

*Leave of Absence**Tuesday, February 19, 2008***SENATE***Tuesday, February 19, 2008*

The Senate met at 1.30 p.m.

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

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Emily Gaynor Dick-Forde, who is out of the country, and to Sen. Wesley George, for the period February 17—22, 2008.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MR. FOSTER CUMMINGS

WHEREAS Senator Dr. Emily Gaynor Dick-Forde is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 19<sup>th</sup> February, 2008 and continuing during the absence from Trinidad and Tobago of Senator Dr. Emily Gaynor Dick-Forde.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 15<sup>th</sup> day of February, 2008.”

*Senators' Appointment*  
[MR. PRESIDENT]

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MR. JOEL PRIMUS

WHEREAS Senator Wesley George is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOEL PRIMUS, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of Senator Wesley George.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 14<sup>th</sup> day of February, 2008.”

#### OATH OF ALLEGIANCE

*Senators Foster Cummings and Joel Primus took and subscribed the Oath of Allegiance as required by law.*

#### SESSIONAL SELECT COMMITTEES (APPOINTMENT OF)

**Mr. President:** Hon. Senators, in accordance with Standing Order 64(1), I wish to announce the appointment of the following Sessional Select Committees for the year 2007/2008:

#### **Standing Orders Committee**

Mr. Danny Montano	Chairman
Mrs. Bridgid Annisette-George	Member
Miss Laurel Lezama	Member

**Standing Orders Committee (cont'd)**

Mr. Wade Mark	Member
Mrs. Helen Drayton	Member

**House Committee**

Mr. Conrad Enill	Chairman
Dr. Emily Gaynor Dick-Forde	Member
Mr. Wesley George	Member
Mr. Basharat Ali	Member
Dr. Adesh Nanan	Member

**Committee of Privileges**

Mr. Danny Montano	Chairman
Mr. Jerry Narace	Member
Mr. Linus Rogers	Member
Ms. Dana Seetahal SC	Member
Dr. Carson Charles	Member

**Statutory Instruments Committee**

Mr. Danny Montano	Chairman
Mr. Arnold Piggott	Member
Miss June Melville	Member
Dr. Jennifer Jones-Kernahan	Member
Miss Dana Seetahal SC	Member

**ORAL ANSWERS TO QUESTIONS****Licensing Authority  
(Computerization of)**

- 4. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

Would the Minister inform this Senate when the Licensing Authority will be fully computerized in order to bring relief to the drivers of this country and particularly to protect against any fraudulent activities within the Authority?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, the answer is not yet available. On the last occasion, I reported that it went to the Parliamentary Questions Committee. The committee required an amendment before it comes here. That is why it is not here.

**Sen. Mark:** Mr. President, the Minister did not indicate how much time he would need.

*Question, by leave, deferred.*

**Former Senator, Joan Yuille-Williams  
(Accommodation at Trinidad Hilton, 2002—2007)**

**6. Sen. Wade Mark** asked the hon. Minister of Community Development, Culture and Gender Affairs:

Would the Minister inform the Senate of:

- (i) The total cost of hotel accommodation and meals expended in Trinidad and Tobago to accommodate the former Minister, Sen. The Hon. Joan Yuille-Williams at the Trinidad Hilton during her term as Minister, viz. 2002—2007?
- (ii) Whether all Ministers, similarly circumstanced are entitled to the same facility as the former Minister?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, with respect to question No. 6, that question was recommended for approval by the Cabinet on the 21<sup>st</sup>, therefore, it will be ready next week.

*Question, by leave, deferred.*

**Trinidad and Tobago Fire Service  
(Details of)**

**8. Sen. Wade Mark** asked the hon. Minister of National Security:

Would the Minister inform this Senate:

- (i) Whether the Fire Service of Trinidad and Tobago is sufficiently equipped to combat fires in high rise buildings now being constructed in Port of Spain and environs and San Fernando?
- (ii) If the answer to (i) is in the affirmative, would the hon. Minister inform this Senate of the type of equipment provided to the Fire Service?

- (iii) If the answer to (i) is in the negative, would the hon. Minister state what steps are intended to remedy the situation?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. President, unfortunately, I am not in a position to answer that question this afternoon, but I assure Sen. Mark that I will be in a position to answer it at the next sitting of the Senate.

*Question, by leave, deferred.*

**Magistrates' Court  
(Details of CAT Proceedings)**

**10. Sen. Wade Mark** asked the hon. Attorney General:

Would the Attorney General inform this Senate when she expects to have full computer aided transcription of court proceedings in the Magistrates' Court in Trinidad and Tobago?

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Mr. President, I am unable to answer the question this afternoon. I kindly request a deferral of two weeks for the answer.

*Question, by leave, deferred.*

**Tertiary Education  
(Grant of Financial Assistance/Scholarship)**

**11. Sen. Wade Mark** asked the hon. Minister of Community Development, Culture and Gender Affairs:

- A. Could the Minister inform the Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at universities in Trinidad and Tobago, the Caribbean region and/or internationally?
- B. If the answer is in the affirmative, will the Minister provide this Senate with the following information:
- (i) a list of the names of persons who have benefitted from such assistance for the period 2002 to December 2007.
  - (ii) the amount of financial assistance provided to each person; and
  - (iii) the names of the institutions involved?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, if you look at the question, it requires information for the period 2002—2007. The culmination of that information for submission is not yet received and therefore we are unable to answer that question this afternoon.

*Question, by leave, deferred.*

**Mr. Douglas Mendes SC  
(Details of Retention of Services)**

**12. Sen. Wade Mark** asked the hon. Attorney General:

Could the Attorney General provide the Senate with:

- A. a detailed list of the matters in which Mr. Douglas Mendes SC has been retained by:
  - (i) the Government of Trinidad and Tobago;
  - (ii) the Integrity Commission;
  - (iii) the National Lotteries Control Board;
  - (iv) the Telecommunications Authority of Trinidad and Tobago; and
  - (v) any other state enterprise and/or statutory authority during the period January 01, 2002 and December 31, 2007?
- B. Could the Attorney General also provide a detailed breakdown of the fees paid to the said Senior Counsel during the same period?

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Mr. President, regrettably I am unable to answer the question this afternoon. In respect of this question, I also seek a two-week deferment for this answer.

*Question, by leave, deferred.*

**Ministry of Community Development,  
Culture and Gender Affairs  
(Funding/Grants and/or Financial Support to Organizations)**

**13. Sen. Wade Mark** asked the hon. Attorney General:

Could the Attorney General provide the Senate with:

- A. A list of all organizations that have received funding/grants and/or financial support from the Ministry of Community Development, Culture and Gender Affairs during the period January 02, 2002 to December 31, 2007?

- B. Could the Minister also provide the details of the amount provided and for what purpose?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, this question really goes to the Minister of Community Development and requires information as well from 2002—2007. We have not as yet received that information.

*Question, by leave, deferred.*

**V.T. Shipbuilding International  
Interim Facility Contract  
(Details of)**

**19. Sen. Basharat Ali** asked the hon. Minister of National Security:

- A. Could the Minister inform the Senate whether the two interim vessels procured under an interim facility contract with V.T. Shipbuilding International were delivered in October, 2007 as promised by the hon. Prime Minister in his statement to the House of Representatives on April 20, 2007?
- B. If the answer to (A) is in the negative, could the Minister outline the reason or reasons for the delay?
- C. Could the Minister state what is the revised delivery date of these vessels?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. President, hon. Senator, again I am not in a position to answer question No. 19 at this time.

*Question, by leave, deferred.*

**WRITTEN ANSWERS TO QUESTIONS**

**Sen. Wade Mark:** Mr. President, I would like you to look at the appendix and you will see that there are a number of questions for written answer that are outstanding even though the dates have passed. I bring it to the attention of your good self and this honourable Senate.

I would like, again, to record my profound disappointment and dissatisfaction in the tardy approach taken by the administration in answering questions approved by you. I appeal to the Leader of Government Business to prevail upon his colleagues. It is not Wade Mark they are concerned about here; it is

accountability to the people of the Republic of Trinidad and Tobago. I therefore hope that at the next sitting a number of these questions would be answered.

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, thank you for providing me with this opportunity. The impression is being created that the Government does not wish to answer the questions. That is not the truth. The questions being asked span, in some instances, a five-year period and there is a requirement for public officers to research them so that we can report accurately on the questions raised.

In those circumstances, there are delays because when information is sent to us, there is a requirement for it to be true. In those circumstances, be assured that we will answer the questions as soon as we have correct answers and report on an ongoing basis to where we are. Ministers have undertaken to move the process forward.

**PUBLIC ACCOUNTS COMMITTEES  
(APPOINTMENT OF)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the following five members be appointed to serve with an equal number from the House of Representatives on the Public Accounts Committee:

Mr. George Hadeed  
Mrs. Tina Gronlund-Nunez  
Mrs. Hazel Ann Marie Manning  
Dr. Adesh Nanan and  
Mrs. Corinne Baptiste-Mc Knight

*Question put and agreed to.*

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the following five members be appointed to serve with an equal number from the House of Representatives on the Public Accounts (Enterprises) Committee:

Mr. George Hadeed  
Mr. Wesley George  
Mr. Linus Rogers  
Mrs. Annette Nicholson-Alfred  
Mr. Wade Mark

*Question put and agreed to.*



**1.45 p.m.**

**LEGAL PROFESSION (AMDT.) BILL**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Mr. President, I beg to move:

That a Bill to amend the Legal Profession Act, 1986, be now read a second time.

Mr. President, it is widely known that we, the Members of the Government, have recently lost two eminent brothers in the persons of Dr. Wilbert Winchester and Mr. Keith Sobion. I, in no way, intend to eclipse the contribution of Dr. Wilbert Winchester, but, in moving the amendment to the Legal Profession Act, 1986, I would like to pay tribute to Mr. Keith Sobion, he, himself, having acquitted his responsibility during his tenure as the Attorney General of Trinidad and Tobago during the period 1991—1995.

He has been acclaimed for having discharged his duties proficiently and in a quiet, yet decisive, manner. The reason that I have started the piloting of this Bill with reference to Mr. Sobion is that in the tributes paid from various sectors during the period immediately following his death—tributes have come from all over the Caribbean, and also regard was paid to him in the House of Representatives by Members on both sides—tribute has also been paid right through the Caribbean. I think that there can be no contradiction to the fact that in mourning his loss, the Caribbean has truly lost a son.

When we think of what unites us as a people in the Caribbean, our minds tend to run firstly on West Indies cricket, the University of the West Indies and the Council of Legal Education, and that is why reference to Mr. Keith Sobion is of such relevance in this debate today.

The architects of the Treaty which established the Legal Council of Education recited their common determination to establish without delay a scheme for legal education and training suited to the needs of the Caribbean. They also recognized the need to vest responsibility for providing institutional training in a regional council of legal education. The primary objective of that council was to undertake and discharge general responsibility for practical professional training.

While Mr. Sobion was well known in this role as Attorney General of Trinidad and Tobago, and as the Principal of the Norman Manley Law School,

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little mention has been made of his role as the Executive Director in the establishment of the Secretariat of the Legal Council of Education.

Mr. President, Mr. Edward Carrington of Caricom, was quoted as saying that Sobion made Trinidad and Tobago and the Caricom Region richer for his stellar contributions in the legal field, and singled out his work on the formation of the Caribbean Court of Justice. It is in this context, as a former student of Mr. Sobion, as a former associate tutor of Hugh Wooding Law School and as one of his successors in the Office of the Attorney General, I am humbled to pilot this amendment Bill this afternoon.

The Bill entitled the Legal Profession (Amdt.) Bill, 2008, though brief in its form, is noteworthy for its substantial significance and its widespread ramifications in the context of the Caribbean Single Market and Economy (CSME). This amendment must be addressed in its historical context and, therefore, the nexus of this amendment to the Revised Treaty of Chaguaramas cannot be underscored.

Mr. President, I wish to refer to an address delivered by the Rt. Hon. Owen Arthur, the former Prime Minister of Barbados. This is at the Thirteenth Anniversary Lecture of the Caribbean Community at the Frank Collymore Hall, Bridgetown, Barbados. This was delivered on April 23, 2004. He was then painting the historical evolution of the CSME in the context of Federation and Carifta and this is what he said:

“The opportunity that the CSME offers is best understood by reference to the limitations of the attempts at Caribbean economic integration which preceded it. The contemporary endeavours to integrate the economies of the Caribbean goes back to 1968 with the establishment of the Caribbean Free Trade Area (CARIFTA). That had as its principal feature the removal of tariffs and other barriers to the intra-regional trade in goods that were produced within the region.”

The Hon. Owen Arthur then pointed out the limitations of an integration based only on trade in goods. He said that only yielded very modest results.

He further pointed out in that lecture the importance of the Revised Treaty of Chaguaramas of 2001, which was really the first real attempt to deepen and strengthen the Caribbean Community in all of its dimensions. He paid reference to the importance of removing barriers, not just of trade in goods, but also in trade in services, capital flows, technology and skilled persons. It is against that backdrop that this amendment Bill has to be viewed.

The *raison d'être* for the proposed amendment is to conform the domestic law of Trinidad and Tobago with Article 37 of the Revised Treaty of Chaguaramas. This is the Treaty that sets up the Caribbean Community and the CSME. At that Treaty, 15 member States signed, including Trinidad and Tobago, and committed under Article 37 to remove restrictions in their domestic laws and any sort of discriminatory practices that affected member States.

At a meeting of COTED, which is the Trade and Economy Development Subcommittee of the Council of Caricom, a timetable was developed to ensure compliance by the member States with the removal of restrictions, and December 31, 2005 was set as the latest date by which States should comply in their domestic law with the provisions of the Treaty.

Mr. President, you may recall in a former incarnation that the Caribbean Community Act was passed in this Parliament in the year 2005. That was an omnibus piece of legislation that sought to remove in the domestic law of Trinidad and Tobago restrictions and discriminatory practices in several pieces of legislation, among them being the Immigration Act, the Pilotage Act and the Tourism Development Act.

Section 15 of the Legal Profession Act, 1986 contains restrictions and discriminatory practices that are in conflict with the provisions of the Caribbean Community Removal of Restrictions Act, No. 2 of 2005. The purpose of this amendment is to ensure that Suriname and Haiti, which are member States, but which are non Commonwealth States, are not discriminated against by virtue of sections 15 and 16 of the Legal Profession Act.

Mr. President, I would just like to inform the House that Haiti recently deposited its instruments of ratification—when I say recently, that is within the course of this month.

Haiti and Suriname are not Commonwealth members and, therefore, in accordance with section 16 of the Legal Profession Act, their nationals could only apply to be admitted to practise in Trinidad and Tobago if reciprocal agreements existed between their governments and the Government of Trinidad and Tobago.

This practice was found to be discriminatory because Commonwealth members of Caricom are allowed, by virtue of section 15, to be admitted to practise.

Clause 1 of the Bill recites its short title.

Clause 2(a) of the Bill seeks to insert the words “a CARICOM national” after “Commonwealth citizen”. The effect of this would remove the restriction that

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permits only qualified Commonwealth citizens to be eligible to be admitted to the High Court of Trinidad and Tobago to practise as attorneys-at-law in Trinidad and Tobago.

Clause 2(b) of the Bill defines “CARICOM national” by inserting a new clause (4A) and that would read as follows:

“... ‘CARICOM national’ means a person who—

(a) is a citizen of a CARICOM Member State...”

which would therefore include Suriname and now Haiti:

“(b) has a connection with that State of a kind which entitles the person to be regarded as belonging to or, if it be so expressed, as being a native or resident of the State for the purposes of the law thereof relating to immigration.”

Mr. President, I am to report that all member States have removed their restrictions save and except Suriname and, of course, Haiti which has only now ratified.

I would like to also point out that in making the amendment and removing the discriminatory practice, it in no way affects the qualification for admission which requires that applicants must have the certificate issued by the Legal Council of Education showing that they are qualified to be admitted to practise. It just removes the discrimination with respect to nationality for member States.

**2.00 p.m.**

Mr. President, I would just like to read into the record Article 37 of the revised Treaty of Chaguaramas:

“Subject to the provisions of this Treaty, Member States shall abolish discriminatory restrictions on the provisions of services within the Community in respect of Community nationals.”

I therefore beg to move.

*Question proposed.*

**Sen. Wade Mark:** Thank you very much. Mr. President let me also associate myself with the earlier sentiments in terms of the late former Attorney General, Keith Sobion as expressed by the hon. Attorney General.

May I indicate that the matter that is now before this honourable Senate deals with an amendment to the Legal Profession Act, No. 21 of 1986, to allow Trinidad and Tobago to conform to its treaty obligations under the Revised Treaty of Chaguaramas, establishing the Caribbean Community, including the Caricom Single Market and Economy. It also seeks specifically to amend section 15 by inserting after the words "Commonwealth citizen" the words "or a CARICOM national". It goes on to define what a Caricom national is or who is a Caricom national in the legislation.

This legislation, or this Bill, has been around for some time now; it lingered and languished for several months in the old Parliament and it has now resurfaced in the Ninth Parliament. We were informed by the hon. Attorney General that all member states have removed the restrictions as outlined in Article 37 of the Revised Treaty of Chaguaramas, establishing in the Caribbean Community, including the Caricom Single Market and Economy.

I would like the hon. Attorney General to provide us with data, first of all, as it relates to the countries that have removed these restrictions; the dates that these pieces of legislation were piloted and passed in those respective Caricom states, because it will help us a lot in understanding our obligations even more as it relates to this particular piece of legislation.

The Attorney General also sought to put this Bill into some historical perspective and outlined the whole scheme of legal training and education and the institutional framework that was established in order to give effect to this particular position through the formation of the Council of Legal Education.

The hon. Attorney General also indicated that there are very substantial implications and widespread ramifications for the region as it relates to this particular amendment that is currently before this hon. Senate.

Mr. President, I want to indicate to you that we have some very serious reservations about aspects of this legislation, particularly the definition. I want to refer you to Article 32 of the Revised Treaty of Chaguaramas establishing the Caribbean Community and we would see that this treaty was signed by heads of government of the Caribbean Community on July 05, 2001 at the 22nd Meeting of the Conference in Nassau, Bahamas. It is from this particular Article 32 that the definition of a Caricom national was extracted. It was extracted and transported into the piece of legislation that is currently before this honourable Senate. Paragraph 5 of Article 32 of the Treaty says and I quote:

"For the purposes of this Chapter:

- (a) a person shall be regarded as a national of a Member State if such person -
  - (i) is a citizen of that State;
  - (ii) has a connection with that State of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native or resident of the State for the purposes of the laws thereof relating to immigration;"

It goes on to deal with defining a company in that context as well. We are not interested in (iii). So here it is the Heads of Caricom have agreed in Article 32 to define what is a Caricom national.

If you go to the Legal Profession Act, Chap. 90:03 and look at section 15(1), you will see the insertion that is to be made in order to include the term "a Caricom national", but there are implications to this particular definition.

We would like, as I said, to ask the hon. Minister to outline the Caribbean State, which have passed similar legislation, because it is not as simple as it is being made out to be. It is not just a question of Suriname and Haiti, it is, as the hon. Minister said in Article 37, lifting the restriction consistent with the removal of what has been described as discriminatory practices or restrictions on the provision of services within the community. But you know there is a crisis in the legal education and training profession in our country.

I would really like to at least secure from the hon. Attorney General, what is the Government doing to address the crisis in legal education and training that nationals of the Republic of Trinidad and Tobago have been experiencing since 1997. I will elaborate on this particular crisis a little later on in my contribution. My information is that there are about 1,800—2,000 lawyers registered to practise in the Republic of Trinidad and Tobago. If they are not registered to practise, in total they are just under 2,000 attorneys-at-law; maybe about 1,000 or less registered with the Law Association. There are almost 1,000-plus students, citizens of this Republic who are in possession of LLBs.

You know, Mr. President, they received their training externally via the University of London. Some are now labourers receiving less than \$40 a day in some parts of this country. The reason for that is because your career of choice, which is enshrined in the Constitution, is being frustrated as a result of the crisis that we have in the legal education field today. Do you know how it arises, Mr. President? It arises as a result of the fact that only 34 citizens as a result of a

quota system—and they must be the best of the crop—are allowed to enter, first of all, the Faculty of Law.

**2.15 p.m.**

So if you have 500 citizens in this country who are desirous of proceeding to do a LLB degree through the University of the West Indies and then later go on to your postgraduate studies at the Sir Hugh Wooding Law School, or the Norman Manley Law School, or there is another school I understand in the Bahamas Eugene—

**Sen. Seetahal SC:** Dupuch

**Sen. W. Mark:** Right, Eugene Dupuch Law School in the Bahamas.

Mr. President, there is a limited space and number of places for our citizens. So here it is, we have hundreds of citizens who are desirous of pursuing their law degree and to become full-fledged lawyers like the hon. Attorney General, or like the hon. Dana Seetahal SC; they want to practise. That is their career path, that is their career option, that is their desire and goal but they are being frustrated by a bureaucratic system, a Council of Legal Education that seems to be above the power of the Heads of Caricom.

Do you know what happened this year? Let me give you an example, 300 external students, or thereabout sat—*[Interruption]* They wanted to enter the Sir Hugh Wooding Law School, so they did an entrance examination. Do you know how many passed? Sixteen out of 300. My information—300 nationals who would like to be lawyers. I raise this in the context of this amendment, because we are going to open a floodgate to bring lawyers from the Caribbean into our labour market, and we have nationals here whom we are not taking care of.

So, Mr. President, 16—so if your child, my child or our children would like to become lawyers, do you know what we have to do? We have to dig deep into our shallow pockets and raise over \$450,000 to send your daughter, my son or our children to England or to London to study postgraduate or to engage in postgraduate training so that they can obtain their postgraduate certificate, so they can return to Trinidad and Tobago and then spend six months at the Sir Hugh Wooding Law School and then obtain their Certificate of Legal Education, and then they are accepted at the Bar. Why must we allow this thing to continue?

You bring a Bill to this Parliament to open the floodgates to allow more Caricom nationals to enter our labour market when our own nationals, our citizens are being denied the right to become attorneys-at-law in their country. You are

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bringing Surinamese here, you are bringing Haitians here and you are bringing others here, whilst over 1,000-plus citizens of our country cannot become lawyers, they are now being recruited as labourers, because, there a cut-off period.

If you study with the University of London and you do not go there within a five-year period of obtaining your LLB degree from the University of London, it is bye-bye for you. You cannot go after that, they strike you off the list to that effect. So after five years, if you do not have the wherewithal to go to London to become a trained lawyer, what is going to happen to these people who would have spent their money on becoming lawyers at the first level? But we want to go to the second level and do postgraduate studies and obtain our legal education certificate so we can do like Sen. Dana Seetahal SC, and the Attorney General and practise— why are you discriminating against these people? Why are you discriminating against students and citizens of this republic who are desirous of becoming lawyers in this land? And the PNM, through my dear Sen. Laurel Lezama, sometime ago boasted in this Parliament about education, and the PNM slogan is “free education and education of people's choice. Do you remember? You got up here, you carried on, you told people what is going on.” *[Interruption]* Do you know that over 1,000-plus of our citizens want to become lawyers and they cannot become lawyers in this country? Why is that?

**Hon. Senator:** *[Inaudible]*

**Sen. W. Mark:** She might be a lucky one. *[Laughter]* You might have contact. *[Interruption]* Mr. President, I understand you have to have contact to get into the law school too, so Sen. Lezama, you might be a lucky one.

**Sen. Annisette-George:** She is one of the 16 who passed.

**Sen. W. Mark:** Anyway I would not want to go on her, let me just focus on the matter before us. *[Laughter]* *[Interruption]*

I am not concerned about these minor matters; I am dealing with a principle here. The principle is that we, through the Attorney General, should either set up a new law school, establish a new law school in the Republic of Trinidad and Tobago or get the Council of Legal Education to take measures to expand the intake of students at the Sir Hugh Wooding Law School in our republic. That is what we have to do. That is what we should be discussing here today. That is what the Attorney General should be discussing with us today about the plight of our citizens who would like to become lawyers in our republic.



And it is very unfortunate, Mr. President, that you bring a Bill to this Parliament—my information again is that 95 per cent of our lawyers in this country do not go to other Caricom countries to practise.

**Sen. Dr. Saith:** They could.

**Sen. W. Mark:** No, they could if they want to but they do not go. They are here. Why? Here is the lucrative centre. You see everybody coming here; Guyanese coming here, Surinamese want to come here, Haitians want to come here, Barbadians want to come here and Jamaicans, because here is the capital of plenty. Do not mind you are wasting the money, too, Attorney General. I hear you spent \$4 million on a Chaguanas court. Not she, the former one who is hiding. The project manager. *[Interruption]* *[Laughter]*

Mr. President, I am talking about waste.

**Sen. Browne:** W-a-i-s-t.

**Sen. W. Mark:** So, Mr. President, we were very concerned about this matter, because we said this cumbersome definition that we have to deal with in this legislation—even when I looked at the Council of Legal Education Act definition, Chap. 39:50, and they had a nice definition or an acceptable definition for what is a Caricom national. When I looked at what is being offered by the great minds that made up the Caricom Heads at that time and whoever advised them, the definition was a bit cumbersome. It is clear, if you look at the definition in clause 2(b) we can live with it, we can live with the first part of it; a Caricom national means a person who is a citizen of a Caricom member state. That is fine! That is clear, Mr. President. Look at the second part of this definition, (b):

“has a connection with that State of a kind which entitles the person to be regarded as belonging to or, if it be so expressed, as being a native or resident of the State for the purposes of the law thereof relating to immigration.”

Is that not confusing? What does that mean? *[Interruption]* We do not know what that means.

Mr. President, I know that you have an LLB, yourself, maybe you can tell us. *[Laughter]*

**Mr. President:** Do not play me.

**Sen. W. Mark:** Okay, I would not be doing that. *[Laughter]* I know that you are a trained lawyer.

**Sen. Dr. Saith:** Mr. B. Panday signed it.

**Sen. W. Mark:** Yes, we signed the thing for the CCJ too, but we told the country to go to the CCJ we must have a referendum. You did not do that. So, talk about Mr. B. Panday also saying to the country, get a referendum and let the masses of the people decide if they want to have a CCJ, another wasteful white elephant that you all have somewhere on Henry Street.

So anyway, Mr. President, that Bill is coming up next week, I will deal with that. Let me concentrate on the matter before us [*Interruption*] and I would not be in anyway distracted by the late arrival of the hon. Dr. Lenny Saith. I was here at 1.30 p.m. [*Laughter.*] Right, Mr. President?

I ask the hon. Attorney General, a very nice lady; seems to be a very nice lady so far. I would like the hon. Attorney General to explain to this Parliament what does this section mean. Clarify for us, because I want to refer her to section 15(1) of the Legal Profession Act, and I want to read for you, Sir. It says, “Subject to this Act...” It impinges on all the provisions contained in the legislation.

So it is not just going to a judge, the Registrar of the Court has a role to play as well in this particular matter of someone being accepted at the Bar of the court, who is coming from outside of Trinidad and Tobago. So there are some serious implications for persons who are desirous of coming into Trinidad and Tobago.

Mr. President, we were so concerned about this matter that we sought the opinion and the views of the Law Association of Trinidad and Tobago because we believe they are the key force that deals with legal matters, they protect the interest of the attorneys-at-law and the profession as a whole. We could not agree more with the Law Association on this matter. I would like to quote for you a letter that was received by us in the UNC from the Law Association, dated Tuesday, May 01, 2007—you see how long this piece of legislation has been languishing on the Parliament's Desk or Table.

**Sen. Dr. Saith:** Who signed it, the chairman or vice-chairman?

**Sen. W. Mark:** No. I think the lady, she is a very nice lady called Judy Ann Prescott, Executive Administrator, on behalf of the Law Association. I would like to submit these views to the hon. Attorney General and I quote:

“With respect to the proposed section 15(4A) (b), the definition of ‘CARICOM national’ contained therein is too vague...”

Not Wade Mark saying so, not the UNC saying so; the Law Association of this country.

“It is too vague”—it is too “confusing and apparently”—too—“wide. Our courts will now be put in the invidious position of having to decide if a person belongs to or is a resident of a foreign state in accordance with the immigration laws of that state when our courts would not ordinarily know those laws.”

That is what the Law Association told us when we sought their views on this particular matter. So it is too vague; it is confusing; it is too wide, Mr. President.

**2.30 p.m.**

The letter goes on:

“That provision as worded will cause delay...”

So you could bring your Surinamese or bring Haitians into the country or other nationals within the Caricom family, but they will experience humongous delays and increase costs in dealing with applications.

**Sen. Dr. Saith:** What do you know about humongous delays? [*Laughter*] You quoted it already.

**Sen. W. Mark:** No, I said that. [*Laughter*] And I continue:

“...and increase costs in dealing with applications by Caricom nationals.”

Thank you very much, hon. Sen. Dr. Lenny Saith, you are very alert today. [*Laughter*] If I wanted to make sure that you are alert, I was able to do it. [*Laughter*] I caught you; really I am very, very proud of you today, Sir. You are up; you are not down today at all. Mr. President, it goes on and I will quote verbatim now:

“The fact that an unfortunate and incongruous definition has found its way in the Revised Treaty of Chaguaramas and the various statutes is no justification for the perpetuation of this incongruity.”

So what they are arguing, is that even though our leaders were advised by their technicians to go with this particular definition of a Caricom national, they are saying that does not mean that we should incorporate that into our laws, because it is too vague, confusing and too wide. So we are asking the Government to pause, mash brakes on this one. This is not in the letter, Mr. President, [*Laughter*] I am just asking the Government to mash brakes on this one. It goes on:

“Not because the expression is inappropriate and has been used on previous occasions is justification for its further use. If something is wrong, it is better

to correct it and do what is right. The Judicial Committee of the Privy Council has said that time and time again in relation to judicial review proceedings.

Further it is doubtful that the expression which is of concern has ever been the subject of adjudication by our courts. If that is the case, it cannot be said that our courts should be familiar with same.”

So, Mr. President, I ask the hon. Minister, in light of this particular position taken by the Law Association of Trinidad and Tobago, that efforts should be made to ensure that we rectify this particular problem that is contained in the legislation today.

Now, the hon. Minister indicated as well that these amendments seek to bring the Act in line with the Treaty of Chaguaramas, and thus to allow Caricom nationals and other persons connected with the Caricom States to practise law in Trinidad and Tobago. That is consistent with the removal of restrictions as it relates to the freedom of movement, but this single market and the economy to conform to the Revised Treaty of Chaguaramas, including the single market and the economy, we have to be very careful that we are not being set up by other Caricom States. It looks like we like to “take basket” in Trinidad and Tobago, particularly this PNM regime.

Mr. President, I recall when these Caricom States—some of them, I will not call their names—came cap in hand wanting money, they mamaguyed this Prime Minister called Patrick Manning and they all indicated to him—I recall vividly articles in the newspaper—that they were in support of the Caribbean Court of Justice (CCJ) as the final civil and criminal appellate court. All of them were in agreement, and as we speak here today, not one of those countries that came to this Government and supported its drive to establish a CCJ, not one of them, except Barbados and Guyana—All of them, the OECS countries, they have nothing to do with the CCJ, but that is another matter.

I am just giving you the principle that we tend to bring legislation to this Parliament to rush through— If you look at all the countries in the Caribbean, and look at all our obligations under the Revised Treaty of Chaguaramas including the single market and the economy, Trinidad and Tobago is out front in passing legislation. Approximately 10 to 12 pieces of legislation they have passed, whilst other Caricom countries, four, three, two, one; some of them just about six max.

Mr. President, when this Government was led up the garden path—whatever they were supposed to get from the Government, they went to where?—

PetroCaribe. And where is Petrotrin today, Sir? Struggling to survive. So I am asking the question: Is Caricom dead? What is the significance of this so-called Caricom Single Market and Economy? What are we conforming to? This is a charade. It is a mirage; it is a pipe dream. Where is Caricom today? Where is this so-called Caricom Single Market and Economy?

We are doing everything to remove restrictions so we can allow freedom of movement, in the case of this Bill, to allow Caricom nationals to come and practise here, but where is this so-called Caricom and Caricom Single Market and Economy today? Instead of us expanding regional and local businesses within the framework of Caricom so that we can become more competitive—when we are facing hostile competitors outside of Caricom, we as a unit would be able to compete.

Mr. President, do you know what is happening? We are selling out to Royal Bank of Canada. What is the Minister of Finance doing about it when National Insurance Board (NIB) shares are 22 per cent and Unit Trust Corporation (UTC) is about 15 per cent, that is about Caricom? [*Laughter*]

**Mr. President:** Senator, this debate is not about Caricom. This debate is about complying with some of our treaty obligations and I would be grateful if you could bring your comments back to the subject matter that we have before us.

**Sen. W. Mark:** Mr. President, I thought when I read this Bill—I may have been confused somewhat, but I saw where this Bill is to allow Trinidad and Tobago to conform to its treaty obligations, and you recall the hon. Attorney General making extensive reference to the Caricom Single Market and Economy.

**Mr. President:** Senator, I am not going to allow a debate on my ruling. I have asked you please to come back to the subject matter of the Bill. I have asked you nicely, please come back and let us confine the comments to the Bill that we have in front of us. As I have said, I will repeat once more for the benefit of all Senators. This is not a debate on the treaty; this is a debate on an amendment to a piece of legislation here in Trinidad and Tobago.

**Sen. W. Mark:** Mr. President, you must guide me again. I was making reference to the contribution of the hon. Attorney General, I do not know if you were saying that in terms of her contribution, I should make reference.

**Mr. President:** No. Sen. Mark, the Attorney General made no reference to Royal Bank—

**Sen. W. Mark:** No [*Inaudible*]

**Mr. President:**—nor anything of the sort. That is where you were heading at that point when I stopped you.

**Sen. W. Mark:** Okay. So I could talk about Sydney Mc Knight now?

**Mr. President:** No, we are not even talking about that. What we are talking about is an amendment to the Legal Profession Act.

**Sen. W. Mark:** I would not engage you at this time because I know we want to be very nice to each other. As I said, Mr. President, I do not want to engage you because you will have to do what you have to do, and I will do what I have to do. So, let me get back to the Bill for the purposes of peace at this time because we—  
[*Interruption*]

**Sen. Dr. Saith:** [*Inaudible*]

**Sen. W. Mark:** Yes, I could leave here, that is no problem. I know you will miss me when I go.

**Sen. Dr. Saith:** Not at all.

**Sen. W. Mark:** You would like that "eh" Lenny. You want to see the back of Wade Mark bad. Oh God, I know that, but that and God face you "ain't" seeing and I will be facing you all the time. Mr. President, may I continue?

**Sen. Dr. Saith:** Tell Christine [*Inaudible*]

**Sen. W. Mark:** Christine? Which one, Sahadeo?

**Sen. Dr. Saith:** The one that beat you.

**Sen. W. Mark:** No, Kangaloo is a passing parade, you do not know that? Mr. President, may I come back to, as your ruling, Sir, in terms of this matter. I did indicate earlier that we would like to get from the hon. Minister this principle of reciprocity cleared up, so we can determine exactly which Caricom country is going to be applying or legislating similar pieces of law.

Mr. President, I also indicated earlier that when we talk about an application for admission, remember I made reference earlier to section 15(1) which says that: "Subject to this Act", its means that the applicant has to satisfy both the Registrar and the High Court that he has fulfilled all the conditions. Of course, we want to respectfully suggest to the hon. Attorney General this would be extremely difficult and challenging for the particular court, as well as persons who would be accessing the court in order to become lawyers or practising lawyers.

What would be the role of the Registrar of the Court? Must the Registrar of the Court satisfy himself that the applicant has fulfilled all the conditions for

admission, because it said “Subject to the Act”? So, the Registrar has a role to play in this matter and the question also arises as to whether the Registrar will also have to decide whether the applicant belongs to, or is a native or a resident of the Caricom State in accordance with the immigration laws of that state. It is not only the judge who will be called upon to adjudicate this matter; it will also be the Registrar of the Court. This is why we are submitting to the Government that it is putting a very great burden on the Registrar who is not expected, as I understand it, to have any knowledge of the immigration laws of other states.

Mr. President, it means this could be very torturous; it could be very, very complex and challenging for the officers of the court in this particular context. So, we would like to advise the Attorney General of the need to look at this question very carefully and if we can look at the definition once more, so that whatever we formulate at the end of the process, it would be a definition that would be acceptable to all parties and it would be very simple to implement and to execute. In its current form or format, it is a very difficult and cumbersome matter.

**2.45 p.m.**

Mr. President, I want to also make reference to a report; I do not know if you ever saw it; this is a “Report of the Task Force Appointed by Cabinet to consider Legal Education in the Caribbean”. This task force report was commissioned sometime in 1997. There were a number of important personalities on that particular force. It was headed by one Mr. Justice Guya Persaud, he was Chairman; Sir Isaac Hyatali; Dr. Fenton Ramsahoye; Dr. John La Guerre; former Senator Martin Daly who was "SC" at that time, and Mr. Karl Hudson-Philips. They went into some detail in looking at the whole question of the legal education process or experience in the Caribbean.

I found a section that was quite interesting. I want to share that section with you; it is on page 17 of the report where they were talking about Caricom nationals who may have been trained in Commonwealth jurisdictions. On page 18 it said that under the Legal Profession Act, which we are dealing with today, as amended, Caricom nationals trained in other Commonwealth jurisdictions may gain admission to practise in Trinidad and Tobago. [*Interruption*]

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

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

*Question put and agreed to.*

**Sen. W. Mark:** Mr. President, the report went on to say:

“We make no recommendation for any change in the Act”—the Legal Profession Act—“to accommodate Caricom nationals trained in other jurisdictions who have less than ten years experience because there appears to be no valid justification for making any distinction between Caricom nationals and other Commonwealth citizens in this regard.”

This amendment is also going to facilitate Caricom nationals. Although I understand that Caricom nationals can, in fact, come to Trinidad and Tobago, whether from Barbados or Jamaica, and if they are qualified attorneys-at-law they can go to someone's chambers; that person could present their papers to the Law Association, take them to the High Court, they would be accepted at the Bar and they could practise. So it seems to me, based on what we have been told by the hon. Attorney General, this is really for Surinamese and Haitians. It is not really for Caricom persons from other English speaking territories. I get the impression that it is a measure to satisfy Suriname and Haiti.

The Legal Profession Act has to be seen in conjunction with the Council of Legal Education Act. I want to ask the hon. Attorney General, from what I understand, and I need to be enlightened in this regard, a lawyer who is practising in Suriname and has his own Dutch background and training, and a lawyer who is practising in Haiti, and they are French based, how are they going to enter our jurisdiction to practise, in real terms? I would like somebody to clear the air for me on this one. Will they have to go to the Sir Hugh Wooding Law School for six months of orientation, and then at the end of the day they get an LEC to practise? Or can they come directly from Suriname, with their whole Dutch jurisprudence, and practise here? I am not too sure how this thing works. I have tried to get some clarification on that.

**Sen. Enill:** Sen. Seetahal SC will answer that.

**Sen. W. Mark:** I submit to this honourable House that the greatest challenge we are faced with, at this time, in the Caribbean—and I now refer specifically to the Republic of Trinidad and Tobago—is not amending legislation to facilitate the free flow of attorneys-at-law from Suriname and Haiti, as examples. I would like someone on the Government's side to enlighten this Parliament as to what is being done to assist our nationals who are desirous of becoming attorneys-at-law? I think that is the crunch. We are talking about legal education and training within the framework of the legislation.



If you are talking about legal training and education in a globalized environment, it means that we would need to have more and more of our trained professionals, and particularly attorneys-at-law, in various fields of endeavour, because the law is dynamic. I am not a lawyer; I would have liked to be one; I may still be one. It is a dynamic profession. With all that is taking place around us today, we should be encouraging nationals to specialize in different fields of endeavour in law. For instance, in intellectual property law there is a lacuna or deficiency in that particular area; but here we have 1,000-plus nationals in our country who have just completed one leg of the relay race. They cannot pass on the baton to anybody else because they are stuck. I appeal to the Government to do something in this regard.

Whilst this amendment might appear to be very innocuous, the reality is that whenever it does take effect it could result in more Caricom nationals coming to the Bar to practise in Trinidad and Tobago. It will, more or less, flood the market with more nationals from outside of Trinidad and Tobago. I have no problem with that; they say competition is healthy. If it is healthy, why are we not providing our nationals with a level playing field? Why are we denying our nationals?

I can, at least, appeal, repeat and reemphasize the importance of addressing this lacuna in the law, in the system, to ensure that our citizens are given an equal chance in order to achieve or accomplish their career path.

I would like to make several recommendations. In fact, Mr. President, I think you were right where I am now in the period when I was there. I recall, and you would be aware, because I looked at your contribution, that we brought amendments to this legislation on two occasions; firstly in May of 1996, when we brought an amendment to allow English barristers and attorneys-at-law to practise here without any let or hindrance. That was the first leg.

Do you remember the second area, when we brought an amendment in the year 2000 to allow citizens who were trained in London? They were attached to a chamber for several years; they had their professional training, but you know what? When they came back to this country, they could not have gone before the Bar to practise. You had to go through all kinds of law school experience once again; we brought legislation to address this particular deficiency.

Hon. Attorney General, I am glad you are back. I am appealing to you to take on board the point I have been making in defence of our nationals, those external students who are doing their LLB through the University of London. I would like the Government to take a decision as to whether it is necessary for us to construct

*Legal Profession (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, February 19, 2008*

a new law school in the Republic of Trinidad and Tobago or whether there is need for an expansion of the existing law schools, so that those external students can have a level playing field. That is all I ask the Government, apart from the definition that we would like them to reconsider.

I call on the Government to reconsider this definition of a Caricom national, to make it less vague, to make it less cumbersome, and to make it less ambiguous. I am also calling on the Government to take on board this issue of our students who are under severe pressure in training.

Mr. President, I have been informed that the number of our nationals who have had to go to London to pursue their training is mounting, at great sacrifice. Do you know what is even more sad? The 300 students who sat this exam last year were not even informed. I understand that they paid close to \$1,000 for this exam. You know what it reminds me of? The so-called Common Entrance Examination. You sat the Common Entrance, 10,000 of us in our days, and there were only places at the secondary school level for just 5,000. So whether you were bright or not so bright, they only had room for 5,000; so automatically, before you entered that room, you were declared a failure, not because of your ability or your knowledge, but because the system failed us. The system did not accommodate us. The system did not have the places and spaces for us.

Here you are extracting \$1,000 from your pocket to sit an entrance exam, and you do not know how many places are going to be available for the students at the law school. So 300 sit the exam, 16 enter, and you lose your money, because remember you have to pay. When you pay your \$1,000 that is the end of it.

I am appealing to the hon. Attorney General and this Government to look at the situation. It is not fair. I think they are taking advantage of our students who are desirous of becoming lawyers in the future. I call on the Attorney General to do everything in her power. Maybe what you can do is leave your mark—not me, you know—but leave your mark at the end of your five-year term, because in the last six years, I think you are the fourth Attorney General. They come and leave very fast, but I would like you to leave your mark, and one of the areas I would like you to look at is the question of accommodating these students.

Mr. President, I thank you for allowing me to make my contribution on this matter.

**3.00 p.m.**

**Sen. Dana Seetahal SC:** Thank you Mr. President. When the Legal Profession Act came into being on January 01, 1987, it introduced into our jurisdiction for the first time the concept of attorney-at-law. Prior to that we had separate solicitors and barristers. From January 01, 1987, we became attorneys-at-law and this was meant to reduce cost to members of the public, amongst other things, and to have no discrimination within the profession.

That Act was consequent upon the Council of Legal Education Act, 1975 which gave birth to the concept of Caribbean legal education, and the Council of Legal Education's Legal Education Certificate. I say this, Mr. President, so that we can have a grasp of section 15 of the Legal Profession Act when we talk about what qualification one needs to be a practitioner or lawyer in Trinidad and Tobago.

Under the Council of Legal Education Act, which is Chap. 39:50 of the Laws of Trinidad and Tobago, an extremely short Act whose whole purpose is to incorporate the treaty between the Governments of certain Caribbean territories establishing the Council of Legal Education, it is provided that any person who has obtained a degree of a university or institution which is recognized by the Council of Legal Education as equivalent to the University of the West Indies (UWI) Bachelor of Law, or up to 1972 had the required qualifications for admission, or qualification in a common law jurisdiction that would include the United States—which is equivalent to our Bachelor of Law—and who would have completed to the satisfaction of the Council a six-month training programme would be awarded a Legal Education Certificate.

So under this Act, it meant if you had the Bachelor of Law from UWI, or an equivalent Bachelor of Law somewhere, and went to one of our law schools or, if you were a lawyer in a common law jurisdiction such as some States whose universities would be recognized, and then you did a six-month programme, you would be entitled to practise law.

Under that agreement, each government in the Caricom territories promised that it would recognize persons holding a Legal Education Certificate alone to practise in that territory. In other words, one had to enter one of the law schools of the Caribbean to be practising as a lawyer in these jurisdictions. It said of course, that one could have that, but nothing prevented any government from having additional qualifications, and that was the law as we knew it.

So therefore, everyone who wanted to practise law in Trinidad and Tobago, up until 1996 had to be admitted to a law school; that would be either the Hugh

Wooding Law School, the Norman Manley Law School or the Eugene Dupuch Law School. At that time, persons who did the Bachelor of Law, London, that would be a Bachelor of Law from a common law jurisdiction, would apply to anyone of our law schools and be admitted to do the two-year programme. But in the 1990s, we saw a large number of persons wanting to become lawyers, and as a person who taught full time at the Law School from 1995, I can tell you that the class jumped from 60 to 145 persons in a few years, and when I entered the law school, I was teaching maybe about 70 persons. So around 1994, 60 persons; 1995, 70 persons and in 1996, I started to have a lot more papers to mark and it reached to 130 to 145. Then it was decided that the numbers would have to be controlled because you could not have, as it was seen, a free-for-all admission to the profession and we went back to the Council of Legal Education Act to which the treaty is attached, and in that treaty, it said one had to have a Bachelor of Law from the UWI or its equivalent. To determine whether or not the University of London's was equivalent to the University of the West Indies LLB was the introduction of the Admissions Board exam, which is what Sen. Mark spoke of, and that was the rationale for doing so.

People may say if the Bachelor of Law is the same thing, the University of London may even be better than University of the West Indies LLB, but that is simply not so. Firstly, let us look at the persons who are admitted to do the UWI LLB; they are persons who have distinctions at A level, one has to have "As" or "Bs"; it is not quite as difficult to get into the Faculty of Medicine, but that faculty, and to an extent the Faculty of Engineering have their standards so the Faculty of Law has its standards too. To be admitted to do the Bachelor of Law, University of London, one does not need to have A levels of that nature, one can have one A level and equivalent working experience.

While that may be good and you do not want to deprive people of opportunities, the fact is in any good law school today there are standards for admission and that is what we have in the law schools in the Caribbean and that is why there is this Admissions Board exam, and persons who meet the standard are admitted. In some years it might be 16, as Sen. Mark has said, and in some years it had been as many as 45 and you cannot gainsay that. Of course, there are very good students who come through the external route, but by the same token there are a larger number of students who just are not up to the same standard as persons who have qualified for admission when qualified at UWI.

The simple fact is if one has three A levels with distinctions one will necessarily be at a level of a higher educational equivalent, or one would have

“better brain” if you have A level distinctions. So when you started off at UWI on admission, you have the crème-de-la-crème of the students. These students would later be competing with persons who are doing it the hard way. Now, is the answer to let everyone who has a Bachelor of Law be admitted and become lawyers? Is that the answer? People have to think about that. Do you want to have, say 500 lawyers coming out every year and there is no assessment of difference in qualifications, where the outset for UWI you have the cut-off level just like in medicine?

It has been said, and by no less a person than the Caribbean Court of Justice President, the Hon. Michael de la Bastide, that you must have control of the number of lawyers coming into the system, and I agree entirely with that. In any profession one needs to control the numbers and maintain standards as well and that is why you have it as you do. This, of course, is not to say that it cannot be improved, and one of the suggestions I have is perhaps the University of the West Indies could think of having—which it does not have in law—an evening programme so persons who work and can make the A level standard can be admitted to do law in the evening classes, then you can work if you cannot afford to go to Cave Hill to have your parents support you because you are just not able to afford it; you can do evening classes. I think that is probably the best solution in the long term but it is not as simple as saying: have a new law school and admit 2,000 persons who are waiting.

While it is true that there might be 35 persons admitted every year to the Faculty of Law from Trinidad, from my experience at the Hugh Wooding Law School, 12 years as a full-time senior lecturer—as it is called at UWI—I found that every year there were at least 66—70 Trinidadians graduating. So many of them came either from doing their LLB in England, or externally, so we have quite a number of lawyers from Trinidad who graduate every year.

Now, in terms of the particular section of the Legal Profession Act being amended, the question was asked: Can persons from Suriname and Haiti with their Surinamese qualifications come to Trinidad and be admitted to practice? The answer is no, because section 15 provides that subject to this Act a person who makes an application through the High Court and satisfies the court that he is a Commonwealth citizen, or Caricom citizen, is of good character and either holds the qualifications prescribed or is a person in respect of whom an Order has been made under section 15(a) shall be eligible to be admitted by the court to practise in Trinidad.

So one has to be a person of good character, a Caricom citizen, hold the qualifications prescribed. And what are they? The qualifications prescribed are what I just read from the Legal Profession Act. So it means if a person from Suriname wants to practise in Trinidad and Tobago, he or she must have a Bachelor of Law from a common law jurisdiction, and must have graduated from one of our law schools. That would be the criteria he would have to meet. So a person with qualifications from Suriname or Haiti alone would not be entitled to practise here.

For persons trained in England, in 2000 under the previous administration, the law was amended despite the Council of Legal Education's treaty which says only persons with qualifications from the Council of Legal Education could practise here and that is in section 15(1)(a) of the Legal Profession Act which says if you have practised for more than 10 years in England, you can be admitted here to do cases or a case.

So when you see Sir Timothy Cassel, or other English QCs, you know that they have not gone to the law school either here, Jamaica, or the Bahamas for any six months, but they are admitted under section 15A and that was around the time of the Dole Chadee trial when questions were raised as to whether certain persons here working in Trinidad and Tobago could practise. Although they had been doing it nobody had thought of it. They had been doing it for the 10 years between 1987 and 1996. The law was then passed by the then Attorney General which actually is the provision section 15A, with some foresight if I may say so.

However, in 2000 the floodgates were opened and anyone who now has passed the Bar finals or the Bar Vocational Course, or the Law Society finals, meaning if you were trained either as a barrister or a solicitor in England, if you did six months with a lawyer in England, or six months here, you could be admitted as a lawyer. So in England, they do not have a fusion, but separation of the two professions: solicitors and barristers, and if you train as one, you could become an attorney-at-law here. It sounds kind of uneven to me, but that is the law as passed. The only thing is, it is a law only for Trinidadians.

### **3.15 p.m.**

In other words, if you are a Barbadian or a Jamaican, those countries have not breached the treaty; they still have to go to one of the Caribbean law schools. But in Trinidad and Tobago, we say that if you are trained in England, you can be admitted to practise in Trinidad and Tobago, but you cannot, if you have that qualification, go to practise in Jamaica, Guyana, the Bahamas or anywhere else,

because to practise in these countries you have to have qualifications from the Council of Legal Education. I trust that that is clear. That is the advantage of having a degree from UWI or England, but you must be trained in a Caribbean law school.

Now, insofar as the actual clause is concerned, I, too, have my concerns, because what this says, effectively, at (b) is if you have a connection with a Caricom state this entitles you to be regarded as belonging to the state. What does that mean? If I am from Togo and I had a connection with somebody in Trinidad, what kind of connection? Does it mean if I am living with a man from Trinidad and Tobago, that I would be entitled to be admitted here? That is a connection and I would consider I belong here. It suggests that. It also says, “or if you are a resident of the State”.

Now it seems to me that when we have moved from “citizen”, previously the law was that you had to be a Caricom citizen, and now what we are saying is not only “connection”, but you could be a resident. So it seems very wide. So somebody from Lithuania, for example, could become resident here and residency is determined in Trinidad and Tobago by the Minister of National Security—or if you lived here for five years you can apply for admission; all those other things. Then you can possibly practise. I think that is just something we need to be conscious of. In principle, I see nothing wrong if somebody has been here five years and he or she has got the qualifications and everything that he or she should not be admitted to practise, but we need to be careful if that is what we want when we say we want it.

I, however, have some other concerns which are not met by the amendment. The hon. Attorney General says that we are trying to bring ourselves into conformity with our Caricom obligations. The first concern I have already mentioned, which is that we are already non-conformist. We have breached our obligations under the Council of Legal Education Act already in 2001. That is one. But, secondly—and to my mind more importantly—there are provisions in the Legal Profession Act which are lacking. In other words, there are omissions. For example, there are persons in Trinidad and Tobago right now who are lawyers and who have convictions for criminal offences who are practising. Why are they being allowed to practise? Because the Legal Profession Act does not adequately deal with that kind of situation.

All that it provides in section 38(4) is that:

“The conviction of an attorney-at-law of a criminal offence may, for the purposes of disciplinary proceedings against him, be accepted by the Disciplinary Committee as proof of his having...”—been convicted of an—“...offence.”

In other words, it says: “okay, when you are brought up before the committee; you are convicted so we accept that you are convicted.” But that does not mean anything, you know. Then there must be a hearing before the Disciplinary Committee which is constituted under the Legal Profession Act. You have a hearing, just like in a court of law, you know: lawyers sit together with their peers; a group of them, and they hear evidence. If it is found that you are guilty of a disciplinary offence, do you know what they can do? Even if you defraud your client, which is the normal complaint—they take people’s money; they do not do what they are supposed to do, or something more serious, as in the case of Winston Campbell which went to the Privy Council—all that they can do is impose a fine or reprimand the attorney-at-law or make an order as to costs. Or if the committee is of the opinion that a more severe punishment is justified, then they send the papers to the Attorney General and the Chief Justice and the Attorney General or the Chief Justice will initiate proceedings before the High Court.

Perhaps the Attorney General could tell us if they have ever received—or her office—any such papers. Perhaps you can check. I do not recall ever hearing about any proceedings initiated to remove an attorney-at-law from the Rolls of Trinidad and Tobago. I think there was one once, you know, and that is in my 28 years of practice. I know of many cases of attorneys-at-law who have convictions for serious offences, who have been convicted. I know of one for marijuana possession; one for assault and they are still practising. You have attorneys-at-law who have charges before the court now and they practise, and it is embarrassing sometimes to the courts.

There was a matter recently where a High Court Judge had to discharge the jury because two days before that there was a picture of the attorney-at-law going to court in his own matter when he was charged and it turned out that this might prejudice the jury; they might hold it against the accused, the fact that his lawyer had a charge. So the whole trial came to naught and there had to be a retrial ordered. So these are the kinds of things.

Therefore, it seems to me, that the Law Association would be well advised to make some serious recommendations for change. I have actually written about it in other places and in the newspapers and spoken about it. I am not a member of the Council of the Law Association, which is the executive body of the 2,000 members of the Law Association. You are automatically a member of the Association when you are a lawyer. So the council should be the one making these recommendations, but as I am standing here, I would suggest that those are matters that need serious consideration.



A few years ago there was another issue where a person who was not an attorney-at-law, who had a Bachelor of Law, who had never completed the Legal Education Certificate; she had not been awarded the certificate; she used to miss classes, and so on, and then she put her name up along with other people who were lawyers, and her husband was in the chambers, and she was virtually practising law under the noses of other lawyers. Things became so bad because other people started to complain, and after about five—eight years of her doing so, she was made to stop. So you had someone passing herself as an attorney-at-law, and there might be others. This was in public in Port of Spain, on St. Vincent Street.

That is the kind of thing that you have, because people do not want to be bothered or they do not want to rock the boat, but I think it is the role of the State to rock the boat, to put things in place to ensure that we have standards and when there are breaches of these standards and breaches of the code of conduct to the Legal Profession Act, that something is done. You know, the reason the public continues to enjoy lawyer jokes is because inside of their heart of hearts they really feel that lawyers can get away with doing a lot of things; that no one says anything; that because you are a lawyer you have an unfair advantage. I do not know why this feeling emerged in the past, probably because there was a close connection with the law. But presently, it is partially because they see very little action being done when a lawyer is disciplined or people make a complaint that “this man has stolen my money” or “he has not done my case”, and you go day after day and then what happens? He pays a fine, or something like that; he gets a slap on his wrist and if there are matters before the court, it takes so long. The Law Association itself is perceived as, not necessarily colluding with, but not really being active in doing anything about it.

Those are the matters that I wanted to explain, really, in terms of the admission to practise. It is not that people who have degrees from Suriname or so can just come and flood the market. They will have to be trained here. I can see that happening, probably one person every year. You might have someone who may have married a person from the jurisdiction or may have come over here and then he or she would have had to live here at least five years to be able to do the training. That person, if he or she went to all the trouble to come in one of the other jurisdictions to do that, I think he or she should be allowed to, because he or she really cannot be admitted here and use our qualifications to go and practise in Suriname or Haiti. It would mean that he or she has transferred everything and he or she is here.

So that is really no big deal, in my view. But I think the second provision needs to be changed and I think also the question of the Admission Board Examinations, there might be some other solution, but the solution is not in creating another law school; definitely not. I definitely think that you need to maintain standards. Having had to mark four times a year 135 papers from 135 students and seeing the varying quality of the students, we need to maintain standards.

Thank you very much, Mr. President. [*Desk thumping*]

**The Minister of Health (Sen. The Hon. Jerry Narace):** Mr. President, I rise to support a Bill to amend the Legal Profession Act, 1986. I am really happy that Sen. Seetahal SC spoke before me so that a number of the areas that needed clarification have been quite responsibly and properly clarified. Therefore, my task is now made a bit shorter and simpler in response to Sen. Mark.

Just for further clarification, the Bill seeks to amend the Legal Profession Act, No. 21 of 1986 to allow Trinidad and Tobago to conform to its treaty obligations under the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CSME. What this Bill means—and I know Sen. Mark asked that question—under the Legal Profession Act, 1986, only qualified citizens of the Commonwealth are admitted to practise as attorneys-at-law in Trinidad and Tobago under section 15, while at section 16, non-Commonwealth citizens are admitted to practise as attorneys-at-law on the basis of reciprocity. These restrictions were found to inhibit the right of establishment and the free movement of services and capital and Trinidad and Tobago's programme for the removal of restrictions contained a total of 21 restrictions, 20 of which were removed; only one remaining which is the amendment to the Legal Profession Act.

Of course, Sen. Mark took this debate in all kinds of different places and, therefore, it is important that at least we correct the record for fear that people may go about with the wrong impression. It might be important for us to revisit the history of how we arrived and where we arrived. Our efforts at regional integration can be traced as far back as Independence with the emergence in 1968 of Carifta. This was followed by the Treaty of Chaguaramas, which subsequently gave birth to Caricom in 1973.

Mr. President, you would know with the onset of globalization in the late 1980s, this treaty proved inadequate and, indeed, an inadequate response to a new world economy of larger markets, intense competition and the free movement of capital. Of course, added to this was the emergence of trading blocs in different parts of the world and the impending development of the FTAA.

I heard Sen. Mark talk about everybody wanting to come here and everybody is now fleeing to Trinidad and Tobago. I remember a time the very Members on that side said that everybody was heading to a different place. So at least we have clarified that point. People are now heading back to Trinidad and Tobago and I commend him for noting that, because that is, indeed, a fact. [*Desk thumping*]

**3.30 p.m.**

It does appear that the shores in Trinidad and Tobago are now greener and I congratulate the People's National Movement for the good work over the years, that would have evoked such a response. The political leader of the party which this Government represents has always indicated to us that integrity is the most important thing in public life.

It would be remiss of this Government to take all the credit because all the credit does not belong to this Government. How many of us know that in 1989, under the administration of the National Alliance for Reconstruction (NAR), Trinidad and Tobago, as part of the Conference of Caribbean Heads of Government, at its Tenth Meeting in Gran Anse, Grenada decided on the creation of the Caricom Single Market and Economy (CSME)? The NAR government first subscribed to it. I wonder if Sen. Mark knows that the CSME was established by the Revised Treaty of Chaguaramas which was signed by Member States on July 05, 2001.

Do you know which government that was, Mr. President? That was the very government when he sat on this side. Of course, the PNM administration, recognizing that it was a great opportunity not just for citizens in Trinidad and Tobago, but all citizens of the region, ratified the treaty on June 27, 2003. What is good about this treaty is that all political organizations have had a part. This is what you call a consensual agreement. Everybody agreed to this treaty. To listen to Sen. Mark say that we are bringing Surinamese here—this is something that they signed—is not just divisive, but it does not speak the whole truth. I thought I needed to make that point.

I thank Sen. Seetahal SC. She handled the argument on the legality of it and that is well placed. I rose to make a few brief points. It is important that as members of the Legislature, we understand the efforts at integration. Incidentally, the CSME is the only union that could truly rival the European Union. That took 50 years. We were able to bring the CSME into fruition under 17 years. Incidentally, Caricom nationals who are those living within the region and subscribe to the treaty ought to feel proud that we have been able to achieve that. They always like to talk about everybody coming to Trinidad. I do not like the idea of discriminating against our fellow Caricom neighbours.

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For those of us who are unaware, maybe I should quote a figure. In 2006, Trinidad and Tobago enjoyed US \$14,118,659,000 out of a total intraregional trade figure of \$17,255,249,000. That is more than 80 per cent of the trade that we enjoyed. Who enjoyed it? Our manufacturers.

**Mr. President:** Minister, I stopped Sen. Mark exactly at that point. We want to talk about the Legal Profession Act. I want you to get your comments to focus directly on this Bill, for me please.

**Sen. The Hon. J. Narace:** Mr. President, thank you very much. I was merely responding to issues which he raised that I understood. I just wanted to put on the record that in permitting the amendment to the Legal Profession Act, we are allowing our obligations under the treaty to be completed, so as to allow us to continue to enjoy some of the benefits as facilitated by that Act.

He also made the point that there would be an influx of people. If we examine the number of skill certificates that was issued as at November 20, 2007, which was 1,545, we would see that the highest number, 469 was issued to citizens of Trinidad and Tobago. In allowing or agreeing to the amendment of the Legal Profession Act, we are facilitating trade; the creation of wealth and our competitiveness. He spoke of our competitiveness. That kind of restriction removal would facilitate it.

I rose to make some brief comments and to indicate to Sen. Mark some of the issues arising under the CSME. I support the amendment to the Legal Profession Act. It will continue to facilitate the movement of people; the creation of wealth for the region and the kind of trade that we continue to enjoy.

Thank you.

**Sen. Mohammed Faisal Rahman:** Mr. President, I believe that this is the Sixth Session of Parliament. One of the very striking features of the Bills that are being brought by this Government so far, is that of a particular genre of compliance legislation. It seems as though in order to become proactive, we must have external forces, organizations and countries impose their will upon us. I am looking forward to the day when some foreign body or nation will make a demand of us to attend to the scourge of crime and the other terrible things which are happening in this country, without proper attention being given.

At this stage, this proposed amendment could be properly withdrawn by the Government after hearing the contribution of Sen. Seetahal SC. The Minister was very careful to say that this discriminatory clause which is being sought to be

removed in accordance with the requirements of the CSME, does not affect the qualification aspect of the practising attorney who is expected to come here. When we realize that we are trying to open the door by removing a discrimination against the French and Dutch legal traditions, we are entering an exercise of futility by pretending to open the door for people who cannot come here to practise law. They have to be virtually re-educated in the system that we have and become qualified by the standards that our law schools have established.

I cannot understand how this cosmetic compliance has any bearing on anything. We are not talking about artisans and equipment operators who whether they speak French, Japanese or German, can come here to operate equipment. We are not talking about labourers as the Chinese labourers whom we have imported to lay bricks and bend rods. We are talking about a profession that requires a tremendous amount of study and qualification along traditions of particular types. British law which we are continuing here is totally different—apart from the common law aspect which the Senator mentioned—in real terms from French law and Dutch law.

Do you know about the expression, “you are talking Dutch”? We are opening the floodgates—I am using the term “floodgates” in a relative sense—for people who have absolutely no idea of our legal system to come here and say that we have invited them or opened the gates for them, but they are not allowed to practise; they have to go to school and start all over again. Surely, this amendment demands qualification—in its terminology that I cannot phrase legally—but to the effect that this particular opening of the door is subject to all the other requirements. It is an entirely futile amendment. It is a cosmetic thing and I do not know whom it is intended to fool.

The Minister advised us that Suriname of all the Member States has not passed this particular amendment as yet. The Surinamese people must have very good reason for realizing that they cannot speak English as we do and they do not understand our law. They are demonstrating a greater sense of caution and reserve than we are, by rushing out to open a gate that would remain locked at a different point. I cannot understand why we are embarking upon the final 21st peg of restrictions when it is meaningless. We are not talking about artisans and workmen but a profession. Have we opened the door for Dutch medical doctors to practise here because they belong to the CSME?

There is a humongous difference between professions and artisanship. We must bear this in mind. This is a matter which should be amended in legalese, so that we can say to our friends on the other side that we understand what they are trying to do. I will call this a “pappy-show” amendment that is meaningless.

Regarding the principle of opening the doors to other territories, as Sen. Seetahal SC pointed out and dilated upon, if we look at different areas of the nation today, we would see the very sorry state of affairs of the legal profession of which I have had personal experience. I have had to take a particular attorney to the Disciplinary Committee. I was disadvantaged tremendously because I could not find a lawyer who was prepared to stand and take my case against him because he was a fellow lawyer. Even though I represented myself and won the case, I was prevented from publicizing the fact that he robbed me because it could not be made public according to the law as it is.

We have a legal profession which needs comprehensive overhaul. If the Law Association has not been active to put forward their proposal to the Government, the Government has a duty, as was pointed out by the Senator, to become interested in its house and put this legal profession in order.

**3.45 p.m.**

It is not surprising, in the circumstances of the prosecution of the former CJ, where we see the Government is unconcerned about the destruction being wrought upon the legal edifice, that it does not matter whether a few scallywag lawyers defraud their clients and the international disrepute of lawyers is sustained in Trinidad and Tobago. We do not seem to have an understanding of what integrity requires. We have a system of professionalism here where people within the profession—and this extends to other professions as well—are very loath to point out or stand and testify against colleagues, even though the deplorable situation that Sen. Seetahal SC outlined takes place regularly. We really need to revisit legislation in this country in a holistic manner. What we are doing here today is a stop-gap measure. I always like to use this example. If you have a tablecloth on a table and you pull a little corner, it will affect the other side. We are paying regard to a detail that pertains to a common market area that is mostly interested in trade.

When the last Minister spoke about the huge proportion of our trade benefit within the community, he underscored the fact that trade is what this is all about; not the practising of attorneys—they cannot practise even with the amendment being proposed. What Caribbean Single Market and Economy (CSME) sought to do was to make a bloc of our neighbouring countries into a vibrant economic bloc so that we can speak with one voice when we go to deal with larger bloc and nations such as the United States of America, because it is well known that when we have to make representation as a little state and 10 of us go as individual states, we do not have a voice. So the CSME was conceived, in my view, to unify

our individual voices into a collective voice. Let us not get distracted from the original intent of the CSME and now try to pull little plugs and shuffle little cards or make little amendments, cosmetically, to simply appear to be conforming.

It does not matter whether the rest of the Caribbean has conformed. The rest of the Caribbean are English-speaking countries, so I can understand they would have gone ahead and done it, but I see serious implications in Suriname having withheld its decision up to now. We must rethink. We must not be stampeded into legislative amendments and legislation and this I find has been the common thread in all of the legislation put before us so far.

In the last one which comes shortly regarding the teaching profession, clearly the Government does not consult with the people whom it affects. This is a matter, as simple as it appears to be, in seeking to open the gate, to conform, they have not considered speaking to the legal profession. Sen. Mark has been able to show what is cloudy, uncertain and cannot be clear in the minds of anybody. Sen. Seetahal SC has shown that we have termites in the legal house. Everything is crumbling and we are sitting here as very wise people seeking to make an amendment that means absolutely nothing.

I do not think I want to go further into the ramifications and have myself charged with irrelevance. I thank you.

**Sen. Prof. Ramesh Deosaran:** Mr. President, I think this amendment is an attempt to satisfy a requirement that is related to the Chaguaramas Treaty, especially with respect to Article 37. There are other things that need to be done with particular reference to practitioners from Suriname and Haiti.

It is my understanding that this amendment was a preliminary necessity to set the stage for other arrangements subsequently. These arrangements, however, are already outlined in other pieces of legislation pertinent to the training and preparation of lawyers. The only gap we witnessed this afternoon perhaps is that the hon. Attorney General did not make it clear that the lawyers from Haiti and Suriname are not able to practise immediately without appropriate training and qualification. That latter point, however, I would concede could be taken care of subsequently or in a local setting with the lawyers themselves, knowing what the requirements are for practising. The point made by the last speaker is appropriate for us to note the limitation in this amendment itself.

This is the first occasion I have had to respond to a Bill brought by the hon. Attorney General and I would like to express my favourable impression of the manner in which she goes about her business of legislation with a precision and a

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diligence I find quite impressive. [*Desk thumping*] Whilst now and again we have certain things to say about the Government as a whole, with one or two other Ministers, whenever we see a good thing, we should feel obliged to take proper note of it. [*Interruption*] I would give her an A in terms of her individual—[*Desk thumping*] I am not sure about the rest. It is a means of encouraging performance, diligence and parliamentary duty.

I myself wish to express sympathy on the passing of a former Attorney General on behalf of the Independent Bench. In my case, I have known Keith Sobion—in fact, I taught his wife, Judith, and so I got to know both of them quite well. With particular reference to him, as so many people have said, his professional humility was remarkable, having so brilliant a mind and such a wide professional background. He assisted me when I was the Executive Director of the Caribbean Institute for Human Rights in the 1980s, by always being present to help us develop our educational programmes for other Caribbean countries. He never refused an invitation to declare one or other of our functions or ceremonies formally opened. For these and other reasons, I express our sadness on the passing of such a distinguished son of the soil of Trinidad and Tobago.

The Attorney General, in her presentation, spoke about the training of lawyers to suit the needs of the Caribbean. She added that though the Bill itself appeared brief, it was quite substantial in its substance. I agree totally with that latter point to the extent to which many of us are asking if for over 30 years we have been training lawyers—some having become quite distinguished, starting with Sir Hugh Wooding as our earlier Chief Justice—in spite of all this training, competence and acknowledged brilliance across Caricom, some of those lawyers come here to practise, why is there this apparent need to have so many lawyers from the United Kingdom tumbling over one another, it would appear, to practise here? Have we not trained our lawyers sufficiently? Do we doubt their qualification and experience? Have we no confidence in lawyers from the Caribbean? In fact, the Law Association itself, in a tongue-in-cheek manner, has made reference to this condition several times. Or is it that the lawyers from the United Kingdom are better looking than the lawyers from the Caribbean especially since there is a shortage of reciprocity? What is the reason? I do not see our lawyers from the Caribbean tumbling over one another to practise in the United Kingdom.

Having listened to four very informative contributions this afternoon, I believe that the Attorney General would be well advised to consider three things arising from this debate so far. These three suggestions fall directly under her jurisdiction



as Attorney General. I think she should do as the Government did with respect to the medical profession and explore the possibility of putting other people, rather than lawyers, on the Council of the Law Association. I also wish to submit that an immediate and urgent revision of the Code of Ethics that accompanies Act No. 21 of 1986, be done, especially after hearing from my colleague Sen. Dana Seetahal SC and from Sen. Mohammed Faisal Rahman.

For the third one, the premise is that if there are lawyers from the Caricom region coming to practise here, we need to be satisfied, as the host country, that they are also subject to our disciplinary procedures and code of ethics as enshrined in the Legal Profession Act, No. 21 of 1986. At the same time, I would like the Attorney General, if she is so disposed, to let us know whether, for the valued contribution and acknowledgement of their competence and, given the CSME with its definition of who is a national and who is a citizen, whether this country, in the case of a lawyer, for example, coming from Jamaica, Barbados, St. Kitts or St. Vincent, would have the prerogative to grant senior counsel to other lawyers from outside Trinidad and Tobago, given the mandate of CSME.

**4.00 p.m.**

The issue of senior counsel, even if it is considered for lawyers from Caricom, I would like to take the opportunity very briefly to urge the Attorney General, with respect, to review that procedure. It has the appearance of contamination. For many years now, it has taken on the appearance of undue political patronage. I do not believe an award that is so distinguished in the legal profession should be left to the vagaries of political whim and fancy.

Too many persons have remained grieved for many years. I do not want to call their names, it might be invidious, but I have a list here. Some of them have been Prime Ministers. It is very awkward—professionally speaking, and especially if we are having lawyers from across the Caribbean coming, we need to have some kind of recognition—to say Silk being awarded without any transparent criteria, and without the procedures intact to attract public confidence in the award of senior counsel, especially when Mr. Sharma was the Chief Justice, he used the expression that it seems that senior counsel is a licence to make money.

So, there is a mercenary aspect to it that needs to be looked at. I would urge the Attorney General, if she wants to leave her mark on a distinguished career, to look at this matter of senior counsel and set up, together with the Law Association and the Chief Justice, a transparent system of awarding senior counsel. This will build the professionalism of the legal profession in this country, and attract the very best lawyers from across the Caribbean.

With respect to the Code of Ethics, I think the Law Association, if it is not totally asleep in this respect of discipline, it is half asleep. I think the Attorney General should use the rod of correction in the right way to get the Law Association, through its council, to be more vigilant and scrupulous in terms of enforcing discipline within the legal profession.

You cannot have a legal profession seeking out all others to discipline them when the profession itself appears to be so undisciplined and unresponsive to public grief and complaint. On another occasion—I do not want to test your patience—I will raise these issues in a more elaborate manner.

It is enough to say that if we want a distinguished local body of professionals in this country, and to attract those from the Caricom area to come and practise here and open companies in the true spirit of Caricom integration, we have to look after our own house in that particular respect.

I, therefore, wish to commend very heartily, the contribution by my colleague, Sen. Seetahal SC, with her references to what is happening in the legal profession. There are scoundrels in the legal profession that should not be there; there are scamps in the legal profession that should be weeded out, and the country would be happy if the Attorney General could make some kind of commitment, even tentatively, as to an intervention properly and decisively in that particular regard. Too many innocent citizens are grieved without knowing where to apply to express their grievances.

So, if lawyers come from the Caribbean, we also want to know whether disciplinary procedures would apply to them and whether we can give them the award, if so distinguished, of senior counsel.

Sen. Seetahal SC said that the public want to know why so many lawyers get away with misdemeanours and criminal acts, but the answer is simple. They are implicitly or indirectly protected by their very profession and their colleagues. That is my answer. It is not a mystery. I think Sen. Seetahal SC was being very charitable to her colleagues in the profession in this regard.

Mr. President, if we want Caribbean integration, as the Attorney General hinted and, more convincingly, the Minister of Health, one of the steps is to integrate the institutions. The legal profession is an institution, and the exchange of lawyers from one Caricom country going to another is an expression of that integration. That is why we have to make sure that our own legal profession has the integrity, as the Minister of Health mentioned, to attract the best that there is across the Caribbean.

Sen. Seetahal SC was right, and I am very happy that she gave us the opportunity, and as a Parliament that passed Act No. 21 of 1986, we cannot just pass these pieces of legislation without retaining an obligation to ensure that the intention of the legislation is properly fulfilled. I refer to the rampant indiscipline that Sen. Seetahal SC mentioned within the legal profession—lawyers are unpunctual, and instigating protracted delays; in one or two cases—I have the record, but I did not bring it with me—making false statements. This is with particular reference to their clients having no criminal record, and when this is checked by the prosecution, their clients have criminal records.

The Law Association should wake up. I am encouraging the Attorney General, with respect, to nudge them in that particular direction.

The questions raised by Sen. Mark with respect to the supply and demand for lawyers, I think that was answered to some extent. I do not believe that professions like engineering, medicine and law—given the critical aspect of their responsibilities, in some cases life and death, the death penalty, the competence to defend an innocent person—I think the standards have to be high and appear to be high.

So, there has to be some screening process. I do not believe by just passing exams here, there and everywhere you should be admitted to practise within this noble profession. You might end up, if you open the doors too widely with, as the calypsonian said, a lot of “invalids and quacks” in the legal profession, knowing that you have enough of those already.

I believe, at this time, we need to rationalize the training of lawyers to know how many really is enough. It is true that former Chief Justice, Mr. Michael De La Bastide, did make mention that we are heading into an over supply of lawyers, given the population in the country.

Having reached the stage of external examinations, and being careful not to deprive ambitious persons from obtaining their goals and entering a profession they wish, I believe logic has to enter the scenario. There should be some kind of rationalization with respect to how many we can take in at every year in the law schools of the Caribbean. That should be pursued.

It is not a matter of barring people from entering a profession. All professions must have regulations such as we have with this legal profession, the medical profession and engineering and so forth. This should be no different.

Mr. President, my final two points are: I am a very passionate advocate of national development through indigenous resources and indigenous talents. I am a

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very passionate advocate, because that is what the PNM promised in 1956 and 1962, by almost every Independence speech made by the late Dr. Eric Williams. That is why we hear buy local and many things as possible to go local.

So, whilst we have to be obliged by the CSME arrangements, I think this intrusion of lawyers from the United Kingdom is a bit too prolific for the legal profession to bear, and some explanation should be given as to why are we encouraging this without any reasonable qualification.

My other point is just a reaffirmation of one I made, and that is we need to let the public know, more clearly, how their complaints against practitioners, attorneys and lawyers can be channelled properly. Where can they get the forms? Where are the hearings being held? In other words, let the legal profession apply a modicum of justice to the grievances held by so many citizens about their matters not being treated properly and fairly, and too expensively, which is another matter I will leave for another time.

Mr. President, thank you very much for the opportunity. [*Desk thumping*]

**Sen. Dr. Carson Charles:** Mr. President, thank you. I would just like to make a brief comment on the matter before us. The matter before us has been cast in a particular way, as a matter having to do with the legal profession. I think that is unfortunate, because it really has to do with Trinidad and Tobago seeking to fulfil its obligations under the Revised Treaty of Chaguaramas, and in this particular case with respect to the legal profession.

We have signed on to make a number of amendments to our laws to give effect to the Revised Treaty, and we will have to deal with every profession as they come one after the other, and make whatever changes are necessary in order to give effect to our treaty obligations.

It seems to me, the real question here is whether we are happy with continuing to meet our treaty obligations; whether we have some particular reason for slowing down; and in some cases whether there are some concerns or cautions we need to be aware of. If there are no such restrictions, then by all means we should proceed to meet our obligations, because as was pointed out by the hon. Minister, this is really a multi-partisan matter. We have been at the Caricom integration movement from all sides for quite some time now. We have been trying to make good on something that went bad so many years ago, even before we were independent.

Today, we are attending to a particular aspect of this matter that went bad, when Trinidad and Tobago was particularly concerned about the flooding of our

shores by nationals of other Caricom countries; not Caricom at the time, but other West Indian nations flooding our shores with skilled and unskilled labour, while we thought we got nothing in return.

This is a very old matter that we are at today, and we are quite happy these days to open our doors, in respect of the movement of skills—skilled workers, of professionals and so on—into Trinidad and Tobago.

**4.15 p.m.**

I take it therefore that if we are so happy about that, it must be because we are doing very well with the quid pro quo, which is the other side. It is always the case that Trinidad and Tobago was particularly concerned that we are doing well on the trade side, if we are to open our doors on the professions and skill side, I would have liked the hon. Attorney General or one of the Members of the Government side to enlighten us in this direction and give us good reason for enthusiasm in supporting this. Save us from having to question the matter and testing the patience of the President every time we have to debate these matters. Save us from that by helping us to share the enthusiasm that we should be going forward full speed in fulfilling our treaty obligations, in implementing all these changes that are necessary, so that when we come to all the other professions we can do it smoothly.

I should add to that, would it not help if we gave some thought to the committee structure that some people, I think, had settled on that path many years ago, where you would have a foreign affairs committee, for example, of the Senate or of the Parliament in general, which would give us an opportunity to continue this kind of work as one, in a bipartisan way, so that we would, in general principles, be supportive of these kinds of changes?

I think we should go right ahead and open our doors as we are opening our doors right now, because, as I said, I am sure that the Government is satisfied—I have no reason to doubt them—with respect to progress on the trade side and that we are doing very well in other areas and we should continue to be close partners with our Caricom friends. I have a few concerns though.

I am sure that the hon. Attorney General would be willing to attend to some of the matters raised with respect to the definition and so on. I have a few other concerns. There is some difficulty in the legal profession, as Sen. Seetahal SC pointed out, with respect to discipline and the state of the profession and so on, but certainly the legal profession should be congratulated for its ability to withstand some of the forces directed at it within recent times. It has demonstrated

its ability to withstand some pressure and that is really good for us, because the legal profession plays an important role in the defence of democracy; in the protection of our rights as a nation. We should do whatever we can to protect the profession and to assist it in fulfilling this important role.

If we are opening our doors in whatever token way—and there is an aspect of tokenism no doubt, because it is really a matter of symbolism and sometimes symbolism is confused with tokenism—it does not matter if one attorney comes through from Suriname or Haiti; I accept that if we make certain accommodations for the Commonwealth, then surely we must make the same accommodations for Caricom. So I accept that and I think therefore it is not a matter of numbers.

I want to add that we ought to take the opportunity to pay attention to the fact that people are going to be coming into our territory, into such an important profession and matters such as discipline should not be left to chance, as well as matters that relate to the incorporation of these people into the legal body in our country, to play the important role that lawyers are required to play in our country. I think that should not be left to chance either, we must ask these questions.

What thought has gone into this aspect of it, if you were to invite or allow Caricom nationals to come and practise here?—and Haiti is not a small place. Then what thought has gone into matters such as the conduct that they are required to display here? What thought has gone into the way in which they are going to integrate into our legal professional community in Trinidad and Tobago, when they have the rights to practise here? We know that in respect of the Commonwealth, there is a long tradition and therefore the integration into the conduct and the way in which we do things and so on has been taken for granted and perhaps can be taken for granted to some extent, especially since we all share the history and the Privy Council is still hanging around, giving guidance along the way that people follow; all of this is there. So that could have been taken for granted, but in respect of the new territories, we should not take it for granted.

We also should pay attention to a small matter of human resource management. This is not something to be left to chance. I know the Government's general political posture is *laissez-faire*; let the market settle it; let everything fix itself. I do not think it can be carried that far, that even in the professions we must let everything fix itself. So we should pay some attention to human resource management. The Government should be paying attention to these matters of how many attorneys are practising, as in every profession, and if you are going to deal with it on a Caricom-wide basis, now you have an obligation to do some kind of

human resource planning or at least human resource management that goes beyond our own territory. Therefore, we would like to hear something about that as well. What kind of human resource management in respect of the legal profession and any other profession is taking place—I do not know—at the level of Caricom?

Again, as I said, we do not have to constantly question the same thing over and over and your motives every time you come to make an amendment to a law to facilitate the implementation of the treaty. We would like to be advised, guided, educated, informed on what is taking place with respect to the management of these aspects, and the treaty provides for that. It provides for a certain amount of monitoring and management. It provides for many other things that we do not hear much about in respect of direct intervention; not just for leaving things on their own.

I would also like to encourage the Government to pay some attention to the way in which the ordinary man views the legal profession and views lawyers. Take the opportunity that we have here, where we are now going to look at Caricom in the same way that we look at the Commonwealth. Let it be a stepping stone if you like, because we have to deal with another important matter, which is coming in bits and pieces along the way and it has to do with the whole Privy Council and the Caribbean Court and so on; I know that is coming. All of these things are bits and pieces in the puzzle.

You want to change the way in which the ordinary man views the profession and views Caricom in the context of the profession. And people must begin to get some kind of confidence that we can really replace Commonwealth thinking with Caribbean or Caricom thinking—so to speak; to use really loose terms—because there are no precise terms that apply to it. It is a way of thinking; you are trying to deal with the minds of people and building confidence in our citizens here, that the kind of protection that people expect to get by being part of the Commonwealth in terms of the legal profession now, that one day they can expect to have this kind of protection in the Caricom setting.

It has to come; it is bound to come some day and it requires preparation before we get there. So here you have an opportunity by opening the doors for Caricom nationals to practise and by treating Caricom now on the same level that you treat the Commonwealth; to educate the public and to begin to change the mindset. It is not a superficial thing, it goes beyond just the mindset of the ordinary man and woman in the street, to even those who are practising in the profession themselves, the lawyers, as well as people in all walks of life who really want to feel a certain level of comfort. And it would take us a while before we feel that

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level of comfort, that with this replacement you have passed the tipping point and you get to the stage where you can really see Caricom as the mother body as opposed to the Commonwealth as the mother body. I think it is implicit in the whole Caribbean integration movement, that small countries like Trinidad and Tobago and all the other Caricom countries, each feel the desire, the need to have this mother body outside to protect certain interests and nowhere could this be more important than in the legal profession. In no other sphere, I think, could it even match the legal profession, in terms of the importance of this desire that we have to view Caricom in the future as the mother body.

These are the points I wanted to raise for the attention of the Government. As I said, please do give some consideration to the matter of foreign affairs cooperation, if you like, on a bipartisan basis so that we do not have to keep on questioning all these things and taking the debate in all kinds of different directions and so on. I am sure you understand the point “without my testing the President either”. Do give some consideration to the broader matters with respect to some proactive work of the Government, some planning, human resource management, management of disciplinary issues and of the integration of the Caricom nationals into the local professional community, given the importance which the legal profession plays and must continue to play in preserving our way of life and in protecting the democracy in our country.

Thank you.

**Mr. President:** Senators, I think we should suspend now for the tea break and we would come back at 5.00 p.m. This session is now suspended until 5.00 p.m.

**4.27 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the Senate do now adjourn to Tuesday, February 26, 2008 at 1.30 p.m., that being Private Members' Day.

**Mr. President:** I think we have some matters for the Motion on the Adjournment; Sen. Mark.

#### Orange Grove Estate (Sale of)

**Sen. Wade Mark:** Mr. President, the first Motion deals with the acquisition or the transfer of lands to a particular business entity in Trinidad and Tobago and



Pernod Ricard—I think it is French—I understand it is the fourth largest wine group in the world. It was in March 2007 this particular giant, multinational corporation sold its interest to Blue Waters Products Limited, owned by one Mr. Dominic Hadeed; some 450 acres prime agricultural lands located at Orange Grove were transferred to this entity. It was a virtual secret deal involving millions of dollars which was executed without knowledge or any form of transparency on their part to the population.

Mr. President, information has reached me or the party that the new owners intend to construct a soft drink factory on the premises or on the land. Some 50 acres of prime agricultural land have been allocated to construct this soft drink factory by Mr. Dominic Hadeed, owner of Blue Waters Products Limited. As we speak there are over 50 — 100 containers on spot to effect the equipping process.

We would like to ask the hon. Minister of Agriculture, Land and Marine Resources, who authorized this transaction in the first place? Was it the Prime Minister? Was it the Executive Chairman of the Estate Management Business Development Corporation (EMBDC) or were the former Ministers in the Ministry of Finance involved? Who? Let us know. This deal, we understand is very critical because in its wake millions of dollars were passed as political donation to the PNM and we want to get answers today.

Mr. President, would you believe that this transaction was conducted sometime in March 2007 and the first time that the population got wind of it was in a *Sunday Guardian* article on page 5 of November 25, some nine months later? The Minister of Agriculture, Land and Marine Resources will need to tell this Parliament what were the exact terms and conditions of the lease agreement entered into between the Government of Trinidad and Tobago and Pernod Ricard? We would like to know whether there has been a change in land-use policy involving this particular property, having regard to the fact that this is prime agricultural land.

Mr. President, when this transaction took place we were told in this article that the 450 acres of land were leased by the Ministry of Agriculture, Land and Marine Resources, and they were leased at a rate of \$200 an acre per year. We would like to know whether the Government is aware of this particular transaction that has taken place? If they are aware of this transaction, who in the Government authorized it, and we would like to know how a foreign company in possession of 450 acres of prime agricultural land could simply transfer those lands to a local company in our country? There must be some explanation. I searched the website for information, I could not find information, and I think the Government of

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Trinidad and Tobago owes the country an explanation for this development. The farmers are worried.

Therefore when it first broke the headline on November 25, *Sunday Guardian* read: "Explain Blue Waters' buyout of Pernod Ricard". That is the first article that appeared, and that is what I am asking, Mr. President, today. There was another article, "Government failing farmers" *Sunday Guardian*, February 10, where in this article questions were being asked again. The writer Mr. Peter Balroop called for an explanation of how French conglomerate Pernod Ricard could hand over 450 acres of state lands leased from the Orange Grove estate to the Blue Waters Products Limited firm headed by businessman Dominic Hadeed. They went on to indicate in this article that this particular multinational corporation may have gotten through this transaction with the involvement of the EMBDC Executive Director Mr. Uthara Rao, the Indian born national who is a personal friend of Prime Minister Patrick Manning. I am not saying so, this is in the article."

Another article in the *Sunday Guardian* of February 17, states and I quote:

"Factory for Orange Grove lands."

And I want to quote certain sections of this article. It is stated here that:

"The EMBDC, which is in charge of thousands of acres of state lands, would have handled the transfer of the lease of the 450 acres of land from Pernod Ricard to Blue Waters."

It went on to say:

"...the lease"—was granted—"in the mid-1990s"—by—"the Land Administration Unit of the Ministry of Agriculture."

Mr. President, it further stated when Mr. Hadeed was contacted in December he indicated to the country that:

"...several agricultural projects"—are on stream—"including a fish farm"—he said these things—"were being explored."

Today we understand there is a construction firm by the name of Loan Star Construction Company laying the foundation on 450 acres of prime agricultural lands. They first allocated 50 acres to put up a "sweet" drink factory on prime agricultural lands when we have a crisis in food in our nation.

Mr. President, it was confirmed by the said company, Loan Star Construction Company that a factory is being constructed on the land, and when I enquired further I was informed that it is a soft drink factory that Mr. Dominic Hadeed

plans to construct on 50 acres of prime agricultural land. We are wondering here in the Opposition whether the Government's land-use policy for the Orange Grove estate has changed. That is all we are asking. We want to know from the hon. Minister of Agriculture, Land and Marine Resources whether permission was received from the Town and Country Planning Division and the Environmental Management Authority to conduct improvement works on the 450 acres of land?

Mr. President, it is being speculated that condominiums—they are going to use at the end of the day when things quiet down in this land to build possibly houses, condominium style on 450 acres of prime agricultural lands. So, I have come here today in defence of the people. The people would like to know what the Government is doing as it relates to those lands. What were the kickback and deals involved in this transaction? Why has this transaction remained so secret? If I did not go on the website and search for Pernod Ricard I would not have seen in their financial audited accounts for 2006/2007 that in March 2007 they disposed of their interests to Blue Waters Products Limited. I could not get that information in my own country. I will have to go to the French ambassador to get more information on the value of this transaction, because this company is publicly traded on the public stock exchange in France.

So if this Government does not want to give this country the truth we will go to the French and get it out of them and expose the Government. Why are they keeping this a secret, Sir? Why do I have to go on a French website to find out business of my country? Why is the Government doing that to us? All we want the hon. Minister to do, “do not give us no kind of “ol’ talk” and cover-up this evening”. Come with the truth. Tell this Parliament and this country what are the consequences; what are the terms and conditions. And I ask, Mr. President, through you, could he make available a copy of the lease agreement that was entered into between the Government and Pernod Ricard? If he can give us that copy we will be able to know what the terms and conditions of the lease entail and therefore we will be able to understand that the Government is on a strong footing insofar as this transaction is concerned.

So all I am asking the hon. Minister to do is to level with us, tell us the truth, let us know what has happened, if he is aware of what is taking place, because this matter will not be kept down. We will not facilitate any cover-up. We will be on the trail of the Government until this whole transaction is totally exposed and the population of this country knows all the details of this transaction. Tell the country the truth. Let us know what is at stake; let us know what has happened.

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So, Mr. President, through you I urge the Minister, do not come here to cover up. I want answers; the people want answers; the farmers want answers and the citizens of this republic, they want answers on this transaction. It is smelly—I am wondering exactly what is taking place but I do not want to come to any hasty conclusions as yet. I would like the Minister to inform us, and Mr. President, once that is done, we will take it from there.

I thank you very much.

**5.15 p.m.**

**The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott):** Thank you very much, Mr. President. In terms of this matter, I am yet to understand or, perhaps, the hon. Senator may have derived some extra energy from the meal that was served a short while ago in the tea room because he seems to be very energized on the matter at hand. He talked about cover-up and I want to dispel that immediately. There will be no cover-up in any matter that this Government deals with, and in particular, any matter that this Minister of Agriculture, Land and Marine Resources would deal with because this Minister does not deal with speculation, he deals with facts. He is not about to talk about kickbacks that the hon. Senator is imputing in transactions of irregularity that he perceives to be taking place.

It is unfortunate that the hon. Senator seeks to align with irregularities and kickbacks the party which is in Government. It is unfortunate that the hon. Senator seeks to impute some issues around the hon. Prime Minister, that very honourable gentleman who serves as Prime Minister of the Republic of Trinidad and Tobago. [*Desk thumping*] This Government does not deal in the question of speculation; it does not deal with emotions; it deals with the issues before it. And to the extent that the hon. Senator referred to a transaction involving Blue Waters and Pernod Ricard, I wish to tell this honourable Senate, that in order to respond adequately to the substantive Motion raised by the Senator, that is the status of the lease arrangement involving Pernod Ricard and Blue Waters Limited with respect to 450 acres of land belonging to the Ministry of Agriculture, Land and Marine Resources, it is necessary to give a brief background on the title of the land in question.

Mr. President, if you will permit me, the land on which the Pernod Ricard Company which is called PR Trinidad Limited stands, is located within the Orange Grove Estate. This entire estate which was owned by the Orange Grove National Company Limited comprises of 1,282.1073 hectares. The title to this

land fell under the Real Property Ordinance prior to the proclamation of Act 25 of 2005. Act 25 of 2005 is: “An Act to provide for the vesting of the operational undertakings of Caroni (1975) Limited in another company and the vesting of the real estate undertakings of Caroni (1975) Limited and Orange Grove National Company Limited in the Republic of Trinidad and Tobago to provide for the development and management of certain real estate undertakings”, as indicated in the schedule to the Act. Upon coming into effect of this Act, the Orange Grove Estate became vested in the State and it is shown in the diagram attached to the Crown Grant registered in volume 1998, folio 252.

Mr. President, the memorandum of the lease registered on August 28, 1996 between Orange Grove National Company Limited and the company PR Trinidad Limited, gives the tenant title to 182 hectares within the Orange Grove Estate. A copy of the memorandum of lease is on the public record.

Investigations conducted into the records of the Ministry of Agriculture, Land and Marine Resources and the public registry of the Registrar General's Department have revealed that there is no formal evidence in support of a transaction between Pernod Ricard and Blue Waters Limited. Further, no application has been received to date by the Commissioner of State Lands regarding a request for consent to transfer lands at Orange Grove from Pernod Ricard to Blue Waters Limited. The certificate of title still records PR Trinidad Limited as the leasehold tenant. We have been doing our investigations ourselves, the record shows that the land remains vested in PR Trinidad Limited.

In order to ascertain whether there were any changed circumstances with regard to the lease arrangements between PR Trinidad Limited and the State which may have escaped noting by the Ministry, the Commissioner of State Lands wrote to Pernod Ricard to get an update of what is happening at that site. We are awaiting formal response from Pernod Ricard, though we have had some preliminary discussions with them through the Commissioner of State Lands. Therefore, as far as the Ministry is aware, as at today, there is no lease arrangement between the State, i.e. the Republic of Trinidad and Tobago and Blue Waters Limited. The State remains the lessor to Pernod Ricard. The records indicate that PR Trinidad Limited therefore remains the sole tenant and lessee of the lands at the Orange Grove Estate.

I wish to advise this honourable Senate and the wider national population, that the original lease agreement stipulates that PR Trinidad Limited, the tenant of those lands is not permitted to assign license to the user of, or otherwise underlet or part with possession of, or dispose of the whole or any part of the property or

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any building thereon without the previous consent of the State who is the landlord. The State is usually represented or by statute represented by the Commissioner of State Lands. As of today, no request of such consent had been sought by PR Trinidad Limited, nor was any such consent granted by the State, and therefore, no valid lease arrangement involving Pernod Ricard and Blue Waters Limited can exist in the circumstances.

Mr. President, within the lease agreement, there are three exceptions and they are:

- an absolute assignment of the whole of the property to a company which as a result of the voluntary winding up of the tenant for the purpose of reconstruction or amalgamation, succeeds to the business of the tenant or a substantial part thereof;
- an assignment of the whole of the property by way of bona fide mortgage;
- an undertaking or parting with possession not amounting to an assignment, to a subsidiary of the tenant, if at the time of any such assignment underletting or parting with possession, no rent due hereunder shall be in arrears nor shall there be any existing breach of any covenant herein contained and on the part of the tenant to be observed and performed, and that the tenant shall duly give to the landlord written notice of the assignment, underletting or parting with possession within 30 days of making such.

Mr. President, before going at the three exceptions which may permit Pernod Ricard, PR Limited to make any assignment hereunder, the State has not been able to determine whether PR Trinidad Limited and/or Blue Waters Limited satisfy any of those exceptions. But in the event, the landlord must be given written notice of any such arrangement within 30 days of any such transaction. If a lease arrangement was made between the two parties within the last 30 days, the tenant is not obligated to inform the landlord of that arrangement until 30 days thereafter. I am talking about formal arrangement.

Mr. President, there are those holding public office opposite or in another place, who have been seeking to mislead the population with a notion and I quote:

"...a scant regard and manner in which agriculture has been treated by this Government."

And the hon. Senator has again made comments along those lines talking about where farmers are concerned.

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This information about the treatment of agriculture is grossly inaccurate; nothing could be further from the truth. It is under this Government led by the People's National Movement that the Vision 2020 for agriculture was developed. This vision reflects that the agricultural sector in Trinidad and Tobago by the year 2020 will be competitive and will sustain competitiveness by being resilient, adaptive and market-driven.

The view that the Government of the Republic of Trinidad and Tobago favours commerce or commercial endeavours at the expense of agriculture and farming is wholly misleading and mischievous in intent. The Government of the Republic of Trinidad and Tobago has clearly articulated a policy of diversifying the economy with a mix of industry types which includes agriculture, agri-processing and agribusiness.

Additionally, the Government has not only talked the talk, but also walked the talk when it comes to the agricultural sector. It has demonstrated its commitment to the development of the farming community by providing financial resources under the Public Sector Investment Programme over the last five years.

Permit me, Mr. President, to read into the records the Government's allocation to agriculture under the PSIP for the years 2003—2008:

2003—\$26.6 million;

2004—\$42.9 million;

2005—\$84.1 million;

2006—\$100 million;

2007—\$193.6 million;

2008—\$205.2 million.

That is concern for the agricultural sector and the farmers in this country. [*Desk thumping*]

Additionally, \$75 million allocation to the Agricultural Development Bank to lend to farmers to develop their farms and to progress agricultural production in Trinidad and Tobago. The Government has earmarked the agricultural sector for intensive focus in its economic diversification initiative during 2008. The principal policy objectives—the hon. Sen. Wade Mark talks about policy—of the Government of the Republic of Trinidad and Tobago in terms of the agricultural thrust are to enhance the national food and nutrition security status and reduce the food import bill.

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Mr. President, this policy speaks to facilitating increased food production; food safety; enhancing healthy food production standards; contributing to the reduction of the food import bill; and impacting on the high food prices with its consequential impact on lowering the retail price index. That is part of what the Ministry of Agriculture, Land and Marine Resources is seeking to do.

The potential areas targeted for private sector investment in agriculture, include the National Agribusiness Development Programme which aims to develop an agri-sector in the country. We have the proposals to establish seven large farms. We have commodity development under the NADP and this is to produce commodities such as hot peppers, pawpaw, sweet potato, cassava, pumpkin, rabbit, dwarf pommerac, green coconut and medicinal herbs. Private sector investments are being encouraged in the production of these commodities and in the establishment of multi-purpose processes. We have aquaculture as well.

Mr. President, on the whole issue of agriculture, it has been advanced that in an attempt to spite the farmers in Trinidad and Tobago—that has been proffered by some on the other side of this Senate—that the Government is in fact spiting and starving the nation as a whole. If within recent times there has been a statement by a Member of Parliament that is frivolous and vexatious, this statement attributed to the Member or a Member in another House, on the other side, is far from being noble and honest, and it is indeed vexatious to the bone.

The Government, in its quest to involve households as well as food production through the Ministry of Agriculture, Land and Marine Resources, has undertaken a number of initiatives aimed at making food more available to households.

As I seek to conclude my contribution on this matter, I would refer the hon. Senator to a statement which I made in this Senate on January 22, with respect to commercial transactions. I want to let the hon. Member know that commercial transactions within the commercial domain are for commerce—not the State. The matter for the State is to regulate the use of land in Trinidad and Tobago, and this Government stands prepared and ready to regulate the use of lands in Trinidad and Tobago by virtue of the conditions under which State leases are granted and we shall so abide.

I thank you, Mr. President. [*Desk thumping*]



**5.30 p.m.**

**Citizen Security Programme  
(Details of)**

**Sen. Wade Mark:** Mr. President, unknown to this Parliament, the Minister of National Security entered into an agreement with the Inter-American Development Bank (IADB) for what only became known to the citizens a few weeks ago when there was a debate on crime in another place. There was also some element of it in a recent newspaper concerning what has been titled a "Citizen Security Programme". I was not aware of this programme as a Member of Parliament (MP). I ought to have been aware, because the Government is compelled by law, based on agreement here, that once it enters into any arrangement with international financial institutions it must table those loan agreements in the Parliament. They failed to do that, Sir. I had to go on the website to download this particular matter.

The Government of Trinidad and Tobago secretly entered into this arrangement. We were able to get it from the website, obviously, and, as a result, we understood that the objective or the overall goal of this Citizen Security Programme was to reduce levels of crime and violence in Trinidad and Tobago by strengthening efforts to prevent, counteract and control factors associated with criminal acts and violence, with special attention to at-risk youths throughout the country.

According to an IADB website bulletin, it was stated that the Government was pursuing a programme valued at over TT \$200 million, with almost US \$21 million coming from the IADB and about \$9 million coming from the Trinidad and Tobago Government, giving us a grand total of US \$30 million in all.

We understand that this agreement was signed sometime in 2006/2007. Since this document was signed off, the Government has, in fact, established a team of people to effect the components of this programme. The Government has targeted, in accordance with the programme, some 19 communities. Let me share with you the communities that have been targeted for citizen security responses by the Government: Beetham Gardens; Cocorite; Covigne Road; Bellevue; Embacadere; Enterprise; Farm Road; Gonzales; La Romaine; Mon Repos, Morvant; Mt D'Or; Never Dirty; Northeastern Settlement; Patna; River Estate; Pinto Road; Quashie Trace; Samaroo Village; St. Barbs, et cetera. I would like the hon. Minister to tell this Parliament what were the criteria used in selecting these communities in terms of providing them with security or the action that was supposed to be effected by this particular initiative on the part of the Government.

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Mr. President, I have seen some of the objectives and components of this particular programme. I ask the Minister to tell this Parliament, given what I have seen in the document which was sent to me through the post, [*Laughter*] about component one: institutional strengthening of the Ministry of National Security. There were certain activities that the Ministry had to execute under this programme. The programme was started under Crime & Justice Data Information Systems in October of 2006. It was supposed to end in April 2007. There was a budget of US \$50,000 attached to that programme.

Another programme Crime & Justice Data Information Systems was supposed to begin in March 2007 and end in December 2007, US \$30,000. It goes down to Strategic Planning & Training, January 2007; that was supposed to be completed in June 2007. It goes down to Police Complaint System, CSP Website. All these activities have specific time lines and time frames. I would like the hon. Minister to tell us where we are with the implementation of all these outputs and activities.

We have borrowed some \$200 million to effect a programme that was supposed to provide comfort; it was supposed to reduce the levels of crime and violence by strengthening efforts to prevent, counteract and control factors associated with criminal acts. It was supposed to contribute toward building a more stable and peaceful society in the long run. What have we seen in return? An escalation of violence in the society. After entering into an agreement involving \$200 million and targeting 19 communities in this country, crime is out of control in those very communities that were spoken about in the document.

Do you know what the reason is for it? The PNM hacks in charge of the programmes; you put square pegs in round holes. Mr. President, if you see the kind of salaries that these persons were getting. Hear the initials: GSS, "dat sounding like a Gestapo," but that GSS is a man. He was getting \$37,800 a month. Then a "next" fellow called EW was getting \$34,650 per month, and that did not include transport as yet. Then you have RP; that is a "rip" person, he was getting \$25,200 a month. "Den I hear it have a girl called DB"; I do not know if that is the Executive Chairman of SWMCOL and CEPEP's daughter, a "fella" called Ray Braithwaite. "I hear dat DB is his daughter", \$24,200; RB, \$25,200; MB, \$9,450; a grand total of \$157,500 a month. These six persons were supposed to be running a programme to deal with citizen security; one is an engineer; the other is an educator. These persons whom they have employed in the Ministry of National Security to carry this programme were not equipped do deal with this programme.

You borrowed money from the IADB, \$200 million in all, given counterpart funding, and after two years, 2006, 2007, and now 2008, where is the evidence

that this programme is delivering any results? Look at the communities they targeted; they were the communities they locked down recently: Beetham Estate; Cocorite; Enterprise; Embacadere; Farm Road; Gonzales; Never Dirty. Where are the results of this initiative involving \$200 million?

I call on the Minister of National Security, because we understand that there was an interministerial committee that was supposed to monitor this programme, comprising some characters. I do not want to call their names, but the Minister must let us know. What is the success rate of this so-called Citizen Security Programme? Where has it worked? What was the basis for selecting these communities? Were these jobs advertised or were the people handpicked by the Minister of National Security or his agent? I understand he is some Richardson Franklin; they say that he is the Special Technical Advisor to the Minister of National Security and that is the Minister's right-hand man.

I want to know, on behalf of the people. Were these jobs advertised and could the Minister tell us when and where? Who are the crime experts on this team that the Minister of National Security has available to him? How effective is the report of this so-called interministerial committee? It appears to me that the Government is basically casting novices in the role of expertise. You have children, virtually, running a programme that is very, very serious in nature. Therefore, I would like the hon. Minister of National Security to tell us about it, because in his contribution in another place he made passing reference to it, and as if anticipating this debate, he issued a release some three days ago. That was the first time the citizens of this country learned about this so-called Citizen Security Programme.

It was supposed to contribute to a reduction in crime and violence by supporting a pilot stage, addressing the most critical risk factors like firearms, unsafe neighbourhoods and violent personal behaviour. That was the reason they targeted those communities. But that did not prevent Sheldon Des Vignes from being murdered in Laventille. That did not prevent Woman Police Constable Sutherland from being butchered and savagely executed right there in Morvant. Where is this programme? What is the effect of this programme?

The Government seems to be just spending money without any kind of measurable results. Here we are going into a programme with the IADB, with the need to achieve reduction in the levels of insecurity and victimization, and yet still where are we at the end of the day?

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I have raised this issue because, again, citizens have approached me on this matter. They want to get some answers from the Government. They want to get from this Minister of National Security what have been the end results so far of this programme. We do not want "ol' talk". We want you to tell the country the truth. Let us know how this programme is operating and what the effect of this programme is, because from my information so far, this programme has been a total failure. It has been an absolute disaster.

Moneys are being spent on this particular programme. He has square pegs in round holes. He has employed persons; he has handpicked them, PNM supporters, and they do not have the experience to manage and execute the programme in question. I am calling on the Minister of National Security. Did you see what happened in Guyana? They say when your neighbour's house is on fire, begin to wet yours. You see what happens when you shake hands with criminals and you have meetings in palaces with criminals?

So Minister of National Security, let us save our country from what has happened in Guyana. Stop pussyfooting with the people's security in this country. Stop wasting the money and you are getting no results, there are no measurable targets or results at the end of the day and citizens are living in fear. If this security programme was designed to provide persons with some sense of security, it has failed because we have the evidence over the last few months and years in this country that national security has collapsed.

**5.45 p.m.**

I want the Minister to tell this country through you, Mr. President, and the Parliament, what has been the efficacy of this programme; how has he been able to measure the results and how people have been able to respond to the implementation of the various measures that are contained in the document that was supposed to be effected.

So I call on the Minister of National Security to provide this Parliament with an update on the Citizen Security Programme and let us see to what extent the people of those communities can, from today, feel some sense of comfort that this programme is not a bogus one, that it is really meaningful and the Government is serious about providing some degree of comfort and security for the citizens of those 19 communities that I have outlined.

Thank you very much, Mr. President.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. President, let me deal with the first part of Sen. Mark's contribution. He asked for information with respect to the Citizen Security Programme and it is the first time that he has heard about it, and that the Government is into some secret arrangement, et cetera. Mr. President, let me set the record straight as it relates to the IADB Citizen Security Programme.

In December 2003, the then Minister of State in the Ministry of National Security attended a conference hosted by the Inter-American Development Bank on the topic "Violence Prevention at Local Level" in Washington DC. He was introduced to information on the Citizen Security Programme in Jamaica. By May 2004, the Minister of National Security via the Ministry of Planning and Development communicated to the IADB that such a programme could benefit Trinidad and Tobago; consequently, in August 2005 a draft project profile was prepared and submitted to the Government of Trinidad and Tobago and in November 2005 a project consultant was hired by the IADB to expedite implementation of the programme.

In December 2005, the Citizen Security Programme (CSP) steering committee comprising stakeholders from government ministries, agencies and civil society held its inaugural meeting. It was determined that a study group to observe the Jamaica programme would be beneficial, this was undertaken in February 2006.

With respect to the development of the programme, Cabinet agreed initially, that an approach be made to the IADB by the Ministry of Planning and Development for funding in the sum of US \$750,000 or TT \$4.7 million under the project preparation and executing facility. These funds were to be used to design the programme and would form part of the total loan package approved by the IADB. The total funding of the programme was as follows: IADB loan, US \$14 million or TT \$82.2 million; counterpart funds, US \$6 million, TT \$37.8 million; source of funds, single currency USD; window amortization period, 20 years; grace, 4 years; disbursement, 4.5 years; rate of interest, 5.61 per cent; commitment fee, 0.25 per cent of undisbursed balance.

Subsequent to the designs and studies undertaken by the programme during the preparatory phase however, it was decided that additional measures and programmes were needed to fully address the challenges identified in the targeted communities and Cabinet recently granted approval for the following revised cost: IADB loan, US \$24.5 million or TT \$154.3 million; counterpart funding, US \$10.5 million or TT \$66.15 million; same source, single currency USD; window amortization, 20 years; grace, 6 years; disbursement, 6.5 years; rate of interest, the

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same 5.6 per cent; commitment fee, 0.25 per cent of undisbursed balance. Mr. President, the loan proposal document has been approved and negotiations are at the final stages.

Sen. Mark talked about \$200-plus million which we are using and he wants to see the results of it. It is anticipated that full approval of the loan will be granted when the IADB board convenes in mid-March. It should be noted, however, that in light of the fact that these funds are required to implement the core components of the programme, the CSP will begin full implementation of its initiatives in April of 2008.

Mr. President, in selecting the IADB, consideration was given to the fact that the IADB is the oldest and largest bank in the world and the main source of multilateral financing for economic, social and institutional development in Latin America and the Caribbean. The IADB provides loans and grants in an effort to finance development projects and support strategies to reduce poverty, expand growth, increase trade and investment, promote regional integration and foster private sector development and modernization of the states.

The IADB has financed projects similar to the CSP in Colombia. Sen. Mark wants to know where these programmes have been implemented: Colombia, Guatemala, El Salvador and Jamaica. These programmes have been succeeding in building social cohesion, enhancing data collection and analysis, and reducing the levels of crime and violence in the targeted communities.

Mr. President, in 2005 the Government of Trinidad and Tobago embarked on the Citizen Security Programme. The overall goal of the CSP is to reduce the levels of crime and violence in Trinidad and Tobago by:

1. Strengthening efforts to prevent, counteract and control factors associated with criminal acts and violence with special attention to at-risk youths throughout the society, as well as strengthening crime management capabilities and developing community interventions.

Mr. President, when Cabinet agreed to accept the aide-memoire relating to the introduction of the CSP, it was noted that the programme will entail four components, these will be implemented via the establishment of a Project Preparation and Implementation Unit in the Ministry of National Security which is the executing agency for this programme.

Following design and preparation activities and in consultation with the IADB, the number of components was reduced to three, and before I get to that, I want to indicate that all the persons employed in the programme must have the approval

also of the IADB. So when the Senator talks of square pegs in round holes, and we are hiring PNM hacks, and all those things, Mr. President, nothing could be further from the truth.

Component 1: Coordination and implementation of community-based prevention and restorative strategies. This component will finance technical assistance and equipment in the following areas:

- (a) Mobilization of communities. Experts will be contracted to assist in the development and implementation of strategies for engaging the community, conducting assessments, intervention development and monitoring project performance and evaluation.
- (b) Community violence prevention services. This will finance a menu of specified crime and violence prevention and capacity building activities that address priority local issues identified in the needs assessment. Experts will be contracted to develop evidence-based interventions to address youth violence, delinquency and anti-social behaviour, child abuse and neglect, domestic violence such as parenting, dating violence prevention, conflict resolution and gender interventions in settings such as schools and communities.

Situational crime prevention such as the creation of safe community spaces, improving lighting et cetera, local policing and service provision improvements involving varied sectors such as health, education, human services and local government, private sector and police to be able to implement state-of-the-art youth and community work precepts such as youth-friendly spaces and media and public education programmes.

Capacity development at the local level will be supported through the training of local residents to become Community Peace Promoters (CPPs). These CPPs will provide the human resource necessary to help develop and implement the larger interventions together with Government and NGO partners.

- (c) Strengthening community-based multi-service centres. In selected communities, new facilities will be required to house materials and serve as a meeting place and coordination site for community and other participants. Community residents hired on stipend basis will start these centres. Loan resources will also finance acquisition of computer equipment and a crime and violence prevention library.

Component 2: Support for the Trinidad and Tobago Police Service.

- (a) This component would finance activities to increase public confidence and enhance the quality of police interaction with the public, complementing the ongoing transformation efforts of the service in the following areas: rehabilitation of police stations; this component will finance provision of improved service to citizens by ensuring the existence of reception areas, rape crisis rooms, interview and identification rooms, all aimed at protecting persons' identities and taking confidential reports.
- (b) Computer equipment and basic IT training to improve the processing of reports in the rehabilitative stations.
- (c) Establishment of victim support unit. This component will include specialized training in counselling support, crisis negotiation and grief counselling.
- (d) Counselling support for officers. This component will finance additional services in the areas of psychological and emotional well-being to reduce work related stress and improve police relations.

Component 3: Institutional strengthening of the Ministry of National Security. This component aims at strengthening the capacity of the ministry to formulate policies by improving its long-term ability to coordinate and execute projects related to violence prevention and crime management and improving the ability of the ministry to monitor trends in crime and violence, facilitate information exchange, plan strategically and formulate appropriate policy and programme responses.



Mr. President, the Ministry of National Security is taking an evidence-based approach to developing the CSP using specific quantitative and qualitative research in tandem with local and international best practices. These best practices are being tailored to address specific local community needs using a multi-sectoral approach to implementation.

Given this methodological approach, a significant amount of time has been spent on conducting surveys and undertaking other data gathering activities, while at the same time developing relationships with stakeholders from many strata within the social development sector.

The aim of the CSP is to provide a long-term, pro-social solution to reducing crime and violence rather than simply attempting to provide a quick fix. For the information of my senatorial colleagues and Sen. Mark, in particular, I will now provide a brief overview of the activities of the CSP since its approval by Cabinet in 2005.

Mr. President, in 2005 a consultant was hired to expedite the initiation of the programme in keeping with the first component of the CSP. A project steering committee was also established this month to monitor and oversee the project implementation of the programme. This committee held its inaugural meeting in December 2005 and comprised representatives from the Ministry of National Security, Chairperson; the Inter-American Development Bank; Ministry of Education; Ministry of Health; Ministry of Social Development; Ministry of Community Development, Culture and Gender Affairs; Tobago House of Assembly; representatives from SERVOL and representatives from the Media Association.

Mr. President, Sen. Mark mentioned the 19 communities, in fact, 22 communities were identified and they will be partner communities. They were based on the statistics made available to determine the 22 communities in the first instance.

In addition, in January 2007 a consultant was contracted to conduct a Crime Victimization and Perception Survey in 3,300 households within these partner communities to complement existing police data on crime and violence. Let me correct the misimpression Sen. Mark is giving. So far, only \$4 million has been allocated for this project. The project is yet to be completed and signed and, as a result, the full implementation of the project has not, in fact, taken place. So for Sen. Mark to say the Government secretly signed agreements, et cetera, with the

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IADB, nothing could be further from the truth, and in the interest of transparency and openness we will continue to keep this honourable House updated with the development of this project

I thank you, Mr. President. [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.01 p.m.*