

*Felicitations**Monday, 13th December, 1965**Civil Service Bill***SENATE***Monday, 13th December, 1965*

The Senate met at 1.55 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**FELICITATIONS**

Mr. President: Hon. Senators, I have the following communication from His Excellency the Governor-General which I shall read. It is addressed to the hon. the President of the Senate :

“Sir,

On behalf of my wife and myself, I should like to wish you and the hon. Members of the Senate, a very happy Christmas and a peaceful and prosperous New Year.

I have the honour to be

Sir,

Your Obedient Servant,

(Sgd.) SOLOMON HOCHOY

*Governor-General***BILL BROUGHT FROM THE HOUSE****Civil Service Bill**

Bill to make provision for the establishment and the classification of the Civil Service, for the establishment of a Personnel Department, for the establishment of procedures for negotiation and consultation between the Government and members

of the Civil Service for the settlement of disputes, and for other matters concerning the relationship between the Government and the Civil Service—[*The Attorney General*]—read the First time.

Motion made and Question proposed, That the next stage be taken forthwith—[*The Attorney General*].

Question put and agreed to.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, it is not in the nature of human societies or groups of humans to remain static, and accordingly it is not at all surprising that employers of labour have various problems which arise for their settlement and consideration in their dealings with their employees.

The Government of this country, as large employers of labour, are not immune from the operation of that principle and consequently from time to time they have had their problems with the members of the Public Service, problems concerned with their conditions of service and other matters which are of interest to the members of the Public Service. Some of them have arisen because of the expansion of the Public Service, some from the need for adjustment of the Public Service to new conditions and new responsibilities which face us, some from the influence of employment conditions obtaining outside of the Public Service, some from increases in the cost of living, and because of the operations of these factors, from time to time over the past years, there have been several attempts at regrading and salary adjustments and in that connexion names like Lee, King, and Ritson spring to our minds. However, none of these have proved completely satisfactory, because as soon as they were

announced or propounded there were people who felt that they had not come off so well in these attempted settlements and who expressed a great deal of discontent, and frequently the processes have had to start all over again.

We have reached that point in our dealings with the Public Service which culminated in 1962 in the setting up of the Civil Service Arbitration Tribunal which dealt with certain grievances and complaints by the members of the Civil Service, and it is now common knowledge that that Tribunal made an award which is in fact still in force.

However, it is not my purpose to deal with the distant past but with the immediate past, and the period that I have to deal with commenced, may we say, with the decision of Cabinet to set up a Working Party comprised of members of the Public Service in order to see whether a lasting solution and settlement of these problems could be produced. Members of the Senate may remember the announcement that was made on that occasion, but to refresh their memories I shall just read two paragraphs from that announcement. It went in this manner:

“ In the light of the nation’s experience since the achievement of Independence it has become necessary to review the organization, functions and operations of the administrative machinery of Government with particular reference to the structure of the Civil Service and the recruitment, training, promotion and conditions of pay and service of Civil Servants.

“The expansion of governmental activity in recent years and in particular the assumption by the nation of full responsibility for the regulations of its external relations have made it imperative to

undertake an immediate and thorough examination of the existing administrative machinery with the objective of ensuring that it is adequately equipped and appropriately organized and remunerated for the efficient conduct of the public business within the framework of the Constitution.”

It is common knowledge that shortly after that announcement the Working Party was set up and proceeded with its labours. It laboured the greater part of the year 1964 and the various reports which it produced have been published, and I dare say that hon. Senators are quite familiar with the contents of those reports.

The Working Party addressed itself to its task in a very commendable and conscientious manner and an indication of its approach to its task, if I may quote a short paragraph from one of the preliminary reports which it produced before the final report, shows that it thought of the assignment entrusted to it in these terms:

“ When the idea of setting up a series of Working Parties was first put forward the expressed intention was to provide for the first time in the country’s history an opportunity for representative members of the Public Service to participate in an examination of the organization and operation of the Service and in the determination of appropriate levels of pay and conditions of employment. The absence of any such opportunity for staff participation was thought then to be one of the major causes of the failure of the previous and much restricted attempts to deal with these matters.”

The Working Party at the conclusion of its labours produced a number of very excellent reports, and I should like to say here that these reports have been very useful and valuable. They make in fact

a very distinctive contribution to the thinking concerning the status and the role of public servants, especially in a country such as Trinidad and Tobago. Some of them, perhaps, are worth repeating. If I may read from paragraph 5 of the First Report of the Working Party on the Role and Status of the Civil Service in the Age of Independence, this is what it had to say in speaking of the framework of the Public Service:

“Neither the framework nor the guiding principles can, however, remain uninfluenced by developments at home and abroad. A small nation, with neither great physical strength nor abundant economic resources, has constantly to face the problem of reconciling national independence with international interdependence. Its internal policies are continuously subjected to the pressure of external events over which it has little direct influence or control.”

2.05 p.m.

“7. In an age marked by increasing difficulty in achieving and maintaining a satisfactory standard of living, even for large and powerful nations, the role of governments in newly independent countries assumes a significance and importance hardly conceivable during a colonial existence. If these countries are to achieve the rapid social, economic and political progress their peoples desire, it is difficult to see how increasing governmental participation in social, economic and political affairs can be avoided.”

And that passage from the Report concludes with these words:

“Thus, even if the Government confined itself to the provision of a limited range

of public services, it could not permit those services to remain too long inadequate, without seriously endangering the welfare of the citizens as a whole. This responsibility for the provision of public service is of course, greatly increased where national policies require not merely governmental regulation and control of private activity but the participation of Government agencies in a widening range of activities.”

In paragraph 61 of its report it had this to say:

“Overriding all other considerations must be the recognition that the Public Service, in its widest sense, is a human service, provided by human beings for human beings; and that the promotion of the welfare of public servants is no less an object of public concern than the welfare of the public whom they serve. Behind the files and minute-papers and memoranda, at the counters and desks and tables, in the kitchens and wards and warehouses, on the beats, the rounds and the calls, before the black-board, behind the steering-wheel and over the operating-table, are human beings with human needs and aspirations, with human strengths and weaknesses with human feelings and responses. The fact that their service is devoted to the advancement of the well-being of their fellow-citizens ought not to be allowed to diminish the importance of their own well-being. Their choice of the public service as a career ought not to be regarded as implying the surrender of their rights, as citizens, to a fair share of the material benefits produced by, and for, the society of which they form part.”

May I close with just one more quotation. In paragraph 101, the Working Party,

in referring to certain factors that affected the Civil Service and certain criticisms of the Civil Service, had this to say:

“There are shortcomings that affect the Service which are of a national character. One of them is the slow growth of a national spirit and of a national approach to national problems. The Civil Service has an important role to play in fostering such a spirit and in developing such an approach. But, in the last analysis, the responsibility is a national one which only the Nation, in its corporate capacity, can properly discharge. Although in many areas of national activity, the Civil Service, as an institution, has a duty, by virtue of its special position, training and experience, to offer guidance and advice, its main purpose is to give effect to the declared desires of the Nation as formulated in the policies of Parliament and Government.”

Guided then by these ideas and principles, the Working Party produced the reports I have mentioned before. They were made public, and there were wide discussions on the report and the proposals contained therein. But it seemed to Government that perhaps the Working Party itself had not envisaged the full extent of the enquiry which was entrusted to it. It would seem to some of us that it fell short of projecting those far-reaching changes in the spirit and structure of the Public Service which we hoped might have been the outcome of these reports. And, accordingly, Cabinet very shortly after, and largely in the light of various representations that were made, took the decision to set up a committee of Ministers, primarily to review all these reports and the various memoranda which had been submitted to Cabinet, to attempt

to evolve a more coherent system covering the entire Public Service, and that committee, as is now well-known, began its task somewhere about the end of last year or the beginning of this year, and has laboured throughout that period.

I will not go into any detail of the various complications of that task, but it must be remembered that the committee had to consider not only the role which it thought the Public Service should play in this country, but the desirability of separating various segments of the Public Service according to functions; it had to consider what would be an appropriate pay structure, and above all, it had to consider a proper scheme of classification of offices of the Public Service.

Now, while pay is something that interests people as being something immediate and more closely touching them, any satisfactory pay scheme must be based on a proper system of classification. The place to which an office should be assigned in the scheme would be determined by the responsibilities which attach to it, the qualifications which are required for it, and things like that. So in spite of the time that is spent on it, that committee had to labour long and hard before it produced a report for Cabinet which could have been accepted.

Today, as I introduce this Civil Service Bill in this hon. Senate, I should like to indicate to the Members of the Senate that not only this Bill but the four other Bills which are to be debated here, represent some of the fruits of the labours of that committee. By and large, there is a common pattern running through these various Bills. One of the most important provisions in them all, is the provision for the setting up of a Personnel Department of Government which will have the responsibility of taking up grievances of members of the Public

Service, of negotiating with them, with the view to arriving at a settlement satisfactory to both sides, and in the event of a failure to arrive at agreement, to report to the Minister of Finance. The report having been made to the Minister of Finance, the Bills all provide that the dispute which has arisen in any particular case will be referred to a Special Tribunal comprised of members of the Industrial Court who would consider the matter and make whatever award they think fit. We thought that was a wise and useful provision.

2.15 p.m.

There has been a demand for the old type of tribunal whereby one person sits as chairman, one person represents one side to the dispute and another member represents another side to the dispute. What frequently happens in tribunals so constituted is that the Chairman makes the decision entirely on his own, because the two members are each so committed to their own particular side that it is impossible to arrive at any common ground. So we thought that three impartial persons having no interest one way or the other would have been a better and more effective tribunal than one comprised of nominees or parties to the dispute, and that is the principle which is incorporated in all the Bills.

It is our belief that this would provide a very useful method of settling disputes and one which would give satisfaction to members of the Public Service. For the first time they have been given the opportunity, as of right, to come before a tribunal, set up by law, in order that their disputes could be fully aired and all the facts could be brought into the light of day and considered. Though people may look at it as a rather simple matter, it does represent a tremendous concession on the part of

Government. It must be remembered, legally at any rate, that the position of the Civil Service is that of people employed at the pleasure of the Crown. In strict law they have no rights which can be enforced in Court. In Great Britain, for example, a series of rules and principles have grown up over the centuries which have in fact amounted to a sort of law of the Civil Service and which give certain rights and lay down certain obligations, but these have been based largely on Treasury minutes, departmental memoranda and sometimes Orders-in-Council, but they never had the force and validity of law. In most Commonwealth countries, however, outside of the United Kingdom, the pattern and structure of the Public Service is enshrined in legislation and we thought that that would be a pattern desirable to follow because members of the Public Service would be clear as to what are their rights, duties and obligations and so these Bills seek, in relation to each service, to set out those precise matters.

Continuing with the same provision—the Personnel Department of Government. It is customary in the legislation of many countries which do legislate for these matters to set up a sole Commissioner to whom disputes can be referred for settlement. I can think off hand of the cases of Australia and Canada where the settlement of these matters and the duty of dealing with various Civil Service matters rest in the hands of a sole Commissioner as the last resort. We could not follow that pattern because, under the Constitution, the Public Service Commission has been assigned certain specific functions, functions in relation to appointments, promotions, transfers and discipline of public servants, and in making our provisions we had to bear in mind that those things are set aside exclusively for the Public Service Commission. However, there

are a great number of other matters which concern public servants, and to deal with those other matters will be the task of this Personnel Department.

As will be observed, particularly in the Civil Service Bill which really is the prototype and pattern, if I may say so, of the other Bills making due allowances for differences in the various other Services, wherever these matters have financial implications the Minister of Finance, as of course the person responsible for the control of financial affairs of this country, must have a certain share. His task, in the case of disputes that are referred to him, will be to refer them to the arbitration tribunal. In the case of proposals for remuneration, for example, he may himself make certain proposals which he would forward to the Personnel Department which will then be expected to discuss them with the appropriate recognized associations.

The associations themselves will have the right to raise matters with the Personnel Department on their own initiative and they will also have the right to report disputes to the Minister within 21 days in the event that the Department has failed so to report the matter. So all in all, I think it would be conceded that this provides effective machinery for the settlement of these matters.

Confining my remarks to the Civil Service Bill, it is a comparatively small Bill, which does not seek to deal with everything that arises in the work of the Civil Service because, as I said before, many of these things are dealt with in the Regulations. I believe these regulations are in the hands of all hon. Senators, and they can see the things with which the Regulations deal, and on the other side there are other matters which will be enshrined in the Public Service

Commission Regulations which, I anticipate, will be very shortly published. Without attempting to say what they will be, they are regulations which, under the constitution, are made by the Commission with the approval of the Prime Minister. Senators will know that provision is made for a matter to which the Public Service attaches a great deal of importance and that is for the setting up of a Review Board to review decisions of the Public Service Commission in respect of disciplinary matters. That has long been a sore and outstanding point with public servants; that there was no body or authority to review decisions arrived at by the Public Service Commission. Of course, under the Constitution the Public Service Commission has the last word, but it is hoped and intended that a convention will grow up that the Public Service Commission would accept and respect any findings made by this Review Board which may vary with what the Commission had originally decided.

As to the other matters contained in the Bill, it will be seen that Part I is concerned mainly with definitions, Part II establishes the Civil Service and sets out certain terms and conditions of employment. The establishment of the Civil Service as indicated in this Bill is contained within the broad pattern of the definition of Public Service as contained in the Constitution. That is to say, a public servant is one who holds a public office, that is, an office in the service of the Crown, in a civil capacity. Well, that is a rather wide definition, because it is appropriate that various sections of the Public Service should be dealt with separately, like the Police Service, for example, which, in fact, had always been treated rather separately in the past, and which was covered by legislation, the Police Ordinance; the Fire Service, which originally

was an arm of the old Police Force and has now become separate, and which is covered by some legislation; the Prison Service, which is dealt with to some extent by an existing Ordinance—the personnel side of it as it were, is not covered by that, and the administration of the Prison Service largely depends on some very old regulations made under an ancient English Act, the Prison Act of—I have forgotten the exact year, but a 19th century Act.

2.25 p.m.

Part III of the Bill deals with the Personnel Department and shows how it is intended to function, Part IV with the Special Tribunal, and Part V deals with associations of Civil Servants. As it is worded here, provision is made for the continued recognition of the association which represented, and still represents, most of the Civil Service. But it was not the only one. There were other bodies which had representative status and which were recognized as dealing with certain civil servants. The Postmen's Union is one which I can call to mind at the moment. And the provision made in this Bill permits continued recognition of such a body, or any other association representing certain groups or classes of civil servants.

What is contained here allows complete freedom for civil servants to belong to associations, but a distinction is drawn between an association which negotiates with the Personnel Department on behalf of civil servants. This had to be done this way because one had to guard against, on one hand, any attempt to cut down the right of freedom of association that is guaranteed under the Constitution, and so one had to steer clear of anything which even suggested or hinted that that right may have been cut down. But on the point of

negotiation provision is made for groups or classes of civil servants who desire to be represented for that purpose only by any special body to form such a body and negotiate with the Personnel Department.

Another of the reasons for that was the fact that we thought it not in the best interests of the whole Service that certain senior civil servants should form part of a negotiating team, or should negotiate on behalf of the great mass of the Civil Service. It is a common principle accepted everywhere now in the field of personnel management that the managers, as they are, seeing that they will be called upon to conduct negotiations on behalf of the employers, should not themselves be represented by the same negotiating team, that is the only reason why that was done. But we had to bear in mind, on the other hand, that several of these civil servants are members of the Civil Service Association, and so the provision had to be made so as to permit them to continue their membership of that body for all other purposes, save and except for the purpose of negotiating with the Personnel Department. We thought that a very satisfactory solution, and that is accordingly enshrined in this Bill.

For the rest of the Bill, there is Part VI which is general and which contains provision for the Governor-General to make regulations in matters concerning the Civil Service. And in going through the list it will be observed that they are matters which do not in any way trespass on, or entrench on, the rights of the Public Service Commission to make regulations appropriate to its purpose.

In short, if I may respectfully submit this to the Members of this Senate, for the first time we are making an attempt to establish the Civil Service of this country on a proper

statutory basis, to place it in a position where its rights and obligations are not in any doubt, to ensure for it certain privileges to which it is entitled like, all other citizens of this country, and to which, above all, a body of people who serve the country in its special way should have. I am confident that the Members of the Senate will accept this attempt to deal with these matters as one which is reasonable, logical and satisfactory, and I accordingly commend it for their acceptance.

Question proposed.

Senator Dr. A. R. Sinanan: Mr. President, we are indebted to the hon. the Attorney General for pointing out that the Government, as an employer of labour, are not immune to the problems which usually arise between employer and employees. Certain problems have arisen in the Public Service as a result of expansion, as a result of adjustments, as a result of certain conditions which exist outside of the Service, and finally, and what is to my mind the most important factor, the increase in the cost of living. I think there is some justification in saying that this Civil Service Bill and the other Bills which will be presented shortly in connexion with the Public Service, can, in some measure, be attributed to the economic failure of the Government.

2.35 p.m.

Now, why do I say that? What is the reason for bringing this Civil Service Bill? What is the reason for bringing the Police Service Bill, the Fire Service Bill, the Prison Service Bill, &c., It is for one reason, and when one goes through these Bills one sees the words, 'remuneration, allowances and conditions of service'. Those are words which one will find frequently throughout the Bill. So what is the reason for bringing

this Bill? It is for a very simple reason—the members of the Police Service want more money. And similarly not only the members of the Police Service want more money, but the oilfield workers of the country want more money, the sugar workers want more money, the cane-farmers want more money, and everybody wants more money. And why is that? Why is it that everybody in this country wants more money? Are the people of Trinidad and Tobago more avaricious than any other people? Are they more avaricious than people of any other country? I do not think so at all.

People in this country are on the constant look out for more money for two very good reasons. Firstly, the dollar in this country, the unit of money, is losing its value. One now has to spend \$1.60 or \$1.70 or probably \$2 to buy the same amount of goods and services which one could have bought for \$1 a few years ago. So first of all the dollar is losing its value. Secondly, and as a result of the first factor, the cost of living is going up steadily and inexorably; it is not going to stop. Why is the dollar losing its value? Why is the cost of living going up? For that the answer is very simple. It is for the reason which was pointed out to the Commonwealth Press Union by no less a person than the Prime Minister, I believe, three or four days ago. And the reason is that the exports from the richer countries, the more developed countries are increasing in value while the exports from countries like ours, the under-developed countries, are decreasing in value. So that when the goods and services which we have to buy from abroad are increasing in value while our own exports are decreasing, then quite clearly our cost of living will go up and the value of our dollar will go down; and so long as we continue to have to import such a large amount of goods and services from

abroad then so long will our dollar continue to decline in value and so long will our cost of living continue to increase and so long will the workers of the country—the civil servants, the oilfield workers, the cane-farmers and other sugar workers, and even the politicians and legislators—continue to look for and to ask and demand more money. In other words, just as an under-developed country has to run faster and faster to remain in the same place, similarly the worker in this country has to make more and more money to maintain his standard of living. Just as the rich countries are getting richer the poor countries are getting relatively poorer. Trinidad and Tobago is no exception to the rule which has been laid down more or less for the poor countries of this world, because as under-developed countries we have to run faster and faster to stay in the race and to stay in the same place while the rich countries become richer.

This Bill, to my mind, comes down to a question of goods and services. Everybody wants more money to buy goods and services. You see, the economy of this country is based on two basic falsehoods. The first falsehood is the belief that when a man is looking for a job he is really looking for a job; he is looking for work. That is not true. One can test this theory at any time. When an unemployed man comes to you or to me—and believe me they do in large numbers for it is not very difficult to see the numbers of unemployed today—and he says, “Boss give me a job,” if I were to tell him, “Well all right, go and sweep out this large hall here everyday, and at the end of the week I will give you ten cents,” I would be lucky if he did not knock me down. But I have offered him a job. I have offered that man a job but it shows that he is not looking for a job. On the other hand if I were to tell him, “Come

and sweep out this large hall everyday and at the end of the week I would give you \$200,” then he would say, “Boss, you are really a boss.” So it shows that when a man is looking for a job in this country or in any other country, he is not really looking for a job; he is looking for a regular and adequate supply of money. And that is the first basic falsehood on which our economy is based.

Let us turn to the second falsehood. If I were to offer a man a job to sweep out this hall, for \$200 per week but on the condition that I would put the \$200 in his pocket and sew it up, so that he could not use the \$200, again I would be lucky if he did not knock me down; because the man wants to use that \$200. Now, what does he want to use it for? He wants to buy food, he wants to buy clothes for his family, he has to pay for shelter; he has to pay for medicines he has to pay for entertainment if he has anything left over. So quite clearly I can again put forward that when a man is looking for a regular and adequate supply of money he is not really looking for money; he is looking for the goods and services which money could buy.

It is time, if we are to make any effort to save this country's economy, that we recognize these two basic falsehoods. Why have I taken the trouble to go into these two theories—if you can call them so—in detail? Because the presentation of a Bill such as this, a Bill referring to the Public Service, gives me an opportunity to point out that unless we in this country are prepared to stand up and pull ourselves up by our own boot straps, unless we are prepared to make a sincere and concerted effort to produce our own goods and services, then we can see with a little bit of foresight what is going to happen to this country: the dollar will continue to lose its value,

Civil Service

Monday, 13th December, 1965

Bill

[SENATOR DR. A. R. SINANAN]

the cost of living will continue to go up, the country is going to fall back in the race for survival, and the economy of the country is going to end up in chaos. So it is time that we in this country realize that unless everyone of us, from the lowest to the highest, from the strongest to the weakest, produce our own goods and services then there will be economic disaster ahead for us.

I have pointed out on several occasions that it is nothing short of a national disgrace that our country should have to be spending something in the region of \$90 million to import foodstuffs from abroad. Unless we can make an effort to cut down our import food bill then Bills such as this will continue to be brought to Parliament and as a result the cost of living is going to go up and all the other things which I have pointed out are going to overcome us.

The hon. the Attorney General spoke about the pressure of external events which affects the country. I think I have said enough to point out that in that respect I agree with him. Certain external events do have an effect on the economy of the country, and as such I think that is even a stronger argument that we should make an effort to pull ourselves up by our boot straps so that we can, in some measure, be independent of the economies and of the events which take place in other countries.

2.45 p.m.

I should like to turn to the Bill itself to deal with one or two clauses. I must confess that I have been at a disadvantage in that I have received several copies of this Bill; and as fast I started to study one copy, I received another, so I really do not know if the one I have in my hand now is the final one. But I shall make one or

two comments on the Bill, comments which I believe to be fairly valid.

I turn to clause 9 which, in my copy, reads as follows:

“A civil servant shall not be debarred from voting at any election if, under the laws governing the said election, he has the right to vote.”

Now this is a curious clause, rendered so by these words:

“if, under the laws governing the said election, he has the right to vote.”

I am not saying that the present Government are going to do what I have in mind, but we have got to guard against unscrupulous action by future governments. I feel that when legislation is being passed, it is important to keep the future of the country in mind, because if we do not lay down proper legislation now, those who come after us are not going to thank us. I am not saying that the present Government may do it, but one can envisage a situation in the future where a government, feeling that a large section of the Public Service would not vote for it in any particular election, would, under this clause, be free to pass legislation to prevent civil servant from voting. I am not saying that that is going to happen, but it is possible. I think that this clause should be amended, and at the appropriate stage, I shall move an amendment to delete the words—“if, under the laws governing the said election, he has the right to vote.”

I go on to clause 10. I had better read it in case copies of the Bill in the hands of other Senators have a different version from what I have.

The Attorney General: Mr. President, I wonder if I could assist. It is true that

several versions of the Bill have been circulated. I should like to ask the Senators if the copy in their hands has subsection (4) of section 24 at the top of page 12. If that is so, it would be the latest copy.

Senator Dr. A. R. Sinanan : Yes, that is the one I have.

As I was saying, clause 10 (1) reads:

“A civil servant is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council.”

We, on this side, should have liked to see a provision in this Bill for disqualifying civil servants from appointment to posts of ambassadors or high commissioners. We feel that these are political appointments, which should also be included in this Bill, because the ideal at which we have to aim is a neutral, impartial Civil Service, and we would not like a situation to arise in which any future government could dangle certain appointments before the eyes of certain senior civil servants. By doing so, it is possible to destroy the impartial attitude of the Civil Service. We must not only think, as I have said, of the present when we are passing legislation; we have got to think of the future too. And we must endeavour at all times to preserve an impartial attitude in the Civil Service.

I turn now to clause 12, which reads:

“The modes by which a civil servant may leave the Civil Service are as follows:— and there are several methods. Paragraph (g) states:

“on the abolition of office;”

Just those bare words. I do not know if there is an amendment to this, but again one can envisage a situation in which a civil servant can actually be got rid of by abolishing his office. Not all civil servants

are going to be popular with the Government or any government all the time, in the same way that you cannot fool all the people all the time. So it is possible that at any given time there may be one or two civil servants who may not be over popular with any particular government, and if the Government want to get rid of them, all the Government would have to do is to abolish their office. There is no provision here for transferring such an officer to a comparable office; there is no provision for allowing him to make any representations. And I think that this bare statement we read at (g) could possibly lead to—I do not like to use the word, Mr. President—victimization of any unpopular member of the Civil Service.

I come to clause 14, subclause (3), which reads as follows:

“The Minister of Finance shall, before making recommendations on remuneration under subsection (2)”

Here again we see the word “remuneration” of which I spoke earlier. Throughout this Bill we see this word very often, which makes me feel that this is one of the main reasons why these Bills have been brought because it is a question of pay and remuneration and money.

The subclause continues:

“(a) consider the requirements of the Civil Service;

(b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Civil Service and the relationship of the duties of the various classes and grades within the Civil Service; and

“(c) be guided by the considerations specified in paragraphs (a) to (d) of subsection (2) of section 9 of the Industrial Stabilization Act, 1965.”

[SENATOR DR. A. R. SINANAN]

2.55 p.m.

Well, let us take a look at subsection (2) of section 9 of the Industrial Stabilization Act. It reads as follows:

“(2) In accordance with the principle set out in the preamble to the Constitution of Trinidad and Tobago that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, the Court in its judgments shall, in addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the employers concerned and the workers concerned and the People of Trinidad and Tobago, be guided by the following considerations:—

(a) the necessity to maintain a high level of domestic capital accumulation with a view to increasing the rate of economic growth and to providing greater employment opportunities;

(b) the necessity to maintain and expand the level of employment;

(c) the necessity to ensure to workers a fair share of increases in productivity in enterprises;

(d) the necessity to prevent gains in the wages of workers from being affected adversely by unnecessary and unjustified price increases.”

I have taken the trouble to read these paragraphs for two reasons. Firstly, to draw reference to paragraph (d)—

“the necessity to prevent gains in the wages of workers from being affected adversely by unnecessary and unjustified price increases.”

I know, and I will concede, that when we had a Supplementary Appropriation Bill

presented to this Senate about three weeks ago there was provision for the creation of thirty posts of price control inspectors. I should like to make a plea that Government hasten and do not drag their feet with regards to the appointment of these inspectors because very often I have read in the Press of complaints and at my own work I have had complaints, from people that the prices which they have to pay are inequitable and in certain cases unequal. It is no use increasing the salary of a man when on the other hand the prices of goods are going to increase to such an extent as to nullify the increases in salaries.

The other reason why I have made mention of this particular section is to read out paragraph (h) of subsection (2) of section 9 of the Industrial Stabilization Act. The Industrial Court shall also take into account:

“The need to ensure the continued ability of the Government of Trinidad and Tobago to finance development programmes in the public sector.”

In as much as paragraphs (a) to (d) were included in this Civil Service Bill it is curious that paragraph (h) was omitted because you will remember that some time ago when there was an impasse between the Government and the National Union of Government Employees with regard to the payment of backpay, no less a person than the Prime Minister himself appeared on television, and we had the pleasure of listening to him say, that the payment of the full backpay to employees at that time would have the effect not only of causing Government to retrench certain workers but it would also have the effect of substantially and effectively retarding the Development Programme of the country. So if you are going to include paragraphs (a) to (d) in the Civil Service Bill, I think it is just as important, if not more

important, to include paragraph (h) because the Development Programme of the country is something on which we have spent a lot of time, and I take it that Government are spending a lot of time on it, and I hope that by the omission of this paragraph Government do not lay themselves open to the charges that perhaps they do not intend to continue with the Development Programme.

I turn to clause 26 of the Civil Service Bill, page 12, which reads as follows:

“ A civil servant who holds an office specified in the Second Schedule shall, when so required by this Act or any regulations or administrative directions represent the Personnel Department in any consultations and regulations with his own recognised association of civil servants in respect of the matters specified in section 14.”

We can envisage a situation in which civil servants in a particular association may have a grievance and they may decide to take it up with whatever officer or department they are supposed to and they may all sit in a caucus and discuss their problems and ways and means of putting them forward, in that caucus there may be all the members of that particular association. Is it fair that, having discussed their problems and ways and means and strategy of putting forward these problems that Government or a Minister or anyone should come along now and ask one of those members who participated in the caucus to represent the Personnel Department or the Government in their discussions with the civil servants who have just discussed the same matters with the selected members? I find it is incompatible, incongruous and unfair, and I should like to see some machinery laid down whereby it would be possible that if civil servants are going to discuss

ways and means of presenting their problems, that they know beforehand which of them are going to represent Government. Because if I am going to bargain with you for an increase in pay and improved working conditions I should not want to sit down with you and tell you what my case is and how I shall be presenting it when I know you will probably be representing Government's side of the bargaining. I do not think that that is quite fair.

There are just one or two other points which I should like to bring up; some people may think that they are minor points but I feel it is my duty to draw the attention of Government to these points. I draw the attention of the Senate to the Civil Service Regulations, 1965, page 2, where section 4, paragraph (b) states:

“ Professional and Scientific Class, comprising public offices the holders of which shall possess specific professional or scientific qualifications in the subjects of Law, Medicine, . . . Engineering, Accountancy, Agriculture, Economics . . .”

And then we turn to page 14 dealing with hours of work, section 53, and we go down the page half-way to that paragraph headed, “ Other Categories,” we read as follows:

“ Special hours of work may be fixed for officers employed in any particular service or department or for any class of employee, but in no case should the hours of work exceed forty-four hours per week for any officer.”

The reason I read this in conjunction with section (4), paragraph (b), is because I understand from reading this that the doctors in the medical service should not work more than forty-four hours per week. There is no need for me to point out to this hon. Senate the impasse which has

3.05 p.m.

now been reached as a result of the medical officers in the Government Service who have had to work—some of them—seven days a week overtime. They have turned the impossible into the possible. And I bring this point up merely to draw the attention of this hon. Senate to the problems which these medical officers are now having as a result of the understaffing and the problems which they have as a result of having to work overtime practically every day.

The other point I wish to bring up is with regard to the leave facilities afforded to certain categories of public servants. Again, I make a plea on behalf of the medical officers in the service; and, Mr. President, with your permission, I should like to read from the memorandum which was submitted by the Trinidad and Tobago Medical Association to Cabinet on this Civil Service Bill:

“The Trinidad and Tobago Medical Association expresses concern at the omission of provision for refresher courses for doctors and similar professional groups’,

The doctors are not very selfish people; they are also thinking of the other professional groups in the Public Service—

“It was felt that the need for doctors to keep abreast of the advances in medicine and its branches should be recognized. It is not possible to do so merely by journals and current literature and infrequent correspondence, even if the opportunity offered itself readily, which it does not. A reasonably adequate medical service demands that contact with reputable medical centres be maintained, and the Trinidad and Tobago Medical Association would strongly suggest that Government medical officers be encouraged to pursue refresher courses in approved centres at

periods of five years, and they should be required to do so once in ten years.”

I make no apology for making reference to these two points because I feel it is a problem which should be given some airing.

In conclusion, I should like to read from the Report of the Working Party of 1964. In its introduction the Working Party stated as follows:—

“It is to the Civil Service, in its widest sense, that the nation entrusts the administration of its day-to-day affairs. It is to the Civil Service that the nation assigns the responsibility of effectively implementing the economic and social policies it has approved. It is the Civil Service that has the duty of ensuring by its execution of government policy, that the proper balance is maintained between private activity and public regulation and control.”

I believe the hon. the Attorney General stated that the Public Service is a human service. All I would ask is that we treat these public officers as human beings—treat them with dignity.

Senator B. O. Walke: Mr. President, I feel that this Bill is long overdue as I can see there has been a definite need in the Service for reorganization and to establish a structure suited to the demands and requirements of a young nation. As the hon. Attorney General pointed out, Government have been mindful about the increasing difficulties facing the different departments in so much that they employed the service of specialists in the field of classification, and in more recent times a Working Party was set up for the purpose of making recommendations. While these two bodies did

not fully satisfy the requirements of Government, their reports formed the basis for Cabinet's Working Committee.

In my opinion—and I should like to add it is the opinion of many responsible citizens—this is a very fortunate piece of legislation. The salient points in the Bill, as they appear to me, are, first, classification of civil servants and, secondly, persons are placed in the position related to the training which they have received. This point is extremely important, for time and again there have been complaints that civil servants were frustrated, they could not work because they were not appointed to the positions for which they were qualified.

Another important point is the establishment of a department for the settlement of grievances, and further, a Special Tribunal. This is indeed a landmark in the field of industrial relations, and it is particularly intended to establish good relations with members of the Civil Service. Every genuine attempt is made to improve the entire Service in point of view of payment and security of tenure by making it legal.

I am exceedingly happy that the standard for the entrance examination is also raised, because in the past it was considered by some as a cool walk-over, and anything acquired easily is not sufficiently appreciated.

There are many dedicated men in the Service, and I emphasize this—many dedicated men. Similarly, there are many among the juniors who could not care less. There is great need for improvement in their service to the community. It is the general tendency in Trinidad, and perhaps in Tobago, that so many reliable, responsible citizens are afraid to speak the truth for fear of being criticized or being victimized, but we are here in this hon. Senate to do a job. These young people—I would not say

all but the majority—in the Civil Service should be made to realize that courtesy to the public is the essence of their job. It is sometimes very frustrating to enter an office and to be treated with discourtesy and rudeness. Sometimes one has to wait until the parties concerned have ended their conversations, which seem to them to be more important than the job for which they are paid. The young clerks must be more alert and more helpful, they must appreciate that they too owe responsibility to those who employ them. Deportment and attire do count for something. While banks and business places require staff to be properly attired in a business-like manner, too often civil servants are sloppy in their dress and general demeanour. I would not say all, but many.

This is all I have to offer. I support the Bill.

3.15 p.m.

Mr. President: Before calling on Senator Julien, in order to remove any doubts in the matter, I might say that Senator Walke was given permission by the President to read her speech as much as she did.

Senator M. T. I. Julien: Mr. President, this Bill, as I see it, seeks to establish a Trinidad Civil Service—in my view a necessary concomitant of the achievement of independence for any new nation. The only fault that I find about this is that it is three years overdue since independence was granted in 1962.

It has been said by the Attorney General, and quite rightly, that time and time again it has been held that there is no legal contract between the civil servant and the Government whereby in case of a breach on the part of the Government the civil

servant can sue the Government. However, this Bill does lay down the terms of employment and on the question of the classification, which I shall deal with later, it does endeavour to set out and establish the structure of the Civil Service.

Hitherto, as will be recalled, we have had great difficulty in ever knowing beforehand whether any persons have objected to any sections of a Bill, what their comments were, and what the Government or Cabinet Committee had decided in the first place; but on this occasion we have had a novel procedure whereby these comments and these memoranda have been forwarded to us in advance thereby giving us an opportunity, quite properly, to go into them and do whatever research we may think necessary and come here better prepared to debate the matters before the Senate. I should like to congratulate the Government on this new procedure with the hope that it will continue in the future. Unfortunately, even on this occasion, I find it a pity that the same procedure was not followed in the case of the classification list, a list which I have found so baffling and so dizzy to understand, more particularly as no salaries have been mentioned under that list.

However, before dealing with that, I should like to touch on two comments which the civil servants apparently made in their memoranda—which I have before me—and these were with respect to clauses 12 and 25 of the original draft, which were found by them to be very offensive. I must say that I do agree with them. The clauses offended—in their view and in mine—their rights under the Constitution to associate with and to join a trade union. They not only offended those rights or freedoms under the Constitution, but in my view they were tantamount to a breach

on the part of the Government in respect of its international obligations as a member of the United Nations, and to some extent I think it was also a breach of the conventions under the International Labour Organization. I am therefore happy to see that those two offensive clauses have been removed from the Bill.

I am, however, not very happy, and I need some explanation, about clause 24(5), which says:

“An association formed pursuant to subsection (2) may not be registered as a trade union.”

When I go to subclause (2) this is what I find:

“Civil servants may form associations and such associations shall, subject to this Act and the Regulations be recognized by the Minister of Finance as appropriate associations for consultation and negotiations in respect of any of the matters specified in Section 14 and any other matters concerning civil servants.”

What worries me is this—and I certainly do expect an explanation from the hon. Attorney-General—what would be the position if the present Civil Service Association folded up and a new one came and took its place? It would appear to me, on reading subclause (5) in combination with subclause (2), that such a new association would not be able to register as a trade union. I should like to know whether that really was the intention.

I turn now to the question of the classification which as I said before has me really confounded and in some cases dumbfounded; while in other cases I must say that I am in a muddle. In the first place I do not understand why dog catchers should be the first category of civil servants of the

land—"Range 1." I think I need an explanation of that. I was very shocked when first I opened the classification list to see the first item was "Dog Catcher;" "Old title—Dog Catcher—New title—Dog Catcher Range 1." What is all this about? I do not understand it. And all through the classification list you will see absurdities like that: "Administrator Number 3" or "Administrator Number 5" or "Administrator Number 6;" "Crown Solicitor, Number 3" and so on. When I asked who is Crown Solicitor Number 3, I was told that he is the boss. So the boss is number 3 the fellow who is last is number 1, and the one in the middle is number 2. I do not understand it; it is upside down like the Hilton Hotel. This will be seen all through. Even the poor Chief Medical Officer is called something like "Administrative Officer Number 5" or number 7. So I think that the hon. Attorney-General, who has had the opportunity of seeing, possibly hearing, and maybe speaking with, those experts—Collett and Clapp or whatever you call them—might be able to help us on this American style of classification.

There are other offices in this classification that have me really dumbfounded. Hitherto one has heard, for example, of the Deputy-Registrar of the Supreme Court, the Assistant Crown Solicitor, the Sub-Registrar, and such posts carried the same salary as that of the Deputy Registrar-General. It would appear that under this new classification the Deputy Registrar-General now comes under Range 38, and the other chaps come before him—I think they are 43. I understand one has to go backwards in reading this list for priorities; I hope I am right. They say that a post in range 43 is higher than a post in range 38. If I am wrong, I hope the hon. Attorney General will help

me out, because that also is another confusion which I do not understand. But there you have three posts which have been in one and the same category as another post which is being taken away entirely and put in a higher range. There may be reasons for it, but as I say, unfortunately on this occasion the Government did not treat us with that courtesy of first sending us the comments, if any, made by the Civil Service Association, on the list, and secondly informing us whether the Cabinet Committee did have an opportunity to discuss them, and if so what were the decisions of that Committee, and/or of the Cabinet itself.

I am grateful to the Civil Service Association for sending me—even though belatedly, just at the last moment yesterday, and I have not had enough time to go into it—a copy of the memorandum on the classification list which it sent to the Government, and which, as I said, we were denied the opportunity of seeing.

I should like to draw attention now, so that I can get a reply from the hon. Attorney-General later, to a reference to some posts which seem to be classified now under a certain range and being classified thus, the persons who are going to hold them are going to get less salary. The reference on page 3 of that memorandum is to *Hansard* Reporter, and the comment of the Association is:

"The plan proposes to remove the *Hansard* Reporter from among a group of officers with whom he is now classified, salary-wise, for example, Principal Officer (Clerk IV) (Range 30), and to place him among a group of officers which, salary-wise, carries a lower classification (Range 27). It is evident from this that the high degree of skill and intelligence required of this officer is not being appreciated.

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We wish only to point out that vacant posts of *Hansard* Reporter have been in existence for the past five years and that Government have been unable to fill these vacancies, as candidates (including palantypists) have failed time and time again to pass the required speed test."

Well, I am very concerned about this because *Hansard* Reporters are very much close to us here; and even though the Printers take as much as one year to print our debates the Reporters are still very important. Only two days ago I received the printed *Hansard* with my speech made on the last budget, so it is really one year late. But, nevertheless, we need the Reporters and we must have them.

The next class is "Shorthand Writer"—this seems to be very bad cyclo-styling—the Civil Service Association should get a better machine than this. The memorandum states:

"The proposed classification (Range 27) has put this officer in the same range as the *Hansard* Reporter. The Association considers that the duties of both Court Reporter and *Hansard* Reporter call for an equally high standard of competence in the field of high speed shorthand writing. The Association is of the opinion that in view of the recommendation above the Shorthand Writer should therefore be classified in Range 30, and re-designated Court Reporter."

Then it gives a similar dissertation on the Senior *Hansard* Reporter.

On the next page it gives the objections taken by the Audit Department, and I shall only read the three general objections. They objected to the classification of certain posts, and the omission of certain posts from the classification plan, and referred

to a need for clarification of the dual classification of certain posts. I do not know what has happened to these representations made by the Audit Department but as they seem to be so legion, it would be very interesting for the Attorney-General to tell us something of this. It seems to comprise about eleven pages. It seems that in every Ministry of the Government there is objection to the classification. They are so voluminous that I do not intend to read them. They were from the Ministry of Finance, Ministry of Home Affairs, Ministry of Agriculture, Ministry of Industry and Commerce, Ministry of Health and Housing, Customs and Excise. One would have thought that with such a plethora of objections, suggestions and comments made by these various people, the least the Government could have done was to allow Members of the Senate an opportunity to have heard or read their comments, and Cabinet's reasons for rejecting or approving them.

3.25 p.m.

There is one particular thing which I am very perturbed about and it is this: that, as civil servants allege, and quite properly—I had not the time to go through the classification list—scores of officers' posts were omitted from the classification list and they have asked Government to include them. I had thought they had done so, but apparently not. I should also like to say that I find it extremely difficult to understand—I do not know if the Attorney General does—why dog catchers should be under Range No. 1 and not under another range. The simple reason for this difficulty is that we have been denied the salary scales for these posts.

You might, for instance, say by way of argument that officers in Range 10 should come under Range 20. But if you changed

him to such a different range you might later find that by so doing he gets less salary than he would have got had he remained where he was. So I think that Government in their endeavour to be equitable should have given us the opportunity to see the salary scales and figures.

I should like to say how happy I am to hear from the Attorney General today that machinery is being set up for a review in the case of dismissal of a civil servant. This right has been in the Constitution since 1962. And as a member of the team which prepared the draft Constitution with the Attorney General, I am in a position to say that we fought "tooth and nail" to get it enshrined in the Constitution. As a matter of fact, I had thought at the time I had actually got agreement on the right of appeal, but to my surprise when the Constitution came out, I saw the word "review" instead of "appeal".

May I respectfully in respect of clause 26(4) ask the Attorney General whether the intention in line 4 was not to use the word "regulations" but to use the word "negotiations"? If I am right, perhaps he will take this opportunity to correct it.

Senator J. F. F. Rojas: Mr. President, this Bill seeks to make provision for the establishment and classification of the Civil Service, the establishment of a Personnel Department, the establishment of procedures for negotiation and consultation between Government and members of the Civil Service, the settlement of disputes, and for other matters concerning the relationship between the Government and the Civil Service.

For years we have had complaints by the Civil Service against their employers, the Government; for years we have had negotiations and conferences, committees being

appointed in order to settle the differences between the Civil Service and the Government. And so long as there are in this territory or any country for that matter, employers of labour and employees, there will be problems, difficulties, dissatisfaction, grievances. But one can only hope that arising out of the provisions of this bill, the Personnel Department will begin its work of establishing procedures for negotiations and consultations, and that we in this country will see the beginning of an era where an improved labour-management relationship will be established between the Civil Service and the Government of Trinidad and Tobago.

We must bear in mind that when it comes to the question of classification of the employees, nothing that is laid down in the classification list here will settle the problem for all time. I recall that a few years ago the United Steel Workers of America set up a committee to go into the question of classification for the workers in the steel industry. That committee worked for three years and at the end of that period produced a document. That document was more or less obsolete as by then so many changes had taken place, and they had to begin doing the job all over again.

What is really very important in this Bill is the establishment of this Personnel Department, and provision for negotiations and consultations between Government and their employees with a view to settling disputes and building up a new relationship between Government and their employees. I regard this Bill as a step in the right direction. However, there can be no perfection and there can be no attempt in any Bill like this to lay down all the principles for the settlement of problems and disputes that may arise between Government and their employees. I think, therefore, we have to

be satisfied that a start has been made. This Bill is providing the necessary machinery and I hope that Government will take steps immediately to have this Personnel Department established, so that it will go into all those anomalies which my friend, Senator Julien, has made reference to. Maybe they exist. It will be the function of the Personnel Department in conjunction with the Civil Service Association to go into all these anomalies with a view to bringing about some form of rectification. And, I think it is a great step which is being taken in the regulation of the relationship between Government and their employees—the establishment of this Personnel Department. It is now the function of the Personnel Department along with the representatives of the Associations to build up the necessary good labour-management relations and make use of the machinery set up in order to develop and improve relations between Government and the Civil Service and thus bring about the desired results.

I support this Bill.

3.35 p.m.

Senator L. A. E. Wight: Mr. President, am I to understand that this Bill is a product of the 95 meetings of Cabinet and yet there are so many loop-holes and so much more which could have been done for the civil servants? My colleague, Senator Sinanan, has more or less extensively covered the ground but there are a couple clauses to which I should like to refer.

While we fully recognize the necessity of the Personnel Department and the need for bringing disputes to the notice of the Minister of Finance, we find that there should always be a time limit, because we have had examples recently, as Dr. Sinanan has already pointed out, of the doctors in the medical service;

there was an agreement with their Ministry—the Ministry of Health—and yet when the time came that agreement was not honoured completely. Therefore in clause 19 where it states, “where the Personnel Department and the appropriate recognized association reach agreement...” etc., there should be inserted at the end of that clause, “and shall be put into operation immediately.” The mere signing of an agreement does not mean a great deal.

Likewise we are glad to see the establishment of a Special Tribunal. There is one comment I should like to make on this. We understand there are 1,000 matters outstanding with the Civil Service Association and, again, the time factor is what I am interested in. We know that the Industrial Court has an enormous amount of cases which have been built up over the time and it might be a long while before the Civil Service disputes can reach them.

Clause 22 states :

“An award made by the Special Tribunal under section 21 shall be binding on the parties to the dispute and on all civil servants to whom the award relates and shall continue to be binding for a period to be specified in the award, not less than five years from the date upon which the award takes effect.”

If this Bill is to come in line with the Industrial Stabilization Act, I do think the words “not more than five years” should replace the words “not less than five years”.

I do hope that the passage of this Bill will not fragment the Civil Service Association. We agree that one of the aims and objects is to be in line with the employees and employers of the private sector and so there is necessity to have two Schedules, but we would hate to think they were unduly interfered with

as time went on. There is such dissatisfaction in the association, and the conditions prevailing, are such that we cannot help but refer to the fact that the association has been given no fair deal over all their submissions in the past seven years.

I should like to quote from a speech made by the President of the Civil Service Association during this year at their annual meeting. I quote:

"I am aware that many of you are deeply concerned about past and present events and that quite a few of you are generally afraid of the future with the well tried and established procedure disregarded in favour of *ad hoc* solutions. You are aware of many appointments in the Civil Service and Statutory Boards which are based solely on political patronage and you know of countless scholarships awarded on the same basis. You have witnessed officers of the highest rank around you sadly and seriously disturbed sometimes to the point of destruction as they are held in high favour one day and swiftly fall into disfavour on the next day."

That is the pattern, and something which we have stressed over and over again on this side of the Senate: that appointments are made not on the basis of the ability of a man but very often on the basis of his political affiliation. I know it will be once more denied but we know of too many cases, so we can only believe that this must be so.

I can only hope that the association will work fearlessly and will make sure that at all times they will be vigilant, and above all, be an independent body, free from politics. Like Senator Julien, I wish we had more details, but the time will come when we shall be able to present a case on their behalf when the various remunerations are announced.

Senator Rev. R. G. Neehall: Mr. President, I should like, first of all, to take issue with a generalization presented by my Colleague, Senator Sinanan, in which he stated—apparently in his estimate—that all people who do any job at all do it not because they want to work but because they are looking for the money. I agree that man, although he cannot live by bread alone, must have bread in order to live, but I think that this, if it is not corrected, is a view that will do grave injustice to those many people, some in our own society and known to me, who do a particular job as a vocation, who do it because they like it, and who could do a lot of other jobs, but stick to the one they are doing because it brings them satisfaction and a good deal of joy regardless of the financial return.

I turn to the Bill itself and to clause 10 in particular which deals with certain restrictions placed upon civil servants who are called upon to speak in public places or invited to speak or when they choose to speak. I am deeply concerned about this because we live in a democratic country, and we hope it will remain that way, but we know that freedom that is not exercised responsibly will eventually lead to chaos and confusion both in one's own life and perhaps in the lives of the society as a whole. But there are several civil servants who are ardent church workers and lay preachers in various churches of our country. Will this restriction apply also to the content of their sermons? Let me illustrate. I have already heard within the last few weeks a civil servant, a layman, preaching from a pulpit using a specific historical development of very recent vintage, the Rhodesian crisis, as a means of illustrating how men can corrupt the whole concept of brotherhood by relegating some people to a status below

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that of human beings and therefore not qualified to be loved in the same way as those whom they choose to love. This was very definitely expressing an opinion on a matter of international political controversy. I should like to be enlightened by the Attorney General, because in the course of the execution of my own work we depend a great deal on the work done by lay preachers. I should also like to know whether the restrictions of this clause will refer to the reading of the writing of other people. Now, a civil servant might use this means of expressing an opinion by giving it in quotation marks and reading in effect the writing of another man on a matter of national or international political controversy. Will such a quotation be permitted?

I should like to refer also to clause 28, paragraph (h) dealing with the granting of leave, under Part VI, General, page 13. It speaks about the regulations about to be made for regulating the granting of leave to civil servants.

3.45 p.m.

Then when we turn to page 15 of the Civil Service Regulations, 1965, section 58, subsections (1), (2), and (3), we see something that apparently has surprised many people, and that is that a government that was once accused by some of being godless should almost bend over backwards to cater for the religious sensibilities of some of our religious minority groups. I commend the Government very highly for this, for we believe that religion is not just a matter of ritual or ceremony or rite, but that religion involves and influences all of a man's life. But one thing that bothers me about this is that permanent secretaries and heads of departments will depend apparently almost entirely on the statements made by the

particular civil servant when he applies for leave of absence. I believe that some provision should be made so that the head of the particular religious community or denomination involved should provide the permanent secretaries and the heads of departments with a clear-cut statement as to what days or what hours are required in order that the particular civil servant might fulfil his religious duty. I think that this is important, since neither the man himself, the civil servant, nor the permanent secretary might be in a position to come to some absolute decision or judgment on this matter.

In conclusion, I should like to take exception to Senator Julien's apparent horror that dog catchers should appear first on the list. Perhaps if the name was changed to 'canine controller', or some such more sophisticated name it would be all right with him. But my own feeling is, it does not matter if he is a dog catcher or a permanent secretary; the responsibility is still just as great that he should exercise his responsibility with a good deal of devotion and sincerity.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, I have to thank the Members of this Senate who have spoken for their words of commendation with regard to the Bill. Since certain points have been mentioned on which clarification is sought, I have much pleasure in clarifying, as far as I am able to, some of the points raised by the speakers.

I shall not deal with Senator Sinanan's—generally speaking—unexceptionable statements about the economic facts which he stated. We are all aware of the problem of which he has spoken. It is a far cry, however, from the Civil Service Bill. But may I just

remind him that we are keenly aware, or even more keenly aware—because we have the responsibility—than he is of these things. And just in passing, I wish to mention one tiny sector in which we have, to some extent, beaten the problem of imports by producing in Trinidad and Tobago products sufficient to meet the needs of our market. In the agricultural field I believe we are developing a plethora of pigeon peas and of poultry. Poultry, I believe, once represented something like \$3,000,000 of imports; today the imports of poultry have been cut down to something like \$200,000. That is a tremendous attempt to offset the unfavourable balance of trade.

Senator Sinanan referred to clause 9 of the Bill, with regard to the restriction placed on civil servants. He does not like the way it is phrased. I should like to remind him that it is so phrased because of the words of the Constitution. I am referring now to section 31 of the Constitution of Trinidad and Tobago. It specifically entrusts to Parliament the right to make laws governing elections:

“31. (2) Parliament may provide that, subject to such exceptions and limitations (if any) as may be prescribed, a person shall be disqualified for membership of the House of Representatives...”

The point is that it was so drafted, having regard to the fact that the Constitution contemplates that Parliament would make specific provisions whereby certain groups or classes of persons for good and sufficient reasons may be qualified. Now it is quite clear that the first part of the sentence is a statement of an obvious right: all citizens of this country have the right to vote. But it might be felt, for instance, that a civil servant, by voting, thereby takes part in politics, and this clause merely makes

a plain statement that notwithstanding the Bill he shall have the right to vote. I really cannot see why exception should be taken to that.

As to clause 12, subparagraph (g), to which Senator Sinanan has referred, this has given rise to some misconception on the part of certain people, among them being the Civil Service Association. I think now they have changed their original view on the matter. But this is not intended to attach the conditions which would follow leaving the Service; those are provided for (a) under our pension legislation, and (b) under Public Service Regulations. This merely states formally the manners in which one may leave, it does not attach any conditions, just in the same way as it does not attach any conditions to compulsory or voluntary retirement. This is not intended to indicate that no rights are attached.

As to clause 14 (3), without dealing at any length with the points he made in regard to the Industrial Stabilization Act and the machinery for price control, I am happy to be able to say that the machinery for appointment of price control inspectors is working, that appointments have, in fact, been made and that it is hoped that before very long it will be in operation so that one of the purposes of the Industrial Stabilization Act may be carried out.

He also referred to clause 26. Clause 26 is really only permissive—well, no, it is more than permissive. But the point is this: it will be recalled that civil servants who are in Schedule 1 are expected to form their own association. Now, clearly, if that association is negotiating with Government, somebody has to do it on behalf of the Government. Government act only by agents, somebody has to be an

agent, and I personally can see no disadvantage. In fact, so far from being a disadvantage, it may probably be an advantage to a civil servant who is a member of one of these associations to negotiate on behalf of Government. It makes a provision that is absolutely necessary, because if it had not been done, in effect it would mean no negotiation could take place.

As to regulation 64, I should like to direct Senator Sinanan's attention to regulation 71, which covers the points of the doctors quite abundantly, contemplates study leave and attachments and things of the sort. In fact, one of the prime reasons for the withdrawal of the ordinary leave passage is because Government felt that the amount of money spent on these passages should be diverted to a more constructive channel. We do not anticipate that any less money would be spent. It is rather an encouragement to civil servants who think they are able to profit from attachments and courses abroad to take advantage of this and go. All that it provides here is that passage will be paid only when they go on attachments or study leave. We hope this will serve as a means of strengthening and enriching the Civil Service and that a large number of them will profit by this provision.

I thank Senator Walke for her kindly reference to the Bill and I can only say that we too have every hope that this effort we have made will be crowned with success.

Passing on to Senator Julien, if he read the whole of clause 24 he would realize that while the position of an association that is now registered as a trade union is recognized, and in fact the position of the Civil Service Association is, as one

may say, entrenched in this Bill; its continued right not only to negotiate but to remain registered as a trade union is recognized; but that clause is put in really to prevent, say an Association of Officers in the First Schedule, from being registered as an association. And when one bears in mind that the association contemplated there is only one form for the limited purpose of negotiation, that is why that prohibition was put there. It is not a general denial of any right of association.

I am sorry to hear that the Senator has been so strong in his criticism of the Schedule. Perhaps I may remind him of a well-known phrase in the Bible—"The last shall be first;" and the humble dog catcher is first. But let me say this quite seriously, however. Classification is by no means an easy task, as Senator Rojas has reminded us. Changes sometimes take place that may result in the depression of one office in the general position and the elevation of another. It is a scientific matter. And while the Cabinet and the Cabinet Committee have looked at this classification, basically it has been drawn up by experts. We have made certain amendments to it and certain further amendments will probably be made. The reason why it is brought to Parliament at this stage is, as will be observed, that it forms an integral part of the Bill. One had to indicate, by putting a Schedule, what are the offices that constitute the Civil Service; but under the provisions of section 29 it is possible to modify it and that will be done. There are a few offices—not half as many as has been said—which have been omitted and those will be included.

As to the numerical nonenclature, all that has been done is this. It has been decided that when a person enters the

Service at the lowest grade, that would be grade 1; the first grade after entry, grade 2, will be higher; and then grade 3, and so on. It reverses what was done before, but there is no harm in that. In fact when one gets accustomed to it it appears more logical. Some of the names of the offices may appear to be a little strange to us and that is why the old names are put on one hand, so that we shall be able to identify them. There are cases where we have altered some of those suggested, but having regard to the fact that this was drawn up according to certain scientific principles, too much interference might have had the tendency of upsetting the classification, and accordingly they have been mainly accepted. New words and new ideas sometimes strike us as strange but we soon get accustomed to them. We must remember, above all, that this has not really been attempted before, and I am quite sure that when people get accustomed to it they will recognize the value of it. There will be no difficulty in any public servant determining where he stands in one office in relation to a person who holds another office, even though we have not yet got the compensation plan. The reason why it was not brought is not because of any intention to be discourteous to Parliament; it is because it has not yet been completed. The compensation plan will be brought before Parliament and will probably be debated, but Senators may take it that generally as one goes higher up the range the salary increases.

And now to Senator Neehall. I give him the assurance that he sought: that the purpose of clause 10 is not to restrict a civil servant in any of the ways he feared might be done. If the whole thing were read, one would see here in the first place that it is only expressions of the civil servant's

opinion, and not of any one's opinion which he adopts or reads on matters of real political controversy, which are forbidden. And then the purpose of subclause (3) is to exempt him entirely from these restrictions under certain conditions. So that under subclause (3), assuming that he has had the subject matter about which he is to talk or write about approved, then the restriction under subclause (2) does not apply. In the case Senator Neehall quoted, I would say that in the words of this Bill, the subject matter apparently of the clergyman's talk or the layman's talk was love, and I am quite sure that every Minister would give his approval to a discussion on that topic; and the illustrations he used by the way would be quite immaterial.

As regard the granting of leave, I am very glad that Senator Neehall too has recognized that we are not quite as godless as some people would profess. That provision in the regulations has been inserted to meet a real human need, while at the same time not upsetting the whole work pattern of the Civil Service. In this community there are people of various religious persuasions and some observe different days of the week as holy days. We cannot upset the entire Service by giving as of right those days as holidays, but administrative provisions are intended to be made here to permit, as far as possible, persons who regard, say Saturday or Friday, as a day of worship, to get the necessary permission to observe those days accordingly. We have not thought it necessary to go as far as Senator Neehall said—requiring a statement—because in the first place it would be fairly well known what the man's religious persuasions would be, and I think leave granted by a Permanent Secretary would more or less proceed on the right basis and he would not be misled.

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[THE ATTORNEY GENERAL]

Well, I think those are the main points that I desired to raise and to touch on, and I desire in conclusion to thank the Senators for their recognition, above all, of the effort of Government, not only to treat the civil servants as people who perform a tremendously important part in the life of this community and people who form an essential machinery in the administration of this country but, as Senator Sinanan says, as human beings.

Question put and agreed to.

Bill accordingly read a Second time.

Bill committed to a Committee of the whole Senate.

Senate in Committee.

Clauses 1—21 ordered to stand part of the Bill.

Clause 22.

Question proposed, That clause 22 stand part of the Bill.

4.05 p.m.

Senator L. A. E. Wight: Mr. Chairman, I beg to move, That clause 22 be amended by deleting the word "less" in the penultimate line thereof, and substituting therefor the word "more."

The Attorney General: I am sorry, but I cannot see my way to accept that amendment, the reason being that the salary proposals will not operate in quite the same manner as in private industry. There, an agreement is based on a flat salary. In the Civil Service, salaries are graded to cover a span of several years with fixed increments added each year. So that what is needed is a span of years

covered by the incremental stages. Furthermore, when one remembers that subclause (2) of that same clause permits a review at the end of the third year, the amendment, in my view, becomes unnecessary.

Senator L. A. E. Wight: A review means nothing.

Question put and agreed to.

Clauses 22 to 32 ordered to stand part of the Bill.

First to Fourth Schedules ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, without amendment; read the Third time and passed.

4.16 p.m.: *Sitting suspended.*

4.57 p.m.: *Sitting resumed.*

BILL BROUGHT FROM THE HOUSE

Police Service Bill

Bill to make provision for the classification of the Police Service, to provide a procedure for the settlement of disputes between the Government and the Police Service, to provide for matters concerning the relationship between the Government and the Police Service, to consolidate, amend and revise the law relating to the Police Service and for matters connected with and incidental thereto—[*The Attorney General*] read the First time.

Motion made and Question proposed, That the next stage be taken forthwith—[The Attorney General]

Question put and agreed to.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, I beg to move, That the Bill be now read a Second time.

Because of the fact that many of the principles which I have indicated in presenting the Civil Service Bill also underlie and are incorporated in this Bill I do not propose to be very long.

Hon. Senators have had the advantage of seeing the first draft of this Bill and now the final draft—the one that speaks of the Fourth Session of the First Parliament rather than of the Third Session—as well as representations made on this Bill which have been circulated to hon. Senators.

It was noticeable that we actually received representations only from the Police Association and the Police Officers Association. By and large the Bill commended itself to both groups and there were very few points made in those representations and consideration was given to them and many were incorporated in the Bill and more particularly in the regulations which accompany the Bill and which are before this hon. Senate.

The Police have shown a great sense of responsibility in their approach to this matter and their comments and representations were made in a very firm, restrained and dignified manner suited to a Police Force of which we ought to be proud and to which we hope the passing of this Bill will bring greater satisfaction and greater incentives to continue to serve the people of this country.

This Bill incorporates a great part of what is now existing law. It is intended that this Bill should repeal and replace the present Police Ordinance for the reason that the Police Force received statutory recognition

and its powers and duties were set out in an old Ordinance.

This Bill is not so new in its approach to many matters as the Civil Service is, but it does incorporate the major provisions in respect of the human side of the Police Service—the Personnel. There is provision for the establishment and structure of the Police Service on this new basis and for the classification and the compensation of offices in the Police Service, which falls under the Third Schedule of the Bill. I believe it was circulated to hon. Senators along with the Bill. There are a few minor amendments which were accepted in the House of Representatives and which were also circulated. They do not concern any matters of principle.

The Bill, it may be observed, falls into a few parts. The Preliminary Part deals with definitions. Part I establishes the structure of the Police Force and sets out classification; the two Divisions of offices are referred to in clause 6 of the Bill and the offices in those divisions are indicated in the First and Second Schedules of the Bill. There is the same provision for the Governor-General to make orders which will incorporate any settlement arrived at between the recognized associations of the Police Service and the Personnel Division of Government and other matters relating to the Police Service.

Part II deals with the Personnel Department, and here there are the same provisions for dealing with disputes: the setting out of the same period of limitation, that is, twenty-one days, within which the disputes must be reported to the Minister and within which time the Minister must refer the matter to the Special Tribunal set up under this Bill.

Part III deals with Police Service Associations and seeing that the existing Police Association was incorporated, as it were,

under the old Police Ordinance, this part dissolves it but makes provision for the members of the Police Service to form an association, which will be recognized. It is the intention of the Bill that the holders of offices in the First Schedule, that is to say, commissioned officers, would form their own association. That, in fact, recognizes a practice which has existed in the past: they did not resolve themselves into any formal association, but they can now do so if they so desire.

5.05 p.m.

Part IV begins by indicating certain limitations on political activities and speeches of police officers and indicates their right to vote, and from then on it sets out the duties of officers in the Police Force. Practically, one may say, from clause 35 right onward to clause 59 are reproduced from the existing Police Ordinance. There are certain provisions of the Police Ordinance which would become obsolete, and they were omitted, but such provisions as were necessary are being re-enacted in this Bill and in accordance with the terms of the Constitution they will continue as existing law.

Part V deals, in the same manner as the Civil Service Bill, with the mode in which a person may leave the Police Force, the oaths required, the regulation-making power of the Governor-General; and the final clause repeals the existing Police Ordinance.

As to the Schedules, I just want to make a few remarks on the Sixth Schedule. The Sixth Schedule, it will be observed, is something that does not appear in the Civil Service Bill, or indeed in any other Bill. The reason for that is this: Members of the Senate may be aware that the pension provisions of the members of the old Police Force, now to be the Police Service, are regulated by separate pension

provisions. Officers above the rank of Assistant Superintendent received the same pensions under the General Pensions Ordinance as other public officers, but there were special pension provisions relating to police officers below that rank. Well, since the Ordinances containing those provisions are being repealed, it was necessary to re-enact them in the Sixth Schedule here, even though it would be temporary. A review is now being made of the general pension provisions, and it is anticipated that all ranks of the Police Service will soon have the same pension arrangements, but, pending a final determination of that, it was necessary to re-enact the provisions relating to pensions in the Sixth Schedule of the Bill so that there would be continuing authority for the payment of any pensions that might arise in the interim.

I think the Members of this hon. Senate are well scised with the provisions of this Bill and its general intentions, and I should merely like to say in conclusion that I commend the Bill to them for their acceptance.

Question proposed.

Senator T. T. Bleasdel: Mr. President, I do not intend to be too very lengthy on this, but for sometime now, in my view, policemen have been neglected. It is about time something is done for policemen.

The Attorney General in his remarks on the Civil Service Bill not very long ago said that the Civil Service served this country in a special way, but it is my belief that the Civil Service is to this country what the vertebrae are to one's body, and that the Police Service is just a limb of the Civil Service. Policemen are a special type of citizen, in my view, and I hope policemen realize this. They need to get co-operation

from the citizens, and to do this they must get protection from the Government. Government have not been giving the police the protection they deserve for some time now.

Policemen in courts are ridiculed by magistrates. I have been appealing to magistrates in my own way for some time to give some more consideration to policemen. I think Government should endeavour to recruit qualified barristers in the Police Courts to protect policemen from the abuses that are levelled against them. Barristers can be used as police prosecutors. There are policemen in the Police Force who are able prosecutors, although they do not have legal qualifications, and any of these policemen who have the aptitude for this job should be encouraged, if they have the necessary qualifications, and given a course so that they can get the necessary qualifications in law. Barring this, the Police Force should recruit barristers to be prosecutors for the police, even in the lower courts, because here is where most of these policemen get ridiculed unnecessarily because they are not so conversant with the law as are the barristers who appear as defence counsels and the magistrates.

I wish the Attorney General could give me some explanations on this; I do not know whether this has happened as competition for the policemen in this country, but I have been at a loss for sometime now to understand the reason for the introduction of Wells Fargo and Brink's. While these organizations are serving—I do not know, I have never made any detailed investigation of their operation—but while they serve this country in their own way, and we get jobs for our citizens through these organizations, I do not know what is the association between these two organizations and the Police Force.

I do not know whether the Commissioner of Police or the Minister of Home Affairs has any authority over these two particular organizations. I think this should be made clear to the citizens. While these two organizations serve their purpose now, I believe in time there will be some rivalry between them and the Police Force. I do not know whether the men who work in these organizations are trained men as the men in our Police Force are, or I do not know why then, the Police Force do not increase their staff to do the very job that these people are doing now, under the direction of the Police Commissioner who, incidentally, is under the direction of the Minister of Home Affairs.

Talking about protection for policemen and the yeoman service they have done in this country, I wish to ask Government to review the decision they made recently to dismiss certain officers from the Police Force without granting them any gratuity or pension. I myself believe the penalty was too severe for the crime committed. I wish Government would reconsider their decision because these men have given yeoman service in the Police Force of this country and I do not think they deserve that harsh treatment which was meted out to them.

Again I say policemen need protection from Government and they need the co-operation of our citizens, and if they get that I am sure our policemen will be second to none in any part of the world.

5.15 p.m.

Senator Dr. A. R. Sinanan: Mr. President, most of the comments we have made with regard to the Civil Service Bill can equally be applied to the Police Service Bill and therefore it only remains for me to make

[SENATOR DR. A. R. SINANAN]

one or two comments with regard to the Police Service Bill and the Police Service itself.

I refer to clause 12, sub-clause (3), which reads as follows:

The Minister of Finance shall before making recommendations pursuant to subsection (2),

(a) consider the requirements of the police service;

(b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Police Service and the relationship of the duties of the various classes and grades within the Police Service.

The important words in this paragraph are "similar work outside the Police Service." I would say it is difficult to find examples of similar work outside of the Police Service, and I can only compare the work done by policeman, or the hours which he keeps and the irregular schedule which he has to adhere to at times, with the schedule which must be followed by doctors and nurses. I have always felt that doctors, nurses and a policemen are in a category by themselves, and I think it is justifiable to say that the burden of responsibility and the burden of discretion which is sometimes placed on the shoulders of a policeman in the execution of his duties, can be surpassed or equalled only by the responsibilities sometimes placed on a doctor or a nurse, who in the execution of his or her duties has to make decisions on which a human life may depend. When people have to make certain serious decisions at three o'clock and four o'clock in the morning then they become the loneliest people in the world. I would say, with regard to this paragraph, that in taking into account

what is required here, that is similar work outside the Police Service, Government should look on the policeman and on the Police Service as a whole as a service on which the burden of discretion and the burden of responsibility is something which is not light, and we only hope they will take all this into account when they consider the duties of the individual policeman.

I turn now to clause 44 on page 19, which reads as follows:

"If any person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall be liable, on summary conviction, to a fine of one hundred and twenty dollars, or to imprisonment for three months."

Too often in the past we have had reports of the public not co-operating with the Police, with the result that many crimes which could have been solved remain unsolved. I am inclined to think that perhaps the most significant reason why the policeman has not enjoyed the co-operation of the public in general is that in the past the policeman has not enjoyed as happy an image among the general public as we should like; and that is why we hope that from now on in this age of independence, the image that will be built up of the policeman will be that of a friend of the ordinary people of the country; and this image can only be built up by the education of the public. The public must be educated with regard to the duties of the Police, they must be educated with regard to the training of the Police, they must be educated with regard to what goes into making a finished product as a

policeman. When the public are aware of all these things then they will be more inclined to regard the policeman as somebody who has been trained to help them. The image of the Police can also be built up and improved by recruitment to the Police Force of men of a higher calibre than that to which we have been accustomed in the past; and I am happy to say that this is so. I do not think that the public any longer really have the image of the policeman as a big brawny fellow with nothing in his brains. That image has been changed, because in the past few years we have really tended to recruit a higher calibre of men and we have seen members of the Police Force who are quite polite, intelligent and well-trained, and members who obviously have a good background. It is only by recruiting this type of person that the public image of the policeman will be improved to the extent where he could be regarded as a friend of the public.

With regard to this image I would say that one of the exceptions which I have always encountered is in the rural areas; I am sure that hon. Senators will agree with me if I were to say that in the rural areas where you have a local sergeant or a corporal in charge, he is almost invariably looked up to and respected and regarded in the same light as the village priest or the village headmaster or the district doctor. You will find that almost invariably the sergeant in charge of these police stations knows his community very well; he knows the weaknesses of his community, he knows the virtues of his community, and he is therefore in a position to wield a tremendous influence and do a great deal towards the building up of his community. You will find that people in this position can do a great deal towards the lessening of crime in their own communities, that is, where

they are in charge of local police stations. That is why I would agree that there is great merit in the suggestion which was put forward in the memoranda which were submitted to Cabinet on the Police Service Bill, the suggestion put forward by a youth group, which I think was from La Brea, that certain policemen should be considered for leadership training on the basis of their background, education, &c. I think that this is an excellent suggestion because if a young policeman is given training in leadership and after a few years when he has gained some experience he is placed in charge of a local police station either as a corporal or a sergeant, or something like that, he can use his training to the maximum and he can use his influence as a police officer to the maximum, to build up the community of which he is in charge.

It is my view that the integration of the Police Service into the life of the community will result not only in the lessening of crime but in a happier relationship between the public and the Police Service.

My final point is just a reminder that a Police Force can only be as good as the community from which it emerges. It is the people of the community and the people from the community who make up a Police Force and therefore a Police Force is going to be no better and no worse than the community which produces it.

5.25 p.m.

Senator J. F. F. Rojas: Mr. President, this Bill, like the Civil Service Bill, has come at a time when it is most needed because I believe that some adjustment in the working conditions of the Police Force in this country was necessary for a long time. The introduction of this Bill to meet these requirements must be highly

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appreciated. There is no doubt that our policemen were not given the necessary thought and attention before the Government came into power. Very early in the history of the Government we saw them taking a deep interest in the Police Force—soon to be called the Police Service. I think that the policemen felt, and rightly so, that they were getting a new lease of life with the advent of the Government. At least that is my impression. I have spoken with members of the Police Force and the Police Association and I got the impression that they are willing to do their best.

But it ought to be brought to the attention of Government in whatever form possible that there are a few things which are necessary and which must not be overlooked. They must be done speedily. At one time they were thinking about transferring policemen from one area to another. Now, policemen like other citizens of the country, have families; they have wives and children, and when they are posted to distant areas they must pay for boarding and still take care of their families. My sympathy goes out to the policeman for when all is said and done we really thought very little of policemen in the old days. Maybe their attitude and general behaviour prejudiced the minds of many people against them. But there is a general change and we have got to appreciate that like all of us they want to have a good home, to have their children well educated. We cannot overlook the need for giving the Police Force equal treatment with the Civil Service or any other Service in the territory.

I am very glad the Government have given serious thought to the Police Force. Our policemen look very smart in their uniforms: smarter than all the other

policemen I have seen in the Caribbean area. That is a credit to the Police Force of Trinidad and Tobago. We are very proud of that.

I have noticed that within recent times the policemen are trying to bring about some measure of integration with the people, especially in the more depressed sections of our community. We have seen some of the senior officers and their men organizing functions like Christmas dinners in slum areas like John John. This, to my mind, is a great credit to their initiative and it is something for which they ought to be commended. I think that the policemen are doing these things because they take, more than anybody else in this country, a great deal of pride in the independence of Trinidad and Tobago.

Since we achieved independence, certain people, perhaps in the various services of the country, have been thinking of one thing, and that is, how soon they would be promoted, how they can get into the Service or any other job where the Government are concerned. Even the politicians themselves want to be ambassadors and so on, within a year's time. But the policemen have taken heed of the slogan of the Prime Minister—discipline, tolerance, and production—and no one, to my mind, among the people who serve the Government, has displayed more tolerance than the members of the Police Force. That gives me the impression that they take a great deal of pride in the fact that Trinidad and Tobago is an independent territory of which they are part and parcel, and that they feel compelled to make their contribution to the advancement of independent Trinidad and Tobago.

I support Senator Sinanan's view on the question arising out of clause 12 which deals

with the various requirements of policemen, negotiations for wages and other conditions of employment. It is difficult to make a comparison with people in a similar capacity outside of the Service, except we are referring to policemen in the service of the oil companies or anywhere else. But if we are making those comparisons I am afraid that in many instances policemen operating in some of the oil companies even if only those in the senior brackets—enjoy conditions which may be a little more improved than those in the Service. But one consideration must be given and that is, it is difficult to make comparisons with people in similar services outside the Service, because when the policeman is on the beat at all hours of the night and anything happens to anybody whether it be an employer, a business man, a professional man, or a labourer, the policeman is called. It is my sincere conviction that special taxation should be imposed on the commercialists and industrialists of this country who are ready to summon the policeman at every twist and turn, so as to enable the Police Force of this country to be properly remunerated for the services which it is rendering.

I believe that the Government must also consider arming policemen more fully. For when all is said and done, there are guns all over the country; people are making guns all over the place. You are asking the policeman to go up to John John, to go in all dangerous areas to arrest people and to answer every call. We had a case in Caroni where a group of people who stole a motor car, exchanged fire with the policemen in a cane-field. Not only in the cane-fields does this happen, but all over the town. So what has happened? We have reached the stage where policemen must be armed, at least not every policeman, but with the discretion of the Commissioner of Police, more arms

should be issued because on many nights a policeman in the heart of Port-of-Spain or elsewhere is without. In any Latin American country one may choose to visit one will not find a police officer without a pistol. He must have it; it is necessary. It is defence not only for the policemen but all sections of the community. Arm policemen—all of them if necessary.

5.35 p.m.

I see that a Personnel Department is going to be established. A Personnel Department is absolutely necessary as it is for all the other services. I should like to throw it out for what it is worth, that as the Police Service is a semi-military service—I do not know if it still is—and because of the discipline of the Service, there should be appointed a policeman as a personnel officer, who will be able to maintain such discipline as is necessary in the course of his work. I am in favour of a policeman becoming a personnel officer, but when it comes to the negotiations, he must be free to negotiate without any influence of superior discipline and things of the kind.

I also wish to advance for what it is worth that it is important, if and when a policeman is appointed as personnel officer, for him to be sent abroad to obtain advanced studies in personnel and labour-management relations. This is a scientific field. It is a new profession, new in the sense that it is undergoing changes in advancement every day and it is as scientific as any other profession. It is important that a policeman should be the personnel officer because he will know and be able to appreciate the problems of the policeman when they are put forward in the settling of disputes. We must see to it that he should be given the necessary training in

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[SENATOR J. F. F. ROJAS]

the scientific field of personnel management in order that he will be able to do justice in his job.

Training women in the Service is an important thing and a start ought to be made if that has not already been done. I do not know much about the Police Service. I do not know if you have a psychologist in the department. If you do not, you should have one and you should think in terms of introducing psychology in the training of the Police Service which is necessary for the good relations between the policemen and the public. To my mind, psychology is a very important subject and we should do a great deal for every policeman to be given an opportunity if not in the advanced stage but in the elementary stage.

With these few observations, I wish to support the Bill.

Senator L. A. E. Wight: Mr. President, the most maligned, unloved and unwanted members of the community are the Police. Senator Rojas said that when the governing party came into power in 1956 the Police expected a better deal but that they have not had it, and they continue to be treated like dogs.

Senator J. F. F. Rojas: I did not say that.

Senator L. A. E. Wight: I should deal with some of the regulations because many of them need a stick of dynamite. I am going to place a gelignite now. I start off with regulation 10;

“The Governor-General may assign, for the use of the Police Service, such barracks or other buildings as may respectively be provided or available for

that purpose, and may make such further provision for the accommodation, training and hospitalization of police officers as may be necessary.”

The word “barracks” should be changed to “hog-pen.”

I now refer to a part of my speech made at the time of the Budget Debate last year. I am quoting from *Hansard*, Column 522:

“When I look under ‘Police’ at ‘Capital Expenditure’ for the life of me I cannot find a single piece of galvanize even to repair a roof. I call this discrimination. The Darby Report clearly indicates that certain housing accommodations and repairs to police stations are a must. The police station in San Fernando is a disgrace.”

I went on to state lower down:

“In 1956 at a public meeting at the Town Hall in San Fernando the Prime Minister pointed to the police station which is opposite the Town Hall and referred to it as a monument of colonialism. That monument is still there. But he wanted the votes. I am very glad to see that the Regiment is getting such good treatment—houses at Diamond Vale, &c. I have no quarrel with that. But it is unfair that one Force is treated like blue-eyed babies and the other Force like the unwanted step-children. If I had to vote for the man of the year my vote would be for Corporal Frederick and nobody else. We need bold, brave and honest people in our country to unearth the dirt.”

In replying to that Senator Williams said—I quote from Column 558:—

“Again, the gallant lady Senator from San Fernando, who champions the cause

of the police, points out that there is no thought for repairing police stations ... I do not know whether the hon. Senator expects specific items in the estimates such as 'Repairs to Police Station on Harris Promenade, San Fernando—\$25,000;'' ...

Senator R. J. Williams: Mr. President, the gesticulations are all wrong.

Senator L. A. E. Wight: I should try to be better, I have never played "Man Better Man."

"... or 'Repairs to Besson Street Police Station' due to the fact that some bad John has thrown a rock through the window. There are specific development programmes. If she refers to the estimates she will observe that there is a provision of \$500,000, under the Ministry of Works in the Development Programme for 'Improvement and Extensions to Public Buildings.'"

Mr. President, this is a public building. That total of \$500,000 could be used to paint this building. We should be grateful that cows do not have wings.

I continue to quote Senator Williams:

"As far as I know, Government do not make specific references to the buildings which they propose to repair ..."

5.45 p.m.

That seems very extraordinary coming from a business man like Senator Williams. Maybe he has not had time to read the Darby Report so I shall now educate him as to what the Commission found with respect to buildings:

"The evidence shows that for many years ..."

Many years—

"... the Commissioner has been submitting his requirements but with very little or no success; as a matter of fact, the only new police station that has been built within the last eight years is the St. Margaret's Police Station, which was built in 1961. Provision for this was made only to accommodate Texaco Trinidad ..."

So obvious—

"... who required the removal of the district police station then housed in one of their buildings.

"Provision has been made in various development programmes and in annual estimates year after year for urgently needed new stations and improvements, but without result. Out of a total of \$250,000 asked for in 1964 the quite inadequate sum of \$7,500 was provided for improvements to buildings ..."

So Senator Williams now has his answer: out of the \$250,000, \$7,500 went for improvements to buildings.

Then we go on, Sir, to "Maintenance of existing Buildings":

"The general maintenance of Existing buildings is the responsibility of the Ministry of Works ..."

"We have inspected all the main police stations and buildings and most of the smaller stations and find in the main that the accommodation provided for the Force is quite inadequate, and the state of repair of the buildings is far from satisfactory. Particularly is this so in the larger and busier stations, as well as at Headquarters and the Training Depot."

The Darby Commission states quite emphatically:

“It is not possible for a Force to operate efficiently under these conditions, and its continuance must lead to a lowering of standards of police work and morale with consequent serious loss in efficiency. In many police stations this maintenance has resulted in congestion which has been aggravated by increase in strength and duties, thus leading to a decline in the standard of service to the community.”

So much for buildings, Sir. But I should like Senator Williams to go one day and see the barracks in some of the rural police stations, and the conditions under which the men sleep. When they have to go on errands and perhaps the last bus has already gone and there are no taxis, they scramble a sleep on a chair or a billiard table, and these conditions cannot do anything for their morale.

Now, let us take another regulation. I must refer to regulation 13. I am not too sure of the meaning of this:

“. . . An officer selected for first appointment from outside Trinidad and Tobago may be allowed to receive half-pay from the date of his embarkation . . .”

Does this mean that men can be recruited from abroad? Because I thought all candidates had to be citizens of Trinidad and Tobago. If it does not mean that it is just very badly worded.

Now, I turn to regulation 19:

“A police officer who is required to perform duties outside the daily period of duty shall be allowed compensatory time-off for a period commensurate with the period during which he was required to perform such duties.”

I do not quite know what is the meaning of “compensatory time-off,” because it is known that not a single member of the Force has been given a single minute as compensatory leave since Cabinet’s decision in 1962. Why not pay, in lieu of compensatory leave, a sort of bonus? This is the sort of thing that happens in the private sector. When a man is on duty over and above the time he is meant to work he either gets time-and-a-half, other times, twice as much, and if it is on a Sunday, three times. Senator Rojas knows all the rates, even better than I. Very often the policemen are called off their leave or from a Sunday at home to take up duties, and I think they should be compensated in cash only, rather than this compensatory time-off, whatever that does mean.

Regulation 21 (1) says:

“A police officer who is appointed to act shall not be paid increments in the higher office, but shall continue to draw increments in his substantive office, subject however, to the following . . .”

And we go down to (2)(a):

“The grant of increments under (a) and (b) shall be subject—

(a) to the police officer acting continuously for a period of twelve months in the higher office . . .”

Does this mean that if an officer acts continuously for 11 months in a higher post than his substantive post he is not entitled to the relevant increments and that he has to work a whole year? I think that is pretty tough.

Then regulation 28(1)—I have the intention of taking all the time I want whether the Education Bill is coming or not—states:

“A police officer shall be considered to be ‘separated’ if as a result of an

appointment, posting or transfer he is compelled to take up residence in another division without being able to take his family with him . . .”

Now, a division can be a very large area. You may have in the same division to travel many, many miles, unlike Port-of-Spain where probably you just have a couple of blocks to go. Therefore, why not stipulate in terms of percentages what that separation allowance should be? We know that in regulations one does not stipulate in actual dollars and cents because it is apt to change from time to time. But there is always a fair and easy method of calculating allowances. You could say 50 per cent. of his salary would be added for separation allowance, then the officer would know exactly where he stands and what to expect.

When we look at regulation 30 we see that the payment of allowances shall be subject to the following conditions: it shall not exceed the maximum amount fixed by the Minister from time to time; no allowance shall be paid where the period of separation is less than one month. So if the police officer is separated for three weeks he gets no allowance. That is why I say they are treated like dogs, because any Member of the opposite side can go to Barbados for a week to a convention and he will draw forty dollars a day. And that is what maddens me about injustice and unfairness in this country.

Then we turn to regulation 32 dealing with hardship allowance:—

“A police officer who is posted or transferred to a district in any part of Trinidad and Tobago and thereby suffers exceptional hardship may . . .”

Not “shall” but “may”—

“ . . . on application by him be granted a hardship allowance.”

I hope somebody will tell me exactly what is a hardship allowance. I thought that a separation allowance would be a hardship allowance, but there is obviously another meaning to it.

Again, in regulation 34 we see:

“ . . . such house allowance as may be approved by the Minister of Finance from time to time.”

Why not stipulate in percentages, perhaps 15 per cent. or 20 per cent. of his salary as a house allowance?

Then we go to 44. That has to do with the Awards Board. I hope this rot of granting \$5 or \$10 as a reward for bravery is going to come to an end. A man does a brave deed and, like a dog, he is given \$10, something with which you can buy a Coke and a hot-dog, and that is called an award. I cannot stand the injustice when I see it.

5.55 p.m.

Regulation 66 says:

“A police officer selected to represent Trinidad and Tobago abroad at a sporting event or at a social or educational convention will be granted the leave for which he is eligible, plus additional leave with full pay, to enable him to complete his engagement. The amount of additional leave so granted will be regarded as an advance on the officer’s future leave eligibility; but the amount of leave to be so mortgaged shall not exceed half of the maximum amount of leave for which he will be eligible.”

Why should he forfeit anything? He is going to represent his country abroad,

perhaps at sports with a football team. Why should he forfeit any of his future leave? An employee in the private sector who goes abroad is granted leave of absence with full pay and such leave is not deducted from his normal leave.

One of the things which have been entirely left out of the regulations is any mention of travelling. I should like to reiterate a point which I made during the last Budget Debate. I said then that a Minister gets \$450 per month for doing possibly less than 1,500 miles whereas the senior civil servant gets \$145. I must again mention from *Hansard* what Senator Williams had to say on that occasion:

“ I do not think it right for a Minister of Government to answer her and I think I should like to answer her. She spoke of a travelling allowance of \$5,400 being paid to Ministers of Government and she attempted to equate this with the travelling done by civil servants... and when one considers the volume of work that a Minister does in relation to what a back bencher does, is the princely sum of \$5,400 so excessive? ”

The answer is “ yes.”

“ Do you mean to tell me that Government Ministers are not required to do more than four-and-a-half times the travelling that a non-Government member does? ”

The answer is, they do not do as much travelling. As you suggested, at the end of each month read my speedometer as against that of the Minister of Finance, who goes out of his office every day. Even the Minister of Education hops a lift with the Prime Minister when he goes visiting various schools.

The point I want to make is this. The policeman in the rural areas has not got a bicycle. Many a day I have had to give a policeman a lift. Many a day policemen have had to flag a lift because they have summonses to serve, rain or sun. In many rural areas there is no post office. That is what one might call treating a man with indignity or disrespect. You are not providing him with a bicycle, but a Minister, for doing 500 miles, gets \$450 per month. I consider it a disgrace that a man who should bear the dignity of a policeman, and who practically always does, has to walk on his two legs to do his work delivering summonses. I am surprised that no mention is made of transport of any kind for police officers.

However, I am glad to see that the regulation (7) has been changed. As we all know, this wonderful Government, who think so much of their Police Force, at one time slammed the door of promotion in their faces by open competition. They reconsidered the question and have made it a little less impossible. They were more than telling the men in the ranks, “ When you get so far do not expect to go further.” Their incentive was sought to be taken away, but this is a party that has the Police in mind.

In all countries children are taught from small to think of a policeman as a friend. Unfortunately, in Trinidad we do not have that approach. From the age of two a child is frightened by a policeman; it is told that if it did so and so the police would hold it. Children grow up with that idea and as time goes on the stigma sticks. I hope the day is fast coming when the public will have for the policeman the respect which he deserves. He should be treated as a man of dignity and not as a dog.

Senator M. T. I. Julien: Mr. President, the long title of the Bill before the Senate reads as follows:

“An Act to make provision for the classification of the Police Service, to provide a procedure for the settlement of disputes between the Government and the Police Service, to provide for matters concerning the relationship between the Government and the Police Service, to consolidate, amend and revise the law relating to the Police Service and for matters connected with and incidental thereto.”

I intend this afternoon to confine myself exclusively to these provisions and I shall endeavour not to mar these proceedings by interfering with any matter or suggesting anything which does not fall within these provisions.

This Bill became necessary, as was the case of the Civil Service Bill, because of independence. I have read a lot of comments made by the persons whom it really affects in the Police Force; in this case by the Police Association and the Gazetted Officers. I must say that they did a fine job. They made several comments and several worthy suggestions most of which have been accepted by Cabinet. I wish to refer particularly to one instance when, I thought, they rose to great heights. When the Darby Commission of Inquiry was sitting I endeavoured to get that Commission to remove from the statute book of this country a provision which, in my view, was very offensive to the Police Force; it denied the citizen the right to sue the policeman for the recovery of a debt if he borrowed money. I am glad to see that the persons who have suggested its removal today are the policemen themselves. They realize that this was against their integrity, and they are

the ones who have asked Cabinet to have it removed.

I am totally in favour of this Bill and I intend, when the proper time comes, to support it.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, it has been very heartening for me to sit here and listen to the commendatory remarks made by Senators opposite of the Police Force and of the fine services which this body of men have rendered to the country. Perhaps that chorus of praise has been somewhat distorted by Senator Wight; I do not know where Senator Wight got some of her facts in relation to the Police Force. Even in cases where an attempt now has been made to improve conditions of the Force she decries this. But, as I said, I am glad to see the Members of the Senate have accepted the Bill in the spirit in which it was intended.

An impartial examination of the Bill and the regulations made under the Bill will indicate an effort to remove some of the harsh features, and if there were any discriminatory conditions attached to the service, to remove them and, by and large, to place the Service on a footing of equality with other segments of the Public Service of this country. I believe that the Police Service appreciates the efforts that have been made in this Bill.

I must contest Senator Bleasdel's contention that the Government went out of their way to get an impartial commission from outside to consider conditions in the Police Force. There was a time when there was a certain amount of public outcry about certain things that have been going on in the Police Force and it was our view that we should get a body of impartial

men to study and make recommendations so that everyone could assist in ensuring equality of the Police Force, if there was any blame to be attached to do so, and if there was no blame to be attached they would be exonerated in the eyes of the public from some of these accusations. And in fact the Report of the Darby Commission did do a great deal to remove from the Police Service the stigma which may have been attached to them because of certain insinuations and certain accusations. Everyone realizes that there would be black sheep in any body of men whatever their occupations, be they parsons or policemen, but by and large it is now coming to be recognized that we have a very fine body of men who of themselves and with the assistance of Government are making every effort to improve their status in the eyes of the community.

6.05 p.m.

As some of the speakers have mentioned, members of the Police Force render a great deal of social service in their way in various parts of the country. They are coming to be regarded, slowly but nevertheless surely, as friends of the public. They are coming to a greater realization that their positions as guardians of law and order does not depend merely on prosecuting people for offences. They are seeking to guide and assist the public and to prevent crime rather than merely to wait for crime to be committed. They do a certain amount of public relations work, which is very useful. An instance of this is the activities of the Traffic Branch of the Police which keeps reminding the public of the danger of reckless driving on the roads. And Government on their part are very appreciative, very conscious

of the value of a good, properly disciplined, intelligent Police Force.

The emphasis both in the Bill and in the regulations is on a better quality of man, and therefore the educational standards have been somewhat lifted. That need occasion no hardship, because I am reliably informed that a large proportion of the Police Force are now engaged in various educational activities, and Senator Bleasdell may be happy to hear that some of them are even reading law. The former physical standard has been reduced, so that men who formerly lacked the required height can now be enlisted in the Police Force. The path to promotion to higher office has been made wide open. I do not know where Senator Wight got her information that since the Government came into power the door has been closed to that. If she knows the present composition of the Police Force she will realize what nonsense that is. I believe that at present—I hope I am not wrong—every member of the Police Force is a citizen of Trinidad, or at least a West Indian, and the reference to recruiting from outside the Police Force is not intended to mean there is any intention to bring in a large number of expatriates; but a citizen of Trinidad may have gone abroad and qualified in something which could make him a desirable member, and the provision merely means that he can be recruited abroad. There is the requirement that he should primarily be a citizen of Trinidad and it remains.

I think the Police Service will itself not be happy at some of the remarks made by Senator Wight about their recommendations because, as Senator Julien indicates, they presented some very intelligent recommendations in regard to both the Bill and the regulations. As Senator Julien again

indicated, a large number of them have been accepted by Cabinet and have found their place in this Bill. I will not go through all the details of the criticisms that have been made. I do not think that most of the Members of this Senate accept these charges as being serious. I think that everyone here realizes what is being attempted and what has been done in the recent past and what is hoped for in the future. I am quite certain that the public at large and the members of the Police Service will feel happy that this Bill is going to be passed into law and that most of its provisions are calculated to improve their lot in a great variety of ways

Just to give one instance, in respect to the remark of the lady Senator; the separation allowance was a thing unknown to the policeman before but now provision is being made for it. Apparently the Senator did not read all of the regulations or she would have seen that many of these provisions are common to the various Services. As to the hardship allowance to which she refers, that is something different and beyond the separation allowance. A single man, for example, could not qualify for a separation allowance because he would have no family to be separated from, but if he was posted in a district where he suffered hardship he could receive an allowance to compensate him for that. And even on the question of compensatory time, of which she made such play, it merely means that a policeman who may have looked forward to a night's sleep tonight, may by reason of the exigencies of the Service be forced to be on duty during the night and the compensatory time is intended that he should have a good night's sleep tomorrow. After all, giving a man a little overtime pay is not going to compensate him for the loss of certain comforts

like sleep and that is the purpose and intention of this. It is not always that a man wants money; there are certain other things that he finds very much more beneficial to him.

By and large I must say that I am thankful for the congratulatory remarks made by the Members of this Senate and above all for their obvious and apparent appreciation of the role which the Police Force plays in this country.

I have the honour to move.

Question put and agreed to.

Bill accordingly read a Second time.

Motion made and question proposed, That the Senate continue to sit until eight o'clock [Hon. D. Pierre]

Question put and agreed to.

Bill committed to a Committee of the whole Senate.

Senate in Committee.

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

Bill reported, without amendment; read the Third time and passed.

6.15 p.m.

BILL BROUGHT FROM THE HOUSE

Education Bill

Bill to make better provision for the promotion of education in Trinidad and Tobago—[*The Minister of Education*] read the First time.

Motion made and Question proposed, That the next stage be taken forthwith— [Senator D. P. Pierre]

Question put and agreed to.

The Minister of Education (Senator the Hon. D. P. Pierre): Mr. President, I beg to move,

That a Bill to make better provision for the promotion of education in Trinidad and Tobago, be now read a Second time.

This Bill has been the result of a great deal of arduous work and mature consideration by the Cabinet of this country. The Education Bill as presented to this hon. Senate seeks as its main purpose the integration of the Teaching Service in this country. No doubt, Mr. President, when you were engaged in the Teaching Service in a practical way, you might have heard your colleagues long for the day when the Teaching Service of this country would be integrated. I think no doubt, that you have the distinct honour of presiding today over this hon. Senate where a Bill seeks to integrate this Teaching Service. I, myself, am proud that on my shoulders has fallen the mantle of presenting to this honourable chamber a Bill which seeks to integrate the Teaching Service in this country.

We are not singular in longing for an integrated Teaching Service. The Working Party which paid particular attention (I am talking about the Working Party which considered the educational system in an independent country) also spoke about an integrated Teaching Service. For reasons best known to this Working Party no specific recommendations were made with regard to the integration of the Teaching Service. Therefore, the Government of this country thought that it was their responsibility, in this age of independence, to give serious thought to this necessity for integration. And the Bill before us this afternoon is a result of their labours. Why is it necessary in an independent country to have an

integrated Teaching Service? We in Trinidad and Tobago have to produce citizens of an independent country. We hear all over the place a great deal being said about the different ethnic origins in this country; that we are a cosmopolitan country and live in a great deal of harmony.

We in the Government believe that we need an integrated society in this country and if we are to produce an integrated society in this country the chief tool by which we are to produce this society is education, and we further believe that if we are to produce an integrated society and if we are going to use education as the chief instrument in the production of this integrated society, it is most important that we should have an integrated Teaching Service.

What kind of Teaching Service do we have today? We have primary education, secondary education, further education and, we can say, we have education of a special type—the education given to handicapped children in special schools. But all these different segments of the education system are quite disconnected. There is no attempt at unification at all. The primary school teacher is considered inferior, the teachers in Government secondary schools are considered civil servants and we have some hybrids like our intermediate schools which for some purposes are considered secondary schools and for others are not so considered. On the other hand we have assisted secondary schools. There is no integration or connexion in all this. If we were to study the terms of service of teachers in these schools we would find there are different teaching services. We in the Government believe that the time has come when we must substitute unity for disunity and that is why we have produced this Bill.

Under clause 6 of the Bill Government set out the way in which they hope the educational system of this country would be organized. When we speak about education we mean:

- “(a) primary education which shall consist of full time education suitable to the requirements of junior pupils;
- (b) secondary education, which shall consist of full-time education suitable to the requirements of senior pupils who are under the age of twenty years;
- (c) further education, which shall consist of—
 - (i) full-time education beyond secondary education or in addition thereto;
 - (ii) part-time education;
 - (iii) leisure-time occupation in organized cultural training and recreative activities available in pursuance of any provision made under this Act, for further education for pupils who have attained the age of fifteen years.

(2) In addition to the three stages of public education mentioned in subsection (1), there may be provided special schools suitable to the requirements of abnormal pupils who are deaf, mute, blind, retarded or otherwise handicapped.”

We have dealt in every way with education in this Bill and we believe we have left nothing out. No longer are we going to get the spectacle of some teachers as those probably—I am not saying they do—in Government secondary schools who feel they are privileged and entitled to certain facilities that the teachers in the primary schools are not now entitled to. In this

integration we have brought up the primary school teacher to a level in which—with all due respect to the hon. Senator from San Fernando—he can be truly considered dignified.

What do we really mean by this integration? In the integration we shall look a little bit at what we have today. We have about 452 primary schools, eight intermediate schools, seventeen Government secondary schools and twenty assisted secondary schools. This is the picture we have today and if we are to get an integrated Teaching Service we believe that the conditions should be similar and we should attempt to level up certain of the facilities which they enjoy. We therefore look at the teachers in the primary schools—452 primary schools—and all these teachers are under the Public Service Commission today. The teachers in the eight intermediate schools are under the Public Service Commission, and the teachers in the seventeen Government secondary schools are under the Public Service Commission. So all these teachers today are subject to the Public Service Commission for appointment, promotion, transfers and dismissal. All of them are there irrespective of the fact of whether they teach in an assisted primary school, whether they teach in a Roman Catholic primary school, an Anglican primary school, a Presbyterian primary school or a Moravian primary school. There are seventeen denominational bodies that the Ministry has to deal with, but irrespective of that Christian or non-Christian, all alike—or to use a local expression, *toute monde*—are under the Public Service Commission.

It is the proud boast of the Public Commission that since its establishment no Roman Catholic has been appointed to an

Anglican school, no Anglican to a Roman Catholic school, no Hindu has been appointed to a Roman Catholic school and no Muslim has been appointed to a Hindu school. The system has worked quite well. Of course, there are complaints and delays. The teachers complain that they have not got the right to appeal, but as the learned Attorney General said, this is going to be attended to. What is more, some people seem to forget that in the assisted primary schools and intermediate schools today there are nuns at the head of these schools. Providence Intermediate is headed by a nun, Nelson Street Girls' R.C. is headed by a nun and all these nuns—would you believe it, Mr. President?—are under the Public Service Commission today. Since the establishment of the Public Service Commission no nun has been transferred to a Muslim or a Hindu school.

So the Government have sought to put all teachers under the Public Service Commission. And let me remind hon. Senators that the provision in our Independence Constitution for the establishment of the Public Service Commission is a highly entrenched provision; it cannot be amended like that. Therefore we have sought in the interest of integrating the society to integrate the education system and we believe, in order to integrate the education system properly, our teachers must be under the Public Service Commission, and henceforth when this Bill comes into effect the teachers in the 20 assisted secondary schools are also going to be under the Public Service Commission.

6.35 p.m.

I believe it is my responsibility to explain to this hon. Senate what are the procedures that are followed today in the appointment,

transfer and promotion of a teacher. This, of course, will not be seen in the regulations that we had prepared. This is not our responsibility. As you will know, Mr. President, under the Constitution, the Public Service Commission has to make these regulations and the regulations are going to become law so far as the Public Service Commission is concerned with the consent of the Prime Minister. But today if an applicant wants to teach in a denominational school he has to apply to the particular denominational board. I am talking now about a first appointment. The denominational board will look through all the applications and will make recommendations for the filling of the vacancy or vacancies. Those recommendations go to the Ministry of Education and Culture. The secretary of the denominational board will place the applicants in some order of merit, some priority—No. 1, No. 2 and so on—and in several cases recommend which person should go to "A" school, "B" school or "C" school. These recommendations are sent to the Ministry—all applications are sent to the Ministry, or they ought to be sent to the Ministry—the Ministry comments on these applications and the recommendations of the secretaries of the boards, and then all these documents are forwarded to the Public Service Commission. It is the responsibility of the Public Service Commission to make the appointments; the recommendations are usually accepted. As one would imagine, if they are considering filling vacancies for Catholic schools and the applications have to be sent by the Secretary of the Catholic Board of Management, then only Catholics will be considered by the Secretary, the Ministry can comment only on the applications before it and these are forwarded to the Public Service Commission;

therefore only Catholics are considered for these vacancies. And the same thing follows in the case of applications from the Presbyterian Board or the Anglican Board, or any of the other boards, including the non-Christian boards; the inception of the procedure starts with the secretary of the board.

In the case of transfers, usually teachers apply for transfers. Transfers are not made, except in the exigencies of the Service, without the consent of the particular teacher. So if a teacher requests a transfer, the application for transfer—I am not dealing with the four Government schools—I am dealing particularly with the procedure with regard to the denominational bodies—the application goes to the denominational board, the denominational board considers the application for transfers and then makes a recommendation via the Ministry to the Public Service Commission. In the case of promotion, the opportunities for promotion are circulated among the schools, persons who are interested apply, they are considered by the boards, their boards make the recommendations, send them to the Ministry, and the Ministry again comments and sends the documents to the Public Service Commission for appropriate action.

So Senators will see in all this, how the system works: the motivation takes place with the denominational board, and then once the board starts to act certain procedures are to be followed until ultimately, the authority that has the responsibility for making either the appointment, the transfer or the promotion, acts in accordance with its own authority. It has the authority and therefore it acts. Well, what I want to point out is that the system is such that only in the case of persons who are first considered can the Public Service Commission say, "Well, we do not agree with

you because you want to promote the head teacher of Calvary R. C. School, whereas there is a teacher in San Fernando or in La Brea who is more senior and therefore should be given the appointment." But, in any case, it would be one R. C. teacher against another R. C. teacher; it would not be an R. C. teacher against an E. C. teacher, or against a non-Christian teacher. So suffice that as the explanation I have given with regard to the integration of the Teaching Service and the way in which it works.

Another important point is this. It may be said that the Government, in wanting to integrate the Teaching Service, have acted rather high-handedly in taking these teachers from the assisted secondary schools and placing them under the control of the Public Service Commission. What is the real picture? The position today is that the Government pay the teachers in all the primary schools and in all the intermediate schools. Of course, they pay all the teachers in the Government secondary schools, but they also pay all the teachers in the assisted secondary schools—the 20 secondary schools I referred to; the Government pay every teacher, from principal down, and whether the person is a member of the clergy or a member of the laity, all are paid. The Government, in addition, give two-thirds of the capital grant for the construction of a school. The Government pay, if they approve of an extension, two-thirds of the capital grant. The Government pay for all the sanitary installations. The Government pay, in the case of the secondary schools—Government or assisted—a secretary. The secretary to the principal is paid by the Government of Trinidad and Tobago. The Government, in the case of the assisted secondary schools, pay \$48 a year for each child in each school,

Education Bill
[HON. D. P. PIERRE]

Monday, 13th December, 1965

Education Bill

6.45 p.m.

So it means, therefore, that in a school where the number of pupils is 1,000, Government pay \$48,000 a year for the pupils in that school. Irrespective of whether they have been put in on the 80 per cent. basis or on the 20 per cent. basis, the Government pay. So to go back to my hypothetical example: in the case of a school of 1,000 pupils, the Government pay \$48,000 per year, and in 10 years the Government pay \$480,000 in school fees. That has nothing to do with the capital grant that the Government make. And the Government make grants every year for the improvement of the sanitary installations and also in keeping the school premises clean.

What is even more, when we come to consider the cost of education in this country, the Government pay the pensions for all the teachers in all schools. Quite recently after the Assisted Secondary School Teachers' Pensions Bill was passed in this Senate in 1963, there were a few teachers who had served honestly and devotedly and who were not qualified for pension and therefore had to petition the Government. There is provision in that Act for petitioning. These teachers had attained the age of 60 years before the 1st of January, 1956. The Government considered their case and, through a Cabinet decision, these teachers are now receiving a pension.

We have a system in this country that is disconnected, certain people doing the same type of work as others but receiving more allowances or better facilities than others and the Government having no control whatsoever. Today the Government feel that in this age of independence a Bill like this is most desirable.

What have we done? I have tried to outline as briefly as I can the system that

operates and the cost to Government of operating that system. Today in these assisted secondary schools teachers are appointed by the principals and their tenure of office is not guaranteed, as their counterparts in the primary and intermediate schools, by the Public Service Commission. But it is Government's money, it is taxpayers' money that is being used to pay the salaries and pensions.

We have in this Bill made what we consider to be some important provisions. Mr. President, no doubt you will remember that you were chairman of a commission on education, usually referred to as the Maurice Commission, which produced a very valuable report, sometimes called the Maurice Report. In that Report is stated the importance of making religious instructions compulsory in all schools. Religion is taught today in Government schools. There was a time when religion was not taught, or if it were taught at all it was taught as a matter of grace; but today in Government schools religion as a subject is compulsory. Persons representative of different denominations who want to teach religion go into the Government schools and make arrangements with the principals and they are allowed to give religious instructions. I have heard complaints from the secondary schools that these instructors are allowed to teach only up to Form IV. This is now being investigated by my Ministry. I myself know nothing about it. But I can give the assurance that in all Government schools where there are no religious instructors the teachers themselves who are followers of a particular religion assist in teaching their religion.

Probably it might have been madness about ten years ago to think about religion being taught at the Government Teachers'

College; it is now taught there and even at the Training College at Mausica. They have gone one step further and appointed chaplains. There is an R. C. priest as chaplain at Mausica, there is an Anglican representative, and a representative of the non-Christian religions also goes in to teach religion at Mausica. So it is not the intention of Government to prevent religious instruction from being given.

If hon. Senators will look at the regulations they will see that we have made a provision in the Bill for religious instruction. Under clause 29 in page 19 religious instruction is to be made compulsory. In the regulations we have provided that religious instruction is compulsory in all schools because there are some religious heads who, unfortunately, object to a religion other than their own being taught on their school premises during school hours. So we have had to ensure, by regulations, that children who attend a school not belonging to their own faith will be assured of some form of religious instruction.

Senator M. T. I. Julien: What is the number of the relevant regulation?

Senator Pierre: This provision will be found in page 16, part 12 of the Education (Schools and Teaching Colleges) Regulations.

To proceed, Mr. President, we have divided the schools into public schools and private schools. Under public schools we have put all the Government schools and all the assisted secondary schools. We have made it necessary for registration of all persons who are to be engaged in teaching in this country for the first time. The Teaching Service was such that one just had to wipe his feet to get in; sometimes one did not wipe his feet, one just jiggled

into the Teaching Service. Today we have taken the precaution of making it necessary for registration before a person can engage in what I consider, and what you will consider, Mr. President, the noble profession of teaching. So that the first thing that a person needs to do in this country if he is to engage in teaching is to apply to the Ministry of Education for registration. In due course the Ministry will set out the qualification necessary for teaching at the different levels.

In order not to cause any embarrassment or inconvenience to anyone the Bill provides that those who are now engaged in teaching are to be granted automatic registration. The Bill also provides for the removal of teachers from the register. We have two sets of provisions. One set applies for those teachers who come under the Public Service Commission. If they are under the Public Service Commission and they do anything wrong, any infraction of discipline, then the Public Service Commission enquires into the matter, and if it orders a dismissal of the person or fines the person then that person has a right to go to the Review Committee, which was spoken of by the Attorney General, and if the decision is upheld then the Minister has a right in such cases to remove that person from the register.

6.55 p.m.

No doubt, you, Mr. President and hon. Senators have seen in the past, many acts, some of them criminal, committed by teachers, and if we are to lift the tone of the citizens of this country we must first try to lift the tone of the Teaching Service. So that if we are providing better conditions, and if we are granting better conditions of work and increased pay and allowances

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and so on, then it is only natural that we as a Government should demand the highest standards possible.

In the case of the private schools, teachers will also be on the register. They will have to apply before engaging in teaching, and those, as I said before, engaged in teaching in private schools today, will be allowed to continue. If they should commit any infraction of discipline, the Minister will set up a committee in accordance with the Act and enquiries are going to be made. If a case is proved the Minister will serve notice upon the particular teacher about his removal from the register. If he is not satisfied, I think he is given three months, and within that period he has to appeal to a judge in chambers, and if he is still not satisfied he is allowed to go to a court of appeal.

So we do believe that the provisions are as liberal as possible and is in the balance of the right of the Government to demand certain standards of persons engaged in teaching on the one hand, and the right of the citizen not to ride roughshod over his right. So that we have given the teacher every opportunity to vindicate his position and we do believe that there is a fair balance between the Government on the one side and the citizen engaged in teaching in a private school.

In the case of private schools, we have made the provisions for the registration of the school as such and the registration of the proprietor of the school. Because sometimes a person who owns a school is not the principal. So we have taken the precaution of compelling the private school as such to be registered as well as the proprietor.

In regard to the physical conditions of schools as such, we have demanded certain

requirements, and we have no intention of driving any person, who is now running a school, out of business. We do hope that we would be able to give all the facilities for the person who is now running the school to bring it up to the necessary standard. The Bill provides for this; but if the person does not want to co-operate with the Government then the Government will have no alternative but to enforce the law. But, it will not be a matter of enforcing the law. Every attempt will be made to get the people to make the alterations; we will extend the time for the completion of the alterations in order to allow them to carry on their work. In the case of the proprietor, there is an attempt here to make sure that the proprietor of the school himself is a man of character. After all you cannot go and open a rumshop or a gas station just as you want without making application and getting permission. So we do believe that in our independent country, if you want to open a school you should be a person of a certain character, and that is why we call upon the proprietor of the private school to be registered.

The Bill also provides for the establishment of a Personnel Department similar to that established under the Civil Service Bill and inasmuch as the learned Attorney General has dealt with the provisions for the establishment of this Personnel Department, I do not think I should dwell on these provisions any more.

In the final part of the Bill there are provisions which we like to consider as provisions for the protection of the child—the compulsory attendance; the age from six to twelve; the appointment of attendance officers; and the giving to them of certain authority to make investigations in order to get the children to school. There are

also provisions in the final part of the Bill for the preventing of children from going to cinemas during school hours. We have been playing with this and we have not been able to meet with any success. If the children go to the cinema under the supervision of their school teacher no offence is committed. There are times when the cinema owners get in touch with the Ministry when they have films of an educational benefit to the children and we always allow the children to go, staggering it over a matter of probably two or three weeks; but we do feel that the children should be in school when they ought to be; and therefore we put the onus upon the cinema owners, managers &c., to see to it that the children do not enter their cinemas during school hours.

There are also provisions to prevent the children from going into rumshops and these pin ball shops, and therefore we do believe that in this section we have made a very serious attempt to ensure that the children of this country go to school in order to be educated; because when they are educated they are more easily disciplined than when they are not educated.

I think, in the time I have spoken, I have given a résumé of the education system, highlighting certain points, and I have also dealt with some of the principal aspects of the Bill. I have not deliberately anticipated any criticisms, although I think there may be very much, but I know I shall have the benefit of a reply when I think I shall be capable of dealing with any which may be made.

Question proposed.

Senator R. Lange: Mr. President, coming back from leave, which you so graciously

granted me, and during which time I also read many reports of the reaction to this Education Bill, may I congratulate the hon. Minister in the manner in which this Bill has been presented before this hon. Senate. He certainly has tried his best to be as clear and lucid as possible and I think he has succeeded. He has dwelt at length on the situation that exists today regarding the non-integration or, as I think he would like to lead us to believe, disintegration in the Teaching Service, and the necessity for integrating it. I agree with him wholeheartedly that in this multi-racial society and multi-religious society of ours, this is probably the most effective way of forming ourselves into an integrated nation.

7.05 p.m.

I have said on many occasions that in Trinidad and Tobago one of our problems is creating true national pride. The last thing that a person admits is that he is a Trinidadian. He will tell you that he is English, French, pseudo-American, French Creole, East Indian or something else, but as I said, the last thing he tells you is, "I am a Trinidadian". I sincerely hope that this Education Bill will produce true citizens of Trinidad and Tobago who would be proud of their nationality. I always said that one of the problems I saw with federation was that it was difficult for East Indians to explain how they were West Indians and make anybody understand. But perhaps as we have become independent and they have to call themselves Trinidadian or citizens of Trinidad and Tobago, this would help.

Another point which I should like to comment on is this. I gladly embrace this opportunity to express my complete confidence in decisions made by the Public Service Commission. I had the honour

and privilege of serving on the Public Service Commission both as member and chairman for many years. I know how the Public Service Commission works. I know the integrity of the Public Service Commission. I know how they consider material put before them and if, as Senator Pierre has outlined to us, in the case of a denominational school only teachers who belong to that denomination will be considered for appointment to the school, it would seem to me that that should be a sufficient safeguard. I am quite sure that the Public Service Commission today is as honourable and as honest as it was in the past. I would hate to think that I was the only honest person in this country. That would be terrible.

However, I came back here and, as I said, a lot of the shouting and the tumult had died down but, nevertheless, I did hear a great deal of what took place; and I searched myself for some of the reasons, especially with respect to the denominational schools, and more particularly with respect to the Roman Catholic schools. Senators as well as members of the public have heard many references to a document generally called the "Concordat". I heard that the provisions of this document were completely bypassed and that Government did this, that, and the other. So I have taken the trouble to get a facsimile of it and I shall read it clause by clause and at the same time let hon. Senators know exactly how each clause has been agreed to or not agreed to. And these are facts.

The document begins :

"APPROVED BY CABINET

"ASSURANCES FOR THE PRESERVATION AND CHARACTER OF DENOMINATIONAL SCHOOLS

"The Minister of Education and Culture wishes to clarify, for general information,

some of the proposals on education with reference to the re-organization of Education so far as these proposals affect the Denominational Boards of Management, the Governing Bodies and principals of Assisted Secondary Schools :

1. In relation to property, the ownership and right of direct control and management of all denominational primary and secondary schools will be assured to the denominations in whatever modifications of the existing system that may subsequently be introduced in the New Education Ordinance, and all existing rights, so far as property is concerned will be respected."

I am given to understand on excellent authority, that the right of direct control and management is not denied by the Bill but it is very much circumscribed.

I continue:

"2. In the denominational schools, no books or apparatus to which the denominational authority formally objects, will be introduced or imposed."

The Bill provides that all curricula, books, apparatus, &c. will be fully controlled by the Minister but these are now safeguarded by the regulations so there is no complaint on them.

I proceed:

"3. In denomination schools, (unless the denominations concerned otherwise gives its consent) the religion of the particular denomination which owns the schools will be taught exclusively and by teachers professing to belong to that denomination. In Government schools all recognised religious denominations will have access through their accredited representatives

during the time specified in the time-table for the teaching of religion to the pupils belonging to their faith.

“ Pupils attending the schools of a denomination, not of their own faith, will not be compelled to take part in the religious exercises or lessons of that denomination.”

This is now safeguarded in the regulations.

It continues:

“ 4. The right of appointment, retention, promotion, transfer and dismissal of teachers in primary schools will rest with the Public Service Commission.

That was an agreement which was made between Government and the denominational schools.

May we continue:

“ A teacher shall not be appointed to a school if the denominational board objects to such an appointment on moral or religious grounds. Similarly, if a teacher be found unsatisfactory on these very grounds, moral or religious, the denominational authority shall have the right to request the removal to another school after due investigation. For these reasons it is proposed, (provided the legal and constitutional arrangements allow), that vacancies as they occur in all schools should be advertised and applications submitted in the first instance to the respective board of management which will examine them and forward them all, with their recommendations, to the Public Service Commission for final action.”

This right is now transferred to the Public Service Commission.

“ *Secondary Schools*

“ 5. The existing relationship between Government and the Governing Bodies and

teachers in Assisted Secondary Schools will remain, subject, however, to negotiated changes.”

That is no longer so.

It continues:

“... inevitable with the introduction of Free Secondary Education and to a system of inspection of these schools by persons authorized to do so by the Ministry of Education and Culture.

“ The Governing Bodies of these schools will continue to be responsible for the administration of these schools and for their maintenance, repair and furnishings.”

That continues to be so. But it is qualified:

“ These schools will continue to qualify for Government Aid.”

It continues:

“ The Principals of Assisted Secondary Schools will make available a minimum of 80 per centum of the First Form entry places to those who, by passing the test, qualify on the results of the Common Entrance Examination, for free secondary education. The principals will be represented on the panel of examiners to be set up to administer the test.”

That practice continues.

“ The principals will be free to allocate up to 20 per centum, the remaining places, as they see fit provided normally that the pass list of the Common Entrance Examination serves to provide the pupils.”

The change in this condition is that it is no longer ‘ as the Principals see fit.’

“ Entry above the first form will be under the control of the Minister of Education and Culture and will require the approval of the Minister.”

That condition has not changed.

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“ 6. Where the need arises for disciplinary reasons or unsatisfactory progress to remove a pupil from the school, the right to request such removal will remain with the Principal who may for the same reasons suspend a pupil pending investigation. Authority to expel a pupil is vested solely in the Cabinet. For disciplinary reasons the same principle will apply to primary schools.”

The right of temporary suspension of a pupil still remains with the principal but it is circumscribed a little.

“ 7. All new Central Schools may be established only by Government for the simple reason that these schools are to be fed from the Primary Schools of all Denominations, as well as Government Schools, which may be in the area served by the Central School. Where, however, the need arises for converting an existing denominational school into a secondary school, the denominational character of that school will be allowed to remain.”

The Bill does not make provision that when an existing denominational school is converted to a secondary school the denominational character of that school will be allowed to remain. Maybe it is there but that is what I am advised.

“ 8. The selection of teachers for training at the teachers' college is to remain solely with the Ministry of Education and Culture. Selection of teachers for training in the existing denominational training colleges may be made by the Denominational Boards; but such selection must be approved

by the Ministry of Education and Culture.”

This is taken care of in the Regulations.

“ 9. It is the desire of the Government that all teachers be trained at the Teachers' College under supervision and administration. Government will however, respect the rights of the existing training colleges conducted by the denominations; but no expansion of these facilities will be allowed without the expressed permission of Government.”

That is taken care of in the regulations.

Then we see “signed J. S. Donaldson, Minister of Education and Culture—for the Government,” and signed Pedro D. Valdez, o.p.—2nd December, 1960.”

Mr. President, this document is the Concordat referred to so much within the last few months and we see exactly what it states and what remains for Government to implement in order to meet at least what the R. C. denominational schools want. Maybe in the course of his reply the Minister will straighten me up on some matters on which I may be wrong. I want to make it quite clear what was the basis of a lot of arguments, and what has been done about those arguments in this Bill and the regulations.

I now turn to the regulations. Clause 8 states:

“The Minister may establish a National Advisory Committee for the purpose of advising him as to the performance of any of his responsibilities under this Act.”

I would have preferred to see the word “shall”; the Minister “shall” establish a National Advisory Committee.

The other point is something which someone should straighten out for me. Regulation 21 states:

“ Every manager shall be responsible for the efficient performance of—

- (a) such duties as may be delegated to him by a Board of Management;
- (b) such duties as are delegated to him by the Minister including: . . . ”

It would seem to me that the poor manager is going to be under a cross fire from the Board of Management which appoints him and the Minister who is also going to give him instructions. I feel sorry for him.

In clause 22, we have for the first time the words, “ a principal or Board of Management ”. Now, in the interpretation there is no definition of a Principal although they do define what a manager is and what a Board of Management is. It says, “ a Principal or a Board of Management ”, and I would like to have this classified because I am not too sure whether the Principal is the Board of Management or not.

Clause 39(b) states:

“ The Minister may—

- (b) cause to be established or authorize the establishment of, any special school, class, clinic, or service . . . ”

“School” is defined, but class, clinic or service’ is not, and I would suggest to the hon. Minister that these definitions should be put in because the only definition we have is under 71 and I do not think if you use that definition in this context you would get very far. It says, under the Associations of Members of the Teaching Service:

“ In this Part and in section 2

- ‘ class ’ means the division into which an office is assigned by regulations . . . ”

I do not think that “class” in regulation 39 means the same thing, and therefore I think a definition should have been put in.

I am a little disturbed regarding the question of the regulations. This Bill touches on the very important question of religion and denominational schools and while it is quite true that for practical purposes the Minister may make regulations, nevertheless I agree with Senator Julien that these regulations should come before Parliament to be ratified. A great deal of confidence would be generated and placed in Government if they would accept this and I think that amendment should come from the Government side; that the regulations will come before Parliament to be ratified.

Finally I should like to make some general comments and that is to say that I regret very much to have found Trinidad and Tobago in practically a religious issue. Possibly the handling of the situation by Government in the first instance, regarding his agreement, was that the Bill was put out without regulations, which led to a lot of confusion. The other is with regard to the expression I have read in the local press about a national clergy. I should like to place on record that as far as the R. C. church is concerned, His Grace the Archbishop has laboured here for 27 years, and with him it will not be a matter of pride to see a national clergy; it would be a matter of joy to see his life’s work completed if he could see all his R. C. clergy become nationals. But, unfortunately, as we all know, a clergy, especially at the highly administrative posts—bishops and archbishops—is not made overnight. Seminaries have been established, and very little has come out of the seminaries, but they are striving. As regards other religions, my only experience is that

of a national clergyman back in 1916. I do not know if Senators remembers a Rev. Agostini of Princes Town, who tried—I say ‘tried’ because he did not succeed—to teach my brother and myself arithmetic. I regret to say that all we learned was how to smoke cigars which smelled. So way back in 1916 there had been national clergymen in this country. I do not think it is a question of this age of Independence. I think that that is what we have been moving towards all along and, as I said, no one would want to see a national clergy quicker than His Grace the Archbishop.

I should like to vote for this Bill if I could get that amendment about the regulations coming here to be ratified, the couple of remaining outstanding matters in this agreement agreed to, and the insertion of those definitions of which I spoke. Failing that, I do not think I could support the Bill.

7.25 p.m.

Senator Sir Patrick Hobson: I have listened, Sir, with very great interest to the remarks of the Minister of Education when he moved the adoption of the motion for the Second Reading of this Bill. I also listened to Sen. Lange with great interest, and I should like to congratulate him on his speech. It was not only interesting, it was well put and it was in a moderate vein.

This Bill is quite obviously a controversial one. I do not wish to put the blame on either the supporters or the sponsors of the Bill or on those who oppose it. Those who support the Bill obviously do so with a great deal of sincerity, and those who oppose the Bill do so with equal sincerity. As a result of this, Sir, the controversy

eventually grew into a dispute between the Church—and I use that word collectively—as the operators of the majority of assisted denominational schools and the supporters of the Church on the one hand, and the State on the other. That in itself was a most unfortunate thing. But what is more unfortunate, and indeed deplorable, are the statements which have been made by, or attributed to, both the supporters and the sponsors of the Bill, on the one hand, and the opponents of the Bill on the other hand. There have been uncomplimentary and uncalled-for remarks made by both sides. The Prime Minister has been accused of the most sinister motives behind the Bill; the Churches on their part have been accused of equally sinister motives in trying to retain denominational control of their schools. In some way a considerable amount of emotion has been generated around this Bill, and I believe that this emotion became in the end the force which largely dictated the controversy.

This is a Bill which, as it itself recites, attempts to arm the Minister of Education with the power which Government consider necessary to enable him to carry out their policy of education. As I have said, Sir, Senator Lange's speech was moderate in tone. I do hope that in the debate which will follow on this Bill the Senate will forget the emotions that have been built up, will forget those uncalled-for and uncomplimentary remarks which emanated, or at least were attributed to both sides, and debate the Bill on its purposes and its merits or demerits. We live in a democratic state of our own choosing. If the Government fail in their responsibility in the field of education, or indeed in any other field, the remedy lies within the Constitution which, as we all know, was largely a matter of our own choosing.

I propose to give this Bill my full support, and I do so without any conditions, although when the time comes I shall give Senator Julien's amendment my support. Like the Senator, I should like to enquire about one or two matters. The first point I wish to make is this. In clause 4 the Minister is empowered to do all things necessary or convenient for the purpose of carrying out his responsibilities under this Bill, but there is a repetition of this in clause 5(g). Is the repetition necessary or is the original not strong enough?

Again, under clause 8(1), which is the clause Senator Lange referred to, the Minister may establish a National Advisory Committee for the purpose of advising him as to the performance of any of his responsibilities under the Act. But under clause 8, subclause (4), the Advisory Committee may advise the Minister on any matter relating to the promotion of education. Are both provisions necessary?

I refer now, to clause 11, subclauses (2) and (3), and I seek merely an explanation as to why it is necessary to insert these clauses at all. Quite frankly the wording of subclause (3) rather defeats me. I do not know quite what it means.

One last point that want to get an explanation on. I notice that in the comments of the Q.R.C. Old Boys' Association it is suggested that provision should be made for what is currently an assisted secondary school turning into a private school. The Cabinet Committee said that this suggestion was not agreed to. Will the Minister please tell me why it was not agreed to?

The last point is merely a matter of drafting, which I think could be tidied up, and that is with respect to clause 17, subclause (1), which reads:

"Subject to the provisions of this Act

and of any regulations made thereunder a Board with regard to assisted schools under its management—

"(a) shall have the control and management of all matters relating to the establishment and making of new schools . . ."

I cannot quite relate "new schools" with the previous wording "with regard to assisted schools under its management."

I think that is all that I have to say, Mr. President, and I am grateful to the Senate for giving me the time to say it.

7.35 p.m.

Senator B. O. Walke: Mr. President, the church has produced excellent products, both men and women, who would not have attained their position in society had it not been for the dedicated efforts of the church in the field of education. But the child population has increased beyond anything anticipated and there is a great desire of every parent to educate his or her child.

As the hon. Minister of Education explained to us, the Government provide grants for teachers' pensions and in general see to it that they have adequate working conditions. In any independent nation it is the Government's responsibility to unify as far as possible in the field of education the aspirations of individuals and to create equal opportunities for all regardless of religion or race. This is only possible if Government accept their responsibility and exercise a greater measure of control. So long as public funds are involved the church cannot honestly justify its claim that it has a right to control all the teachers and the children in the field of education.

The Government have made it abundantly clear that religion can be taught in the

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schools. I am deeply grieved about this situation with the church because I attended a church school and I owe everything to that school. In fact I was so involved that I played hymns on the school piano for prayers for school. I remember very well doing St. Paul's missionary journey at school; it has remained with me up to this day. It is to be hoped that the church would give the Act a fair chance to operate and assist it where necessary. A terrific amount of goodwill and a change of heart is necessary. Things are not really as bad as they appear to be. A School system must operate within the framework of national policy. There must be justice and fair standards in academic terms.

The control of private schools is a very splendid move. If I remember well, as far back as 1940 or 1941 there were measures taken to control private schools but much progress was not made and so the private school trade was allowed to flourish. It has now become an enterprising business. In some cases it is a matter of bread and butter; in other cases it is a genuine desire to assist. Whatever the reasons the control by Government would protect teacher, parent and child. At the same time I do think that tribute should be paid to the valuable assistance given by private schools throughout the years. If I may be permitted to call names, there was a famous lady by the name of Miss Wharton who was a very wonderful disciplinarian; she carried on a private school. There are many others.

There is just one point I should like to make before taking my seat. Every effort should be made to guarantee to a teacher full respect. As the Minister of Education said, a teacher is a very educated person and no amount of money sometimes is

wasted paying teachers' salaries if the teachers are good. A good teacher has a greater influence for good over a child than the parents. It is to be hoped that the teacher would conduct himself so as to always win the love, admiration and respect of the child.

Senator M. T. I. Julien: It seems as though I am supposed to be the night watchman. I only hope that when the time comes if I appeal for 'bad light' you would not object. You will recall, Sir, when drafting the constitution for this country, we were rather careful to include a preamble to it which reads;

"Whereas the People of Trinidad and Tobago—

(a) have affirmed that the nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with which all members of the human family are endowed by their Creator . . .

(d) recognize that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law . . ."

We went a bit further Mr. President, and have had these freedoms and these rights enshrined in Chapter I. I shall mention, however, only two of them:

"(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward."

I shall mention a third:

"(h) freedom of conscience and religious belief and observance."

In section 2(h) thereof there is a provision which states that you should not "deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms."

In my view therefore in respect of this Bill two questions pose themselves. The first is, "Does this Bill, with its regulations, infringe in any way any of these provisions of the constitution thereby depriving the citizen of his rights under the constitution?" The second is, "Have the Government, as has been said, abrogated or disregarded the agreement, or the concordat as it is called, between the church and state unilaterally?" Before dealing with the first question I think I should take the second question, the concordat. Senators will remember that some weeks ago I mentioned in this very Senate that when there were discussions in London in 1962 over the draft constitution I then took the opportunity to move an amendment in the draft constitution asking that the agreement known as the concordat be included therein. Unfortunately, I had not got much support; however, with my usual persistence I was able to get agreement whereby the principles, the spirit and intendment of the Concordat would be embodied in the Public Service Commission Regulations which would have to be promulgated. This, for the record, Sir, can be found in Command Paper 1757—Report of the Trinidad and Tobago Independence Conference 1962 in pages 9 to 10 and our

Government here have thought it wise to append it at the back of our 1962 Ordinances, for the benefit of the citizen.

7.45 p.m.

With your leave, Sir, I would just mention that at the end of page 9 to page 10 of that Command Paper—which is really a report of the Trinidad and Tobago Independence Conference of 1962—this is stated:

"The special provision of teachers and the substance of the agreement (commonly called "The Concordat") with the Denominational Boards of Management of Assisted Primary Schools will be reflected in regulations made by the Public Service Commission with the consent of the Prime Minister."

I may mention that my motive then was to have that inserted because there were quite a few bodies here who were apprehensive as to whether the ruling party, when it came into power and had exclusive power under an independent constitution, would not then unilaterally abrogate this agreement. It is apparently still the view of some that the Government intend so to do. I, however, knowing the Government since they came into power in 1956, would never dream or believe that they, or any Government, would dare commit a breach—such a flagrant breach—of an agreement which they entered into and which they took part in and which they got embodied in the report of the Independence Conference. However, to allay all such fears I shall ask the Attorney General and the Leader of the Senate again tonight to emphasize and reiterate that the Public Service Commission Regulations will embody the principles of the Concordat, will embody its spirit and intendment, and that these regulations will certainly be promulgated

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soon. And when I say "soon" I do not refer to the "soon" which generally we hear from the lips of the Attorney General, but I hope that the Leader of the Senate will tell us what he means by the word "soon".

I am not "appealing for light" yet, Sir; I see I still have a few minutes. The first question I had posed earlier in my speech is whether the Act infringes the Constitution, but again I will postpone this for a little later because I find that there has been such a bitter controversy over this Bill, a controversy which seems to have engendered, and is still engendering, bitterness. But I will, if I may, transgress a bit to state that throughout the ages statesmen and philosophers have been asking the question: "To what end shall the state direct the education of its members—to its own welfare and security, or to the happiness of men and the greater glory of God?"

There have been several men in the past, Sir, as you well know—Aristotle, Plato, Bacon, Descartes and others—who have always thought that everything should be based on the state. You will also remember, Mr. President, that Rousseau in his famous *Emile* seems to have contemplated the type of education whereby the child grows up almost like a quadruped. But there have been others that have come forward since—men of the calibre of Mill, St. Thomas of Aquinas, and even St. Augustine, who had thoughts otherwise. With your leave, Sir, just for the record, I should like to read first what Mill said in his day, which seems so appropriate here today. He touches on most of the pros and cons of this issue, if not all the questions raised. He believed that the difficulties could be avoided if Government would leave it to parents to

obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children and defraying the entire school expenses of those who have no one else to pay for them. Schools completely established and controlled by the state, he maintains, should only exist, if they exist at all, as one among many competing experiments, carried on for the purpose of example and stimulus, to keep the others up to a certain standard of excellence. In short, he felt that if you had only one type of school, the state-controlled school, you would be building up one type of person, that is, moulded to be exactly like one another.

St. Augustine, however, in his *Confessions*—and as Senators know, he was a very learned man who, having gone through life with all his learning, later got his ideas changed—said this:

"That did it profit me, that all the books I could procure of the so-called liberal arts, I, the vile slave of vile affections, read by myself and understood? . . . For I had my back to the light, and my face to the things enlightened; whence my face, with which I discerned the things enlightened, was not itself enlightened. Whatever was written, either on rhetoric, or logic, geometry, music and arithmetic, by myself without much difficulty, or any instructor, I understood. Thou Knowest O Lord my God; because both quickness of understanding and acuteness in discerning is Thy gift; yet did I not thence sacrifice to Thee."

Wherefore, St. Augustine concludes concerning this stage of his learning:

"It served not to any use but to my perdition."

I think it was in the year 1936 when Hitler was in power and he tried to get rid of the schools that no less a person than Professor Einstein thought this, and said:

“ Only the Church at that time stood squarely across the path of Hitler’s campaign for suppressing truth. I never had any special interest in the Church before, but now I feel a great affection and admiration because the Church alone has had the courage and persistence to stand up for intellectual truth and moral freedom. I am forced thus to confess that what I once despised I now praise unreservedly.”

While I, personally, do not intend to go into the pros and cons of this issue, one does at times ask oneself the question, “ where would education have been today after its liquidation during the breakdown of the Fourth and Fifth Centuries, but for the torch that was carried and the important role played by men of the Christian Monastic Orders—and more especially when one thinks of men of the calibre of St. Benedict, Cassiodorus and Pope Gregory the Great—who helped to share in the social recrystallization that went on in the Sixth and Seventh Centuries at a time when most men in those dark ages thought that all learning and all that man held dear, was perishing or lost?”

Here in this country of ours we are lucky to have had brought to our very shores from Spain, at the time of the discovery by Columbus in 1498, the Christian Faith, the Christian religion. It was also lucky for us that in the Treaty of Capitulation or the Cedula of Population, as it is sometimes called, in 1783 the English who conquered this country agreed with Chacon that they should enshrine in that Treaty the Christian Faith. I mention this because

recently I saw in one of our daily papers that there is an intention to have national churches—whatever that means, for I cannot understand it—and I wondered whether the intention was to get rid of the church that was first established in this country and to have it, perhaps, replaced by other denominations that were brought here forcibly some years ago—the Shouters or the Shango Worshippers. But as I read the version of the incident later in the *Nation*, the organ of the ruling party, it seemed as though that really was not the intention, and what really was said was that there should be native priests and nuns. If that version is correct, I wish to say here now openly and publicly that I am in entire agreement with it. As a matter of fact, it is my personal view that any church which has gone into any country to have conversions to its faith made and has remained there for a number of years without having any such conversions and particularly conversions to the priesthood, is not worth its salt.

Mr. President, there are many of us in Trinidad here today who belong to the Christian Faith and we are very proud of it. We believe that no man is really fully educated except he has had included in the curriculum of his education religious knowledge and training, and religious beliefs. As a matter of fact, I shall give an example of what I mean. I do not think that any Christian gentleman who has had a proper religious training and education would ever be so ungracious as to speak disrespectfully of any church; nor would he ever make the most egregious blunder of referring to the church as the last stronghold or relic of colonialism for he would have been taught that long before colonialism ever came into this world the church was here. He would also have been taught, and he

would have known, on merely reading a little of the Gospels—and I can take one of them, St. Matthew's, I think it is Chapter 28, verses 19–20—that Christ when in Galilee said to his Apostles:

“Go therefore and teach ye all nations . . . teach them all things whatsoever I have commanded you; and behold I am with you all days even to the consummation of the world.”

That is a divine right; a divine right to teach, not a human right. No state, no human being, can take away that right to teach which belongs to the church.

When I hear people talk such nonsense about the state taking over the church I cannot help reminding them that for centuries the church has been in existence. For centuries the church has suffered persecution yet the church still stands today as a bulwark against all such attempts to crush her. We have had it in the olden days and it has continued right down to our modern era. I do not need to give you any examples of this. So that despite all such attempts, immigration curbs or threats of immigration curbs notwithstanding, we hope to have the church in our midst until the end of time. The church has been criticized very severely, albeit erroneously, for protesting, as it had a right to do—as I say, because of its divine right—against the original draft Bill. She was merely exercising that right and she will

continue to, even though there may be many attempts to silence her.

The parents also have made vociferous protests and they were not, as some think, the few non-nationals we have here; they were our own nationals. Look at the memoranda that we have been sent by Cabinet and you will see that all these persons belong to Trinidad. Indeed I have known of quite a few instances where some of the non-nationals had difficulty in controlling the nationals and trying to mollify them in their vociferous protests. However, there have been, as Senator Hobson (I think) said, some of these people who in their endeavour to exercise their rights under the Constitution and in an endeavour to safeguard the religious character and principles of their church may have adopted methods which, in my view, might be regarded as misguided in some instances. But when you compare it with the actual seriousness of the right or obligation of the parent to educate his or her child, a right higher than that of the state, a responsibility higher than that of the state . . .

Mr. President: May I interrupt. Members of the Senate, it is 8 o'clock, and I wish to adjourn the sitting until tomorrow at 1.30 p.m. precisely. I should like to emphasize “precisely.”

Senate adjourned accordingly.

Adjourned at 8.05 p.m.