strategy—to be able to determine exactly what you want the board to do. How do you want it to align with your policy?

Madam President, I was discussing this question with my colleague: What happens if you have a policy position—many times you formulate a general policy which is very generic and it is across the board for the entire nation—where within the community itself, because you are appointing the school board with the objective of it being community based and community driven, which merits that there may be a deviation from a policy of the Ministry of Education?

In a situation like that I would imagine that whomever the board is reporting to could bring this as an issue and through dialogue and consultation between the parties, a decision would be taken as to whether or not you can take that particular position. My concern is, as you go along you will find that other new ways or mechanisms will evolve that will allow you to make these changes. It is very much like saying: Listen, you must adhere to the policies of the Ministry of Education, but what happens if there is that slight deviation and there will be, because you would be talking about several school boards, several schools and several communities and, of course, there will be times when there will be deviation. What mechanisms are you putting in place—I am not saying for one

minute to put that into legislation, what I am trying to get at is that the systems must evolve and the operational mechanisms must evolve to allow this sort of dialogue. Again this is my point about the flexibility of the Regulations.

I would imagine that probably what needs to happen; what could have been placed in the legislation is some sort of operational guideline, which from time to time, the Minister of Education and the technocrats would have an opportunity to review, to amend and to change in accordance with the circumstances as the various situations evolve. Those operational guidelines would be the ones that would inform—*[Interruption]*—No, Senator. Madam President, through you, what I am trying to get at is that when you make that blanket statement of a policy, and it must be aligned to a policy, when there is the deviation, what happens then. There will be some document that will guide the schools, yes, but there must be mechanisms that are put in place to allow for the consultation process for decisions to be arrived at. When these decisions are taken they are mutually agreeable to all parties. Madam President, that is one area that I thought I should highlight.

The other one is—that is a new one where:

“A School Supervisor...may attend the (Board) meetings...”

That is a new regulation.

“A member of the public with an interest in a particular school may submit to the Chairman...”

That is a step in the right direction, but then we come to regulation 17, which is also being repealed and according to the old set of Regulations it says:

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

What is in the amended regulations is that the same thing applies:

- “(1) The Board shall send copies of the minutes, reports, financial statements, budget and project proposals to the Permanent Secretary of the Ministry and the School Supervisor III as applicable.
- “(2) The minutes of the meeting shall be submitted to the School Supervisor III on or before the expiration of two weeks from the date of the respective meeting.

- (3) The documents referred to in subregulation (1) shall be subject to random inspection from the School Supervisor.”

Why I am raising this issue is because one of the points that the Minister raised was that the role of the school supervisor, in her view, was not clearly defined. However, my understanding again from the way the ministry would operate is that you have these districts and within them you have the school supervisors. Obviously, when a school communicates it is really communicating with the permanent secretary or the Minister, but it is doing so via the school supervisor. The school supervisor has the responsibility to oversee. Whenever you send anything to the permanent secretary, my understanding is that it goes to the school supervisor who attends to the matter because he is the one delegated with the responsibility. I do not understand, therefore, why you have said that there was no role because this, basically, is saying the same thing. When you say it has to go to the ministry or the permanent secretary, obviously, it will go through the school supervisor and anyone who has to review and take decisions or inform the permanent secretary would be the school supervisor. I do not understand why you said that there was really no role for the school supervisor.

When you look at regulation 18: “DUTIES AND POWERS OF THE BOARD” which remained intact, you will see that under:

- “(p) by making recommendations for the better performance of the school to the Minister through the Permanent Secretary;”

It is understood here that if you are talking about making recommendations for the better performance of the school through the permanent secretary it will be through the school supervisors. The school supervisor is the one to whom you will give the recommendations for onward submission to the permanent secretary. I could not understand why you said that this clarifies the role of school supervisor; it really does not. I thought when you said there was a need to clearly define the role of the school supervisor, I thought probably with respect to what the school supervisor could do with respect to the board, because with respect to the principal that is also clearly outlined, I would imagine, in the Education Act.

Madam President, I looked at the old Regulations and under the duties and powers of the board, I did not see much difference between this set of amended regulations and the new set that tells me anything more about the role of the school supervisor or of the role of the principal. I was looking to see what specifically in the new regulations—probably you can point that out to me, Madam Minister—in what way has the role of the principal or the supervisor been

more clearly defined. In fact, one of the things that you mentioned in your opening is that the role of the principal—because of this School Board Act—was eroded because you had members on the committee or you had the board probably usurping the authority of the principal. This is what I gleaned from your presentation, but I could not understand why because the regulations themselves cannot supersede the Education Act. In the Education Act itself, in the appointment of the principal, the principal's role is clearly outlined. I could not imagine how these regulations could have eroded the principal's role when that is clearly outlined in the Act.

Furthermore, I would also imagine that the role of the board members would be outlined when they are handed their instruments on their appointment. I could not follow what is really the issue. I tried to look for the issues you raised and tried to see how they were addressed in the new set of regulations and where they were not being addressed.

In fact, Madam President, when you read the duties and powers under the old regulation 18, from (a) to (r)—you said, for example, that you wanted to ensure that it was more community-based and that there were deeper linkages between the community and the board; that the board took that role to ensure that there was this meaningful linkage with the community. If I read regulation 18 in the old Regulations it says:

“(f) by requesting the assistance of local government bodies and other agencies...”

Madam President, from (f) to (k) is actually addressing this particular issue of making linkages with the community. I continue:

- “by requesting the assistance of local government bodies and other agencies and departments to assist in the maintenance of the school;
- (g) by liaising with all relevant agencies in order to ensure that the school is adequately served with water and electricity and sanitation services;
- (h) by liaising with members of the community particularly those in the vicinity of the school;
- (i) by mobilizing community support for the school;
- (j) by strengthening community relations with specific bodies and individuals

in the community;

- (k) by making recommendations for the better performance of the school in the assessment of school plant;”

5.30 p.m.

I could not understand why the hon. Member was saying that these new Regulations in any way would have assisted in developing any more meaningful linkages with the community when they were already addressed in the old Regulations, and where there is no clause in these new Regulations that addresses that.

The Minister also mentioned that there was the need for continuous monitoring and improvement. This is what I was concerned about because I would imagine that as time goes on, one would probably look at some of the mechanisms or systems that would allow for the continuous monitoring of the board. I do not see any being put in place other than when one looks at their Minutes, their financial statements and project proposals but that would be post as opposed to evaluating and reviewing their performance. How would one know that the board is performing? With all the school boards, what systems and processes are you going to put in place? Would that be through the school supervisor? I would imagine the school supervisor would have a role to play in terms of evaluating the performance of the board and so forth.

I could not understand when I looked through all of this—and this is why I highlighted it—what took so long with these regulations and why they did not move ahead and implement the school board system. If they had, they probably would have been able to determine other issues that would become relevant and that may need to be addressed in the legislation. But every time we hear about the legislation from this Government, every time they do not implement anything it is because there is flawed legislation; and it is always the legislation is the problem whenever they do not perform. The issue here was the failure to appoint school boards and this is why we are in the situation we are in today.

Sen. Abdul-Hamid talked about flawed legislation that prevents them from doing what they are supposed to be doing, what the taxpayers are paying them to do. He talked about the legislation that confuses roles.

I looked at these two pieces of legislation and I could not figure out what was confusing here and I do not know what was confusing the PNM on that side. The only thing that is confusing for them is why Franklin Khan resigned and why Mr.

Eric Williams did not resign. That is the only thing. That is confusion, not this. I have listened to this Minister, because he talked about confusion of roles. He was the one who came to this Senate and threw the baby out with the bath water, threw out the community mediation act that we had, closed down all the community mediation centres that we had because of flaws in the legislation.

I have been waiting for the Minister to say that this day, and I have gotten my opportunity because the Minister is the one, when we went to a select committee, who indicated—and we got a commitment that through the penal reform system we would have been able to get these community mediation centres back up.

Madam President: Senator, come back to the Regulations.

Sen. C. Seepersad-Bachan: Madam President, the Member raised it as an issue, and I am answering him. He said the Community Mediation Act was flawed and that is why it was removed. And that is not true. I want to respond to him and I would like your permission to respond to something that he said. Since they have done that—I want you to know something—this is why when we were trying to get a system to prevent these very young offenders from going before the magistrate and becoming hardened criminals, and through the community mediation centres we could have avoided that but, no, the Member threw the community mediation centres out because of training.

If people are not trained, get them trained. If there are problems in your processes and operations you deal with that. That is what management is all about. Management is not about coming here and saying you threw out this because you have no legislation and the legislation is flawed. Legislation cannot address every single thing and this is the problem we face in this Parliament every day. They bring management issues to be addressed by legislation. They want the law to deal with that. They do not want to deal with crime, so they want to bring the Police Reform Bills. Police Reform Bills will help them to solve crime.

Madam President: Senator, I have been very patient. I have given you a lot of leeway. Just come back to the Regulations please and Sen. Mark, I do not need your voice.

Sen. C. Seepersad-Bachan: He was so irrelevant and everybody allowed him and that is why I want to respond to him. He was irrelevant when he spoke about

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the Community Medication Act. He said we put that in place and he knew very well they had found a mechanism around the problems. [*Crosstalk*]

Madam President, the Member was irrelevant, and raised the issues and I want to respond to him.

Madam President: You had your opportunity. You made your point about three times. Please come back to the Regulations. And, Sen. Mark, I do not need you to back up what I am saying or to criticize what I am saying. He was not the only irrelevant one. There were others who were irrelevant.

Sen. C. Seepersad-Bachan: Thank you, Madam President, but, I have made my point, and when they are irrelevant, we will respond to them. It is our right to respond to anything that they raise in a debate.

Madam President: You did it already, Senator.

Sen. C. Seepersad-Bachan: This is why I am asking the Minister to indicate what mechanism would be put in place to continue monitoring in order to determine the recommendations going forward. I imagine that these Regulations would be inadequate as the board starts operating. We would imagine that there will be new recommendations coming out of the boards themselves in terms of what their roles are. You will find that as you move along the roles themselves, these will be new ideas generated on how the board can further support the principal or even support the Ministry in its objectives, and this is what I am interested in, in that sort of feedback loop and based on that feedback loop, how it will inform the legislation.

Madam President, I thank you.

Sen. Sadiq Baksh: Madam President, I join the debate on the Motion on the Education (Local School Boards) (Amdt.) Regulations, 2005. I was hoping that it would have come out before, but I have some questions for the hon. Minister, and I want to say at the outset, that we are supportive of the Regulations to give effect for the establishment of school boards in Trinidad and Tobago. In fact, it is a bit late in that early in 2000, as we prepared to face the new millennium, we saw this as part of the progressive movement to control and to ensure proper management of the education system.

Madam President, I would like the hon. Minister to indicate to this House as to which classification would school boards fall under? I have heard the discussions so far and I have not heard anything about the classification of the

school boards and what will be the remuneration for the chairman, the vice-chairman and members of the board.

I am aware that the classifications for board members across the board received an increase in the year 2003. And in 2003, the classification of the lowest board previous to now used to be about \$500. I am of the belief now that the lowest classification, the Minister of Finance or the hon. Minister will be able to tell us it is about \$5,000 a month. Whatever it is, I want to know what is the classification and what will be the remuneration for the chairman, vice-chairman and members of the board. Another question emanating from that is when a member of the board happens to be a teacher in school or a principal who will receive remuneration. What is the Government's policy on a public servant receiving two sets of remuneration from the State?

It is very important because I do not want what is supposed to be a very progressive piece of legislation, and to give the effect to that legislation we have the Regulations and to allow the Regulations to create chaos in the school system simply by creating an anomaly where certain staff members, just by being members of the board, will receive remuneration superior to other officers in a higher classification during normal course of its work. I have no doubt that the members who participate on these boards will work for their money because they have a responsibility and I am sure they will have the commensurate amount of authority to really go about their responsibility in a manner that will improve the system under which we expect from the establishment of school boards.

Madam President, I would also like to draw to our attention that in the selection of board members—as the party organizer for the United National Congress and a former Minister, I understand the pressures that come to bear from party supporters to become board members. If you appoint somebody, even if that person is more competent than others, it will raise issues in term of political affiliation. And I do not think anybody will disagree with that because just based on the party in power, they expect whether the party wants to do it or not, party members expect to share in the spoils of office and they would find fault with anybody you chose other than those that are sympathetic to the party.

What is even worse, in most communities throughout Trinidad and Tobago, the person who occupies the position as the president of the PTA is also the president of the village council in many cases. They are also the constituency chairman in many cases and they are also sometimes the head of the church group within their community. That is the trend. If you need to use a community centre

when the UNC is in office most likely you might end up going to the chairman of the constituency and vice-versa when the PNM is in office. If you want to use any of the offices, that is how it is. But we have not broken it up as yet. The harsh reality of 2005 in Trinidad and Tobago is that still exists in the majority of communities throughout Trinidad. I am not sure about Tobago, but I am certain about Trinidad in terms of my interactions. What I must say that I have found in Tobago whenever I have gone, that they have been able to successfully cross that barrier, and political affiliation is not the only criterion. Whenever I go to Tobago and I want to use a public place I could get it very easy. It is a different story in Trinidad if you want to use from a school down. There are problems.

I wanted to point this out in terms of party affiliation and whether the Minister would be able to give the assurance. I am sure it would never be the intention of the Minister to choose anybody less than competent to manage the affairs of the school but, the reality in Trinidad and Tobago happens to be different at this time and I do not anticipate a change in the near future. If, anything, we are getting worse in terms of that situation.

In other jurisdictions when there were similar problems they started to ensure that school boards were chosen by public ballot and in a local election and you would find that people, not necessarily the political affiliates, would offer themselves for school boards membership and the community would be able to choose those members who would manage the school affairs.

Madam President, I am not certain whether that is the way to go but I think that is one of the ways that will, in fact, ensure that the political situation does not continue, ad infinitum, in Trinidad and Tobago. Another important point is to enquire from the Minister what type of consultation took place with the final document on these regulations; whether the PTA, TUTTA, all the recognized bodies that would be chosen from, were consulted on the final document for the Regulations. Because, consultation is an important part of development of these Regulations and with even community members. In different communities you have different settings and it would be very important to hear from the Minister what type of consultation took place.

In addition to that, one of the main reasons we have problems in schools in Trinidad and Tobago, especially in rural communities, is because the link between the communities and the schools have been severed for some time now. This is another attempt to rejoin or to get participation of the community back into the affairs of the school. But just taking an overview of the members and the way

they are chosen, you do not leave a lot of room for people who are well intentioned citizens who fall outside organizations within the school except maybe as a past pupil or a member of the public if they are chosen by that criterion. I am not sure what are the criteria for choosing the members of the public or members being active in the community or in some cases because of political affiliation.

If the intention is to get the community participating in the activities of the school and looking out for each other and looking out for the students, whether we will be able to successfully do that within the confines or the criteria properly listed for the people who will represent the board in any community?

In addition to that, many years after the introduction of the legislation for the establishment of school boards, we now have the Regulations and I am surprised that some preliminary work was not done for the establishment of the institutions within the schools from which you will choose members for participation on the board, and whether the representative of the student body will also receive a remuneration as a board member or whether they will be treated in a disproportionate manner, or whether the remuneration that the student representative on the board will get would go back to the school; I am not sure.

I am thinking that the practical implementation of this school board was not really thought about in a manner how it would work. It was just to satisfy the requirement of the Bill and not given thought as to how it will be implemented. In some schools there are 4-H clubs and I am certain we do not have Trinidad Girls in training anymore. There used to be TGIT, and scout troops, cub troops and in some cases interact, girl guides, brownies and so forth and how they would be incorporated into the activities of the school and on the school board and how would that mesh. We know what we want to achieve. We want to achieve better management for the schools. We want to re-establish a link with the community and the schools. But are we really prepared and have we given thought to all these things that could cause a good intentioned piece of legislation and its Regulations to go awry because we did not consult, because we did not do the preliminary work necessary and we did not think about how the remuneration would impact?

I notice that people took it for granted that you do not need a quorum because when people are getting paid they will turn up. I am not sure about that because if you do not turn up you could still get pay. So if you do not have a quorum you are in trouble. I am not seeing in the Regulations and I want to suggest that at least we could know what the quorum for that board is because if we do not, then people

will not come. They will still be paid and we will not achieve what we want to achieve.

I wish the Minister well in the implementation of school boards across the board in Trinidad and Tobago and I feel certain if properly executed it will redound to the benefit of the future of Trinidad and Tobago. I thank you very much.

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I thank all Senators on the other side for a really very robust debate. I did not think that we would be here at this time debating local school boards. It shows how very interested Senators are on the topic. To us, it is a very important structure that we are putting in the school system and we are putting it there for a number of reasons, the main being governance.

Madam President, to put the debate into perspective, looking at the establishment of the local school boards, and what we are doing in the Ministry of Education as we are about to decentralize the education system. We are putting in place district offices, making sure that the centre is a bit smaller while the district offices become more developed. And we hope in time to come to be able to establish a decentralized, de-concentrated programme and then devolution. With that process in mind, we have looked at the local school boards and walked it gently through the process. It means that we have not had time to change the legislation, we have not changed the financial accounting system and, therefore, there are some things that we cannot do at this time.

Until there is constitutional reform we cannot give to the local school board all the authority that the principal has. The principal is accountable. The principal, therefore, according to the Regulations, the Education Act, according to the Public Service Act, is accountable. If something goes wrong, it is the principal who is accountable and, in like manner the permanent secretary is also accountable. What if it is the local school board, if we are thinking of devolution as was suggested on the other side, by going to the other extreme and putting a local school board with no accountability? What if there is a runaway local school board, a board that does something that is illegal, a board that does something that is not viable and not worthy of the school system, what is the role of the principal in such a situation? It is mainly because of the fact that the principal is still accountable that we had to ensure that the principal had to be involved in the decision-making process. Therefore, we took the decision to ensure that the principal was on the board, was able to vote, was able to get ensure that accountability was part of the whole process.

And so, I want to say to the other side, to Sen. Augustus, and other Senators that we could not have let the principal go out there and not be involved in what was happening in the operations of the local school board. We had to ensure that there was accountability; that there was a system in place to encourage that.

We have realized, too, that our students in the system are hurting. Our students are angry for a number of reasons and our research is to ensure that the needs of our students are being met. We have discovered that civic democracy, as it is called, takes place in the school system—our students are involved in the governance of the school system—there will be more peace and less inappropriate behaviour. The research has shown that and it is because of that we have put in place the student councils.

In the 86 government schools at this time there are student councils. There are also student councils in a number of denominational schools and we have been encouraging the denominational schools and the private schools to put student councils in place. Our hope is to ensure that the students would, in time to come, become very much involved and participate in the governance of the schools, maybe even having their own elections, being able to choose someone or to choose the council body and that body will then talk to the other members of the local school board. As the students have problems that body will be able to help sit and resolve the issues and take the matter further up to the local school board where many of the problems will be resolved. The students have been very much involved in the schools that we are supporting and the councils have been going and working slowly but surely.

It took us two years of piloting this project to identify the issues and to come today with this Bill; a Bill that talks to the issues as we have identified them over the last two years.

Sen. Augustus asked, what is the role of the board? I want to say to Senators, as is in the Regulations, the role of the board is to support; it is to assist the school in the physical development of the school plant. The role of the board is to assist—not to take over; not to run the school—and, therefore, the support is what is needed. We are putting in place a management structure, a governing structure in the school system. We are identifying at this time heads and deans. We expect that the local school boards will work hand in hand with the principal, with the heads and with the deans to be able to manage the school plant, to be able to manage the system and, therefore, the role of the board is to support, to give guidance in that team approach to leadership, management and governance.

Sen. Seepersad-Bachan was concerned about monitoring, about what was happening in the system. We have, in the Ministry of Education, put in place a local school board unit. This school board unit has been in place for the last two years. It is this unit that has been monitoring the system, it is this unit that has been identifying some of the issues in the system, this unit has been training, strategic planning has been ongoing; this unit has been monitoring the operations and guiding the boards.

Therefore, to ensure that we get continual feedback, to ensure that when we make changes to what we have to do, this unit is the unit out there visiting school by school from Cedros, to Toco, from Mayaro to Diego Martin, to ensure that the issues under consideration as we look at the operations of the board, that those issues are well looked after. How the board has been able to support the delivery system—

Sen. Seepersad-Bachan: When you mentioned the local school board unit, you talked about the possibility if you had a runaway local school board. Could the local school board unit then take the decision—let us say that you have a runaway school board, would they take the decision as to what to do with that board?

Sen. The Hon. H. Manning: The system is also made up of the supervisor, the immediate supervisor looking at what is happening on the field, and the board has to report to the supervisor on the field. The supervisor has the power to enter into the meetings, enter into what is happening in the school system, get minutes, sit in meetings and report to our local school board unit. When that is done the information is then taken to the permanent secretary and a document is compiled as to what is happening in the system. So there is continual monitoring of the system.

A question on the delivery was asked by Sen. Augustus. How the board will impact on the delivery of education? Again, the board would support the governance of the school. The board would support that team that would be put in place. The board would be trained in strategic management and implementation, and guided as the board visions and identifies goals and helps in the implementation of some of the projects.

6.00 p.m.

In my opening remarks, I identified some schools where the boards are working very effectively and we see the difference in the governance of those schools. We believe that if the leadership is a team, like we are suggesting, it would become more collaborative, efficient and effective.

I want to talk at this point about the selection of members of the board. I want to say that members of the board are selected for their skills and that is one of the reasons that we have put it into the document. We are thinking long term, if more boards are to be put in place guided by what happened in the pilot project. Where members have been selected because of their skills, we have seen them performing better. We have been able to select legal skills, accounting skills and management skills, to the point whereby, sometimes, the principals have been leaning on members of the boards to provide skills in the schools that were not there before.

Community skills and business skills are very important skills that we have been able to put on the board. Choices are influenced by the skills that are sometimes so well chosen that a number of these persons are, by election, made to chair, as the boards develop into a more permanent structure.

A request was made for the establishment of boards in primary schools. As soon as we are finished putting the boards in place in the secondary schools for the next fiscal year, September 2005—September 2006, we will start the programme of putting boards in place in primary schools. Not only will we put boards in primary schools, but also in early childhood centres. It is that cluster of early childhood centres and primary schools that we would group together and have a board that would look after the early childhood centre and the primary school, and, hopefully in time to come, even the secondary school. We feel that in this way the community involvement would be even greater. As we involve the community in this and as we encourage the members to come together, we are also providing skills and assisting in the development of the schools in the area.

There was a call for the boards to help in the School Improvement Plan. The mere approach of the board, the establishment of a team to do a strategic plan, to identify a vision, to identify a goal, to identify a mission, to get the objectives and to start implementing; all of that really is part of the School Improvement Plan, so that the mere approach and operations of the board really speaks to the School Improvement Plan. The board is able to get funding on its own and to put the funding into operation to be able to manage and to effect some of the needs that the school may identify, based on the strategic plan.

Sen. Prof. Ramchand read some of the history in the Act, the movement from denominational to government schools and the use of the different boards and committees in one or the other. The supervisor, in the instance of the government school, is accountable. The supervisor, like the permanent secretary and the principal, has to account to the Teaching Service Commission and the public service. The supervisor, therefore, has that role to play then and now. It is even

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more important now because the supervisor has to monitor, evaluate, guide and account for the operations of the school board.

In clause 6, we had flexibility of the operational guidelines as discussed by Sen. Seepersad-Bachan. The flexibility of the operational guidelines, as I said before, we would see as the unit implements its programmes, and as it keeps analyzing and evaluating what is happening out there.

I thank very much Sen. Bro. Khan and his support for introducing religion, morals and ethics back into the school system. We are also talking to the boards about looking at that and assisting as we move forward.

Sen. Baksh, I will have to get the information and some details on the classifications and Government's policy on the public service to be able to answer your questions. I will ask you to put them in writing and then I would be able to do the investigations and give you the proper details as to what classifications are being used and what the role is for students.

Basically, from what has been said, this is the response. I thank all Senators on the other side. The Ministry is moving forward to be able to make governance in the school system site-based; to be able to ensure that at the end of the day our students are well taken care of, and that they are able to develop into peaceful citizens, in this instance, through participation in the governance of the system.

Madam President, I beg to move the following amendment:

Add the following words at the end of the Resolution:

“Subject to the following amendment to the Regulations:

In proposed regulation 3 in regulation 3, insert after sub-regulation:

- (2) the following new sub-regulation:
- (3) the Board shall appoint from its membership, persons other than the principal, staff or student representative to be the Chairman and the Vice-Chairman.”.

Question, on amendment, put and agreed to.

Question, on amended Motion, put and agreed to.

Resolved:

That the Education (Local School Boards) (Amdt.) Regulations, 2005 be now affirmed.

EDUCATION (AMDT.) BILL

Order for second reading read.

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I beg to move,

That a Bill to amend the Education Act, Chap. 39:01, be read a second time.

This evening I rise to introduce the Education (Amdt.) Bill, that seeks to facilitate the transfer of offices from the civil service to the Education and Teaching Service in accordance with the plan for the unification of the teaching service and its delinking from the public service.

The purpose for which the Education Act, Chap. 39:01, is being amended is to create the necessary legal framework required for the streamlining and integration of the teaching service into a more cohesive, visible, dynamic entity, capable of sustainable delivery of quality education for all of the nation's children. Quality education for all represents one of the critical success factors for national development and for the attainment of developed country status in alignment with the goals of our Vision 2020.

Put differently, Madam President, without the proposed amendment to the Act, it would be difficult, and probably impossible, to remove the present fragmented structure within the education system as we try to ensure that there is quality service delivery.

It is also a fact, Madam President, that the education system is a unique service because it underpins every dimension of life of the citizens of Trinidad and Tobago. Through this amending Bill, therefore, a fuller integration of this service is seen to deliver an even more effective and efficient response to the many needs in this country.

Madam President, in 1993, the National Task Force on Education, the White Paper 1993—2003, was adopted in 1997 as a policy document by the Government of Trinidad and Tobago. The task force recommended, among other things, the unification of the education service and its delinking from the wider public service. The rationale underpinning the recommendation of unification was what was seen to be necessary to develop professionalism in the teaching service and to create a career ladder providing for greater promotional opportunities.

The specific recommendations of the task force were as follows:

- (1) To develop a unified education service, including all positions in the Ministry of Education, from the level of Chief Education Officer down to teacher;
- (2) To include all these positions in a single bargaining unit;
- (3) To delink the pay and other compensation of the education service from those of civil servants and other public servants;
- (4) To develop a new governance structure for education, including revised functions for a renamed Teaching Service Commission, which will address human resource matters, only in relation to the levels of principal and above;
- (5) To establish a human resource division in the Ministry of Education dealing with all levels of staff, but applying changed rules and regulations;
- (6) To delegate all school human resource responsibilities to principals.

These recommendations were later reviewed and modified by a Cabinet-appointed committee, which was mandated to consider all the issues relating to unification and delinking. Those issues are the issues of feasible cost and timing, the issues surrounding the legal and constitutional implications, the requirements of the unification and delinking exercise, the issue surrounding the impact on the private and assisted education institutions, the response of the current stakeholders to the new concept and the extent to which the new direction is in harmony with the public service reform agenda.

The Cabinet appointed a committee that had the widest possible representation, consisting of representatives from the National Advisory Committee on Education, the Permanent Secretary of the Ministry of Education, the Chief Personnel Officer, the Director of Personnel Administration, the Assistant Chief State Solicitor, the Primary Schools Principals Association, Association of Principals of Public Secondary Schools, Association of Principals of Private Primary Schools, Association of Principals of Private Secondary Schools, representatives of Denominational Boards, the Trinidad and Tobago Unified Teachers Association, the Teaching Service Commission, the Public Services Association and the National Parent-Teacher Association of Trinidad and Tobago.

The committee's report, which was accepted by the then Cabinet, recommended unification and partial delinking of the education and teaching service from the wider public service. The committee came to this conclusion after thoroughly interrogating the merits and demerits of the issue of unification and delinking. As the committee saw it, unification meant the establishment of a unified education service where all the actors in education would be brought into the service, that is, teaching, administrative and technical officers, as well as other officers who interact directly with the education process. All actors will share a common vision.

As the committee saw it, delinking meant the separation of the teaching service from the systems, procedures and rules, which were the common features which regulated the public service. The committee, therefore, recommended unification, but only of those offices peculiar to the teaching service. Accordingly, it did not recommend the inclusion of positions such as manipulative, secretarial and clerical and certain other offices which were not found to be peculiar to the teaching service. Those offices which it saw as peculiar to the teaching service are teaching, educational administration, education management, curriculum planning, development and implementation and school supervision.

The committee further recommended partial delinking since it found that total delinking had certain sensitive implications, such as the need for constitutional amendments as far as the Teaching Service Commission is concerned and human resource concerns, such as the locking in of technical, secretarial and manipulative staff in a delinked education service with limited career opportunities for them.

Partial delinking involved the establishment of a separate classification and compensation plan and the introduction of certain components of reorganization such as decentralization, delegation and devolution of certain functions supported by appropriate monitoring, auditing and accounting procedures.

Madam President, in laying the groundwork for this Bill, we have maintained these perspectives and, therefore, the Education (Amdt.) Bill, which we present in this Senate today, covers arrangements for the unification of certain arms of education service and for partial delinking. The tabling of this Bill is a milestone achievement for the Ministry of Education in terms of the major improvements which would now be brought about in the education service in this country.

Madam President, the transfer of the group of offices from civil service to the teaching service and their delinking from the public service, which is being facilitated by this Bill, would address certain long-standing irritants and

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drawbacks in the system that for too long stood in the way of quality service delivery in education.

I wish to highlight some of the major ones. The human resource issues—

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate continue sitting until we have completed the debate on this Bill.

Question put and agreed to.

EDUCATION (AMDT.) BILL

Sen. The Hon. H. Manning: Madam President, the existing fragmentation of the human resource management function between the teaching and education service; between two service commissions which currently exercise their constitutional responsibilities for certain human resource functions, such as appointments, promotions, transfers, discipline and termination of personnel, would now be removed since all the positions would now fall under the purview of the Teaching Service Commission.

A classification and compensation plan, which initially did not entirely address the special needs of members of the teaching service, now does so. In this regard, while I am happy to report that a new classification and compensation plan unique to the teaching service has already been successfully introduced, the amendment of this Bill before this honourable Senate will allow all members of the unified teaching education service to fall within the purview of this new classification and compensation plan, a situation which, at present, does not exist.

This Bill would at last bring to an end the anomalies in pay between school supervisors and those whom they supervise. It will also create unique career paths for all the actors in the unified teaching service. In addition, both the Task Force on Education and the Cabinet-appointed committee referred to above, envisage unification and delinking as one of the critical success factors in the process of organizational transformation of the education system, which, on completion, would result in the dynamic, restructured entity, fully equipped to deliver quality education at every level of the system—from early childhood to adult education.

Madam President, I assure this honourable Senate that the Government of Trinidad and Tobago is committed to full realization of this process. It is

important to note that a number of studies and reports have validated this Government's policy aimed at revamping and retooling the education system, for example, the United Nations millennium goals, the Caricom plan on education, the Government of Trinidad and Tobago's Vision 2020 plan for development and the Ministry of Education's Strategic Plan, 2002—2006.

I now turn to the specific provisions of the Education (Amdt.) Bill, 2005. Clause 3 amends section 53(1) of the Education Act, which describes the composition of the unified teaching service and now includes as members of the teaching service those persons who held office in the civil service and are now being transferred to the teaching service. The listing of these persons and the relevant offices are included in a third schedule to the Education Act. Some 40 posts in the civil service are involved and would result in some 239 incumbents being transferred to the teaching service. The unified teaching service, described in section 53(1) of the Act will now comprise offices in the teaching, administrative and technical streams, as well as certain other offices, which interact directly with the education process.

Clause 4 amends the Education Act by inserting a new subsection 56(a) allowing for the President to make regulations prescribing the terms and conditions of employment of the holders of professional, administrative and technical offices. Additionally, subsection 56(b) provides for the holder of these offices to continue to enjoy the terms and conditions of employment that are at present applicable to them.

This subsection, therefore, preserves the terms and conditions of service, which were peculiar to the former civil servants until such time as regulations are promulgated to identify the terms and conditions that would be applicable to them as members of the teaching service. These regulations would, of necessity, have to address issues of leave arrangements and certain allowances now peculiar to the former civil servants and which differ significantly from those applicable to teachers.

Clause 5 amends the Education Act by inserting after section 74(l) a new subsection 74(m) to provide for the Public Services Association to continue to be recognized by the Ministry of Finance as the bargaining body for those persons holding offices in the Third Schedule to the Act until such time as the Registration Recognition and Certification Board certifies otherwise.

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Clause 6 amends section 85(11)(c) of the Education Act by deleting the word “teachers” and substituting the phrase “members of the teaching service”. This amendment would ensure that the regulations made under the Act take into account the unified service, which now includes positions other than teachers.

Clause 7 makes provision in the Act for the inclusion of a third schedule to include all the offices transferred from the civil service to the teaching service. This was necessary since the First Schedule covers exclusively teaching posts in schools and institutions.

A third schedule allows for flexibility in dealing with the terms and conditions applicable to the former civil servants, as well as issues of union representation, until such time as the matter is determined by the Registration Recognition and Certification Board. The status quo of union representation as exists at present is maintained.

So, Madam President, in conclusion, I commend this Bill to this honourable Senate. This is a Bill which I indicated earlier was long overdue. I look forward to its successful passage to support the speedy completion of the process of unification of the teaching service by the transfer of offices from the civil service to the former service and the delinking of certain arrangements applicable to those offices from the public service.

I beg to move.

Question proposed.

Sen. Roy Augustus: Thank you very much, Madam President. I am normally very brief. I think this is one Bill on which I would be exceedingly brief. It is a Bill that I have been asking for, for the longest while. I still do maintain my relationships with people who are involved in the teaching profession. I understand and can empathize with the pain in their pockets. I always used every opportunity that I had prior to this afternoon to see whether I could have championed their cause. I really welcome the laying of this Bill in this Senate this afternoon.

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

However, I want to ask the question: From what date will this delinking exercise be effective? I know there were Cabinet notes which allowed people to have been remunerated with additional allowances, which began from October 01,

2001, and subsequently we went back to January 01, 2000, which was the date on which teachers got that beautiful package.

6.30 p.m.

Mr. Vice-President, it was from January 01, 2000 that principals were promoted to a lesser salary. Between that period and now quite a number of persons have retired at salaries which are not commensurate with what should have been given to them. I want to know whether consideration is being given or has already been given to ensuring that this whole exercise dates back to January 01, 2000 so that even those people who have already retired will substantially benefit from this which, as the Minister rightly said, is long overdue. That is one point that I want to take.

Having done this, Mr. Vice-President, there is still some additional work. You will appreciate, as I have been saying before, that it was becoming extremely difficult to get people to apply for promotion to the post of supervisory staff. It, therefore, means that you had a lessening of the number of supervisors on your establishment. One expects with this coming into play, we should have an increase in the number of applicants. I wonder whether we could have a look at the reservoir from which we have to draw. I am not only talking about the supervisors, but all the other areas. This is why I am saying that we have to somehow get some kind of relationship going with the service commission, because there are many acting principals. There are so many schools without substantive holders of office, that your reservoir appears to be limited. We will not want to increase the supervisory establishment with watered down brandy. We will, therefore, have to move with haste, to ensure that we do the promulgation—that is the large word that is being used here in the regulations—so that it dates back to January 01, 2000.

While we are doing that we have to look at the question of the kind of people we have in the reservoir for promotion to those other posts. I cannot speak only of supervisors, but I have to address all those other areas which fall within the ambit of this Bill at the moment. That has to be done quickly. How you do it, I really cannot say at the moment. We have to get to that point.

While I am on that, again, I want to say thanks on behalf of all those teaching elements in the service out there, who will now be rightfully placed in the teaching profession. They have waited for it and I do hope that, having argued for them, they will reward me with increased diligence in their delivery to the service of education. I would like to hear in the next few months—I have been arguing for it—that supervisors have been doing the kind of work to which we have grown accustomed in years gone by.

I also want to add that there is a body—I want to use this opportunity to speak of people in another unit in the teaching profession; a unit which I also like. That unit is the Support Services Group. I know it is a function that is absolutely necessary in these times but—I am sure the Minister might be aware of this—for some reason a number of those officers who left their substantive posts and accepted positions in the unit, have returned to their substantive posts. People found that there was more travelling than they had anticipated. Even so, while some of them have opted to remain, there is no clear picture as to whether they should be remunerated for their travelling and what system should be used for remuneration. There is an argument that they should be paid when they get to the office and go to the schools. There is a whole lot of confusion. I am not too sure what it is. The bottom line is not clear. It is not clear how they should be paid, but what is clear is that they have not been paid for travelling, which means that their take home, because of the amount of travelling they are doing—I am hearing complaints because of the communication they have to make with others, using their own cell phones. In most cases they do not have offices of their own in the districts, so it has increased their spending. Therefore, they are at the moment not very, very happy. I feel that unit is too important a unit for us not to address their concerns quickly and try to get those who have left to come back into the unit, so that we can have them operating at full go, if that is a term. Please, through you, hon. Minister, I hope that you can address that particular matter.

I want to thank the Minister for bringing this Bill to this Senate. I am certain that we will support this Bill. I hope that there is a little more dispatch, in terms of implementing what we have here now, so that our people out there can continue delivering their services.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I have a very short intervention. I too would like to welcome this phase of the delinking. I want to join Sen. Augustus in saying something about the pool from which school supervisors are drawn. It is not only a question of ensuring quality. There is something unsatisfactory which causes all kinds of inconveniences. In order to become a school supervisor, you have to have been a school principal first. I think that seems to be the route that is being followed. It may be that the law does not say so, but the practice seems to be that to become a school supervisor, you have to have been a principal first. Maybe the Minister can clear up what is the regulation and what is the practice. I would certainly like to feel that somebody

who has not been a principal could become a school supervisor, if that person has satisfactory qualifications. I know that is not in the Bill, but I hope the Minister will consider it.

I am glad that some of the staff who are regarded as civil service staff in the schools, can now fall under the Ministry of Education. I do not know if the secretarial staff in the schools will move over. I can assure the Minister that teachers and principals in many secondary schools are not satisfied with the fact that they have no way of controlling secretarial staff who seem to be a law unto themselves. I know of at least one school where somebody who is regarded as “civil servant”, has carried out statutory rape with the consent of the girls and has done it over and over again. They cannot do anything about him, because the principal has no way of getting that person removed, or so she says. It seems to me that we are getting some of the PSA people over into the Ministry of Education, but I really hope that we can deal with these other civil service staff who, I think, are a very disruptive influence in the schools.

Once again, I welcome this Bill, but would like some attention paid to the problems I have pointed to. Thank you.

Sen. Wade Mark: Mr. Vice-President, this Bill which is designed to amend the Education Act is aimed, as the Explanatory Note says:

“...to facilitate the transfer of officers from the Civil Service to the Teaching Service in accordance with the plan for the unification of the Teaching Service and de-linking from the Public Service.”

As the hon. Minister of Education has indicated, it is a partial delinking because the aim, originally, was to have a total and complete unification of the teaching service. I guess the point that Sen. Prof. Ramchand made a short while ago speaks to that particular lacuna that, obviously, has emerged with the partial delinking.

Mr. Vice-President, this particular exercise that we are engaged in this evening has to be placed in a framework of what Sen. The Hon. Dr. Lenny Saith, myself and others have been engaged in for a number of years, that is, seeking to bring about comprehensive public sector reform. This is where I would like to anchor my contribution this evening.

As we seek to delink the teaching service, so that that particular service can perform and execute its functions and responsibilities more efficiently and effectively, particularly in the delivery of education—because as you would know, Mr. Vice-President, as a former teacher at one time—the Education Act

does provide onerous duties and responsibilities on the shoulders of the Minister of Education. The whole question of public sector reform does not only deal with delinking of the teaching service, but it also has to do with the other services such as the police and of course the public service. There is the state enterprise sector that also needs to be reformed and become more accountable.

I read a report some time ago, which emanated from the Inter-American Development Bank and it stated quite clearly that to bring about public sector reform in this republic would require sweeping constitutional changes. I think the Minister alluded to that in her presentation. Whilst it is the intention and the goal to bring about a comprehensive unification of the teaching service, that cannot be done without changes to the Constitution. This holds for all the various services in the country; as I said earlier, whether it is the police service or the public service in this instance.

Even at the level of the Ministry of Education, as well as other agencies and institutions of delivery, we are being told by the Government that public sector reform is taking a relatively long period to come about. In the meantime, the time cycle is moving and the Government has to deliver, because they cannot depend on “ol’ talk” to win an election in the future. The Government has to deal with the delivery of goods and services to the population of Trinidad and Tobago, hence its haste and almost desperation in establishing new state enterprises to pierce through the bureaucratic framework.

In the case of the Minister of Education, she recently launched, as you would know, Mr. Vice-President, the Education Facilities Company, which is a state enterprise company.

Sen. D. Montano: One whole hour, say something.

Sen. W. Mark: I am putting my contribution in perspective. I am watching Mr. Vice-President, and not my good friend Sen. The Hon. D. Montano.

Mr. Vice-President, what has to be addressed is that the Government, in seeking to address the challenges that it obviously faces, is creating and establishing a number of new enterprises. I think Sen. The Hon. Howard Chin Lee established the Tourism Development Company. The former Minister of Works and Transport, who has tendered his resignation, recently launched something called the National Infrastructure Development Company. I do not know who is to replace him; whether it is the Attorney General, the Minister of Public Administration and Information, or my good friend Sen. The Hon. Joan Yuille-Williams. I do not know, maybe it might be Sen. The Hon. D. Montano. I do not

know. There is the Rural Development Company, which the Prime Minister said would be launched.

Whilst the Bill, as the hon. Minister said, is going to result in 40 posts, as well as representing 239 incumbents being transferred to the teaching service, I am glad to know that at least the Minister has learnt a lesson that the hon. Minister of Health failed to appreciate. I think it was the good wisdom of my hon. colleague and friend, Sen. The Hon. Dr. Lenny Saith, that allowed that Bill that was intended to amend the Regional Health Authorities, to lapse because of the unconstitutionality of that piece of legislation. In this instance the Government has got it right. In other words, I am saying that the Bill to amend the RHA—where the Government was going to impose one trade union to represent persons whether they wanted that union or not—was unconstitutional.

In this instance, you would see in clause 5 of the Bill that the hon. Minister of Education has recognized that there are two trade unions competing: TTUTA and the Public Services Association. As we know the PSA—*[Interruption]*

Sen. Manning: Mr. Vice-President, I am very glad that Sen. Mark has recognized that we have had very long and hard negotiations with both unions. We work very well with our unions.

Thank you very much for recognizing that.

Sen. W. Mark: I think that the hon. Minister has simply taken a leaf out of my book. *[Laughter]* As former Minister of Public Administration, I too had an excellent relationship with the trade unions and I would hope that that particular kind of approach and attitude can be extended to other members of the administration.

Whilst, in this particular instance, the Government recognizes the Public Services Association as the recognized majority union for these various office holders, they have established a transitional period for the Public Services Association to continue to represent those workers, and after two years or before, they can approach the Industrial Court as a union, if you have the majority, in order to make representation under the Industrial Relations Act. Whilst the Government has sought to address this matter, because of the sensitivity, in other instances the regime seems to be not like the Education Minister, treating with the trade unions in a respectful manner.

The Cabinet of this republic, over the last few years, has demonstrated a certain kind of hostility. I do not know if it is union-busting tactics. The closure of Caroni (1975) Limited was a demonstration, just like the closure of the National Broadcasting Network. By the stroke of a pen four trade unions—Caroni (1975) Limited had approximately four trade unions; NBN had at least four trade unions. *[Interruption]* If you say three, that is all right. Those trade unions, with the exception of All Trinidad Sugar and General Workers Trade Union, have now become history. They are no longer trade unions on the statute books of Trinidad and Tobago. They are no longer living bodies and organisms in the country.

I saw recently where the Government has decided to offer VSEP to 1,900 port workers. There is a bargaining unit called the Seamen and Waterfront Workers Trade Union; a union that has been traditionally associated with the ruling party. Whilst, on the one hand, the Minister of Education has got it right in ensuring that the transitional arrangements are put in place, so that there would not be any kind of confrontation between TTUTA and the PSA, in other instances the Government is doing the reverse. I understand that the Transport and Industrial Workers Trade Union is about to take to the streets on Thursday of this week. I would like to join them in solidarity, because the Government, through the former Minister of Works and Transport—I am sure that it is a Cabinet policy; it is not the former Minister's position—has taken a decision to destroy MTS; that is all I can assume, and get rid of the Trade Union Movement. *[Interruption]* I am talking about industrial relations. This is industrial relations. On the one hand the Government is getting it right and on the other hand it seems not to be focusing on the relevance and importance of the trade union movement. Is it a fact that the Government of Trinidad and Tobago has taken a decision to dismantle the MTS and make those workers into contract workers, instead of organized workers, as they currently are represented by a trade union. I do not know. That is what the union would be marching against on Thursday.

Mr. Vice-President, that is a partial delinking of the process. The sooner we engage in meaningful constitutional reform in this country, the quicker the hon. Minister of Public Administration and Information will be able to deliver. I understand the difficulties he is faced with. The Government is now saying that the Ministries are not designed to deliver; they are only designed to perform administrative services. But when we were here the public service delivered.

Sen. D. Montano: What exactly did they do?

Sen. W. Mark: We did not create, whilst we were there, five new state enterprises. We did not do that. Whether you create five, six or seven, it does not

make a difference. If you do not have the managerial capacity and the intellectual skills and depth to deliver, I do not think that the Government will deliver. If the Government reshuffles the Cabinet today or tomorrow, it will not make a difference, it still remains incompetent. The Government cannot deliver. It does not make a difference. That is all a part of change. The Attorney General is well aware of that. When there is a reshuffle you end up going from one post to the next. At one time, my honourable friend was the Minister of Culture and Community Development then she got the gender affairs. That is part of the reshuffle. *[Interruption]* Do not worry. I know that there are Ministers in this Senate who have been reshuffled on three occasions. I think that there is the likelihood that they may get a fourth change. For four years they would have had four different posts. That is quite possible. I honestly feel that way in this particular instance.

I have been in consultation with the trade unions, because when matters come to this Senate we in the UNC have a responsibility to discuss and consult with the stakeholders. Whilst the unions, both the PSA and TTUTA, did not have the privilege of seeing this piece of legislation *[Interruption]* I am talking about the final piece—maybe they did see it. They knew about it. I am not arguing that. I am talking about the final piece that was placed on the Table. Maybe they did not have the opportunity of seeing the final piece that came to the Parliament, the reality is that it is based on consultation with them. I am of the opinion that they were involved in the process, as the hon. Minister has alluded. I think they seem to be in sync with what has been proposed in the legislation.

Mr. Vice-President, we want to advise the hon. Minister that to get the teaching service moving in the way which, I am sure she would like, she would have ultimately to go for the complete unification of the sector. The only way we can do so is for both sides to meet. We have to meet and we have to treat.

Hon. Senators: Who we?

Sen. W. Mark: I am talking about the UNC and the party that temporarily rules Trinidad and Tobago, the PNM, in an effort to bring about the kind of constitutional changes, so that we can deal with delivery. At the end of the process, the objective is to improve the quality of life of the citizens of Trinidad and Tobago. That is what we are about. At any rate, we know that the hon. Minister of Education, is a very nice and charming lady. I had the opportunity to travel with her to New Zealand. I know that she is a *[Interruption]* Not alone. *[Laughter]* That is trouble with a capital “T”. I know that, from our exchanges,

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she is a lady who is attempting her best. I know that within Trinidad and Tobago, there are many challenges. Even the President of the Republic, on many occasions, has given us lectures and almost theses on the whole question of the education system and its inadequacies in Trinidad and Tobago.

Mr. Vice-President, on behalf of our side, we would not object to the amendment to the Education Act. We have been in consultation with the various stakeholders and they seem to have some agreement with what is here. We are for the changes that have been proposed.

As Sen. Augustus asked, I would like the hon. Minister to respond: When would this Act be effective? Is it going to be retroactive? How are we going to treat with the supervisors who, over the years, have not been receiving the same kind of remuneration as their counterparts in other sectors? How do we address that issue? Is the Minister prepared—through the Minister of Finance, to ensure that those persons of whom my colleague spoke, who have retired and have gone home on a lower rate of pay, in terms of pensions—to address this question? I want to know whether she will take into account these particular matters. It is very important, because you are talking about hundreds of people who may have retired over the years. We need to get some justice for these people.

I hope that in the Minister's winding up, in spite of all the murmurings—I do not know why my good friend Joan, who is supposed to be promoted to the Minister of Works and Transport, is excited. She is excited about the future. I want to be the first to congratulate her.

With these few words, I would like to thank my colleague. [*Desk thumping*]

Sen. Basharat Ali: Mr. Vice-President, I seem to be the only person not yet convinced about this amendment before us. I had, for the first time, been looking at the Bill over the weekend. I had a number of questions and many of them had not yet been answered. The first thing that I saw was the purpose of the Bill, which was very brief. I realize now that there has been a background to this, but it seems to me, nonetheless, that there has been a great haste in bringing this Bill to this Senate, and there seems to be a great hurry to pass it. I have a series of questions which, I hope, will be answered in order to convince me that this is the route to go.

[MADAM PRESIDENT *in the Chair*]

My first question is—I would like the Minister to listen to me carefully—related to the salary in the civil service versus those in the teaching service, for

these jobs that are listed in the Third Schedule. The Third Schedule seems, to me, to be a scatter of jobs from different parts of the education Ministry, some of which are: Schools Supervisor, Director of Curriculum Development, Education Research Officer, Evaluation Officer, Rudranath Capildeo Learning Resource Centre, NEC Examinations Education Planning Division and Technical/Vocational, which is really in the teaching field. I wonder whether this is a move in haste? The teachers still have, through TTUTA, an agreement which is going until September 30, 2005. Right now they are enjoying quite a bit of benefits. The civil service has not completed anything for this year. Their salaries are still from 2004. As far as I understand, no agreement has been reached between PSA and the civil service. All these jobs we are talking about in the civil service range are lagging behind those in the teaching service. I wonder whether that is a problem; that there is a lot of grumbling going on within the Ministry of Education and this is one way to try to silence it? It is a question; I am not making any accusations.

Secondly, is it that we are looking at a question of parity on the basis of job evaluation? Jobs can always be aligned one to the other, whatever they are. There is a simple principle in human resource development, that you do this kind of exercise for job evaluation and then you rank them. You can rank a principal with another person in the general public service. I wonder whether this is where we are. Is there a question of parity on the particular jobs in that schedule, versus jobs in the teaching service? I was looking at a comparison of some scales of civil service for 2004. I have not stepped beyond 2004. I am comparing them to the ranges within the teaching service.

Let us look at Range 64 in this schedule. There are five jobs, all of them listed as directors: Director of School Supervision, Director of Educational Research, Director of Educational Services and Director of Educational Planning, all Range 64 jobs. This is an anomaly in the civil service, from Range 60 upwards there is no range. From Range 60 upwards there are flat rates. I think we all know that. Whether you perform well or indifferent, that is what you are going to get. I have always been opposed to the top jobs in the civil service having no ranges, because you never get rewarded for doing better. If you are Range 68, you are Range 68 according to the schedule. [*Interruption*]

I am looking at the Minister's document called *Draft Estimates*. Range 68, which is the highest range in the civil service for 2004, would have been \$11,810. The comparable range—I am not saying that I am capable of aligning these jobs but if we look at the top jobs, Range 8 in the teaching service for 2004, at mid-

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point, in a normal salary evaluation or administration, the mid-point is where one is performing competently. At Range 8 we have Principal, Secondary School Vice-Principal, Teachers' College for that same time will be \$11,922. Right now they are at \$13,446. This is what bothers me; whether that is what is pushing this drive to get these people into the teaching service. I wonder whether a short term correction might lead to a long term problem.

My third question is, would members of the teaching service be supervised by members of the civil service? That is a straight question.

My fourth question is whether we are creating an industrial relations problem? We know the problem that existed in the Ministry of Health with the creation of the RHAs, where we have had the question of some people being RHA employees and some civil servants. It is an ongoing problem. I am discounting the MPATT problem. With two different bargaining units, will administration be faced with competition between the two units? What is the risk of snowballing of salaries as a result? If TTUTA is competing with PSA and even after these people are transferred, you will have that kind of competition unless you have a look at the compensation system of the civil service, as you have done for the teaching service. What is the risk of snowballing of salaries as a result? Are we going to have a unification of compensation plans and when? That seems to be what we should be looking at to relieve the situation whereby technical, administrative, manipulative and clerical people can work comfortably with each other. These are questions I have. I did not get answers for them today.

Sen. Mark raised the question of constitutionality of the RHA (Amdt.) Bill, which was withdrawn from this Senate. I believe that is what was said. If we go to clause 5, there are three amendments proposed 74M, 74N and 74O. I do not know whether I should read them out for the benefit of— [*Interruption*]

Hon. Senators: No!

Sen. B. Ali: Everybody said not to read them out. Amendments 74M and 74N are word-for-word the clauses which were in the RHA (Amdt.) Bill. It might be said that 74O gives them the freedom to form an association. Section 34 of the original Act says that the employees may form an association which may be registered as a trade union, or may join a trade union. The Regional Health Authority (Amdt.) Bill and what we have before us, in terms of clause 5, are parallel things. I may be wrong, but I would like to be corrected if I am.

I am one person here who seems not to be ready to agree, but I am willing to be convinced that I should vote for these amendments.

Thank you very much.

The Minister of Education (Sen. The Hon. Hazel Manning): Thank you very much, Madam President. Again, for the second time this evening, I want to thank Senators for their support of this particular Bill. I want to start by telling Sen. Augustus that the PNM is a caring government, therefore, the issues raised would be addressed. [*Desk thumping*] As from what date, we would have to negotiate; as we have been doing all along. Through you, Madam President, Senator, you would know as soon as we negotiate and have a date. We would tell our members.

The Senator asked: "What was the next step with respect to hiring and promotion of principals and supervisors?" This would take the natural course. Those who have retired are being addressed. Allowances would be made pensionable. The Minister of Finance has also been looking at an amendment to the Finance Act. That is ongoing at this point in time.

To Sen. Prof. Ramchand, school supervisors do not normally take the route of principals, then to School Supervisor I, II or III. You can become a school supervisor through a number of routes. Curriculum officers, facilitators and teacher educators have become school supervisors. With the passing of this Bill, the pool of candidates would be widened and we would have quite a pool from which to choose the best lot.

Our aim, Sen. Mark, is to ensure that the education system is improved to meet the needs of our students. The Government is committed to making the necessary changes, as we have done this evening, and we are doing this by setting up a number of units in the Ministry, for example the Students Support Services Unit, the Education Facilities Company, Local School Boards and the Teacher Professional Unit. They are all new units that are working very hard to turn the education service around. We would not always be perfect, but we are committed. We are talking a lot and collaborating with all our stakeholders and really working very hard to ensure that the education service becomes more effective and efficient.

I would like to thank Senators on the other side for participating. As we face this challenge to improve the education system in Trinidad and Tobago, I am sure that this Government will be coming back to you with more Bills and more proposals. Thank you for your support and your future support.

I beg to move.

Question put and agreed to.

Sen. Ali: Madam President, I wish to abstain. I have not gotten a single answer from the Minister of Education. I will abstain.

Madam President: All right. One abstention.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Madam Chairman, I would like to ask the hon. Minister of Education and the Attorney General with respect to section 56A, which states that:

“The President may make regulations prescribing the terms and conditions of employment of the holders...of these offices.”

I am trying to get clarification as to whether that has been a practice. When we talk about terms and conditions of employment, those are terms that are enshrined in collective agreements. In this instance, as you are well aware, these office holders who are being transferred were former members of the PSA. There would be subsisting a collective agreement between the PSA and the CPO. When we say that the President may make regulations, these workers who are being transferred are members of the PSA, and thereafter they can form an association, become part of TTUTA or remain non-aligned, if they wish. Why is it necessary to have this particular provision?

Sen. Jeremie: The provision is not new. It is not abnormal. As a matter of fact, if you look at Chapter 39:01, which is the Education Act, it expressly provides in section 56(1) that:

“The President may by Order —

- (a) determine the pay in respect of an office in a grade;
- (b) establish the allowances that may be paid in addition to pay;

- (c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognised association; and
- (d) give effect to an award made by the Special Tribunal.”

Sen. Mark: What section is that?

Sen. Jeremie: It is section 56(1) of the parent Act, which is Chap. 39:01.

Sen. Mark: We have the Act here and we are seeing quarters.

Sen. Prof. Ramchand: If we have that already, why do we need 56A?

Sen. Jeremie: It is not an abnormal provision, which is the question that he asked.

Sen. Prof. Ramchand: I am now asking if the provision already exists as 56(1), why do we now need it as 56A again?

Sen. Jeremie: This allows the President to make regulations, in addition to the Order which is made under section 56(1).

Sen. Mark: The regulations would include terms and conditions of employment. Outside of the terms and conditions, what other elements would make up these regulations?

Sen. Jeremie: The regulations are necessary because there are new persons to be caught, professional, administrative and technical officers, who are not caught under the existing parent Act.

Madam Chairman: Is that all right, Sen. Mark?

Sen. Mark: I am not happy with that one. I do not think it is necessary.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

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

Sen. Prof. Ramchand: Madam Chairman, just to clarify this in my own head, can the President make regulations relating to professional, administrative and technical officers, which would be different from the regulations that apply to the rest of the people in the education service? Do we want that?

Sen. Jeremie: In theory, the President can do anything, but the whole purpose of the exercise—it would be an irrational act for him to do that. What we are seeking to do is to bring about uniformity, in terms of how the various classes of persons are treated. That would not be done. The Cabinet will not act irrationally.

Sen. Prof. Ramchand: Cabinet will not allow a discrepancy or difference in the regulations?

Sen. Jeremie: It will not. If it does, the courts are there for precisely that. Judicial review is there to challenge irrational decisions of the Cabinet.

Sen. Prof. Ramchand: It would have been smoother to have one clause like this covering the whole education service.

Sen. Dumas: The Teaching Service Regulations are adoptions of the Public Service Regulations. In this instance, because you are moving people into the teaching service you are in effect reversing the base order or the base law and therefore this is required.

Sen. Prof. Ramchand: You are not reversing the regulations relating to the education service. Those still stand.

Sen. Dumas: It is just that the application is now to adopt those rules to apply to this group of people.

Sen. Jeremie: What we are doing is we are bringing uniformity into the system, because these are the new persons who are caught. That, really, is the technical answer.

Sen. Mark: These regulations may not come back to the Parliament.

Sen. Jeremie: No.

Madam Chairman: Let us move on.

Sen. Prof. Ramchand: This will not arise until the promulgation of the regulations? Until this is promulgated, the current thing would apply.

Sen. Jeremie: Yes.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

7.30 p.m.

Clause 6 ordered to stand part of the Bill.

Clause 7.

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

Sen. Prof. Ramchand: Madam Chairman, just one comment. Are we heading to a point where we would need to change the name from the “Teaching Service” to the “Education Service”?

Sen. Manning: Yes.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Tuesday, May 17, 2005 at 1.30 p.m. at which time we will debate Bill No. 6, which is the Home Mortgage Bank (Amdt.) Bill, and then we will do Bill No. 1, the Terrorism Bill.

Madam President: Hon Senators, we have a Motion on the Adjournment by Sen. Mark, and the Minister of Public Utilities and the Environment is here.

Sen. Mark: Madam President, we have two Motions. These matters have been on the Order Paper for some time now.

Madam President: Yes, we appreciate that. I did talk with the Leader of Government Business, and he said that they were prepared to do this Motion.

Sen. Mark: We would deal with those three Motions next week.

Hon. Senator: One.

Sen. Mark: No, we cannot do one; we would deal with that next week.

CEPEP Workers (Infringement of Rights)

Sen. Wade Mark: Madam President, thank you very much. This Motion deals with the infringement of the rights of workers employed by contractors of the Community-based Environmental Protection and Enhancement Programme (CEPEP), which is under the control of the Solid Waste Management Company Limited (SWMCOL).

CEPEP Workers (Infringement of Rights)
[SEN. WARK]

Tuesday, May 10, 2005

Madam President, since the establishment of this programme called CEPEP in Trinidad and Tobago, many workers have come under a very severe form of exploitation. Workers are mercilessly oppressed by this particular arrangement known as CEPEP. In the last 36 months, some 6,000 workers have had to endure severe punishment under this particular system.

Madam President, these workers have no rights, as it relates to trade union organization. If a woman becomes pregnant, she does not have a right to benefits under the law. Workers under this particular programme do not enjoy the minimum conditions that we have for workers who are employed under the Minimum Wages Act. I refer to conditions of employment like vacation leave, sick leave, casual leave and cost of living allowance.

The exploitation is so harsh and oppressive that many of our women have now turned into three and four colours. In other words, when you look at their skin, because of the scorching heat that they have been subjected to between the hours of 10.30 a.m and 1.00 p.m., you would see where their skin colour has begun to change.

Madam President, they do not have any safety equipment or safety facilities in order to assist them in executing their duties and responsibilities. If you want to drink some water, or if you want to urinate, they cut your pay. That is the kind of report we have been receiving. This is a new form of slavery that the PNM has invented, officiated and is supervising in this country.

This is against all ILO conventions and standards to which Trinidad and Tobago is a signatory. The majority of persons who are employed on these jobs are women. That is what I have seen when I am travelling along the East-West Corridor.

Madam President, the contractors are having a very good time. They make the bulk of the money. I know of instances where contractors have used these workers to clean up their estates in the countryside, instead of workers performing their duties where they are assigned as they are supposed to do. I want to tell the CEPEP workers to be strong, since a trade union is about to be launched to represent those workers in Trinidad and Tobago.

Madam President, so oppressive, cruel and callous is this system, which is presided over by this vicious regime that talks about caring for poor people that the Industrial Court—in a newspaper article in the *Express* dated Friday, May 06, 2005, there was a headline: “Pregnant worker awarded \$70,000 for CEPEP firing”.

That lady had to go to the Industrial Court because her employer fired her against the laws of the country that deal with pregnancy. Madam President, I want to share with you and this Senate, some of the details of this judgment involving this female worker. The article reads:

“A former CEPEP worker who was fired because of her pregnancy has been awarded \$70,000 by an Industrial Court judge for damages and compensation.

Bernadette Garcia had been employed by Stanley Butcher...”

He is a butcher! [*Laughter*] A PNM from Barataria! Madam President, Butcher has a company called “High Place Enterprise Limited”—he should call it “high exploitation”—which manages one of the government CEPEP companies.

“She was employed in September 2002 and served as a foreman, receiving a fortnightly salary of \$1,250.

Garcia supervised nine workers and kept an inventory of the tools of the trade. She was entitled to two weeks vacation leave, which, up to the time of her departure from the company, she had not received.

She became pregnant sometime after she began working with the company.

The Court heard that Garcia was approached by Butcher to leave a job where she had worked for 11 years although she was promised permanent employment at a higher salary.”

You do not have permanent employment at CEPEP; everything is temporary; everybody is on contract. It goes on:

“Her evidence was that in December 2003, she submitted a medical report to the company stating that she was fit to continue to perform her duties as a foreman.”

Because she became pregnant!

Now, if a woman is pregnant, she could function. You do not have to put somebody aside because that person is pregnant. That is a backward and oppressive person. It goes on:

“He told her in the letter that due to her medical report, which indicated that she was seven months pregnant and due to the nature of her work, it

would not be safe to have her continue working.”

That is Butcher! He is a medical doctor now. He received a medical report, but he counteracted the medical report by saying she was not fit to work.

“Garcia went on maternity leave one month earlier than expected. During that period she submitted her NIS forms for Butcher to prepare so that she could receive her benefits. However, the forms were incorrectly completed on two occasions. Eventually, the forms were rejected by the National Insurance Board because of the errors. She receive no benefits from the NIB during her maternity leave.”

A criminal is in charge of this particular company.

“Garcia later submitted to Butcher a medical report deeming her fit...”

So she delivered and she came back with a second medical report and she submitted it to the gentleman to return to duty.

“Butcher responded...by saying that working with CEPEP was not a permanent position and that there was no vacancy for a foreman.”

So, she was pregnant, and he did not sign any forms for her to get any NIS money, and he then fired her. He says that she was not fit to work again.

“He promised to contact Garcia at a later date but he never did.

Judge Thomas-Felix found that Garcia was a credible witness, and said that, in the absence of a collective agreement or a written contract of employment which outlines the terms and conditions of employment between parties, it was the duty of a company to employ good industrial relations practices and to comply with the provisions of the existing law, which, in Garcia’s case, was the Industrial Relations Act, the Maternity Protection Act and the National Insurance Act.

The judge said: ‘It is unacceptable that an employer, by his very act and/or omission, can cause a worker to be deprived of the National Insurance benefits during her pregnancy.’

She said: ‘It is clear that the singular purpose of Maternity Protection Act of 1998 is to allow for women to proceed on maternity leave without the dilemma or fear of unemployment at the end of the period of that leave.’”

Madam President, if we wanted any testimony of the oppressive nature of this particular arrangement called CEPEP, we have it here. I would like the hon.

Minister, who is in charge of CEPEP, to take some action. The time has come for us to regularize those workers. We cannot have 6,000 of our citizens working in the scorching sun without any kind of protective gears, and being exploited mercilessly. If a worker becomes pregnant that worker has no rights.

Madam President, what is the Minister doing about this? Is the Minister prepared to protect these workers? If the Minister does not protect these workers, I want to give her the promise today that there is a trade union that is being formed. This judgment is a glorious opportunity for the workers of CEPEP to become organized so that they could go to the Industrial Court if the Government does not want to protect them. A trade union would be formed to provide those workers with the kind of protection that is required.

I call on the hon. Minister to explain to this Senate: why is she presiding and allowing that kind of exploitation and oppression of workers employed by CEPEP contractors—particularly the women of this country—without the Government making some intervention to protect these workers. The women are half of this world, and as a woman, who is in charge of this particular Ministry, you must be in support of protecting women and women's rights.

Madam President, I thank you very much. [*Desk thumping*]

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Madam President, thank you very much. I would like to say at the outset, as it relates to the judgment and the situation that took place involving Miss Garcia, that as the Minister, I did not condone what transpired. This is a matter that I am investigating. I have a copy of the judgment and I have examined it. I agree that this is a matter that needs serious investigation, and this is something that the Government cannot and would not condone.

This is a very unfortunate situation, and I do not have all the facts. As you would have seen from the judgment, the contractor did not attend the court; he did not respond; and there was no affidavit put in and, therefore, there was no opportunity, at least, from the case itself, to have his side of the story. It is not that I am questioning the truth of the worker, but from the case itself, there is no way that I could compare his version of the incident to that of the applicant in this matter. Nonetheless, the court found her to be a credible witness and accepted her story. Therefore, it is my responsibility to investigate this matter and to ensure that there is no repeat of such a circumstance for any other worker.

Madam President, having said that, the programme is now entering its third year. I would admit, as I did before in this honourable Senate that this programme is evolving. There are many aspects of the programme that need to be reviewed. As a matter of fact, yesterday the Prime Minister met with the board of SWMCOL with a view to looking at the way forward for CEPEP in the next year or two. Several matters were raised with the board and the Prime Minister, with a view to looking at the programme and improving conditions and so forth for the workers.

The programme itself provides training for the contractors, as it relates to proper management techniques and practices. Some of these programmes involve the development of small business, human resource management, occupational health and safety and financial management. In addition, SWMCOL holds monthly meetings with these contracting firms and provide them with advisory services.

Now, as the programme is presently structured, the contracting firms are independently registered limited liability companies, governed by a board of directors. Therefore, the terms and conditions of employment of the workers of the contracting firms are determined by the company. Nonetheless, as the programme is being developed by the Government of Trinidad and Tobago, we have the ultimate responsibility to ensure that these workers are entitled to certain basic rights, and to ensure that these contracting firms put those rights in place.

Now, there are certain agreements between SWMCOL and the contracting firm, for example, the hours of work are normally between 6.00 a.m. to 12.00 noon or 7.00 a.m. to 1.00 p.m., depending on certain negotiations between the employees and the contracting firms. They are entitled to two 15-minute break periods during their normal five-day workweek.

Madam President, an unskilled worker is paid \$75 per day; equipment operator, \$110 per day; and a foreman, \$125 per day. The contracting firms are mandated to have two separate accounts: one for operational transactions and the other for wages and salaries. They are to provide safety gear for the employees. These workers are employed on a continuous basis during the life of the contract, and a worker is free to resign or abandon the job as the case may be.

Of course, there is a process if a worker is found guilty of some serious misconduct. There are agreements as it relates to certain disciplinary procedures in relation to these employees.

There is monitoring by SWMCOL, as it relates to these contracting firms, to ensure that NIS payments, workmen compensation and deduction of payment for

health surcharge take place. That is a statutory entitlement of workers. SWMCOL must monitor these contractors to ensure that these requisite deductions take place.

Having regard to complaints made by some of the workers, these complaints were submitted to SWMCOL and a “health desk” was established last year. This is a special CEPEP desk for the purposes of complaints in relation to contracting firms. That desk is located at the CEPEP centre.

Sen. R. Montano: So there are many complaints.

Hon. P. Beckles: I would not be able to say that there are many complaints, but I know there are complaints. An investigative unit was also set up in December 2002 to oversee the operations of these contracting firms. That unit comprises field officers, led by project officers, who have the responsibility to visit these CEPEP contracting firms, and to decide on matters on an ad hoc basis. Those reports from the investigating unit are sent to the board, and the Minister would receive copies of these reports from the investigative unit.

Madam President, as I indicated, whilst we are not satisfied that all is being done at this present time, as it relates to ensuring that the programme is being run efficiently, my responsibility is to review the programme from year to year. As we speak, the programme is being reviewed.

I also indicated, based on Senator Mark’s last Motion, that an audit of the programme is being conducted, and that audit would assist me with the scientific data, as it relates to the actual functioning of the programme and other concerns which were raised. That audit is due soon.

One of the proposed initiatives is the establishment of a workers’ protection fund, to provide support to workers in situations where the reliability of the employment in CEPEP is threatened by the uncertainties of the economic environment. Another proposal is that of an ex gratia allowance to CEPEP workers at the end of their contractual period.

I think sometime last year, one of the employees lost his life by drowning whilst assisting—not during his working period, but during his off period—with the cleaning up of an area. That is one of the situations where I was present at the time, and this has caused me to expedite the entire situation as it relates to better conditions for the employees of CEPEP.

CEPEP Workers (Infringement of Rights)
[HON. P. BECKLES]

Tuesday, May 10, 2005

Madam President, I want to end by saying that the board, the management, the Minister and the Ministry look forward to continued feedback. I want to thank my colleague for his observations. I want to state categorically that this is not any new form of slavery. This is one of the Government's initiatives, specifically as it relates to the improvement of the environment, and I think it has been very successful. Many citizens of Trinidad and Tobago have expressed great satisfaction with respect to the transformation of the country, as it relates to CEPEP workers. Our responsibility—having heard some of the concerns raised by Sen. Mark and other persons with respect to CEPEP workers—is, therefore, to look and see where are the shortcomings; to look at a way forward for CEPEP; and to ensure that CEPEP workers have the quality of life—that kind of working relationship with the Ministry and the Government and the kinds of conditions that are in their best interest—so that they can continue to improve on the environment of Trinidad and Tobago.

Madam President, thank you. [*Desk thumping*]

Sen. Dr. Kernahan: I would like to know whether a CEPEP worker is able to approach financial institutions for loans.

Hon. P. Beckles: Is that part of the Motion?

Sen. Dr. Kernahan: Are they given job letters, proof of work and so forth?

Hon. P. Beckles: Madam President, I mean, I do not know if that is part of the Motion.

Sen. Dr. Kernahan: No, I just want to find out.

Hon. P. Beckles: Well, if you file the question, I am going to answer the question.

Sen. Mark: “Oh, Penny, you are getting arrogant now.”

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.55 p.m.