SENATE

Tuesday, July 09, 1996

The Senate met at 1.31 p.m.

PRAYERS

[MR. VICE-PRESIDENT in the Chair]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave to Senators Dr. Eastlyn Mc Kenzie, Deborah Moore-Miggins and Pennelope Beckles to be absent from today’s sitting.

SENATORS’ APPOINTMENT

Mr. Vice-President: Hon. Senators, I have been advised that His Excellency, the President has appointed Mrs. Nirupa Oudit a temporary Senator with effect from July 2, 1996 and continuing during the absence from Trinidad and Tobago of Sen. Dr. Eastlyn Mc Kenzie, and has appointed Mr. Carlton Callender a temporary Senator with immediate effect and continuing during the absence from Trinidad and Tobago of Sen. Deborah Moore-Miggins.

OATH OF ALLEGIANCE

Sen. Nirupa Oudit and Sen.Carlton Callender took and subscribed the Oath of Allegiance as required by law:

PAPERS LAID


2. Report of the Auditor General on the accounts of the San Fernando Corporation for the year ended December 31, 1983. [Hon. B. Kuei Tung]


5. Loan Contract No. 881/OC-TT between the Republic of Trinidad and Tobago and the Inter-American Development Bank Agricultural Sector Reform Program—June 11, 1996. [The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)]


CUSTOMS (AMDT.) BILL

Bill to amend the Customs Act, Chap. 78:01, [The Minister of Finance]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. [The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)]

Question put and agreed to.

1.40 p.m.

MARRIAGE (AMDT.) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [July 02, 1996]:

That the Bill be now read a second time.

Question again proposed.

Sen. Martin Daly: Mr. Vice-President, this is a Bill about which I had a great deal of difficulty in making up my mind and I had to be particularly careful because I had intended in my contribution, whichever decision I made, to begin by placing this debate on the Marriage (Amdt.) Bill in the context of debates in the Senate.

It is particularly unfortunate that I now have to make these remarks from this rectangular cubbyhole into which we have been slotted, and I fear that if this Marriage (Amdt.) Bill is any example of the type of legislation that is going to be produced because this Government has decided it is in a hurry, then we are in for legislative disaster. I propose to point out, whether one accepts the premises of this Bill or not, features of its drafting which show that it came from a cubbyhole like this and it was done in the haste in which we have still not been officially
informed, that we would be having to sit every day in order to get loan conditionalities. But more of that later.

It really is ironic that the first Bill that we are debating in this cubbyhole is a Bill that is full of technical errors, and that is a sign of what is to come. Because as long as we are going to debate in cubbyholes, with holes in the desk, where there is no parking and where we now have Government wall flowers instead of back benchers, because their backs are to the wall; where, as my Friend, Sen. Kenny pointed out, if there is a fire we cannot get out because we will have to kill poor Sen. Callender to get through the door—and this legislation is typical of those arrangements—I repeat and will repeat ad nauseam, if this is how we are going to do legislative business, we are going to foist bad laws on the country. I make no apologies for the very strong feelings that I have about the arrangements that have been made today.

Look around us. Is this what the Government thinks of the Senate? But it was becoming obvious to me what this Government thinks of the Senate, because I heard perfectly reasoned arguments about this Bill being dismissed by Government speakers as spurious, and I have a problem, because I ask myself: are we in the Senate or are we on the hustings? Why all of a sudden is the Senate not a place where people who are the epitome of calm and maturity like my colleague, Sen. St. Cyr, should have his arguments dismissed as spurious? That is a sign that the Senate is to be pigeon-holed. Look around us. We are in a pigeon hole.

So let me begin what I had intended to say before we found ourselves in this uncomfortable place, by saying first of all that I believe that it is no accident that this Bill has been brought first in the Senate. This is the place where we are supposed to take rounded views and we are supposed to take our time and we are supposed to consider with respect—the type of respect that is not possible in this cubbyhole—and listen to each other’s views with respect before we make up our minds, and not hear loose and idle talk about conspiracy, and not hear loose and idle talk about “in order to give us August off we have to sit every day in July”. As far as I know, every one of the Independent Senators has indicated he would be prepared to come here in August. If other people have travel plans for August so that the Government is going to impose this kind of discomfort on us, let them come clean and tell us and let us see what arrangements we can make. Anyway, I
will do my best without falling through the window or throwing my water through the hole in the desk, to make a contribution.

The country recognizes that the Senate is a place that must be given proper respect and it is an institution that must be given proper respect. I want to begin by quoting from an editorial in the Trinidad Guardian on Wednesday, December 7, 1994, in order to show the background to the points which I wish to make and to remind Senators of the background in which the points have been made by my colleagues for consideration. The editorial was entitled: "Lesson from Senate". It states:

"Neither House of Parliament is a rubber stamp designed by the framers of the Constitution to say, "yes" to whatever the Government proposes and disposes.

In the House of Representatives where the government has its safe elected majority, it could in theory get away with almost anything. The checks and balances in the Senate, however, represent a real brake on hasty and ill-considered legislation.

This gives independent senators the opportunity to speak out without reference to partisan interests on issues of national importance, especially when their votes may be used to encourage the government to think again on such strategically important matters...

Opposition members of the House of Representatives will no doubt when the time comes use the doubts expressed in the Senate as booster for their own resistance to the government's plan.

The final vote will go against them. But, hopefully, the Senate will have taught the government that it is not a bulldozer sweeping away all obstacles to legislation which it believes in its own wisdom is beneficial to the nation as a whole."

This was written on the occasion of the debate about the divestment of the TTEC assets. I would like to read this again:

" But, hopefully, the Senate will have taught the government that it is not a bulldozer sweeping away all obstacles to legislation which it believes in its own wisdom is beneficial to the nation as a whole."

Likewise, on December 7, 1994, the Daily Express wrote an editorial expressing similar sentiments and again on September 21, 1995 in an editorial entitled: Speaking up for the Senate.
So I think it is very important when we come to debate a bill, particularly one which is introduced into the Senate, to understand that we must take our time over it and no amount of impatience or cries of conspiracy or pejorative language will deter anyone—and I am sure I can speak for all the Senators, not only the Independents—from taking their time to express a mature view.

Quite frankly, the introduction of this Bill has been mishandled, just as these arrangements have been mishandled. It is perfectly obvious when you read the media that interest groups that might have an important philosophical contribution to make on this Bill have not been consulted and they are now scrambling to make their views known. Now what has emerged in this debate is this: There are clearly two schools of thought, two currents flowing through this debate. One current is taking a very philosophical, a religious point of view, and is saying that anything that sends a pejorative signal about the institution or sacrament of marriage is a bad thing for the country. I do not belong to that particular school of thought in relation to this Bill, but I am restating the argument because of the short shrift which it received from some of the speakers that have preceded me.

I know that my colleagues will know that on this occasion—I am quoting my colleague, Sen. St. Cyr, because he brings a particular wisdom to a debate of this kind. Sen. St. Cyr has told you and will continue to tell you that when you debate a measure like this, you are looking 50 or 100 years down the road. I want to give a very simple example. It is no justification for this Bill simply to say we are following the Bahamas; we are following St. Lucia; we are following Barbados, and so on. It is a fact that this Bill will bring the marriage laws in line with those countries for the purposes of tourism, but it does not necessarily mean that we must follow them, particularly if we are looking 50 or 100 years down the road.

I read an article from today's London Times which encapsulated precisely what I was thinking as I was listening to the arguments, that we must either do this to follow St. Lucia or we must do this because there is money in it. It was running through my head all the time that there was another type of marriage which we could introduce here for money for which there is a very, very big market. So that I do not know that the idea that we can do it for money is necessarily a very valid argument either.

There is another type of marriage from which we could make ton-loads of money if we introduced it here. We could charge any price and everyone, from the medical profession down, could make a fortune, because it is only possible in
one part of the world at the moment, and that is in San Francisco. And you know what San Francisco is the capital of, do you not, Mr. Vice-President?

Indeed this article in the Times says that when these people get married they are not allowed to call it marriage, it is called a vow of lifetime partnership; they take it in front of a city official and they get a certificate. Now would that not be a great market for us to get into? We would be the first. Now let me say, unhesitatingly, I am not recommending this. I have a complete abhorrence of this kind of business.

1.50 p.m.

If you are going to use money as the argument and pioneering in tourism and so forth, here is a market survey that means we should be going much further with our amendment to the marriage laws. I am not at all in favour of this. It just shows what happens if one applies market considerations. Indeed, the article says that the whole world is watching to see what Hawaii does. Hawaii Supreme Court is at the moment preparing to render a decision on this type of marriage. They say if the court renders the decision in a certain way the rest of the United States will have to follow. Maybe, in 50 years’ time, Sen. St. Cyr, someone will be advocating that we must bring our laws in line with Hawaii, if they go a certain way, or if they balance in a certain way. So you see the difficulty about blindly following other countries or saying there is money in it.

Mr. Vice-President, we must pay proper respect to these views. Likewise, I do not think it is a valid argument to say that it is the first thing that is being done for Tobago, therefore, we must follow it. As far as I know, when we pass laws, we do so for the whole country; therefore, I do not think that is a valid argument either. Likewise, I do not think that the suggestion that has been made that this is really a minor measure in the context of the lack of international flights to Tobago should be dismissed either.

There are many valid arguments against this Bill, Mr. Vice-President, and I think they need to be restated and properly considered. There is no question, from the few soundings that I have made, that there is a serious problem with flights into and out of Tobago. Everyone is entitled to question what the Government’s policy is going to be with regard to flights into Tobago. I talked to one hotelier who told me he had been meeting someone who used to bring 8,000 tourists a year into Tobago when BWIA had a flight out of Stockholm. Of course, we divested BWIA so we cannot make any political linkage between flights from Stockholm or flights on BWIA in and out of Tobago. I am told the situation is
pretty much the same with regard to the stoppage of other flights from Europe from destinations such as Frankfurt and Zurich.

I am told that the Barbados Government has a very skillful subsidy programme to encourage international airlines to fly into Barbados when things are bad. To be told that this is an important measure for tourism smacks very hollow indeed. One is entitled to ask, as many of the previous speakers have done, particularly in relation to the matter of international flights, what infrastructural support is going to be given to Tobago when we say this is such an important measure that is going to bring so much revenue in Tobago?

Mr. Vice-President, this Bill requires very careful consideration as to whether it is worth giving support at all, against the background which I have enumerated. I have a particular problem which I believe I will be able to overcome. I do not understand why we must live in a country where there is one law for citizens and one law for foreigners or for non-residents. I have a fundamental problem with that. The logical conclusion of what we are doing is that we will now do like some other countries and say one does not need a passport to enter into Trinidad or Tobago, if one is a foreigner. One can come in with an identification card or with a job letter or maybe, with one’s hands swinging. The next thing that will be said is one does not need a driving permit to rent a car in Tobago. So people will be bouncing down people everywhere. I really have a fundamental problem with introducing a different law in important matters to govern non-residents than govern us.

Mr. Vice-President, until I heard what some of the religious representatives had to say, I was very much inclined to say my position was that if we are reducing the requirement to three days, let us reduce it for everybody. Someone wrote in the newspapers that I was talking about reducing residency requirements for residents. That is not so. As I understand it, at the moment, it requires seven working days to go through all the formalities, the procedural requirements, for a marriage. It requires seven working days to achieve that if you are a resident under the present legislation. What we are doing now is not only attempting to shorten it to three days, but we are shortening it from seven working days to three ordinary days. And that can be the only reason why an attempt is made to negative the application of section 25 of the Interpretation Act.

In section 25 of the Interpretation Act none of this having been explained by the Government—and the Minister of Legal Affairs cannot be here to hear what we have to say, or to respond to any of this, because, as a result of these crazy
arrangements, she is somewhere else. Anyway, we will do the best we can. The result of negativing section 25 of the Interpretation Act is that we are now reducing it from seven working days to three days, as a layman would understand it. Under the Interpretation Act, if a law prescribes something, Saturdays, Sundays and public holidays are not counted. I do not believe it is correct to say we are simply going from seven days to three. I do not believe we are comparing like with like and that is my reading of this Bill because of the reference to the Interpretation Act.

Mr. Vice-President, I think we need to put some of these matters in proper perspective so we can all make up our minds what we are doing about this Bill, which from my last soundings, was standing on very dicey ground indeed. These are some of the things that we must consider.

I am going to do my best to put my discomfort and these deplorable arrangements behind me when I come to make up my mind. It is very important that we are spending time on a measure of this kind. This is something that concerns people’s status, not their social status, as you will understand, Mr. Vice-President, not status of the type in relation to what tax-free car they drive; but in relation to their status in life and the state of their being.

Mr. Vice-President, there are a number of inconsistencies that are becoming clearer and clearer. On the one hand, certain Members of the Government express vociferous disappointment if any of us consult with persons in the Opposition about our misgivings about a particular Bill; not a matter about which they had misgivings when they were in Opposition. When we see inconsistency, and I do not mean any disrespect, where persons who may have religious beliefs that are in favour of the non-consumption of alcohol have to vote in favour of measures of open rum shops on a Sunday. When we see persons whose religious leaders are saying this is a bad Bill because it is “quickie” marriages, may be corralled into this pigeon hole in order to vote for a measure like this.

Mr. Vice-President, I am raising all of this because this is a measure par excellence, which should not only receive respectful and mature consideration by this Senate, but really should be the subject of a free vote. This type of legislation underlines the difficulties of our parliamentary system where one literally has to have one’s back to the wall in order to vote in favour of a measure about which one might have misgivings.
It is not surprising that the erudite contribution—one which I tremendously admired—from my colleague Sen. Nathaniel Moore sometimes had me wondering whether, in fact, a free vote had been declared on the part of the Government, because there were certain things he said that seemed to me very erudite arguments against the Bill.

Mr. Vice-President, before I get to what I consider to be the technical matters, to summarize, what I am saying is that I deplore any impatience on the part of the Government to pass this or any legislation, particularly in relation to a matter like this, which has been introduced into the Senate. We cannot be railroaded, either by discomfort or by the pressures of time, into not giving a measure like this proper consideration. I think it is legitimate that we should engage in debate as to whether this is a measure that will boost tourism in the absence of the other things that are required in order to do that, particularly the question of flights in and out of Tobago.

As objectionable as it may be, I try to be even-handed in what I consider to be my constructive criticism. I am amazed now, to hear the present Opposition talking about an ‘open skies’ policy. That certainly was not their stance when they were in government. This is the problem. I have learnt from the Leader of Government Business who, these days, has adopted a very severe demeanour, some of the important political aphorisms such as ‘you get exchange instead of change’.

Right now, as a voter in this country, I have no idea what is the policy about flights to Tobago. I hear people who tossed out the national airline saying they were in favour of ‘open skies’ and I hear the free enterprise section of the Government talking about ‘open skies’ and I am not hearing that from other Members of the Government. Really it is all very confusing to the country and very confusing to me.

I feel a bit silly to be debating a tourism measure when I have simply no idea—and I know that anything to do with planes and flights makes my colleague, Sen. Baksh, look up because he will know that it is time for a ritual reminder about the cowshed. In fact, I saw two people discussing the cowshed on TV 6 this morning. One of them, like myself, was of a sufficiently large girth that the inadequacies of the airport which he was discussing were readily apparent. I am also very pleased to see the Minister of National Security here, Mr. Vice-President, because having assembled all the parliamentarians in Trinidad and Tobago into one building with no fire exit, the hon. Minister may have a security
crisis on his hands that will make the coup of 1990 look like a children’s tea party.

2.00 p.m.
I am sure that his late arrival means that he has been checking on what must be
the absolutely, unprecedented security that is required. I am very bad at sums but
it
should be 47 parliamentarians in this building, and some of us who are part-time,
and do not aspire to ministerial office, really do not want to risk our lives coming
here. We risk so many other things when we come here, including our papers
falling through this hole in the desk, or falling through the window, or having to
knock down my Friend.

So, that all of these arguments need to be carefully thought out before we pass
this measure. We simply cannot leap into it and say we are doing it for the
money, or we are following Hawaii, I mean St. Lucia, or any of these kinds of
reasons. We need to think this out very carefully. If our religious leaders—I am
not particularly religious myself, Mr. Vice-President—tell us that it is going to
send a certain type of signal, I would not dismiss it and say “Tobago needs the
money”, or that “I had a couple that I wanted to marry and I was not able to do
it”.

Another thing we have not properly thought out—I think we must listen to
these leaders very carefully before we make up our minds. We cannot just come
here and say, “this is in the manifesto”, “the Minister said it in the budget, so we
have to pass it”. Oh no! That is not how we do things. Indeed, I think that in all
things political the Minister who introduced this measure in the budget has shown
himself to be very resilient where changes in the political mind are concerned. So
I know that he faces everything with an open mind all of the time.

You know, Mr. Vice-President, I really did not think it would be possible to
get into a good humour in this building today, but anyway.

So now, let us look at this Bill against that background. First of all, it says
that it is to “permit non-residents to take advantage of the marriage market”.
What an amazing phrase, Mr. Vice-President—“marriage market”. You know,
our feminists have been quiet for a very long time, but I would have thought that
that is a term they would make politically incorrect. Anyway, we are told that this
is to take advantage of the marriage market. Now, the fact is, Mr. Vice-President,
as the measure is drafted, non-residents would clearly—and I think this point has
been made by Sen. Ramchand—include Trinidad and Tobago citizens. So I think
we must be very upfront and honest and understand that Trinidad and Tobago citizens would be able to take advantage of this law. Many of the people who come down here for carnival are residents abroad, technically they are non-residents, and they may be readily able to establish that.

So that this Bill, the run of this Bill, in my reading of it, will include Trinidad and Tobago citizens who are residents abroad. That may not be a bad thing.

People may be abroad studying or they may be processing their green cards, or whatever it is people have to do when they want to get out of here, and they may have some good reason for wanting to take advantage of this law. But we must be very clear that we are relaxing this requirement for citizens who are non-residents abroad. I do not believe that point has been fully brought out.

I said already, Mr. Vice-President, on my reading of it, we are not going from seven days to three days, we are going from seven working days to three ordinary days. That is how it seems to me, and that is why there is the reference to section 75 of the Interpretation Act.

Now, Mr. Vice-President, I said some very unkind things about the drafting and I would like to explain why. First of all, I think that it is a very technical matter, and I keep saying that I am not a parliamentary draftsman—but I never see the effects of an act being negatized by the use of the word “notwithstanding”. I would invite hon. Senators to look at section 19A(1) which reads:

“Notwithstanding section 25 of the Interpretation Act in the case of two non-resident parties...”

To me that is complete drafting nonsense. Not only because the “notwithstanding” does not properly govern the time requirements—and this is about time, this is about negatizing time—the “notwithstanding” is completely in the wrong place.

In my respectful view, even if it were in the right place, it would not have the effect which I believe the draftsperson is intending, the requirement that Saturdays and Sundays and public holidays do not count is not included. And therefore I have put up in one of my amendments what I consider to be the more normal way of doing these things: “that section 25 of the Interpretation Act should not apply to this section.”

Why am I referring to this in any detail? Because it tells me that this was done in a rush, and this is a forerunner of the type of bad legislation that is going to be
coming here for us to debate in this cubbyhole. That is why I am referring to it. Anyway, I think it is technically wrong, and I have put up an amendment to correct it.

Likewise Mr. Vice-President, if Members look at 19A(5), the same formula is repeated there. I take it in the new arrangements, we can all stand at the same time while a Member is speaking, because the arrangements are not adequate for the advisers to sit. I do not suppose they thought about that. Who needs advisers? I mean, you are going to go through with this anyway.

Section 19A(5) reads: “Notwithstanding the Commissioner of Affidavits Act…” I believe any parliamentary draftsman who was not being rushed, and who was not being asked to service both Houses of Parliament, one in a chamber and one in cubbyhole, would have gone for the more usual arrangement, which is to actually amend the Commissioner of Affidavits Act. I do not think it matters a great deal when I look at the Commissioner of Affidavit Act, but it is sloppy. If this is what is coming in all the Bills, this pack here, if that is what is coming here, well, really Mr. Vice-President, Lord help us!

There is a much more fundamental problem in section 19A(4), which I have tried to address in an amendment. It shows how this provision has not been thought out, and how either the Government has not been given decent advice, or it has just been too rushed to do it.

I believe that there are many countries in which the laws relating to consanguinity, that is to say, the marrying of relatives—consanguinity and affinity is big “lawyerlese” meaning blood relatives. I believe that there are many countries, and indeed, probably within the various states of the United States of America, where the laws relating to consanguinity are different. So I do not believe that one can ask someone to make a blanket declaration that there is no impediment to marriage in relation to the closeness of the relative. Some people allow first cousins to marry, some do not, and that type of thing. So I do not believe that we could make this type of blanket declaration.

More than that, the section has not specified according to whose law. When you are making this oath, that there is no lawful impediment, are you swearing according to the law of—I nearly said Tobago—Trinidad and Tobago? Are you swearing in relation to the home country of the bride? Are you swearing in relation to the home country of the groom? Both? All three? I simply have no
idea. In any case, I know we are doing it for money, but I do not think we can ask two non-residents to get up and make any oath about the laws of Trinidad Tobago.

Likewise, we are running into even more dangerous ground. They are to make an oath as to whether consent of anyone to a marriage is required. Well I mean, I think the age of consent to marriage varies considerably from country to country; maybe even in the United States from state to state. Sometimes it varies in relation to accommodations that are made in legislation for different religions. The age of consent for someone of one religion by law might be one thing, and the age of consent for someone in another religion—the age of consent might be different within different religions.

So we are asking people to make this blanket declaration, and that is because this has not been properly thought out.

2.10 p.m.

So, Mr. Vice-President, speaking for himself, what does poor old Daly do? Does he “get on bad” because he is uncomfortable and because the Government is showing complete disrespect for the Senate as an institution by pushing us in here and putting people against the wall or do I try to do my work? Well, I will put up an amendment which I think will at least raise some thought about the question of this declaration.

We cannot have people coming here and swearing to any old thing so that we can collect $300 and cater for the 1,000 guests. The best I can do, because I am definitely not a parliamentary draftsman, I am not even the world's greatest status lawyer. I know people who are in Government who know much more about this. It seems to me the only way we can ask someone to make an oath that they are not offending any law about their relationship with the proposed spouse, or not offending any law with relation to consent is to do so by reference to their domicile.

Now, Mr. Vice-President, you are very familiar with domicile and indeed it is so complicated that even if I understand it, I will not try to explain it because there can be more than one domicile. I believe that we can only ask these people to take this oath in relation to their domicile. That means, even if they are both non-residents, even if they come from two different countries, religions or states in a federal system, whether it is the canton of Switzerland or Sweden—where we
used to fly—we can only ask them to make this declaration in relation to their particular domicile. This means that if the domicile is different, each has to swear a different oath.

These are important matters. Even if you devalue the Senate by putting it in a cubbyhole or you devalue an oath by making it worthless, you are undermining the foundation of a civilised society. Whether it is a small signal or a big one, you are undermining the foundation of a civilised society. Go to Tobago, boy, and you can swear anything and get married! The "p" word comes to mind but I would not use it. I found another "p" word. We cannot prostrate ourselves in this way no matter how lucrative the market and no matter how Tobago needs it. We have to have self-respect. We have to hold our heads up and see that our lives are good lives to be observed both by citizens and by foreigners.

If some of these technical things can be cured, then I have to consider a change—well I am not in a good mood—of heart with regard to this legislation.

So, Mr. Vice-President, to summarise what I am saying, from a technical point of view, I do not think this Bill has been properly thought out and I have tried to explain why. As I do on all these occasions, I may not have fully understood all the implications of this, but I know that this blanket oath is not acceptable. As far as the background to this is concerned, I will explain why I think that we should give it mature consideration so that all the points that are being raised can be carefully considered.

It costs me money but I feel very strongly about being a citizen of Trinidad and Tobago and if we are going to accommodate anything like this we have to do it with the requisite degree of self-respect. We cannot send out word to the world that we are prepared to do anything for money. We cannot send out word to the world that we will pass any old law and put anything in a schedule to raise this money. That is not to say that we should not encourage people within the proper framework—and make some money out of it to take advantage of our good fortune and the lovely country with which we are blessed. I do not know, perhaps after they pass through Piarco Pride, they might be so ill that they might need more than three days to recover in order to marry.

The point is if we are doing this, we have to do it with self-respect. We cannot do it wholly on the basis that there is money to be made or that Tobago must have this. We have to look at the whole thing in the round. I am repeating myself but as long as I am in this dreadful room, this canteen, I think it is very important that
Marriage (Amtd.) Bill

[SEN. DALY]

the Senate as an institution—I do not care about me—continues to perform the role for which it is lauded by commentators, that is to say, long, if necessary, and mature consideration of measures like this which might appear to be small and insignificant, but has a great deal to do with our self-respect and I am very strong on that, Mr. Vice-President.

If people are coming here from abroad to marry, I will not take any risk that they are offending our laws. Let them swear that the arrangements that they have made are all right in relation to their country but they cannot come here and swear any old blanket oath and take advantage of our good fortune.

I close by emphasising that I welcome visitors to Trinidad and Tobago. I think “visitors” is a much more appropriate word for reasons that Sen. Prof. Ramchand gave. I welcome the fact that people would be sufficiently charmed particularly by Tobago, that they would wish to start the formal part of their life together there. I think that is a wonderful thing and anything we can do to encourage it is fine, but we must do so within the parameters which I have said. We, therefore, have to consider these things very carefully and we cannot simply say, “We have to pass all these bills. Wherever we have to sit to do it, we will do it; whether we have security; whether we have parking; whether we have holes in the desks; whether people are absent; whether they are sick; whether they are willing to come or not.” We cannot pass laws like that.

It is my personal warning shot across the bowels of the Government that I am not going to support any legislation, however noble its objective, if we are going to do it in a rush and under conditions where we cannot get to consult the laws, where there are not enough seats for the advisers and so forth. I am taking this occasion, I hope within the Standing Orders, to make my position perfectly plain.

I thank you.

Sen. Mahadeo Jagmohan: Mr. Vice-President, before I proceed with a few words on this measure before the Senate, permit me to extend congratulations to the temporary Senators, Sen. Nirupa Oudit, the lovely lady on the Independent Benches; and my friend and colleague of long standing, a full-blooded Tobagonian, Sen. Carlton Callender. It is certainly very nice to see him here today.

Perhaps we can put on the record that a very unique situation exists notwithstanding the difficulties enunciated by the venerable Sen. Martin Daly. There are three Senators coming from one private organization (NUGFW) representing the three different political parties—myself here on this side, the real side; Sen. John from the same organization for the UNC and Sen. Carlton
Callender for the NAR. This is very interesting indeed. Congratulations Senators of NUGFW!

Mr. Vice-President, it is crystal clear that the Government wants to make the sacred institution of marriage a farce by proposing such a Bill as the Marriage (Amd’t) Bill which is before the Senate. We on this side of the House, in all good conscience, cannot give our support to this Bill.

2.20 p.m.

Mr. Vice-President, before I go further, a small matter has been bothering me since the last time the Senate met. The contribution of Sen. Debra Moore-Miggins has really baffled me. I am sorry she is not here but she spoke at length on the Marriage (Amd’t.) Bill before us. I wish to assure the goodly Senator that no one is against Tobago or Tobagonians as she has indicated to those Senators who spoke of their unwillingness to support the Bill in its present form.

The point I am making, Mr. Vice-President, it is my respectful view, that Tobagonians are an enlightened, forward looking, law-abiding and peaceful people wherever we find them. If the Government wants to mislead the people by its amendment of the Marriage Act in such an unacceptable manner, then it is the right of others to seek to protect the rights of all the people of Trinidad and Tobago without fail, as Sen. Daly did a while ago.

At this critical juncture we appeal to the Government to withdraw the Bill and have it published for public comment. May I politely ask the Government whether it has consulted with the major churches—the Presbyterian church, the Catholic church and the Anglican church and other similar churches? If it has, then did the Government have the blessing of the churches? We are satisfied that the churches will not favour such a Bill in its present form.

Mr. Vice-President, what about the Sanatan Dharma Maha Sabha of Trinidad Incorporated? Did the Government consult with this large grouping of Hindus? I am sure the National Council of Hindu Organisations was not consulted. Similarly, the religion of Islam, did the Government consult with the Anjuman Sunnaat-ul-Jamaat Association? Did the Government consult the Trinidad Muslim League? Or did it consult with the Tackvetyul Islamic Association and other similar groups? If it did then this Bill would not be here, and it is sad for Trinidad and Tobago that on a very fundamental issue consultation did not take place. Why were they not consulted? The amendment to the Marriage Act is mainly their domain. If no consultation, then where is the democracy and surely
what about the transparency we so often hear about? It sounds good but is it being practised?

Mr. Vice-President, no self respecting priest, pastor or Imam will ever want to conduct a marriage between two parties coming into the country, within three days of their arrival. And very importantly if the body chemistry of the lady is not right within the three-day period, do you think anyone of real substance would ever want to conduct such a marriage under such circumstances? If this Bill is passed here today the entire foundation of family life would be in danger or, to put it another way, once the thin edge of the wedge is in, then the whole wedge would soon be driven to destroy the sanctity of marriage and family life so dear to all of us in Trinidad and Tobago.

You see how correct Sen. Daly was when he painted a particular picture about the condition we enjoy here. [Interruption] If I were far away from the goodly Minister I would not be hearing him but I am a little too close, and he is disturbing my thinking.

The presentation of the Marriage (Amd’t.) Bill is an indication that the administration of this country is after the almighty dollar regardless of what happens to the entire society. The institution of marriage and family life is the oldest institution in Trinidad and Tobago that is holding the society from further morality decay. The Bill, if passed here today will signal to the wide world our intention not to have much regard for family life, which in essence is the foundation for stability in all its senses in any democracy or any nation. Do we want that? I leave the answer to somebody else to provide.

Mr. Vice-President, because of the divergent views being expressed by major segments of society, it is absolutely necessary to mention that it is common knowledge that major segments of the church require that wedding bands be up for as much as six weeks before marriage can be solemnized. Would it be true to say that it is the influence of a few people who want to have quickie marriages in Tobago so that they would be able to cash in big because it will suit their type of business?

The Inter-Religious Organization, which is the umbrella body of all religious organizations within the meaning of the law, has good standing in this country. Why were they not consulted? Would the Government please withdraw the Bill from the Parliament and have same published for public comment? This is left to be seen, Mr. Vice-President. It would do everybody good in this regard. Is it the intention of the administration to use this Bill before Parliament to send a message of things to come? Tell us, please, we are entitled to know. This assault
on the sanctity of marriage is unprecedented in Trinidad and Tobago. Why did the Government not bring a package on the entire Marriage Act, that is, include other aspects of the Marriage Act because definitely, if I refer to the Hindu Marriage Act, it is flawed by many shortcomings and inconsistencies, perhaps they could have all come together.

Mr. Vice-President, may I say a few words on the Hindu Marriage ceremony which is very important in Trinidad and Tobago. One of my Friends here is asking about the relevance, why did he not take the chance to ask Sen. Daly about his relevance when he spoke?

2.30 p.m.

In the Sanskrit language, marriage ceremony is called the Vivah Sanskar. A proper marriage of that kind takes about four to six months to go through planning and executing the ceremony. How will this three days question fit into that situation? Is it not an insult to the Hindu community to have laws enacted for a marriage ceremony to be held within three days of signifying intentions of doing so? Even if it is among people of other religions—who knows? The rush to get married could be a plan to have either party to such a marriage fooled into the marriage contract in order for one party to outsmart the other for material gains, which is very prevalent in our society today. I think I am hearing some agreement.

May I give a brief insight to this honourable Senate. I am doing this, Mr. Vice-President, with the clear understanding that a marriage ceremony should not be rushed, either by statutory arrangements or otherwise.

Before a Hindu marriage ceremony is solemnized, lots of things have to be done and looked into. Perhaps some people are hearing it for the first time here today. Some months in the year are considered inauspicious for holding marriage ceremonies for scientific reasons mainly, but whenever two people wish to get married, either by their own sweet will or consent, or by introduction for marriage by a third party, sometimes called in the Bhoj Puri language, the Agwa, or in English we could say the matchmaker, then an auspicious occasion or date is set aside for the parents of the bride-to-be to visit the family of the bridegroom-to-be. On that occasion the two persons wishing to get married give a formal declaration of their intentions to marry each other by religious sanctity. Much, much more than three days would have elapsed by that stage, Sir. Then similarly another visit takes place by the parents and elders of the bridegroom-to-be to the home of the bride-to-be. There they discuss the entire plan for the marriage
ceremony that will take place later on, not within three, seven, ten or 14 days—not at all. Further, a date is set for the ceremony known as the Teelak which is a positive injunction before the marriage ceremony takes place. The marriage then takes place, roughly between seven to 14 days time.

In Trinidad and Tobago most marriage ceremonies take place over a three day period. Now, that is not as in the Marriage Act; that is something else. Most times, it begins on a Friday evening and is loosely called Saffron evening or as one radio station has it Hardi Ki Raat. They are doing a good job with it. A meaningful ceremony is performed, then there is music and feasting. On the next evening similar ceremonies take place. In Trinidad and Tobago some people call it Farewell Night; the Hindus call it in Hindi, Bhatwan Ki Raat. Then again on the day of the marriage, that is the Sunday to follow, the entire day is filled with several ceremonies after which the marriage ceremony is solemnized. My understanding is that the honeymoon, or in Hindi, Suhaag Ki Raat, does not commence on the wedding night by custom and practice, but the Hindu marriage is said to be consummated one week later.

So you see, Mr. Vice-President, what signal will this piece of law, if passed finally, be sending to the Hindu community in Trinidad and Tobago, or to the entire society? It would be saying, because somebody has an interest in Tobago in monetary matters, he has held on to the hands of the Government and has literally wrung them or twisted them around and by so doing, has had agreement to bring a wishy-washy piece of paper here that is a Bill proposed for the Senate to accept. Sen. Daly is an expert. He has done justice. I will not talk about it in that regard. Mr. Vice-President, it will not cause the Government to lose anything at all, so many previous governments have done it—because of the cry of the people, bills were withdrawn and as a result we propose that this Bill be withdrawn for public comment and thereafter be brought back in a better form to this Senate.

I thank you, Mr. Vice-President.

**Sen. Carol Cuffy-Dowlat:** Mr. Vice-President, as I rise in support of this Bill titled an act to amend the Marriage Act, Chap: 45:01, I must first begin by extending my greatest sympathies to Sen. Martin Daly for the inconveniences which he has suffered while he goes about discussing the business of the nation. I must let him know that many of us on this side, and I am certain Sen. Jagmohan would agree with me, who have come from humble backgrounds have not forgotten where we have come from and the inconveniences at times we must
suffer to achieve that which is in the interest of the people and, as such, we must
go about the people’s business, even if it means that we must be slightly
uncomfortable. So again, Senator, and those who feel uncomfortable, please
accept my apologies but let us get the people’s business and the work of the
nation going.

Mr. Vice-President, as I support this Bill, I do so with the firm conviction,
commitment and with the support and endorsement of the Government of
national unity to the morality and sanctity of marriage. The Government of
national unity sees the firm foundation of good family life as one of the bases on
which a strong and solid society must be built. I thought it important to re-
emphasize the voices of independence to which I have become so accustomed have on this
occasion disappointed me. When I listen to the news or read the newspapers, the
misinformation relating to this Bill leaves me bewildered. I know that this
misinformation is not being intentionally fed to the public, thus I believe the
problem is one of not really understanding the true nature, purport and intent of
this Bill.

Mr. Vice-President, can I be permitted by saying that this Bill does not
directly impact upon the lives of local residents as it relates to the period of
waiting or the posting of marriage bans before the actual ceremony or marriage.
This Bill is directed to foreign residents coming to Trinidad and Tobago and
wishing to be married in this, what I may term, honeymoon paradise. If both
parties wishing to get married are Trinidadians, then the laws of Trinidad and
Tobago as they relate to the posting of marriage bans will prevail. If one party is
Trinidadian and the other a foreigner then again the laws of Trinidad and Tobago
as exist today will prevail. This piece of legislation only reduces the period of
waiting from seven days—

**Sen. Prof. Spence:** I wonder if the hon. Senator will answer Sen. Daly’s
point that non-resident citizens of Trinidad and Tobago will be eligible under the
Bill.

2.40 p.m.

**Sen. C. Cuffy-Dowlal:** I would let the hon. Minister of Legal Affairs, in her
winding up, address that matter.

This Bill only reduces the period of waiting from seven days to three days for
two persons who are not residents of Trinidad and Tobago and who wish to get
married in this paradise, this multi-faceted, multi-dimensional, multi-racial and multi-religious society of Trinidad and Tobago.

This Bill is not about the sanctity of marriage nor about morality in private affairs. What this Bill is, in fact doing, is bringing Trinidad and Tobago in line with the rest of the Caribbean with respect to foreign residents who wish to marry here and more importantly—and I must remind Senators of this honourable House—to effect a measure passed in the budget earlier this year in this very House. What we are doing by this piece of legislation is giving teeth to a budgetary measure that was debated upon and passed in this very House.

As stated by the hon. Minister of Legal Affairs, St. Lucia, Barbados, Jamaica, the Bahamas, all tourist destinations—and might I add, sound, stable and moral societies—have found it necessary to amend their laws to keep in line with the reality of society and with the need to explore the honeymoon tourism market, and I might say, explore and not exploit. This Government is not about exploiting anybody or any situation. We are exploring the honeymoon market as it exists today, all for the benefit of the people of Trinidad and Tobago.

Non-residents, wishing to enjoy the sun, sea and hospitality of our Caribbean peoples, have found the Caribbean to be paradise outside of heaven, and might I add, Trinidad and Tobago to be Eden, hence the reason they may want to come here and get married. Are we to deny these visitors to our shores the right to enjoy a bit of this paradise?

Marriage is a sacred institution. We respect it. We, on this side, honour it. This Government does not intend, nor will it ever seek, to undermine this very fabric of our society, a testimony of the Government's goodwill, faith and commitment to the people of Trinidad and Tobago. We respect the institution of marriage. It is one filled with love, as many of us would know—ask Sen. Nafeesah Mohammed—sanctity, and one in which the memories live with us forever.

Are we in this honourable House moralizing on the behaviour of people by saying that love is not important but what is important is that if we change the residence requirement we are encouraging people to marry in swimsuits or under trees? What evidence is there that the people who would marry within three days are not people who are in love and they would not have married previously or they would not marry again, and they will not live happily ever after in holy matrimony? What evidence is there to say these people will not live happily every after? Are we saying that if they wait until seven days they would live happily thereafter?
Sen. Mohammed: Mr. Vice-President, a question to the hon. Parliamentary Secretary. Can she provide this honourable Chamber with some indication or evidence as to what is there in this Bill to ensure that, for example, one of the parties who may, or may not be in love, may not already have been married in another part of the world?

Sen. C. Cuffy-Dowlat: Mr. Vice-President, I would leave that for the hon. Minister of Legal Affairs to address, but I would nevertheless ask my good Friend, my colleague in law—we are attorneys alike—is it addressed in the present piece of legislation where we have evidence that in seven days the situation is going to be any different?

Mr. Vice-President, what we are, in fact, saying is that reducing the period of waiting from seven days to three days is not affecting morality or marriage. I am a bit perturbed that members of the church have not come out in support of this very piece of legislation and I will tell you why they ought to come out in support. Because many of these very persons who are coming into Trinidad and Tobago to marry—

Sen. London: Can the hon. Senator please indicate to us why the members of the church were not consulted before—[Inaudible]

Sen. C. Cuffy-Dowlat: Mr. Vice-President, like I was saying, many persons on the other side, while they are sitting on the other side, have never listened. I was about to explain why it is that many of the churches ought to have come out in support of this Bill. They ought to have done so because many of the persons who are coming here would have been people who might have been living in "sin" in their own country, and having been brought into Trinidad and Tobago, might have found that they have found peace on earth and the sanctity of this holy institution and the sanctity of the place would allow them to want to marry here. I think that, in itself, is reason why the churches ought to come out in support of this piece of legislation, because we are now going to allow them to marry within three days and to sanctify what might or might not have been considered sanctity previously.

This Bill is not about morality. It is about adhering and addressing a real situation. Moreso, it is, in fact, effecting a measure passed in the budget, as I emphasized earlier, in this very House. This Bill is, in fact, one which deals with sound, prudent, financial and economic management and with the foresight and good sense which is the hallmark of this Government of national unity.
If the hon. Senators—I am certain all my colleagues on this side, we can credit them with good sense, reason and logic, but if the other Members of this House would, just for one moment, stop looking at the politics of the thing and start looking at that which is common sense, good sense and logic, we would have no doubt that they would fully endorse, like the people on this side, this legislative measure.

I thank you, Mr. Vice-President.

Sen. Prof. Julian Kenny: Mr. Vice-President, I, in fact, had not really intended to speak on this Bill. When I read the Bill and I heard some of the debate, I was trying to decide whether we were dealing with “much ado about nothing” or “a tale full of sound and fury, signifying nothing.” But I would like to make a few observations, subject, of course, to my concern at being confined here, my concern at reading in the newspapers when we are meeting and being told that we are going to be meeting every day this week, and so on, and subject also to the unremunerated work of Sen. Daly on the technical details of the Bill.

The way I read this Bill, we are really dealing with tourism, and tourism comes in all forms and flavours. For example, we have dive tourism in Tobago and people come from all over the world for dive tourism. To facilitate or to serve dive tourism, you have to have a certain infrastructure, so that if there is a diving accident there is a recompression chamber so that you do not lose your tourists so that they come back and dive again. So that is dive tourism.

We also have eco-tourism and people are quite familiar with this. In eco-tourism you have to have something, a natural environment, and we have much of that in Trinidad and Tobago. We have the Northern Range, the Nariva Swamp, or what is left of it, and so on, and people come to see things like this.

We have culture tourism. Everyone knows about that. We have event tourism. There is something called danger tourism and there are people in this world who would like to hear the crump of mortar shells exploding close to them and shrapnel flying through the air. This is a fact of life. People actually pay to get into Bosnia while these things are flying. It is known in literature as danger tourism. Not many people do it.

2.50 p.m.

Mr. Vice-President, I might say also that we might even have parliamentary tourism. I do not mean in this Chamber. Surely, if one went to London, and got a ticket into the gallery one would see some really exciting exchanges of incivility
between people in the mother of Parliaments. When I looked at this Bill I thought that we were really dealing with marriage tourism, or honeymoon tourism.

We talk about living in a globalized society; we are part of a global village. It strikes me that, if we are going to talk about globalization and liberalization we really have to cater for the market. I may be persuaded by people to accept that we do not want ‘quickie’ marriages, or sex tourism. One can be persuaded. I see guide tourism, horticulture tourism, and eco-tourism. I recognize from among friends and others, that in the modern world in which we live—we are part of the Western world, let us face it—the young people coming out of North America or Europe have been ‘shacked up’ for years before they come here and they just want a civil ceremony. I do not think that these people actually come here to ask Archbishop Pantin to solemnize a marriage, they simply want a facility. Many people come here for a limited period.

Quite frankly, as far as I am concerned, if it were purely a civil matter with a registrar performing, solemnizing or fixing the contract, I would have no difficulty with one day. I cannot see how a religious community can make a major objection, because if any marriage officer who happens to be a member of a church says ‘I will not do it’, there is no way that the people who want to get married in Tobago are going to have a Catholic priest perform that marriage ceremony, or any Iman, Pundit, or anyone else for that matter. They will have to go to the civil authorities and say they want to get married. ‘We have just arrived and we want to get married on Wednesday morning’. A piece of paper is done—and we note Sen. Daly’s concerns about the actual law. I am not terribly worried about this matter.

I might point out, also, that in this country marriages have been performed in all parts of the country. In fact, a very famous marriage took place on Caledonia Island. The party being married was the late Dr. Eric Williams and the marriage officer was a Presbyterian Minister from Greyfriars Church, the late Andrew McKean who actually performed the marriage. The principal witness was somebody with the name of Johnny O’Halloran. I am not worried about marriages being performed in this way. If one finds a priest or somebody who is a marriage officer and a leader of the congregation, who decides he will perform the marriage, fine.
I might also point out that I am always a bit concerned about the major role of religion in society. I have no doubt about it. Sometimes religions can cause considerable distress to people who do not wish to be part of them. I would like to point out that it was not all that long ago that one religion here, which must obviously remain nameless, sent out an edict, or whatever it was, concerning Catholics—forgive me, I have slipped—who had married outside of the church. It was made quite clear that, once you had married outside of the Church all your Catholic friends could not visit you in your home. This is a fact of life. This was so. I was a victim of this because I went elsewhere.

One must make sure that religions understand the limitations of their influence. If there are people in the world who wish a civil ceremony, fine. I have no problem with people having a civil ceremony, but today, in one of the daily newspapers I was reading about a marriage involving riding ostriches. I think we can draw the line and say a civil ceremony before a marriage officer or registrar would suit the people who are actually coming here. They are coming from societies in which their way of life is quite different from ours, and they come just simply to spend a limited holiday. In the United States most people have two weeks holiday. To come here to fit in something like this is a difficulty. As far as I am concerned it is not a major problem. One day, if it would help.

Mr. Vice-President, I wondered whether we were dealing with “much ado about nothing” or “tale full of sound and fury.” Sen. Daly talked about civilized society and I would just like to read something briefly for this Senate. It comes from the Newsday of June 29, 1996. It says:

“Health Minister: 3,294 abortions in 1993”

This is the hon. Hamza Rafeeq speaking to the Family Planning Association.

“There were 3,294 abortions in Trinidad and Tobago in 1993, according to figures provided by Minister of Health, Hamza Rafeeq, on Thursday, when he addressed a Family Planning Association annual general meeting...”

I am not being irrelevant because this is one of the parts of marriage, and we talk about civilization. He said:

“There still remains ‘a great deal to be done’... In revealing the number of abortions performed, the Minister said that they were done at Government hospitals”
I know that the common law provides in Britain for abortions to be performed under certain circumstances. I went into our law and found the appropriate law, which is Offences Against the Person, Chap. 11:08. It is an offence to perform an abortion yourself, by whatever means, using a substance. For example, you can in fact, now use, for early pregnancy, birth control pills, or other substances, such as RU 44, which is a French compound. You can take it, and that is it—the abortion is done; and that is an offence against the laws of this country. That is section 56.

Section 57 says that anyone who does this, other than the woman who is trying to induce an abortion on her own, is actually committing an offence under the laws of this country. [Interruption] Thank you, Sen. Mahabir-Wyatt, but let us look at the figures for live births in Trinidad and Tobago. There are approximately 21,000 live births a year. We are being told—accepting your argument—that the health services of this country performed 3,294 abortions in 1993 alone. There are five working days. One can work out the arithmetic for the number of abortions being carried out in this country and find the number of mothers’ lives being put in danger. That is what we are saying. Is this a civilized society that glibly goes on allowing this sort of thing to happen? When do we ever discuss it? [Interruption] I am suggesting that abortion is readily procurable in this country, in disguise. It is a fact of life, let us face it.

3.00 p.m.

The point I am making, saying “much ado about nothing,” is that the Marriage (Amrdt.) Bill for non-residents—I would go along with non-nationals coming here, have a civil ceremony and keep it in a registry office, not under water, not in the trees and so on, have some dignity to it. I would go along with that, but I find there is tragedy in spending a vast amount of time on something which is really related to infrastructure in tourism, that is facilitating people who have limited leave, coming here, having their holiday, having a civil ceremony and enjoying themselves with their families and so on. I have no problem with that. I cannot see how this is going to bring marriage in this country into disrepute. [Desk thumping]

So, Mr. Vice-President, I have no major difficulty with the principle here, that is, if it is part of the tourism market. We are going after the tourism market, we want to be competitive, we are part of the global village. I draw the line at certain kinds of tourism. I think sex tourism, gambling tourism, I will be totally opposed to it. I am opposed to some of the other deviant forms of tourism, but I see nothing wrong with a young couple and their friends coming here and having a
civil ceremony to be followed by a party on the beach, or wherever they want to go.

I thank you Mr. Vice-President.

**Sen. Vimala Tota-Maharaj:** Mr. Vice-President, I rise in support of this Bill presented by this Government of national unity, as I know for a fact this Government has never and does not display any form of disrespect to the basic unit, the fabric of our society, that is the family. *[Desk thumping]*

As a matter of fact, this Government in its short tenure as representatives of this country, the leaders of this country, has put in place certain programmes to ensure that the family is strengthened in every single way. And I would like to highlight these aspects.

Food prices: At the onset of assuming office this Government reduced basic food items—*[Cross-talk]*

Also, another aspect was taken into consideration and that is the standardization of school books. Social programmes have been implemented, and more are to come on stream very soon. So saying that we are interfering with the family, we are interfering with this basic unit is a fallacy. This is not true.

I would like on behalf of this Government, to ensure that there will be no tampering with the sanctity of this institution called marriage.

My colleagues on the other side leave me a bit baffled and confused by their argument. And I must say, Sen. Kenny’s presentation was most refreshing this afternoon. He brought some positivity and sanity to the proceedings this afternoon. *[Laughter]*

We are encouraging visitors to our shores to legalize their union. We are not asking them to come to our country and have a good time, do things in sin, as my colleague said here, we are asking them to legalize their unions. I just want to pick up a key word here from Sen. Kenny, ‘dignity’. Who says there is no dignity in getting married on a boat? Remember, different strokes for different folks. What we feel is dignified—getting married in the temple, the mosque or the church, other people feel dignified, getting married on a plane, on a boat, under the water. As I said, different strokes for different folks. It is really what you want and what you believe in.

There is no talk in this Bill of getting married, let us say in the bath or whatever or anything like that. There is no disrespect being shown at all.
I come now to a very ticklish aspect of my presentation here in reply to Sen. Jagmohan. Being a Hindu, I see no form of disrespect being shown to the Hindus. Now, my colleagues are looking at me in consternation wondering how I am advocating this Marriage Bill. The reason is that I do not see how, by passing this piece of legislation, we are interfering with what has been an institution in our country for so many years. There is no interference at all for residents of our country; this is purely for tourism. This is to cater for our tourists. Saying that we are having one form of legislation for our tourists, and another form of legislation for our residents, this has me really—

**Sen. Mohammed:** Mr. Vice-President, a question to the hon. Senator. Can the hon. Senator indicate whether the intent and purpose of this Bill as outlined by the hon. Minister of Legal Affairs, in any way offends the Hindu community?

**Sen. V. Tota-Maharaj:** Mr. Vice-President, it is a well-known fact that I do belong to an organization, the Sanatan Dharma Maha Sabha which is against this Bill, one of the Hindu organizations against this Bill. I am here in the Senate as a representative of the Hindu organization. I am sitting here as a Member of Parliament today. I have spoken to the members of the Hindu organization and I have asked them to try to understand the importance of this Bill, and that it is not interfering with the sanctity and the institution that is marriage.

My Friend on the other side, Sen. Jagmohan, gave a very comprehensive and detailed account of the Hindu wedding, and the Hindu marriage and all its preparation. He gave us a very long, drawn-out account, despite being irrelevant. I am a Hindu, I have always been a Hindu and I do not feel compromised at all. My beliefs have not been compromised, I am proud of who I am, and I cannot see the relevance of using the Hindus for mileage to prevent this piece of legislation from being passed.

I would like to reiterate the points made by my colleagues—

**Sen. Jagmohan:** Mr. Vice-President Sir, not for a single moment I thought I would have to make an intervention. But at this juncture for the purpose of— *[Cross-talk]*

On a point of clarification, the experts on parliamentary procedure must ease up people sometimes. *[Laughter]* Some of the people who were talking, Mr. Vice-President, were dealing with parliamentary procedure when they were still in short pants.
I wish to advise the gracious lady Senator here, that I have not used the Hindu organization or Hindu religion for any kind of mileage. I did not fight an election, I do not have to go back to face the polls on the hustings. I am a senior statesman of course, so what I am telling the Senator, we are glad to listen to her, but she should be very careful.

Before I take my seat, Sir, the good Senator made mention about the details in which I spoke about the Hindu wedding. Sir, I have only scratched the surface. If her knowledge is, that that is detailed, then I am sorry for her.

**Sen. V. Tota-Maharaj:** Mr. Vice-President, I stand here more confused. Sen. Jagmohan, no disrespect to you Sir, I know you went into minor details of the Hindu marriage—the preparation for the Hindu marriage—because it takes several months for us to prepare for a Hindu marriage. It is not done in a mere 7 or 10 or 15 days. We take several months to prepare for a marriage. So changing our laws to accommodate tourists in our country, visitors to our country—[Cross-talk]

**Sen. Mohammed:** Can the hon. Senator indicate whether a Hindu couple coming in from India or any other part of the world as foreigners in Trinidad and Tobago will be able to comply with this amendment?

3.10 p.m.

**Sen. V. Tota-Maharaj:** Mr. Vice-President, Hindus across the world know how to prepare for marriage. [Desk thumping] There are many instances where Hindu couples from Canada, England and across the world know that they are coming to get married in Trinidad and Tobago and they prepare themselves months before, so they just come here to perform the ceremony. I still do not understand why only the Hindus; why did our Friends not elaborate on the Muslims, Catholics and Presbyterians? It was not only the Hindu community which voiced its objections to this Bill.

Mr. Vice-President, I said before, and I reiterate this point, this Government has shown no disrespect for the basic unit of society and is committed to empowering the family. I think the key here is education, and we are educating our country while we are moving forward in a very safe manner, surely and steadily to ensure that our people move into time in a gracious manner and moral decay does not take place.
I thank you.

**Sen. Danny Montano:** Mr. Vice-President, I did not really intend to make a contribution but a couple things have caused me to rise. The first thing I wish to state with some disappointment is that Sen. Cuffie-Dowlat does not have any particular knowledge of the background of any of the Senators on this side insofar as our relative custom to discomfort might be. Certainly we on this side would do the people’s work even if we had to stand outside in the rain. I think that the Senator has misunderstood the distinctions between the office and the officer and the respect and accord which must be paid to the office. We do not see the Prime Minister driving around in a 15-year-old jitney. It has nothing to do with him or his background. It is a question of respect for the office of the Prime Minister and very well he should drive around in the car in which he is driven. I certainly support that.

The Government has brought a Bill here and the intent is quite clear and simple and it is one we on this side have no difficulty in supporting. The intent is to raise revenue in our sister island, or to optimize on the resources of our sister island for the earning of foreign exchange. However, our concern is this: if marriage is a business, then everything that has been said on that side is absolutely correct. However, if marriage is an institution of the Creator, then what we are doing, at best, is somewhat improper. There are other words which can be used, but I will use that at this time.

This legislation is not the same type as the Government might bring, let us say, to change the number of alternate jurors from six to 12. That is a legal issue and does not necessarily touch the lives of the citizenry. This legislation, however, definitely touches the sensibilities of every citizen in the country. This issue touches on the fundamental values of our society.

The Government has provided a waiting period of three days. This is what the big argument is all about. The existing legislation, which we heard very adequately described by Sen. Daly states seven working days. It is clear, Mr. Vice-President, that the Government has recognized somewhere, somehow the inherent value of a waiting period, but the value of that period has nowhere been articulated in any of the debates on this Bill. What is the real purpose of waiting at all? I think that the Government instinctively recognizes that there is a value to waiting and therefore has decided on three days. If that is the case then they have a duty to themselves and to the country at large to consult the community, which
is obviously offended, to determine what really is a proper period, because it varies depending on where you come from. The three-day period is purely an arbitrary number, stuck in there for some unknown reason and, certainly at this point, an unarticulated reason. Why not no day? Why not one day? Why not on demand?

Our quarrel with the legislation here is not that we disagree with the intent but the fact is that the wider community has not been consulted, their views have not been heard formally. The issue is that there is concern in the community that by doing these things we are importing values that are not ours and we will be subject to a gradual and systematic erosion of our values—the values of Trinidad and Tobago.

We have seen this with the Shop Hours Act where we can now buy liquor any time of day or night, anywhere in the country. What we are witnessing is a gradual erosion. What we on this side are urging is that the Government at least suspend this Bill and throw it out to the wider community to seek their advice. After all, they represent the people, not themselves and it is quite clear that there is substantial opposition to this Bill. Let me tell Senators on the other side, if they do not believe that, then put it out to the community.

In view of the fact that it is designed to raise revenue, one of the things that I have not heard clearly articulated is what the incremental revenue is likely to be as a result of this measure. We have heard of revenues generally, but I have not heard of the incremental revenue directly achieved from this measure. It is quite clear the type of tourist we are subject to in this region and we would suggest to the Government that they rethink the $300 fee. Why $300? We assume it is TT dollars because it does not say US dollars in the legislation. Why not US $300? Why only US $50. It seems a paltry sum. If they are talking about raising revenue, then raise revenue. The destination is a desirable one, and we support the efforts of the Minister of Finance in raising revenue but we encourage him not to stop at US $50. Why not US $1,000? Raise those revenues.

When I arrived here this afternoon, in my package there was a document entitled, "Requirements for Wedding Caribbean Style, Revised March 1995: The Caribbean Tourism Organization", I suppose this was a lobby to inform me. I suggest that what occurs outside of my country in terms of our social values is of no particular relevance. Insofar as trade laws are concerned and methods of doing
business that may be highly relevant, but when it comes down to social values, we on this side suggest that what happens outside is completely irrelevant.

I want to suggest one other thing, too. We have some difficulty with there being one set of standards for foreigners and another for nationals. In this situation, we are talking about marriage, but in another situation as was articulated by Sen. Dr. McKenzie on the last occasion, when she said that on occasions she has had to pull up certain foreigners who displayed themselves in a state of undress on the beach to inform them that we do not do that here.

There are other places, not in Trinidad and Tobago, where that is acceptable, but it is not acceptable here. Now the human form is of the Creator, but it is considered improper to walk around in a complete state of undress in our society. These are our values and we do not accept that here. The point is that our values must be the only values that prevail in our society.

For my last point, I would raise the issue of drivers’ licences. Are we going to let them drive around without a driver’s permit? We do not do that. We insist that they have a valid licence, that is one that we recognize. We do not let them drive willy-nilly. It brings back the point of our standards, which is the issue here.

In closing, I reiterate our position that we fully support the intent to raise revenues and to promote tourism, however, we have some difficulty with this measure which touches on the sensibilities of a wide section of the community without the Bill having gone to them for their direct comment.

I thank you.

3.20 p.m.

Sen. Nirupa Oudit: Mr. Vice-President, I am going to be very brave or foolhardy in this debate this afternoon and say that I feel empathy for the Government in bringing this Bill before the Senate. The reason that I feel that empathy is that a government, on assuming power or on coming into office, undertakes a contract to the people of the country, and that contract is to come up with revenue-generating approaches, or revenue-generating opportunities for the country. Unfortunately, the revenue-generating opportunities that have the most potential are the ones that are sometimes least palatable or least easy to introduce into a country like Trinidad and Tobago, which is so small and because of its multi-racial, multi-religious and multi-cultural background so complex. So I feel
an empathy for the Government in this matter because it is a very difficult thing to do.

The Government comes to the House with a proposal for revenue generation, but this proposal involves having to impact on or bringing to the debate the question of marriage. Of course, we are talking now not simply about marriage as an institution which is certainly not under question here—and I am glad to see that that level of balance has been restored to this debate where almost everyone, I think, is comfortable that we are not really talking about marriage as an institution being under threat here; we are talking about making an amendment to a Bill which would allow people to come here and be married in three days.

I hesitate to think what the Government’s predicament was going to be if the TIDCO study had shown that the best revenue-generating option was to introduce casinos into Trinidad and Tobago. How would one have brought this to the Senate? That is the question that I want to raise, how matters like this, which impact necessarily on the sensibilities, the volley of well-established sensibilities and the rights and the values of the people of the country, how they are brought to the Senate. I am suggesting that it is not only what the Government brings here, it is also how it is brought that would allow matters like this, a Bill like this to be passed in the time that it should have taken this Bill to be passed.

I do not want to be accused of not supporting free speech, but when I think about the number of activities or the job that is before the Government in terms of developing this country and what is required to be done, I humbly suggest, as an inexperienced and fairly new Member to the Senate, that a Bill like this should have taken a shorter time. I further suggest that the question is not only what is brought before the Senate, but how these bills are presented. I dare say that if this Marriage (Amtd.) Bill, in anticipation of the kind of debate it would have generated, if that were considered and the opportunity taken to consult with the people who would have been impacted, that we would have had a much smoother passage through the Senate.

At the end of the day the Bill will still go through, because I think the consensus—again I do not presume to speak for others, but I think the value of the Bill has been recognized. But the preparatory work could and should be done in bills of this kind.

The last point I make, Mr. Vice-President, before taking my seat, is that as a country if we are looking at revenue-generating opportunities, we have a responsibility to educate our citizenry, that revenue and morality are not by nature
inseparable. I do not see why we could not grasp this opportunity with this Marriage (Amdt.) Bill to have a win-win situation here.

We need the revenue for the country but perhaps the approach that we have towards it—I am not addressing specifically the Government now, I am thinking about myself as a citizen and the citizens outside, the general population of the country. If we see the opportunity to use the morality and the standards and the ethics which we feel are so strong in our country, the solution for us or the win-win solution, the way forward is not to cloister the country by blocking moves like this, that does not impact on the morality of the country.

To me, unemployment is a highly immoral issue. I think that morality and ethics are personal decisions, but the Government would have a collective responsibility, a collective moral responsibility to provide employment.

3.30 p.m.

We as citizens, on whichever side, should look at these opportunities with an open and a balanced view to try to see if we are speaking from a religious viewpoint, or if we come from a religious background, or if we represent religious sensibilities, and many of us appear to so do, that we can use this opportunity to present to our various clientele or the bodies that we represent, the positive ways in which we can use our values and standards to influence these activities as they happen. That to me, would be the win-win situation for the country and I think all of us here in this small room are interested in that.

Thank you, Mr. Vice-President.

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Mr. Vice-President, I have every intention of joining this debate but I want to suggest that I stand before you as Minister of Tourism. I was quite impressed with Sen. Kenny’s dissertation on tourism. I am sure I will be able to learn quite a few things about danger tourism. I thought parliamentary tourism was already dangerous, far more to talk about danger tourism.

I am also sorry that last week I was unable to be in this Chamber to have been able to hear the comments made during the debate on this particular Bill, but unfortunately I had to attend the Caricom Ministers of Finance meeting in Barbados and so was unable to be here. I have, however, taken the pains to look
at the newspapers to see some of the comments that were made, both inside and outside of this Senate, and can understand and appreciate the amount of debate that a rather simple measure has provoked.

It is simple not just because it is a mere amendment to the Marriage Act, but you will recall, Mr. Vice-President, that when I was presenting the budget as Minister of Finance, I had signalled clearly that we had campaigned on the basis of unemployment. The fact that the way to solve some of our immediate unemployment problems would have been to address the needs of tourism and agriculture and, therefore, in essence this Bill can be seen as a two-sided coin. On the one hand, whilst it is addressing a matter of amendment to the Marriage Act, it really is a measure to improve our position as a destination for tourism. I suggest to this honourable Senate that it is seen in that context, but that in the same token, I feel rather heartened and encouraged that at least there is enough clamour to ensure that our traditional values are not necessarily eroded.

It is in that context that having read in particular some of the comments that were made by certain parts of the religious community, that I felt it was necessary to have gone through this particular procedure, if only to educate the people of Trinidad and Tobago to understand that this was not intended to cheapen, demean or debase the institution of marriage, but instead to make us at least partially competitive with the rest of the Caribbean in terms of trying to attract tourists to Trinidad and Tobago.

Mr. Vice-President, I could well understand the difficulty that the Opposition in the previous administration found itself in—after all, I was part of the difficulties myself. One of the difficulties that had started did not start in the last administration; it was started by a previous Prime Minister who clearly said, “I have no use for tourism. I see a vision of Trinidad and Tobago as being an industrial society.” He did not understand at the time that it was not that tourism made bellboys and waiters of our people, it was that tourism can provide short term jobs where industrialization needs huge volumes of capital which this country does not have.

I have gone on record by indicating that just to provide 5,000 rooms in this country could very well cost $5 billion. Where are we going to get that for hotels? We need, therefore, foreign investors; we need to get our act together in terms of tourism. We cannot think only in terms of the low end jobs but we must think in terms of tourism, because today tourism is the single largest industry in the world. Not oil; not energy. It provides the kind of jobs that satisfy countries like Aruba.
Today Aruba has not just full employment, it has a scarcity of employees. Do you know why? It has taken the pains to address the needs of tourism.

I understand as I said, the amount of discussion it takes. I think it is good because in essence what we are doing is going through a sort of activity that will ensure that at the end of the day, we will become a little more educated in terms of what tourism can do for Trinidad and Tobago and what tourism means. So I want to throw a little different spin on this matter.

I am not seeing this in terms of revenue, although revenues for the Minister of Finance are most welcome. I see it instead as an approach to start producing a destination that can become as attractive as any in the rest of the Caribbean. If we need to go through all these gyrations for people to see that we ought to try to understand what exactly we are doing, if we look at the wrong side of the coin because we see it merely as the amendment to the Marriage Act without understanding that at the end of the day we need to produce a tourism that is acceptable in the main to the people of Trinidad and Tobago, we understand where we have come from 30-odd years ago, when people said we were not interested in tourism and we threw literally, the baby out with the bath water. We did that consciously because we felt that we wanted an industrial society for ourselves. It has not worked and times have changed. The question of globalization, the question of barriers coming down. Times have changed. Today, if we do not make these hard decisions, if we do not go through these gyrations as I call them, where the clergy and the people on the street do not take the pains to understand the benefits that can be derived from tourism, we are going to lose a second chance to get the tourism act together. That, Mr. Vice-President, is the basis under which I want to make my contribution.

**Sen. Prof. Spence:** Mr. Vice-President, unfortunately the hon. Minister was not here when I made my contribution last week. I would just like to ask him one question and make a comment. Are the 5,000 hotel rooms intended for Tobago? Secondly, he knows that I have tried repeatedly to make a certain concept for development and tourism in Tobago and he knows the sort of response. How could I then take seriously the Government’s intention with respect to tourism?

**Hon. B. Kuei Tung:** Mr. Vice-President, I understand clearly the sense of frustration that the hon. Senator feels. That is why I have tried to put into context that there are a number of other initiatives. There is a particular initiative that the hon. Senator has which I myself have been trying to push. We have not been able, I believe, to get that particular initiative moving as far and as fast as we can.
The 5,000 rooms that we talk about, at this point, to my mind, is fairly pie in the sky. It is blackboardish because it is on the drawing board merely for an idea and that arises out of the tourism master plan. Most of the rooms are in Tobago, but there are a number of spots in Trinidad which have also been identified with respect to the development of hotels. So there are going to be a number of issues and a number of initiatives and I started to speak a little about the first one, which is the question of education. I think this debate is healthy if only because it is going to produce some understanding and some hard decision-making in everyone’s mind.

Whilst I do not agree with the Opposition that there is a great opposition to the Bill, I think what comes out of it is that people are going to begin to talk tourism and that to my mind, is a very major step. So that whilst I was not here last week for the debate, I am pleased to see that the debate was not, as Sen. Oudit said, completed in half an hour, because I feel that the people of Trinidad and Tobago need to understand the benefits of tourism.

Would you believe there are people in Tobago who do not see the benefits of tourism either? So they, too, need to be educated to understand that there we have a beautiful destination which incidentally, is attractive to people who sit in cold countries and have no idea what these things look like.

3.40 p.m.

They have no idea what a lovely beach against the backdrop of a temperate rain forest looks like, but they feel they would like to be able to experience it once in their life, and it is in that context that you try to attract people by saying, "would you believe that once you are prepared to address the marriage vows, you can do so in a place called Tobago?" Can you understand if you are sitting in a cold Scandinavian country, what it feels like to try to understand having a tropical wedding? I have seen and read about situations where people get married in Jamaica and you would be surprised at the lengths to which they go to create a particular type of setting that they want for themselves. I have heard of a particular couple who came from as far as Japan who went to Jamaica to get married and they wanted to get married there because they had always dreamt of a jungle wedding. Now I do not know if Jamaica can or cannot provide a jungle wedding, but they are actually trying to recreate a semi-jungle so that they can get married in a jungle.
I am not suggesting in the least that we want to create these perverse—and I am sorry I have to use such a strong word—these odd-looking scenarios merely to attract visitors, but I certainly use it as an illustration—[Interruption] Mr. Vice-President, I am on record as saying that I have opposed BWIA withdrawing from the destination in the Scandinavian countries. One of the most lucrative markets that the Tobago hoteliers has been able to experience has been Germany, and BWIA, unfortunately, did not have the—I almost used a wrong word—foresight, or the bravery, to hold on to the market when it dipped a little. As I explained to the people in BWIA, as a former businessman, I know only too well that you do not desert a market merely because there has been a little drop in visitors, but that you try to hold on to the market because withdrawal and re-entry is much more difficult, because then people lose faith in your ability to service it. You create an instability and an unpredictability in providing air services which people become uncomfortable with. So that they are not going to plan a long-awaited vacation on your lack of predictability or your lack of stability.

So that I have asked BWIA; I have appointed a team; they are not going to withdraw until October 1. I have made the offer in public that if necessary we will be prepared to finance the tourism industry. [Applause] By finance, I mean that if the tourism industry needs support in marketing Tobago and if BWIA feels that it is not interested in marketing Tobago but only its airline, we are prepared to find the funds to help market Tobago and to keep our tourism industry alive. I always recognize that it is when times are rough that you need to have your flag flying; you need to have your name before the market, because if you do not do that, when the good times return, it is then you find that other carriers have been able to steal the market away from you.

I know that BWIA is going through some tough times. I have had several meetings with BWIA over the last few weeks, and I have had to because BWIA, in its quest for financial viability, seems to have been prepared to reduce its destinations to three in North America—Toronto, New York and Miami. That does not make good sense to me because I was always told that in business the last thing that you do is to stop advertising. That is what they have done in the European destination and that is why they are suffering from it.

I do not want to sit and lecture to BWIA as to how it should do its business, but certainly the Government is prepared to find alternatives that will ensure that BWIA continues to service Trinidad and Tobago. As a matter of fact, arising out
of what BWIA has been doing, I had cause to ask Cabinet to appoint a committee that would look at the whole question of air links to Trinidad and Tobago. We have to be assured that there will be air links. As the terms of reference to this particular sub-committee, we are asking them to also look at the question of open skies, because open skies need to be addressed. We have asked them to look at the possibility of attracting American Airlines to make here a hub, if possible. So that the terms of reference of this particular committee, which is under the chairmanship of Mr. Reginald Dumas who has spent many years negotiating bilateral air links with other countries, together with representatives from Tobago and from several of the ministries, is to develop some strategy or strategies that will ensure Trinidad and Tobago remains in link with the rest of the world through air transportation. That is, to my mind, one of the key areas that is going to address our tourism needs as well.

The question of international flights into Tobago is also going to be looked at. I think we must have an understanding that if BWIA can rationalize its fleet and have to overnight in Tobago or have to remain in Tobago, if a smaller airline has to ferry people from Tobago into Trinidad, that BWIA is prepared to make the decision to leave their larger planes overnight in Tobago. BWIA seemed to have
been reluctant to do that in the past and I think they are coming around to understanding what they need to do.

The Government has also expressed some concern with the fact that Air Caribbean is not hooked into an international reservation system. If you were living in Houston and wanted to come to Tobago, there is no book that is going to tell you that you can get from Houston to Tobago, because Tobago, literally does not exist in the international airline guides. So that, too, is of concern and we are taking pains to address it.

I have strayed a little in order to indicate that I see this Bill not as endangering marriages. As I have said before, I am heartened and encouraged by the fact that people would rise to say, we want to defend our traditional values. I think that is good for us, and I think this Government is prepared to accept that kind of criticism because we, too, as expressed by previous speakers, are concerned about the sanctity of marriage and understand the values that we, as one generation, would be passing on to another generation. I have two daughters, and certainly I would look forward to the days when my two daughters would come to me—I hope not too soon because a wedding is fairly expensive—and that they, too, would uphold the question of the sanctity of marriage.

So if we can see this as part of a big jig-saw puzzle that is going to help contribute towards the development of tourism and not just see it like tunnel vision, as merely an attempt to cheapen marriages, then we would understand that there are advantages to be derived. Unfortunately, the law is framed—and I am no lawyer—in a way where to get such a measure through, you have to address the question of the Marriage (Amendment) Bill.

So with these words, I am hoping a great deal more would come out of it. I would like to see, for argument’s sake, that one of our other approaches to tourism—and this Government is taking a hard and fast look at it—this Government is prepared not to talk about a divestment policy, but to also talk about an investment policy. I am saying this because we are prepared to talk about the future of the state enterprise sector and the role it plays in our economy, instead of talking glib talk about divestment and privatization. I am not saying this from an ideological standpoint. I am saying this because, as Minister of Finance, I am prepared to convince Government that it should take profitable investments, hive them off and sell them, especially if they are in the oil and energy industries, and use the proceeds from that to put into other areas which are going to create employment for us in tourism and in agriculture.
So that, in essence, what we are doing is saying we are taking the success of one industry and palming it off to support another industry to ensure that we can get employment generation.

3.50 p.m.

Mr. Vice-President, it was only yesterday Cabinet approved an investment in Lowlands, Tobago to demonstrate our support for the hotel industry in Tobago. We want to ensure that particular project does not go by the board. It has not been an easy decision but it is a decision that has been made to ensure that the shareholders—and we are pleased that Hilton International is pretty much behind this. We see a Tobago Hilton as being the flagship of the start of this Government’s commitment to tourism and hotel development in Tobago. We are hoping that we do not need to exceed 49 per cent. As a matter of fact, our offer is no more than 49 per cent. We want to demonstrate that it is not the intent of the Government to go into business, to start running hotels but merely to shore up the efforts of the private sector, and in this case, it is a joint venture between a local and a foreign partner. We feel that between the joint venture partners and the Government, that we have been able to start the movement towards attracting future foreign investment in hotels in Trinidad and Tobago.

This Government recognizes that investors are very reluctant to put money into hotels today. There is an old cliché in the hotel investment business that says the man who makes the money is normally the third, fourth and the fifth owner. If we wait for the third, fourth and fifth owner in Trinidad and Tobago, we would never get a first or second owner. Therefore, this Government is prepared to try to create the kind of environment which will not only attract tourism investment, but will attract visitors to Trinidad and Tobago as a destination.

Mr. Vice-President, I understand that a survey had been done where the intended-to-be married couple who were attracted to having a marriage in this kind of tropical setting, really did not want to come to these destinations alone. They really would have liked their parents, relatives and close friends to be with them. Many of these people move in large circles. So one of the immediate benefits from a measure like this is that one does not only attract one or two persons, but one tends to attract them in fairly large groups. These large groups find it difficult to plan to be here to witness these weddings for long durations. Therefore one of the attractions to this is that some of them say they can only come for two or three days as the case might be.
In some countries, as has been indicated by the Caribbean Tourism Organization, one can actually get married on the same day that one lands. We have not felt that we need to go so far. We prefer to have a three-day residency requirement. It is in addressing that kind of market we want to be able to bring these largest groups to Trinidad and Tobago.

On the reverse of that one would see the question of the yachties. There are a number of yachties. These yachties tend to be on the older or the more mature end of the scale. They are the ones who come with their yachts and spend longer periods. Many of them are retired. That was another end of the market which I thought my pseudo-minister of tourism would have talked a bit about. This area is also a major part of our tourism thrust, yet we have to understand in developing the yachting business, there are also constraints and challenges to that. We have serious concerns about the environment at present. Only this morning there was a third meeting chaired by the Permanent Secretary in the Ministry of Tourism who was mandated by me to find solutions to the question of sewage waste and litter in the use of our waters by foreigners.

It is not that this three-day marriage requirement is going to be the be-all and end-all of it. I am trying to put it in the context of a whole parcel of measures which ultimately are going to redound, hopefully, to Trinidad and Tobago becoming known as a destination for tourism.

Mr. Vice-President, I conclude by saying this Bill has generated a very healthy and very provocative debate, if I may say so myself. A number of issues have been raised. It is good for us, merely because we begin the process today, in my view, of education in tourism. Hopefully more and more people are going to buy into it and more and more people are going to begin to understand that there are many people especially “small people” in Tobago who have been able to find self-employment by opening small businesses that satisfy the needs of the tourism industry. There are small restaurants; there are people who make home-made bread and service visitors.

There are a number of opportunities and we must not see tourism as merely being on one end of the scale; that is, the question of bellboys, waiters and waitresses. Instead we see an opportunity where the tourism industry, which as I explained earlier, is the single largest industry—one is talking about billions of dollars in this industry where one must make fairly large decisions that do not come easy, but decisions that will bring us more and more in tune with what the
rest of the world is doing. I do not think we can continue to ignore the benefits that tourism can bring to Trinidad and Tobago.

I know that there may be other harder decisions. I heard someone raised gaming. I know that may one day be one of the decisions that have to be made. The people of Trinidad and Tobago, I suspect, will be fairly divided as to whether gaming should or should not be done. But already there is gaming. There is gaming in terms of the Lotto, in terms of horse-racing. Incidentally, the horse-racing is one of the industries that has been used as a tourist attraction in many countries. Puerto Rico has one of the largest classics in the West Indies; Venezuela has another large classic. These are horse races that attract people from all over the Caribbean and from other parts of the world.

I am not here to start that debate; I merely indicate that these decisions are not going to be easy. They are going to be decisions that have to be articulated in a way that there are proper safeguards. Today, I am pleased that some religious organizations have made their intervention and they have made their voices heard, they have asked for more information on this Bill.

I believe a very simple measure like this has been able to reach far and wide so that people can understand the issues. At one time the first reaction was that we are not going to subject our nationals, then suddenly it became known that this is not for nationals, this is for non-nationals. There are other arguments that have been raised, such as why not non-nationals? Why are we being treated differently from foreigners? Please understand that this kind of debate to my mind is not only healthy, it contributes clearly to us being able to help formulate plans, strategies and programmes that will redound to the development of the tourism industry.

Mr. Vice-President, with these few words, I thank you very much.

Sen. Carlton Callender: Mr. Vice-President, thank you for the opportunity to speak. I really welcome the opportunity to speak for and on behalf, not only for the Government, but for the thousands of young Tobagonians who await a buoyant tourism industry so that they can become gainfully employed. I commend the Senators on the Government side for putting into action a stated commitment to the further development of Tobago.

A number of statements were made by Senators on the other side on the morality of the intent of the Bill. I am sure I can put at ease the members of the Hindu community.
Firstly, any member of that community who is committed to the fundamentals of his belief or faith and the principle of that organization or belief requires a particular number of days, will not be attracted to the proposition of the particular Bill. I cannot see the Bill interfering with the basic principles and beliefs of the Hindu faith because it does not fall in sync with the fundamentals of that organization.

I am assured today that the Hindu community, having been brought aware of the nature of the Bill and the market that it focuses on, or the market that it caters for, would now become comforted.

4.00 p.m.

Secondly, Mr. Vice-President, what Tobago offers outside of sun, sand and sea, is a very strong family unit, and so, any religious organization, any minister of religion practising his religion inside Tobago, would be guided by his religious doctrines of theology. I am sure if the request for someone to be married in three days, runs contrary to that, then the minister has a commitment to his organization. So I do not see it interfering with the religious or moral fabric of our society. For someone who has come from a traditional family, one in which I must report to my mother at least once every two weeks, as big as I am, I am saying that it is difficult for a couple coming in to Tobago, getting married in three days, to erode that kind of long established tradition and belief.

When a visitor comes to Tobago and wants to get married, Mr. Vice-President, more times that you can imagine, it would obviously be a couple that has been planning to get married, wants to get away—and I assure you, that most of the people who want to get married in Tobago are the richer people. They want to come with 10—20 friends and that contributes to the economic development of Tobago. They want to get away, they want to enjoy the backdrop of the Buccoo Reef, somewhere in Charlotteville. They want to enjoy the peace, calm, and tranquility and all that Tobago tradition has to offer.

So, it is not about sex, it is not about running away. It is about using a spot somewhere in the world, or somewhere in this “Goldeah” village, as we term it now, that provides peace and calm. Mr. Vice-President, I could be bold enough to be assured that the Senators on the other side, the Independents and from the Opposition, my good Friend, Sen. London, who is inspecting by the economic benefit provided by this Bill, his commitment to the youth and his commitment to the further development of Tobago will inspire his conscience and that of his colleagues to support the Bill.

I thank you, Mr. Vice-President. [Desk thumping]
Sen. Selwyn John: Mr. Vice-President, it is a little surprising the trend that the debate on the amendment has taken. I recall in the presentation of the budget, the one Senator that indicated reservation on the proposal by the Minister of Finance was Sen. Teelucksingh, and we could understand that. But all that has—

Sen. Prof. Spence: I also expressed reservations, Sir.

Sen. S. John: Well, maybe so. I remember—I am talking about what I remember. [Laughter]

You see, Mr. Vice-President, the tendency in the Senate, to me, since I am here, is that we oppose for opposition sake and not deal with the realities of the benefits of some of the laws that we as lawmakers have involved ourselves in discussing.

Now, nowhere in the amendment has it been indicated that there will be a change of the traditional institutions that we have—and I am happy about that. I myself have been married now 31 years [Desk thumping] and for any wife to live with a trade unionist, it is difficult, but my wife is proud of that marriage. Recently my church decided to invite people to renew vows and everybody went up. So that, one of the things coming out here is the pleasure of hearing people talk about the sanctity of that institution called marriage, and that must be preserved. Nowhere in the amendment has the Government thought of changing these things.

I have recently come from Europe and one of the things that I enjoy in my visits to Switzerland, to Geneva, when I go to the ILO conferences is to go across to the village of Bernay in France, where there is a resort that was man-built where people go to get married. When it began some 10 years ago, I remember going across and on the two or three weekends I have spent in Geneva, one would have seen maybe one wedding on any given Saturday. I could not go on Sundays. I visited it about two or three weeks ago, and surprisingly, from all over Europe, couples now visit Bernay just to get married. Now, I am not a drinking man, you go there and you enjoy the benefits of all this, you enjoy the weddings and you enjoy kissing the bride, because somehow when you shake the groom’s hand you get the opportunity also of kissing the bride.

So that what is coming out of all this is a growing market in the marriage business, and my whole comfort in this Bill is, the question of job creations, Mr. Vice-President.
Sen. Mohammed: How many jobs?

Sen. S. John: Well we do not know. If we could develop tourism, and any kind of tourism that could create employment, we would benefit as a country. The labour movement’s aim now, in this time where the investment into the energy industries is capital intensive, not labour intensive, what we must do, is to create those institutions that could create jobs. Tourism to us is one of those things that could create ready jobs and assist this country in getting out of this high unemployment rate. It is going down since the Government of national unity came into power. It was 22 per cent at one time—

Sen. Mohammed: The PNM brought it down—

Sen. S. John: Well, I am glad if you are saying that. But it was the PNM who said that it was not in the best interest of this country to have a tourist industry.

Now, if one looks at the world, one of the biggest tourist industries in the whole world is in the United States of America. If you visit Miami, the city of Miami, that whole peninsula up to Orlando, you would see the benefits and the economy that has been developed by the creation of a strong tourist industry. Now, we look forward to people from the United States coming here, but we have to find some way to attract visitors. We like to go to Miami, we enjoy Miami beach, we enjoy Orlando, we enjoy Disneyland, and why should the people in the United States not enjoy the same thing? So that in order to attract that market—the visitors from the United States inject into any economy, any part of the world, that spending power that is needed that could create the investment that we need in Trinidad. We have not been a tourist-based industry; we have started very late, we are at the end of the line, as you may call it, in the whole Caribbean. So what we have to do is to find a product that could match or better anybody else’s in the Caribbean. And I want to congratulate—

Sen. London: As you were talking about making us more competitive and more attractive, I just wanted to know why the Government did not go all the way and do like Aruba and have no days at all, or Puerto Rico or the Cayman Islands. Why three days?

Sen. S. John: Well, as I mentioned, Mr. Vice-President, we have not interfered with any of the institutions that we the citizens of this country have established and we enjoy. This Government would be very careful about interfering with those.

4.10 p.m.
Mr. Vice-President, if we do like Aruba and these places, what would happen is that we may be attempting to copy something that probably we would not finish. In Aruba there are some of the biggest oil refineries in the Caribbean and all the jobs in Aruba were based on this. The refineries are still there, but they cannot compete with our broken down refinery at Pointe-a-Pierre, so they have had to find alternatives.

One of the alternatives was the development of a strong tourism industry—the building of many large hotels. There are many beaches there. In fact, when travellers leave Aruba they do not have to await their arrival in a United States city to check with immigration, the US immigration people are in Aruba, it is so big now. The US has a place for its immigration and customs people so that when you check in there you check everything so that when you reach any city in the United States, you just collect your luggage and go about your business. That is the difference between them and us.

In Trinidad we feel that we are too big a people to serve other people, and however one looks at it, we should not be subservient to anyone else. If you go to any store in the United States, Miami in particular, the last thing you hear when you are leaving is: “Thank you, Sir. Have a good day!” It will take us a little while to develop that.

When one compares Trinidad and Tobago with Barbados and look at all the facilities there, one wonders how 70 per cent of their revenue comes from the tourist industry. They have nothing more to offer than we do, but we have not been able to convince ourselves that tourism could create those things that, in the days of the decline of the oil economy, we have not been able to have. One of the main benefits of our tourist economy is the creation of jobs with little investment as compared to developing the energy industry.

The point we want to make here is: Why look at the reduction in the waiting period from seven to three days as being an attack on religion, marriage and everything else and not as a development that could create those jobs that we sadly need if this country is to develop? Mr. Vice-President, we are not looking at a very important part of our development. Every year about 30,000 children leave school. Some go on to university, and within the market there are about 20,000 persons for whom we must find employment. How do we get those jobs? The retirement rate is about 10,000 persons a year in Trinidad and Tobago, so we must find
nearly 10,000—15,000 jobs each year. We must put measures in place to create those jobs. I feel that people like us who have been put into an institution like the Senate must come up with ideas. If we say the three-day waiting period is bad, tell us what we must do and we will agree with you.

The inaugural flight into Frankfurt, BWIA’s introduction into Europe, with a full load of journalists, was 18 hours late so that people who checked in on the flight to come down here were housed in a hotel in Frankfurt. If an airline’s introduction is like that, the difficulty will continue.

I travelled to London with BWIA on June 1, and we left Piarco with about 16 persons to pick up a full load in Barbados. Do you know what BWIA served for dinner? We left here at 7.00 p.m. and at 10.00 p.m. they served dinner—a cold salad with cucumber and so forth. My stomach is bad, I could not eat that. I asked for something else. They said that was all they had. I could not eat going up. When I was coming down, they said that somebody said I must get a vegetarian meal. I said, “No, I never ordered that!” So, again, I had nothing coming down.

BWIA’s difficulty is not the load. Every time BWIA leaves the Caribbean on a flight to London, it is full; every time they are coming back, they are full, but BWIA pays a commission of 65 per cent of its fare to the travel agents. I was talking to the travel agents and 65 per cent of the revenue goes in commissions. One wonders how they survive. It is not a simple thing to get on a BWIA flight. If anyone in London tries to get on a BWIA flight, he is told that it is full to the end of December. The difficulty is not getting seats, it is who is running it and who benefits.

I could not get the seat I wanted although there were 16 persons on the flight because they had to accommodate some 200 persons in Barbados. I was squeezed in the middle. Government gave me an economy-class ticket—not a first-class one—so I had to fly economy class. Nothing wrong with that. I took it, I do not care. We were in the middle, so that when the table was put down it had to be tilted because it hits your stomach. It cannot go down flat. I had to fly some 12 hours to London and when I reached there I was sweating, so when I went to New York I did not fly BWIA.

4.20 p.m.

BWIA was not intended to be like that, BWIA was not intended to be a big profit maker, BWIA’s role was to develop—
Prof. Spence: Mr. Vice-President, I realize that we are waiting for the Minister of Legal Affairs, but are we not straying a bit?

Sen. S. John: I am a little surprised, Mr. Vice-President, that when other people spoke, Sen. Prof. Spence did not draw their attention to it. We are wasting a lot of time on this debate, and I am dealing with issues that were raised in the Senate, that tend to show that tourism was not needed in Trinidad and Tobago. If tourism is to survive we must have good air links. Well, [Interruption] that is a small plane with probably 175 passengers. What we need now are the jumbo jets to take 400 and more on those long flights because that is how they would make revenue. Remember 65 per cent of the European fares goes in commission.

Mr. Vice-President, our hope in developing this industry, and any aspect of it that could bring in jobs, would be to attract more and more visitors into this country; also through measures like, not only the question of marriage and all these issues, but innovations that could attract people, because we have never been a tourist centre.

I want to agree with the Minister, whatever is needed to revive a viable racing industry, which is also an attraction to visitors should be done. The racing industry, too, created a number of jobs that have been lost because of the down-sizing of the industry. We have not paid attention to it, we have been hearing people talk about the horrors of gambling, as such, we must, in looking at it, look at the defects and the consequences of making criticisms that could create less and less employment. You know, one of our problems here is that we are not ready to make provisions for dealing with issues and finding answers and anytime one talks about the economy, about employment, the first question is what are the unions doing. But nobody talks with the unions, especially those big university people, the economists and so on, they are not in a position to help any Government to deal with the issues of the IMF conditionalities, the World Bank consequences and so on.

But let me say I am proud, Mr. Vice-President, in an address I made to the ILO General Assembly four years ago, we made a proposal that there should be debt forgiveness if the country that is owing could show that it would use that money which should be paying back the debt, into development. We were congratulated even though we do not benefit. We have paid up our loans, we have met our commitments. The hon. Senator is talking about a debt that would never be paid by Guyana, and the fact that Guyana has suffered the indignity of not being developed, not getting grants, not getting aid because it was not servicing
its debts to these institutions. So we have to understand what we are in. One cannot just come to the Senate and talk about the debt forgiveness to Guyana. I am not an accountant, but if a debt is not collectable one has to write it off.

Mr. Vice-President, I would like to put on the records a letter from the Trinidad and Tobago Hotel and Tourism Association, signed by its President William Aguiton, on the issue that we are dealing with and it was addressed to the Editor of the *Trinidad Guardian* dated Monday, July 8, 1996. It states:

“Dear Editor,

Long Residency Period Does not Guarantee
Couple is Prepared for Marriage

We are amazed—indeed shocked—as we read some of the comments being made against reducing the residency period for obtaining a licence to get married in Trinidad and Tobago. Clearly, many of these learned folks have missed the point and are discussing issues that are unrelated.

There is no relationship between the residency period for obtaining a licence to get married and the couple being prepared for marriage, since obtaining such a licence does not require the department granting the licence to instruct the couple in any meaningful way that would prepare them for marriage and does not require proof that the couple is so prepared.

Allow us to relate a case where a couple in England was engaged for one year. They attended several marriage counsel lectures; met on countless occasions with their Pastor to discuss the issues of marriage and had many exchanges with their long married parents on the subject, and then, when they felt they were ready, they decided to get married in Trinidad.

What difference would it make to this couple if the licence was granted in one hour, one day, 3 or 7 days?

It appears that the period of residency is of no importance and the time it takes to obtain a licence to marry is more a matter of the efficiency of the department issuing the licence.

The speedy and efficient granting of a marriage licence does not constitute a ‘quickie’ marriage in any way; does not provide for a quick divorce; does not devalue the noble concept of marriage or family life, and has no real bearing on the sanctity of marriage!
We are not sure how correct this is, but we were informed that the time required to grant a marriage licence to residents is necessary for the department to prepare the document and to verify that neither of the parties is currently married and therefore free to marry each other. It has nothing to do with how prepared they are for marriage!

One should not lose sight of the fact that couples seeking to get married are indeed trying to sanctify their relationship and that a honeymoon is the time span traditionally accepted by most religions as the “legal” period in which marriages are consummated.

Most residents of Trinidad and Tobago usually combine their marriage and honeymoon with their vacation and visit some other destination for that period; some even get married abroad. Are we degrading the sanctity of marriage or destroying family life in the foreign countries where we get married or spend our honeymoon?

If we do not encourage non-residents to get married and spend their honeymoon in our islands, they will simply go to Barbados, Jamaica, St. Lucia or somewhere else to the great benefit of those countries and a loss to Trinidad and Tobago.

We urge that those involved keep their focus on the real issue and approve the Amendment to the Marriage Bill so that non-residents could be spared the unnecessary bureaucratic delay that now obtains.

Sincerely,

/s/ William R. Aguiton
President’

I want to agree with him. I want to say, Mr. Vice-President, that what we are confusing here is that we have suddenly become holy, we have suddenly become religious but that the thousands of persons who are shacking up, we are making no effort to tell them that the institutions are here and that they could post their bans and in six weeks or so they can get married. All this Bill and the amendment seeks to do, is to allow us, where people have come to us and they say, “look we would like to get married in your country”, that we could make a provision that would allow them to do so. It does not interfere in any way with the laws we have and the ability of our people to continue to live their lives, whether they want to shuck up or to get married.

The argument, continuing argument and objections raised by all the religious bodies and all these things, to me, do not constitute any strong argument against
the amendment that is put up for our consideration. As far as we are concerned in
the labour movement, any measure that could create jobs and employment, the
labour movement will support and we are definitely supporting the amendment
that is before us.

Thank you Mr.Vice-President

Mr. Vice-President: Hon. Senators, the Senate will now suspend for 30
minutes to accommodate our tea break. We will resume at 5.00 p.m. The
accommodation for our tea today is in the first meeting room just outside the
temporary Chamber here, and just as a matter of information we will be sharing
these facilities over tea with the Members of the Lower House.

4.30 p.m.: Sitting suspended.

5.07 p.m.: Sitting resumed.

Mr. Vice-President: Hon. Senators, the debate on the Bill to amend the
Marriage Act, Chap. 45:01, will now resume. Before doing so, I just thought it
would be of interest to let you know that during the tea break, the temporary
facilities here were examined by the Deputy Chief of Fire Services and have been
passed without any reservations, save and except that a few doors are requiring
“Exit” signs which will be provided on the next occasion that we use these
facilities.

Sen. Daly: Mr. Vice-President, I do not know whether I can rise on a point of
order. He did not, of course, inspect the room when it was overfilled, he inspected
it when it was empty.

Sen. Theodore: Mr. Vice-President, he inspected it with the knowledge of the
number of people in this room at this time.

Mr. Vice-President: The debate will now continue on a Bill to amend the
Marriage Act, Chap. 45:01.

Sen. Roodal Moonilal: Mr. Vice-President, I rise on this occasion to add my
own voice to those that went before in giving support to the amendment as
proposed by the Government. When I say that really I had no intention of
speaking, I mean that, but, during this session and on the last occasion many
thoughts went through my head and I gave some thinking to the Bill that is being
considered. Having heard the contributions from Members of the Opposition, the
Independent Benches and, of course, my colleagues on this side of the Senate,
for me it is not a joke; for me it is a serious issue to stand here and make a few points and some comments on this amendment.

If I am, Sir, to summarize in my own way what I thought went before, I would suggest that on the last occasion when we were debating this Bill, different streams of thought came forward. On the one hand, we had presentations which brought issues of morality, of religion and of cultural diversity into the debate and those issues I thought were generally well articulated and certainly well meaning. On the other hand, we have heard also some discussion on economic and social benefits of the amendment and so on, and I thought that the Minister of Finance, the Hon. Sen. Kuei Tung spoke quite well on putting this debate within the context of something broader, appreciating very well the concerns raised by those who argued along the moral, religious and cultural lines. It is taking off, if you want to put it that way, from the contribution of Sen. Kuei Tung, that I would seek now to sort of position my own thoughts on the matter.

I am not qualified, Mr. Vice-President, to speak on the issues of religion and the sanctity of marriage. In fact, I may well be the youngest Senator to speak on this Bill and, of course, the hon. Senator pointed out, I may also be among the unmarried Senators to speak on this Bill. I bring to the debate the perspective of youth and while I appreciate very well the thoughts and expressions of the Independent Senators, who with their wisdom and years of experience, brought very informed opinions and considerations, I think in this debate someone with a perspective of youth should also contribute, because the issues that arise are not only issues of marriage which as some speakers indicated may well be not the primary issue in the debate. They may well be issues that can be linked more to industrialization and to economic development. It is that path that I prefer to take.

This debate has generated a lot of discussions and contributions and so on and I would like to suggest that in debating and in coming to some kind of conclusion on this matter, I have satisfied my conscience—and that is very important in debates—that this sort of amendment is beneficial to the country as a whole, not only to the tourist enclaves and the markets that we seem to be focusing on because this sort of change and others like it—not this alone, this may be a small piece of something broader—will bring employment. It will create jobs in an economic situation where we all talk about job creation, we all talk about unemployment, we all talk about poverty and here is one small but concrete way in which we can attack unemployment and poverty.
5.15 p.m.

If we take our historical positioning on tourism and think that with tourism will come all the low skill, low status jobs, and so on, that is a very traditional approach, because in tourism there is also the upper scale of the labour market, and when measures such as this—and others as well—are enforced, you find, for example, in that tourism sector, there are industries that will blossom. For those of you who are familiar with other areas, in the development that takes place in Point Lisas, for example, you would be familiar with the service industry that it has spun around that area.

Now that we have an opportunity to contribute here, we can think of the jobs forthcoming in the area of catering, in management and other services that go with it. So I want to invite hon. Senators to think along that line as we sum up the debate, as we vote, or whatever. Think about the jobs that we will create; think about the people who will benefit; the chain effect of one person running a photography store, a studio, that would benefit from having more weddings performed in some part of Tobago. That person will employ others. This is just one effect. What about the people who are catering, refreshments, beverages, and so on? Another effect. So that jobs, undoubtedly, can come from this measure along with other measures.

Much has been said, as well, by persons who are more qualified than I am, about religion, and so on, but I really do not see this as involving any big discussion on Hinduism, Islam and the view of religion, marriage and so on. I see it as a social and economic issue. We need to be a bit more serious, I think, as we look at tourism. We need to ask ourselves: Are we satisfied with the state of that sector? Is it contributing enough or as much as it could to the national output, to our income or revenues? Is it contributing enough? If it is not, then what are we to do?

If we have this attitude that we cannot change laws and regulations and we cannot be flexible to meet demands of foreigners, and so on, I suggest that sort of attitude may not take us far. In the era in which we are operating, given the wider political and economic frameworks, globalization, if you want to use that concept, liberalism calls for adapting, not only for local needs but for foreign as well.

The economies of the Far East, whether they be Singapore, Malaysia, other countries in that part of the world, had they stayed with their traditional approach to economic development, they would not be leading the world today in terms of
rapid economic growth. If we want, as a twin-island state, to progress rapidly, in terms of our economic development, in terms of our social development, we will need to reflect on our thinking as far as it relates to being adaptable, flexible, innovative, in passing laws and in amending existing laws. We need to think along that line.

Of course, as we debate these issues, many sub-issues come out, such as safeguards; in some cases, maybe, labour standards, and so on; exploitation. These are issues that we welcome and we should discuss, but we should do that always in the context that we are about innovation, about creativity; if it is in tourism, about capturing niche markets and so on; if it is in industrial development, about attracting investment skilfully. Whether it is in servicing, banking or insurance, we need to be creative. That is really my call, if you want to refer to it as that during this contribution, to appeal to people, having satisfied their consciences, and I am sure the majority of us would have satisfied our consciences on this issue and how it is to be placed within a wider context of our planned economic development and the role tourism and agriculture, at some stage, must play in our development.

I am sure, after hearing the Minister of Finance, in particular, and others on this side of the House, we would have come to some conclusion that we must, at all costs, support this amendment.

On that note—I am sure there are others who may wish to speak on this side, including the Minister of Legal Affairs—I thank you very much.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Vice-President, I do apologize to hon. Senators in this august House. I was on my legs for most of the day in the other Chamber and I meant no disrespect to hon. Senators in this House. I have had persons in the House who have been taking notes of their comments and the questions that they may have raised and I will try, as best as I can, to respond to those matters that might have been raised in my absence. So I do apologize to Senators of this honourable House, and as I say, I meant no disrespect to Senators here.

In responding to the comments that were made last week and to some of the issues that have been passed to me that were raised this week, I think it is very important for us all to remember that what we are dealing with here in this Marriage (Amdt.) Bill is basically a procedural detail which reduces the number of days that non-resident foreigners must spend in Trinidad and Tobago prior to being able to obtain a certificate authorizing their marriage—a special licence.
Sen. Dr. St. Cyr: Mr. Vice-President, did the hon. Minister say, non-resident foreigners? Because the Bill does not mention foreigners; it mentions non-residents.

Hon. K. Persad-Bissessar: My apologies, it is non-residents. It does envisage Trinidad and Tobago nationals who are non-resident. It does include them. I understand this was one of the issues that you had raised. So the Bill does include Trinidad and Tobago nationals, but only those who are not residents who must spend time in Trinidad and Tobago prior to obtaining the special licence. We are not speaking about marriage qualifications for nationals of Trinidad and Tobago who live in Trinidad and Tobago.

There is another very important point that we need to remember, and that is, that according to our existing law—and that point might have been made already—the Hindu Marriage Act and the Muslim Marriage Act have no residency requirement. That is to say that under those statutes a marriage officer, that is a Priest, as the case may be, a Pundit, an Imam, can marry two persons without any residency requirement. So there is no restriction with respect to residents in terms of marriages that take place under the Hindu Marriage Act and the Muslim Marriage Act.

What is also important about those pieces of legislation is that there is also no restriction as to the place where the marriage can take place, and this is why we have witnessed in this country for many years Hindu marriages which take place in any part of Trinidad and Tobago. In fact, the amendment now allows district registrars to go outside of the offices to solemnize a marriage.

So it is not that there is no precedent in our law in this country with respect to marriages in terms of residency requirement or in terms of where the marriage takes place. I want to insist again that Government is seeking only to amend procedural aspects and we have no intention whatsoever—and I think that point has to be made very clearly and has been made by hon. Members on this side, but it is such an important point that we cannot repeat it too often, and that is that this Government in no way is seeking to cheapen the sanctity of the commitment that is the institution of marriage, to cheapen vows that are taken by individuals in that institution of marriage. I think that point needs to be reiterated because there are some who view this particular amendment as something that is attempting to cheapen marriage and to cheapen family life. I would say further that to this Government, and certainly to me, marriage represents a commitment that is far greater than simply the exchange of vows or the signing of a register.

5.25 p.m.
Mr. Vice-President, in talking about the qualification requirements for non-residents we are not talking about waiving requirements for proof of identification of single status; we are not talking about allowing runaway teenagers to marry under age; we are not talking about encouraging bigamy. Indeed, we are not even speaking about “quickie” marriages—this has been termed the Bill to allow “quickie” marriages. We are talking about making it easier in practical terms for persons who live in another country, who are free to marry, who have made a mature decision that they would like to marry and that they would like to take their vows to get married to each other in Trinidad and Tobago in the presence of members of their family and friends. We are making it easier for them to do so by reducing the number of days they must stay in our country before they can obtain this special licence.

Mr. Vice-President, I have asked for copies of a document from the Caribbean Tourism Organization to be circulated to hon. Senators. I am not sure if that document has been circulated. It was compiled in 1995. This document clearly shows that tourist weddings are a very common feature throughout the Caribbean. The table covers 25 islands throughout the region. It indicates for each island the waiting period and the documents required and whether or not a blood test is necessary.

From looking at these documents—and I will list three of the islands, Aruba, Barbados and the Cayman Islands—there is no requirement at all for any period of residence prior to application for the licence to marry.

Sen. Mohammed: Mr. Vice-President, may I just inquire from the hon. Minister, what provisions exist in this Bill that is before the honourable Chamber today with respect to any proof that the foreigners who are getting married, are not already married? For example, in this document that the hon. Minister is quoting, if one looks under “Grenada” where the residency requirement is three days, one of the requirement is “proof of single status, letter from a lawyer stating that they have the legal right to get married.” Are there any provisions or mechanisms in place to ensure that we do not encourage bigamy?

Hon. K. Persad-Bissessar: Mr. Vice-President, I will come back to that but for the moment I will point out to the hon. Senator, clause 3 of this Bill which seeks to insert section 19(A)(4) and which speaks about the affidavit in terms of any hindrance and so forth. Basically that is what is envisaged in the amendment.
Mr. Vice-President, there is no requirement for any period of residence prior to application for a licence to marry in Barbados. If the marriage has been arranged before hand the couple can get married the same day that they land in Barbados. The point, obviously, is in all these countries where such legislation is in place, can we say that in those countries family life has been cheapened, that family life has broken down? This Government is not trying to introduce anything which will undermine the sanctity of marriage and family life.

I will make a further point that this amendment that is before this honourable House is not about devaluing the institution of marriage. In the other Caribbean islands it is possible to marry on the same day of arrival. There is a caveat to this which says it is only possible to do so provided a marriage licence has been obtained, the time for the wedding has been organized, the marriage officer, minister, magistrate or priest has been booked; other matters which make the wedding special, the flowers, wedding cake, the photographers, all these things have to be organized before hand.

Indeed, I spent yesterday in Tobago with some Members of this Senate. I spoke to a particular hotel manager who indicated that in the seven years he has been in the hotel business in Tobago, out of all the marriages that took place that he was aware of, only one marriage was spontaneous, that is to say, that happened whilst they were still in Tobago.

We do not have statistics to say what has happened in every case, but in that person’s experience he indicated that only one, out of all the marriages over the seven years that he had experience in the hotel where he was a manager, took place between persons who happened to make the decision whilst they were in Tobago. All the others were marriages that took place between persons who had taken that decision prior to their arrival, had planned to visit the island for the purpose of their wedding and honeymoon. So, it is a mature decision by adults who have spent time and money to bring their families and themselves to the island. Therefore, the words “quickie marriages” are very misleading. It has been shown that there are people who long before planned that they will do this and do not just go to Tobago and decide that is it, we are going to get married. That is not the kind of situation that this amendment seeks to deal with, although it encompasses it.

Our understanding of what has happened is from mature persons who have taken that decision long before they visit Tobago. When they arrive in the island and those persons are married later that day or, the next day, it cannot be done
Marriage (Amnd.) Bill

Tuesday, July 09, 1996

[HON. K. PERSAD-BISSESSAR]

unless they have made the preparations, they have organized the marriage well in advance of the three-day or the seven-day residence requirement within the island. Far from being a last minute affair—and especially if relatives and friends Accompanied the bride and groom—a marriage which takes place a day or two after arrival is far more likely to be carefully planned with much thought given to the different options available over the weeks and months before that decision would have been taken for them to be there.

To expand the point, I have copies of magazines and brochures. It is true that we do not want to sacrifice being international in the global economy and trends in the world market and so forth at the expense of things that are important and sacred for our local life here, and the development of our family life. We need to balance those interests, but we cannot close our eyes and be xenophobic and not look at what is happening in the rest of the world.

If one looks at all the travel magazines, one would see that is what is taking place. Aruba—one Happy Honeymoon; Barbados—the Best a Honeymoon can be; Bermuda, from Alaska, Hawaii, across the world. I am sure the hon. Minister of Tourism would have indicated, if we are to capture part of that market then we have to make some changes to our law.

Holiday destinations around the world cannot be seen to be trivializing the institution of marriage; they cannot be seen to be trivializing family life if they are catering for persons who plan to get married and, therefore, plan a vacation, plan a wedding or honeymoon whether it be in the Caribbean or whether it be in Alaska or Hawaii.

Mr. Vice-President, that would be, in my respectful view, as ostrich-like as banning tourism altogether in order to protect the environment of the reefs in Tobago. Well, yes, let us ban the tourists because the reefs are being destroyed. Let us reduce the flights to Tobago because somewhere a nesting bed is being destroyed in Tobago. It would be as ridiculous as that if we say that we are damaging the family, we are damaging the institution of marriage simply because we are bringing our legislation into line with what is happening in the rest of the world. As I said, that would be very xenophobic and Government would be operating like an ostrich.

I make it very clear that this Government will do all that it can to ensure that it protects and respects that which it holds sacred whilst it still allows development to take place.
In essence, with this amendment to the Marriage Act, we are trying to provide a better service to would-be visitors in a specific segment of the tourism market and, at the same time, to boost the tourism industry with the concomitant benefits that it will bring in terms of employment and advances in the economy.

There has been much press interest in this particular amendment. There was an article in the *Business Guardian* of Sunday, July 7, 1996 at page 5 entitled “Tourist wedding bells ring profits in Tobago”.

In this article hoteliers of several establishments including the Le Grand Courlan, Turtle Beach Hotel, Manta Lodge, Blue Waters Inn, Coco Reef and St. Anthony’s Holiday Home, all spoke in favour of increasing the number of tourist weddings. They indicated that for them decreasing the period of residency meant that more individuals would book on two-week trips and would find it easier to fit in the organization of the details of the wedding because of the shorter residency period. They also stated that for themselves and their staff arranging weddings for visitors was an extra plus because the guests and their families were so appreciative of all their efforts to make the event memorable and special.

If we chose to ignore the positive evidence of the hoteliers, we can put the matter another way. If we are faced with the evidence that 25 states in the Caribbean region have made special provision for persons who wish to marry to come to the islands during their vacation, the question must be: do we deny development and developing the tourist industry and do we deny, therefore, the people of Tobago that opportunity to develop their island?

Again it was pointed out to me yesterday, that for the people of Tobago the possibilities of generating income, the avenues at the moment are very small. Apart from jobs that are in the public sector, that is to say, Government jobs, the only other major income-generating business in Tobago is tourism. That is the fact of the matter. It is easy for us in Trinidad because there are other avenues for making income. There is natural gas, oil, the coal manufacturing sector; several ways in which our people in Trinidad can earn income and get a job. In Tobago the opportunities are far more limited. Tourism is one of the main ways in which they can do so. We have to balance, and I mentioned this before, a variety of interests when we propose legislation.

5.35 p.m.

In order to allay the fears of Sen. Nafeesa Mohammed who spoke about the sanctity of family life, in the case of the Marriage (Amtd.) Bill we are balancing the
need for the institution of marriage to be respected and remain the cornerstone of
our society with the need to develop the economy of the twin-island state, in a
way which is positive and respectful, based on our social values and the
environment. Whilst we hold a view about our institution, this Government is
conscious that about 21 per cent of this population lives below the poverty line. It
is all good to say let us protect the family, but there are families who have
nothing to eat and there is no income. We have to balance economic development
and our family lives. The family and the sacred institution of marriage cannot
develop and grow when people live below the poverty line and a father cannot
bring food home to his family. This measure is designed to bring more
employment and income to families and children.

Whilst we do appreciate the concerns raised, I ask hon. Senators to bear in
mind that we must balance the interests. Would seven days to three create such a
great ruction in this nation that it would disrupt family life to that extent to
destroy the institution of marriage?

**Sen. Prof. Ramchand:** Mr. Vice-President, can the hon. Minister say
whether there was a previous amendment to the Act granting seven days or is the
seven days in the original Marriage Act?

**Hon. K. Persad Bissessar:** The legal staff would have a look at it but I
believe that it was in the original Marriage Act. We would verify that in a
moment.

Every time there is a development in a society there must be a balance of
interests. It seems to me that the benefits to be derived from this amendment
would far outweigh the fear of destruction of family life. Within the 25 Caribbean
nations, is their family life destroyed? Is the institution of marriage destroyed?
Let us be realistic when we look at this amendment.

Sen. London raised concerns about reducing the period of residency. This
trivializes and undermines marriage in the family like Sen. Mohammed—

**Sen. London:** Sen. London shared the concerns of the marriage officers in
Tobago. Sen. London’s major concerns have not yet been addressed with respect
to why these interests were not consulted before the Bill was brought.

**Hon. K. Persad Bissessar:** The Senator also raised the point—whether he did
it on behalf of others—about trivializing and undermining others and the family. I
am responding to that and I would respond to the other matters in due course. I
assure the hon. Senator that is not intended by this Government. It is most
certainly not the effect of this amendment, in my respectful view.

To be trite for a moment, before dealing with the more serious points about
marriage as an institution, one can say that it is evident that these betrothed
couples would be living together by sharing a room during the seven days that
they wait to qualify. That is something that is very possible. They would arrive,
find that they have to wait, and it may well be that they do not have the benefit of
the institution of marriage.

Sen. Dr. St. Cyr: Mr. Vice-President, is that not then a case for making it
instant?

Hon. K. Persad Bissessar: Would the hon. Senator support that?

Sen. Dr. St. Cyr: The direction we have gone, I am persuaded that we should
just let this go through.

Hon. K. Persad Bissessar: We have looked at the other islands and three
days is a compromise. It would allow the persons to do the affidavit and what else
they
have to do. I thank the hon. Senator that he has been persuaded to support this
amendment.

Sen. Dr. St. Cyr: I always go to the logical conclusion.

Hon. K. Persad Bissessar: I thank the hon. Senator.

A more serious point was raised with respect to this Government’s intention
about marriage being sacred, as being a social institution. I am repeating this
point because it is something I have always spoken about. Repeatedly we have
stated our commitment to family life sanctified by formal marriage. Fairly
recently, I attended a graduation at the Hugh Wooding Law School. There was a
seminar in mediation techniques for the family. At that seminar I indicated
Government’s commitment to the establishment of a family court in Trinidad and
Tobago. Sen. Teelucksingh spoke about a commitment to that. We envisaged that
the emphasis would be on resolving disputes, preserving family rights and duties,
rather than outright battles between the parties.

It was stated then that in addition to the $800,000 that Government had
budgeted for the start of the setting up of the family court, a new Family Court
Bill is in the office of the Attorney General. It is being prepared and we hope to
have that out for comment. We would be taking steps to deal with the
establishment of a family court. To say that this Government is not committed to
the institution of the family and marriage by bringing this Marriage (Amdt.) Bill
is going too far, with the greatest of respect to hon. Senators. We have always emphasized that point.

If one looks at the ethos of the Family Court Bill, it would not be dissimilar to the Barbados Family Law Act where the principle to be applied in family matters is stated. It is the need to give the widest possible protection and assistance to the family as a natural and fundamental group/unit of society, particularly while it is responsible for the care and education of dependant children.

As a further example of Government’s commitment to family life and the institution of the family, a new version of the Children Act is being prepared by the office of the Attorney General. That again would emphasize protection of children and the rights and responsibilities of parents. Both pieces of legislation would express our commitment to maintain the family as an institution and the foundation upon which our society rests.

5.45 p.m.

The other matter raised by Sen. London was whether or not honeymooners would spend less time in Tobago if the residency period were reduced and thus there would be no increase in revenue and employment. What one has to look at here is how many persons would come with the couple, that is, their parents, relatives and friends. We are not talking about just two persons for four or 14 nights. We are talking about anything from six to 20 persons for however many nights. These individuals spend money: they visit the restaurants, they buy souvenirs, they tour the island, they perhaps even buy clothing. Two persons may come regularly—not the ones who are coming for a wedding—and they alone may return. However, if they come because we have facilitated their wedding, they may bring more persons with them who will also be inclined to return at a later point. If family and friends enjoy the Tobago experience as wedding guests, they may return as regular tourists at another point in time. These family wedding groups are far removed from the image that has been conjured by Sen. London when he said that if there is only a one-day residence requirement, we will encourage “back-packed” tourists and therefore [Interruption] It is from the Hansard. I am sorry.

Sen. London: It was a question, not a statement.

Hon. K. Persad-Bissessar: The question of the hon. Senator was whether by reducing the residence requirement we would be encouraging “back-packed” tourist and therefore be decreasing revenue. Let me allay his fears in respect of his alleged question in this honourable Senate about the financial gains that are
possible. I would like to quote from a recent study which was done in the United States on the honeymoon sector of the travel industry. In my original presentation last week, I had quoted figures from this study and TIDCO had made some projections based on the American figures and these are what I quoted on the last occasion.

Mr. Vice-President, these projections indicate that if Trinidad and Tobago could win one-half per cent of the potential wedding market, this would mean no fewer than 7,820 individuals or 3,910 couples, and this is not to mention any relatives and friends. If it is accepted that the average amount spent per marriage couple at a Caribbean destination is $3,256, then potential earnings are in the region of US $12,730,960. That translates into over TT $76 million. That is indeed an enormous amount of revenue. Some of it must come to Government by way of taxes levied, but most of it will go to those who service the tourists and the tourist weddings.

Let us not forget that it is not only the big hotels which benefit. It will be the pastors, the choirs, the musicians, the dressmakers, the tailors, the hatmakers, the florists, the wedding cake makers, the jewellers, the wedding paraphernalia makers, the designers and photographers, the video camera operators, and we will not leave out the hotel staff, taxi drivers and guides. We must never forget the trickle down effect of these earnings and that is the important thing. There was a concern raised that it was only the big hoteliers who would benefit, but there is a trickle down effect that would come because the income which all these service providers receive would go towards paying bills and buying the services of others. It is this trickle down effect, Mr. Vice-President, which will help us to break the cycle of poverty and deprivation which has been created by chronic unemployment among particular groups.

My Government is committed to fighting poverty, unemployment and under-employment. Measures like this will help in this fight and, indeed, will restore something like family life to those families who are divided by having no home, no possessions and no steady bread winner.

There was another point raised by the hon. Sen. London which had to do with the history of foreigners marrying Tobagonians, followed by quick divorce with the foreigner somehow remaining in possession of the matrimonial home in Tobago. Again, the Marriage Act deals with non-residents and so that possibility will be very remote. [Interruption]

I am sorry, Sir. We cannot go through every point: we will be here all day. You have had your turn and I will ask you please to allow me to continue. As I
said the Hansard will reflect what I said for those who would like to check whether I am misquoting the hon. Senator.

The hon. Senator had made reference to the open-skies policy and the comment of the hon. Sen. London—and I have the Hansard here—was that we are not pursuing important measures related to tourism which appeared in the budget. He mentioned specifically the open-skies policy.

In the budget the Government spoke about developing open-skies policy because it was seen as a way of ensuring year-round transportation of passengers that will result in a meaningful increase of visitors. Because of the existing agreements between airlines and the Government, access to Tobago is limited to certain airlines and I had indicated that the Minister of Finance said in the budget that he wished to look into these bilateral agreements to see whether substituting an open-skies policy would be more beneficial to the tourist industry.

Since the budget, Mr. Vice-President, I am happy to report that Cabinet has given the Minister of Works and Transport, Sen. The Hon. Sadiq Baksh, the go-ahead to pursue actively an open-skies policy by seeking out airlines which may be interested in making Tobago one of their destinations, thus increasing passenger flow throughout the year.

Just to be clear, Mr. Vice-President, the open-skies policy basically means that as long as a carrier satisfies the requirements for safety standards, it can apply to land in Trinidad and Tobago. This would mean more frequent and cheaper flights and thus a regular year-round supply of visitors. [ Interruption] Hon. Senator, I know that you are peppered up against the airport, but I would ask the hon. Minister of Works and Transport to respond because it comes within his portfolio. As a Member of Cabinet, I am aware that we have given him the go-ahead. I am sure that he will bring to this honourable House a policy position with respect to what will be taking place. It is not fleshed out, but he has been given the go-ahead to do so, and when he does that I am sure that he will make it available to hon. Senators.

Sen. Diana Mahabir-Wyatt had asked whether clause 6(2) of the Bill changed the law so that tourists could not marry under this proceeding in church. I can assure the hon. Senator that there is no cause for worry because clause 6 of the Bill deals with the solemnization of marriages by district registrars and that was dealt with under the old section 29 of the Marriage Act. The new section 29 enacted by clause 6 deals only with these officers. It does not affect the powers of the marriage officers. They have power under another section. So, if the persons
Marriage (Amdt.) Bill

[SEN. MAHABIR-WYATT]

decide to be married by a marriage officer or the district registrar, they have that option, as they do under the existing law.

These consequential amendments were made necessary to include the special licence and to give the power to the district registrar or the marriage officer with respect to special licence. We have not changed the existing law. Persons who have obtained the special licence can take the special licence to the priest of their choice or they can do it in a civil way before the district registrar just as they can under the existing law. It will proceed in the very same way. The option will be that of the individual who is getting married—whether the parties choose a marriage officer, a priest or decide to use the civil process of the registry. It is clear then in clause 5 of the Bill that amends section 28 of the Act to empower marriage officers to marry persons named with the special licence.

Hon. Senator, I trust that this will deal with your query.

Mr. Vice-President, this is in essence a very simple Bill. There have been a few matters that have been raised today and I would say to the hon. Sen. Daly that his proposed amendment poses absolutely no difficulty to us—with the exception of three words which are very important in terms of the domicile of the parties—because it puts in a more elegant manner the very substance of the rest of the clause.

5.55 p.m.

**Sen. Rev. Teelucksingh:** Mr. Vice-President, can I ask the hon. Minister if the Government has considered requiring such couples who have the mind to marry, to bring with them a document from their own country or state which is equivalent to our district registrar's certificate that would show that they have made preparations for their marriage before? If they have been thinking about marriage in Germany or England can we ask them to bring a document equivalent to ours from their home state?

**Hon. K. Persad-Bissessar:** I do not understand what the Senator means when he says "equivalent to ours".

**Sen. Rev. Teelucksingh:** We are asking for something which is our tradition here. If one wants to get married one has to put up a notice and so—[Interruption] Notice too. The district registrar's certificate. [Interruption] The Senator was just reminding me that in Aruba this is done. Is this the hon. Minister's document?
Hon. K. Persad-Bissessar: Yes.

Sen. Rev. Teelucksingh: The Jewish people can bring a United States marriage officer’s certificate from a Rabbi to the West Indies as certification from their home state or country.

Hon. K. Persad-Bissessar: Saying what?

Sen. Rev. Teelucksingh: It is the licence which is equivalent to ours, but it must come from their home state.

Hon. K. Persad-Bissessar: In other words, they must bring a licence from their country?

Sen. Rev. Teelucksingh: Yes. Have we considered something like that?

Hon. K. Persad-Bissessar: Well, I think this is where the amendment proposed by Sen. Daly is quite important.

Sen. Rev. Teelucksingh: It does not deal with that.

Hon. K. Persad-Bissessar: Yes it does, to some extent. The affidavit which the person is required to swear to states, according to the law of their domicile, that there is no lawful impediment or hindrance to the marriage taking place. In my respectful view that is sufficient. It is saying that according to their law there is no lawful hindrance or otherwise in terms of degrees of affinity, consanguinity or some other lawful hindrance.

Again, that was the same section 19A(4).

Sen. Rev. Teelucksingh: Mr. Vice-President, the question I am raising is that when a couple is interested in getting married, or planning to get married, a notice is put up in the warden's office. That document has a different kind of validity and status *viz a viz* an affidavit. This is what I am saying.

Hon. K. Persad-Bissessar: That is so. Hon. Senator, it is our respectful view, from having looked at it, that the provisions we would want to go with, are the provisions we have in the Bill and taking into account the amendments proposed by the hon. Sen. Daly. With respect, Sir.


Hon. K. Persad-Bissessar: Mr. Vice-President, I think those were basically the queries raised.

The original Act was passed as an ordinance in 1923, and the seven-day residentiary requirement was established since then. The question was asked about that seven-day period. That was in the original Marriage Act since 1923. It was a seven-day requirement in 1923.

Mr. Vice-President, this is in essence a very simple Bill.
Sen. Prof. Ramchand: Mr. Vice-President, it seems that we were very radical in 1923. [Laughter] I did ask in my contribution whether there was a special reason for saying "non-residents" rather than "non-nationals".

Prof. Spence: Mr. Vice-President, while the hon. Minister is preparing to reply, could I ask her just to think a minute about a statement she made earlier with respect to Buccoo Reef and birds? It seemed to imply a rather negative view of our natural environment and my whole thrust was that we should be looking at tourism in Tobago particularly differently from the point of view of our natural environment.

Hon. K. Persad-Bissessar: Hon. Senator, with respect to you, I meant no flippancy with respect to the contribution you made, but I am saying that we need to balance the interests. I agreed with you, and I think when I made my original contribution I said that this is just one of the measures. The Senator is totally correct. I think Prof. Spence would have indicated some other areas of tourism that we need to go into in terms of all these historic sites that are here. We need to develop these things.

This is just one thrust in the whole tourist market. We are not saying that this is the only thing we are doing, so Prof. Spence's comments are well taken and I am sorry if I appeared to be flippant, but it was certainly not my intention at all.

The other question that was raised as to why did we put "non-residents" as opposed to "non-nationals". It would seem to me that if it were Trinidad and Tobago nationals who are not residents of Trinidad and Tobago but come home for a few days they should not be denied that opportunity. Basically, they are not residents here. It was not considered. I understand, in terms of what took place with this Bill, that it was not considered necessary to penalize non-resident nationals who may wish to marry whilst on vacation in Trinidad and Tobago. We did not think we should penalize them in that way, where they would be forced to go through the longer residiency requirement. I do not know if that answers the Senator's question.

Mr. Vice-President, the Senator did raise another concern which is a very important one. That was, do we change our law merely to accommodate foreigners? I think that was one of the concerns that was raised. I would say to the Senator, with respect, no. We cannot just change our laws to assist foreigners, but certainly, we can change our law where it assists foreigners and also benefits the people of Trinidad and Tobago.
This is one measure, with the greatest of respect, as I said, when we balanced the interests in terms of what harm may accrue or arise from changing a residiency requirement from seven to three days as versus the anticipated potential revenue. I think when we balance that, we must come down in favour of supporting the amendment that is before this House.

Mr. Vice-President, as I said, we do not wish to undermine marriage in our society. We want to enable our economy to develop by making it possible for non-residents who have a firm intention to marry to do so after they have stayed here for three days. All this Bill will do, in my respectful view, is to level the playing field in relation to other Caribbean islands that cater for this segment of the tourist industry.

Finally, Mr. Vice-President, I thank you and hon. Senators for the opportunity to be with you in the Senate and I look forward to being with you again.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

6.05 p.m.

Senate in Committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3:

Question proposed. That clause 3 stand part of the Bill.

Sen. Daly: Mr. Chairman, I proposed an amendment as follows:

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<tr>
<td>Clause 3</td>
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<tr>
<td>(i)</td>
<td>Section 19A(1) Delete the words “Notwithstanding section 25 of the Interpretation Act”.</td>
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<td>(ii)</td>
<td>Section 19A(4) Delete and replace as follows:</td>
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“Before a marriage can be solemnised, both parties shall appear personally before the Registrar of Marriages or District Registrar not less than twenty-four hours before the intended time of the marriage and shall make an affidavit or solemn declaration that by the law of the domicile of each of the parties:

(a) there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage; and

(b) either that the consent of the person or persons whose consent to such marriage is required by such law has been obtained or that no such consent is required”.

(iii) Add a new subsection 5 and renumber the remaining subsections

“(5) Section 25 of the Interpretation Act shall not apply to this section”.

Mr. Chairman: Does everyone have an amendment circulated by Sen. Martin Daly?

Mrs. Persad-Bissessar: Mr. Chairman, I indicated in open debate that we had no difficulty and we thank the hon. Senator for the proposed amendment.

Sen. Daly: Mr. Chairman, debate always takes a more gracious flow when the Minister of Legal Affairs is here. Can I prevail on her graciousness to enquire, since we only got sight of the CTO document today, I mean I have now formulated in writing while she was speaking, but would she be prepared to consider a further amendment that required the proponent of the affidavit to exhibit a letter from an attorney-at-law verifying the contents of the affidavit or statutory declaration? I say that because we are told things such as “we are falling in line,” but when you look at this CTO document, it is not as simple as it is being said. In Curacao, proof that both are eligible for marriage; Grenada, proof of single status, letter from lawyer; Montserrat, Puerto Rico, Saba, St. Kitt’s, St. Lucia, all these places make
a specific requirement that the eligibility of freedom of the party to marry is established.

**Mrs. Persad-Bissessar:** Would you be kind enough to indicate the wording of your proposed amendment?

**Sen. Daly:** I am just suggesting, I know it is very late, I am not a parliamentary draftsman, but I try to reflect what has emerged from the debate. After the word “requirement” “and there shall be exhibited”—well, it is not a (c). The draftspeople will have a word for it. It is part of the main provision—“and there shall be exhibited from the affidavit or the statutory declaration a letter from an attorney-at-law verifying the contents of the affidavit or statutory declaration”. I am suggesting also that although I picked up the words “solemn declaration” in the main body, I do not know if we have anything as a “solemn declaration”. I think we have a “statutory declaration”. Maybe we can tie all that together, replace the word “solemn” with “statutory” and add on what I am suggesting, because we are out of line really when we look at the CTO document.

**Mrs. Persad-Bissessar:** The draftsmen are formulating some words for us and we have no difficulty with this.

**Mr. Chairman:** The debate on clause 3 in committee will be deferred.

Clause 3 deferred.

Clauses 4 to 9 ordered to stand part of the Bill.

Clause 3 recommitted.

*Question again proposed*, that clause 3 stand part of the Bill.

**Mrs. Persad-Bissessar:** If you would be kind enough to give us a few moments, we will have the draft in a while.

**Sen. Prof. Ramchand:** Mr. Chairman, if we do not have the law books around—

Did the 1923 Marriage Act refer to non-residents and were marriages for non-residents taking place under the authority of that 1923 Act? If you said that up to two months ago a non-resident could come here and get married in seven days and you are saying that that existed in 1923, and are we saying that it had not been necessary to modify the 1923 Act to permit non-residents to marry within seven days?

**Mrs. Persad-Bissessar:** That is why we are getting the book.
Sen. Daly, if I may enquire. You are suggesting that we amend to put a letter from an attorney-at-law. Could we not also include a letter from an attorney-at-law or a notary public, for example? They may have to pay a lawyer so much money to get a letter of that nature.

6.15 p.m.

Sen. Prof. Ramchand: Would Sen. Teelucksingh's suggestion that the people who intend to get married might come with some document which says that "in our country we have satisfied all the requirements for getting married—"

Sen. Mahabir-Wyatt: There is a notification there about Aruba which says that if you are Jewish you get a letter from your rabbi; if you are Roman Catholic, you get a letter from your priest. If you do not belong to any particular organized religion, presumably you can, as you do in some of the other countries here, bring a marriage licence with you from whatever country you come from, which means that all of that would have had to be proved. In fact, that is even simpler, I think, than getting something from your priest or rabbi. You just get a marriage certificate from your country, produce that, which is proof that you are single.

Mrs. Persad-Bissessar: If you got a marriage certificate from your country, then you are already married.

Sen. Mahabir-Wyatt: A marriage licence, then. A marriage licence is not a marriage certificate. A marriage licence says that you are licensed to be able to do it. That would surely cover all the entrances and exits.

Mrs. Persad-Bissessar: It will also restrict the entrances and exits, that you would have to get that document before you came.

Sen. Mahabir-Wyatt: If they were planning some months in advance they would probably have done it anyway.

Mrs. Persad-Bissessar: This is what the Minister of Finance has indicated, that they would be able to handle the kind of situation envisaged by Sen. Daly, if they were to bring a letter from a lawyer or from a notary public, and maybe your suggestion of a religious person as well, may be useful.

Sen. John: Anybody can go and buy a letter from a notary public.

Sen. Mahabir-Wyatt: Perhaps you could get a marriage licence as well. The thing is, we are trying to protect the sensitivities of people in this country, not the sensitivities of people outside and we want them to be obeying the laws of our own country. If they have to be arrested, let them be arrested in their country.
Sen. Daly: [Inaudible] I think a letter from a notary public or a lawyer. It is merely to provide some independent verification. The problem is, if you say the people must get a marriage licence, suppose the legislation in their country does not permit the issue of a licence unless they are getting married there. You see, that is the problem with hasty legislation. We are shooting in the dark. We got all this stuff about Aruba and Curacao today and none of us has had time to research it. That is the problem with bulldozer tactics. But we must have some independent verification. The problem is, if we go and specify a marriage licence in accordance with the Aruba law, which none of us has had time to research, maybe they cannot get a marriage licence in certain countries unless they are getting married there.

Mrs. Persad-Bissessar: Well, I am also a little concerned. I indicated at first we did not have a difficulty with the letter and so on, but it is complicating things a bit, because now we have to talk about the attorney-at-law, and some countries do not have attorneys-at-law. So are we going to list them—

Sen. Daly: But hon. Minister, it was represented to us—this is really quite important—that we were falling in line. Now that we have examined—

Mrs. Persad-Bissessar: You offered to give us the benefit of your wisdom and I am asking if you can assist us further in terms of how we can deal with the variations that we would find.

Sen. Daly: I am suggesting you exhibit a letter, either from a lawyer or a notary public, saying that what you have said in the affidavit is correct.

Mrs. Persad-Bissessar: This could go ad infinitum.

Sen. Mahabir-Wyatt: Would it not have either one or the other, either an attorney-at-law or a notary public?

Mrs. Persad-Bissessar: It could be either. But the position is, do we then go ad infinitum, either a priest, either a lawyer, either a rabbi, either a barrister—

Sen. Daly: They may not be believers in anything; they may be free thinkers.

Sen. Prof. Ramchand: But you might need somebody to certify the cerification of the affidavit.

Mrs. Persad-Bissessar: I think this is the point our Senator made. He was saying, you could pick up one of those for ten cents, a letter to that effect—

Sen. Daly: I did not think you would repeat such an ungracious statement, Ma'am.

Mrs. Persad-Bissessar: I believe, respectfully, that we are trying to accommodate the attorney-at-law or a notary public, but to extend that list in terms of a rabbi and whatever, I think is going a little too far. So if you all are
happy with that, we are trying to draft it for the attorney or a notary public. Apart from that, we cannot authenticate further. At least this is a one-step authentication of the affidavit.

**Sen. Mahabir-Wyatt:** Mr. Chairman, through you, I wonder if I could ask the hon. Minister to just verify something. Do I understand correctly that she said earlier that this Bill does not apply to Hindus or Muslims because there is no restriction on it, that this only applies to Christians? So we are passing legislation only to apply to—

**Mr. Chairman:** Hon. Senators, while the draftsmen are working on the amendment to clause 3, I propose to resume the sitting of the Senate for purposes of extending its life this afternoon.

_Senate resumed._

**SITTING OF THE SENATE**

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I beg to move,

That the Senate continue in session until the third and final reading of the said Bill before the Senate.

*Question put and agreed to.*

**MARRIAGE (AMDT.) BILL**

_Committee resumed._

**Sen. Mahabir-Wyatt:** Mr. Chairman, I wonder if the hon. Minister could just clarify that point for me about whether this Bill only applies to, let us say, non-Muslims and non-Hindus, because there could be Christians and people who are not aligned to any church.

**Mrs. Persad-Bissessar:** This is for anyone who wishes to utilize the procedure within it.

**Sen. Mahabir-Wyatt:** Because they are non-resident. So even if they are Hindu or Muslim and they come from outside—

**Mrs. Persad-Bissessar** And they wish to use this procedure, fine. The thing is that if you were intending to be married by a Hindu marriage officer or a Muslim marriage officer, you do not even need the requirements, so you would not utilize this procedure. The Hindu Marriage Act and the Muslim Marriage Act, as I said, have no residency requirement.
Sen. Mohammed: Is it not a requirement under the Christian laws, particularly with respect to the Catholics, insofar as the publication of bans and the time factor?

Mrs. Persad-Bissessar: I spoke to a particular Hindu person who was saying, no, no, that is not true that there are no residency requirements, but a Hindu wedding probably takes seven days. Those are the religious rights which are different from that legislated by the state. Religiously you can take as short or as long as you would want. It is not only for Christians, but for persons who are also of no religious persuasion—for those with and without.

6.25 p.m.

Sen. Rev. Teelucksingh: Could I get some clarification on clause 6(2)? Do I get the impression—we are dealing with section 29 (2) “A marriage shall be solemnised with open doors by a District Registrar in the presence...”. Does this rule out the marriage officer, or is that dealt with in section 28? Am I to understand—

Mrs. Persad-Bissessar: Yes, there is another section for the marriage officer. If I may propose the circulated amendment to clause 3(ii)(b) it reads: and there shall be annexed to such affidavit or statutory declaration a letter from a lawyer or a notary public that there is no lawful hindrance to the said marriage.

Mr. Chairman, in clause 3(i) and (ii) where the words “solemn declaration” is used that should really read “statutory declaration”

Mr. Chairman: Could I ask you, Madam Minister, to read the entire new subsection 19A (4)?

Mrs. Persad-Bissessar: Clause 3(ii) 19A(4) delete and replace as follows:

“Before a marriage can be solemnised, both parties shall appear personally before the Registrar of Marriages or District Registrar not less than twenty-four hours before the intended time of marriage and shall make an affidavit or statutory declaration that by the law of the domicile of each of the parties:

(a) there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage; and

(b) either that the consent of the person or persons whose consent to such marriage is required by law has been obtained or that no such consent is required and there shall be annexed to such affidavit or statutory declaration a letter
from a lawyer or a notary public that there is no lawful hindrance to the said marriage”

Sen. Daly: We are verifying only one part of that, we need to have a declaration for all the things. We are only asking for clarification.

Mrs. Persad-Bissessar: If there is an impediment of consanguinity or affinity, is that not a lawful hindrance? [Cross talk] The affidavit will be authenticated by our people here. They will be swearing an affidavit or statutory declaration before our district registrar, so that will make it authentic in terms of our oath. The purpose of this is to get an independent person to say, look, there is no lawful hindrance rather than just two persons coming in and swearing an affidavit. I think that is the intention.

Mr. Chairman, if we may read it one more time?

Mr. Chairman: Madam Minister, one suggestion that I think has been overlooked is that the reference here appears to suggest that there is only one affidavit and one statutory declaration whereas the parties may be coming from different jurisdictions. I am suggesting that the third line of the first paragraph, after the word “shall”, should read “shall each make an affidavit or a solemn declaration that by the law of the respective domicile of each of the parties...”

Mrs. Persad-Bissessar: I am happy for your suggestion, Sir.

Sen. Mahabir-Wyatt: Mr. Chairman, to sort it out in relation to 2(b) if instead of saying “there is no lawful hindrance” we say a, “lawyer or a notary public verifies the matters in (a) above,” this would cover the whole thing. Instead of saying that there is no lawful hindrance to that marriage after a lawyer or notary public just put the words, verifying the matters listed in subclause 2(a) above, or verifying the matter listed in this part or however you put it. Use the positive instead of the negative. If you use verify, the legal people say you have to verify.

Sen. Prof. Ramchand: Could we ask them to supply letters from a lawyer stating (a) and (b) and then ask to make an affidavit to swear?

Sen. Daly: We are asking for a letter for verification.

Mrs. Persad-Bissessar: Clause 3(ii)(b) “either that the consent of the person or persons whose consent to such marriage is required by such law has been obtained or that no such consent is required, and there shall be annexed to such affidavit or statutory declaration a letter from a lawyer or a notary public that there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage.”
Mr. Chairman, I respectfully ask that clause 3 be amended by deleting the word “solemn” and inserting the word “statutory” before the word “declaration”; and after the word “shall” the words “each make an affidavit. . .”

Mr. Chairman, the words you had suggested should be inserted, if you will assist us, and then we move on to 3 (ii)(b) as I had read previously.

Sen. Mohammed: Mr. Chairman, I want to agree with Sen. Prof. Ramchand, that we delete the words at the end of the suggested amendment, “that there is no lawful hindrance to the said marriage” and replace this simply with letters (a) and (b) above.

6.35 p.m.

Mr. Chairman: The problem is that extended sentence would form part of (b).

Sen. Prof. Spence: Can we not have “and (c)”? Remove the “and” after (a) and put it after (b) and put a (c)? I think the consent is just as important because there may be young persons running away from their parents to get married. Probably the rich ones would be running away.

Mr. Chairman: Would lack of consent not be included in lawful hindrance?

Sen. Prof. Ramchand: If lack of consent is included in lawful hindrance, then get rid of (b) altogether. A suggestion here is that we simply add a (c) and a letter from a lawyer or notary public which shall be supplied certifying (a) and (b).

Sen. Mohammed: The letter cannot certify something that has not yet taken place. This is an affidavit where one would come to swear. That cannot be certified.

Mrs. K. Persad-Bissessar: I beg to propose that section 19A (4) be amended as follows:

Include the word “each” between the words “shall and make” in line 5.
That the word “solemn” be substituted by the word “statutory” in line 6.
That the word “respective” be inserted between the words “the” and “domicile” in line 7.

After subclause (b) the following words be added:

“and there shall be annexed to such affidavit or statutory declaration, a letter from a lawyer or a notary public stating that there is no
impediment of consanguinity or affinity or other lawful hindrance to such marriage.”

The final amendment reads as follows:

(ii) **Section 19A(4)**

Delete and replace as follows:

“Before a marriage can be solemnized, both parties shall appear personally before the Registrar of Marriages or District Registrar not less than twenty-four hours before the intended time of the marriage and shall each make an affidavit or statutory declaration that by the law of the respective domicile of each of the parties:

(a) there is no impediment of consanguinity or affinity or other lawful hindrance to the said marriage; and

(b) either that the consent of the person or persons whose consent to such marriage is required by such law has been obtained or that no such consent is required,

and there shall be annexed to such affidavit or statutory declaration a letter from a lawyer or a notary public stating that there is no impediment of consanguinity or affinity or other lawful hindrance to such marriage.”

**Sen. Prof. Spence:** I beg to propose that the following words be added “and that such consent where it is required has been obtained”.

**Mrs. Persad-Bissessar:** Hon. Senator I understand what you are trying to prevent but I do not think it would be necessary.

**Sen. Prof. Spence:** Is there a difficulty in having it?

**Mrs. Persad-Bissessar:** I think it may be imposing a restriction that is not necessary. The persons would come and there would be persons who would have to identify themselves in some way. I think we are trying to go too far to get these people to comply in a certain way. In a sense the bureaucracy and red tape would be frustrated.

*Question on amendment [Sen. Prof. Spence] put and negatived.*

*Question on amendment [Mrs. Persad Bissessar] put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*
Marriage (Amendment) Bill

MRS. K. PERSAD-BISSESSAR

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

Senate resumed.

Bill reported, with amendment; read the third time and passed.

6.45 p.m.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, before moving the adjournment of this Senate, I would like to serve notice that on Friday, July 12, 1996 we will debate the Industrial Designs Bill, the Layout Designs (Topography) of Integrated Circuits Bill, the Geographical Indications Bill and the Patents Bill. [Interruption] Yes, we will be dealing with that bill as well, Sir. [Interruption] Well, it is. I have passed it on to Sen. Prof. Spence.

I serve notice that we begin at 10.00 a.m. and the next time we sit after Friday is on Tuesday, July 16, 1996 at which time we will deal with the Administration of Justice (Miscellaneous Provisions) Bill, the Protection Against Unfair Competition Bill and the Immigration (Caribbean Skilled Nationals) Bill.

I give all Senators advance notice so that they can prepare themselves properly and so that no one will be caught unaware.

I beg to move that this Senate do now adjourn to Friday, July 12, 1996 at 10.00 a.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.47 p.m.