

**SENATE***Tuesday, November 02, 2004*

The Senate met at 1.31 p.m.

**PRAYERS**[MR. VICE-PRESIDENT *in the Chair*]**PAPER LAID**

The Eighth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago. [*The Minister of Local Government (Sen. The Hon. Rennie Dumas)*]

**ORAL ANSWERS TO QUESTIONS****Piarco International Airport  
(Repaved Runway)**

**1. Sen. Robin Montano** asked the hon. Minister of Works and Transport:

Could the Minister inform the Senate:

- A. (i) Whether the newly repaved runway at the Piarco International Airport presents any risk to aircraft landing and taking off?
- (ii) Could the Minister give full details of the potential risks, if there are any?
- B. Whether any airlines and/or pilots and/or aviation authorities, in Trinidad and Tobago or elsewhere, have complained about the quality of work done on the runway?
- C. If there have been complaints, could the Minister give full details of the following:
  - (i) The names of firms, corporations or authorities that have filed complaints;
  - (ii) The nature and extent of the complaints;
  - (iii) The dates that the complaints were received; and
  - (iv) The replies made to firms, corporations or authorities that have filed complaints.

**The Minister of Works and Transport (Hon. Franklin Khan):** Mr. Vice-President, with your leave, we kindly request a two-week deferral to this question.

*Question, by leave, deferred.*

### Official Ports of Entry

2. **Sen. Robin Montano** asked the hon. Minister of National Security:

- A. Could the Minister provide the Senate with the names of all the official ports of entry into Trinidad and Tobago which are manned by Customs and Immigration officials?
- B. (i) Could the Minister state if it is possible to enter Trinidad and Tobago legally without going through one of the named ports?  
(ii) If the answer to (i) is in the affirmative, could the Minister state the circumstances which would render such an entry legal?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Vice-President, I beg leave of the Senate to request a deferment of the answer to this question for a maximum of two weeks.

*Question, by leave, deferred.*

### Caricom Heads of Government (Review of Delineation Treaty)

3. **Sen. Wade Mark** asked the hon. Prime Minister and Minister of Finance:

Could the Minister state whether he has given any consideration to the Caricom Heads of Government to review the delineation treaty between the Governments of Bolivia, Republic of Venezuela and the Republic of Trinidad and Tobago?

**The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):** Thank you, Mr. Vice-President. Colleagues will recall, on May 20 this year, this question was posed to the Prime Minister for his reply. The response is a very simple one. During a caucus of the Caricom Heads of Government last December, in Abuja, Nigeria, on the occasion of the Commonwealth Heads of Government meeting, this question of Trinidad and Tobago's maritime boundary delimitation with Venezuela was discussed in terms of the treaty.

The response to the question follows that the Prime Minister gave an undertaking to review the terms of the treaty. The treaty was in fact reviewed, as

promised by the Prime Minister, and the treaty provisions with Venezuela have turned out to be in the best interest of Trinidad and Tobago by providing certainty and predictability to investors, as this country continues to develop its non-living marine resources in the continental shelf in the Atlantic Ocean.

**Sen. Mark:** Is the Minister saying that the treaty between Venezuela and Trinidad and Tobago was reviewed? If that is what he is saying, when did that take place?

**Sen. The Hon. K. Gift:** Let me go back in time. A treaty between Venezuela and Trinidad and Tobago was signed in 1990. The treaty lay in the United Nations' archives for 13 years and one of our Caricom neighbours sought to raise the matter after that period of time. The Prime Minister promised colleagues at the Abuja conference to take a look, at Cabinet level, at the terms of the treaty. That was done, and I read the explanation to you, Mr. Vice-President. There was no need to revise the treaty.

**Sen. Mark:** Is the Minister telling the Senate that upon review of the Delimitation Treaty between the Republic of Venezuela and Trinidad and Tobago, the Government was satisfied with the terms and conditions governing that agreement and, therefore, it remains intact?

**Sen. The Hon. K. Gift:** The Senator is right, as confirmed in the last section of this statement.

It should be noted that the treaty provisions have turned out to be in the best interest of Trinidad and Tobago in providing certainty and predictability to investors as this country continues to develop its non-living marine resources in the continental shelf in the Atlantic Ocean.

So, you are right. It was not reviewed.

#### **Orange Grove Estate (Proposed Use)**

**4. Sen. Wade Mark** asked the hon. Prime Minister and Minister of Finance:

- A. Could the Minister give details on the proposed use of the Orange Grove Estate?
- B. Could the hon. Minister state whether it is Government's intention to convert the Orange Grove Estate into a housing settlement?

**The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo):** Mr. Vice-President, I wish to advise that the lands of the Orange

Grove Estate have been classified in Class 3 within the framework of the Trinidad and Tobago Land Capability Survey Protocol of 1974. Under that protocol, lands were classified within seven classes, Class 1 representing lands best suited for agriculture and Class 7 characterizing lands best suited to forestry and environment protection. Class 3 represents good agricultural land.

It should be noted, however, that some of the lands of Orange Grove Estate have been designated for non-agricultural activities. In particular, in January 1977, the former administration approved the excision of approximately 150 acres of lands from the larger Orange Grove Estate for housing construction. It is this site that the present government is using for its housing programme. A total of 810 housing units are being constructed and 202 units have been completed to date.

It should also be noted that since 1986, 200 acres of the Orange Grove Estate were allocated to the University of the West Indies for its development plans.

**Sen. Mark:** Mr. Vice-President, could the Minister indicate what portion of the Orange Grove Estate would then be allocated for agricultural production, given what she has just indicated? One portion is apparently for housing and the other portion for the University of the West Indies.

**Sen. The Hon. C. Sahadeo:** Mr. Vice-President, as I indicated we have classified the lands using the accepted Land Capability Survey Protocol. Under that guideline, we understand fully the classification of the land. Presently, that 150 acres that was approved for housing is under construction. Really we have not taken any other decision for any other purpose.

**Sen. Mark:** The hon. Minister just indicated that 280 acres have been allocated for the University of the West Indies. Is that amount of land agricultural land? We did not get that from her, even though it was allocated? Could you clarify that for us?

**Sen. The Hon. C. Sahadeo:** Mr. Vice-President, I indicated that in 1986, 200 acres were allocated. At this time, I do not have the information in terms of the classification of those acres.

**Sen. Mark:** Is the Minister in a position to indicate the acreage involved in the Orange Grove Estate—the entire acreage?

**Sen. The Hon. C. Sahadeo:** I do not have the exact figure. If my memory serves me right, it is just over 3,000 acres. I will give him that, either by his posing a separate question, or I can give him the information.

**Sen. Prof. Ramchand:** Mr. Vice-President, I wonder if the Minister has seen the document I referred to in my budget contribution last week—a full report on the land of the Orange Grove Estate and its capability. Would she like to have a look at it?

**Sen. The Hon. C. Sahadeo:** I will accept it.

**Bamboo Settlement  
(Danger from Traffic Lights)**

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

- A. Could the Minister state what steps and/or measures he intends to take to address a dangerous situation, which farm residents of Bamboo No. 1, No. 2 and No. 3 face with respect to traffic lights located on the Churchill-Roosevelt Highway and the Uriah Butler Highway?
- B. Is the hon. Minister aware that the residents and children of those communities are seriously inconvenienced because these traffic lights are turned off between 6.00 a.m. and 4.00 p.m. every day?

**The Minister of Works and Transport (Hon. Franklin Khan):** Thank you, Mr. Vice-President. I advise this honourable Senate that the traffic signals located on the Uriah Butler Highway and the Churchill-Roosevelt Highway in the vicinity of Bamboo Nos. 1, 2 and 3 are fully functional, 24 hours a day and, therefore, there is no instance when the traffic lights are turned off, thereby creating a dangerous situation.

**Sen. Mark:** Is the Minister aware that the traffic light leading out of the Grand Bazaar, if you are heading north, is not working? What steps is the Ministry taking to have it addressed?

**Hon. F. Khan:** Mr. Vice-President, that light has not been working for about a week now. There were three accidents and three of the signals were knocked down by motorists. We are in the final stages of repairing them, but in the interim there is almost a 12- to 15-hour police presence at that intersection.

**Sen. Mark:** Mr. Vice-President, why is it taking so long to repair the traffic light? That is a simple matter. It is over a week or two now that it has not been working.

**Hon. F. Khan:** My understanding is that they are to be replaced completely and there was limited stock. They were just procuring it. In my own view a week is a little too long, but I can assure you that in the next day or two it will be repaired.

**Occupational Safety and Health Act  
(Proclamation of)**

**29. Sen. Basharat Ali** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

- A. Could the Minister inform the Senate whether the Occupational Safety and Health Act, No. 1 of 2004 has been proclaimed?
- B. If the answer to (A) is in the affirmative, could the Minister indicate:
  - (i) the date that the Act was proclaimed; and
  - (ii) whether the “Occupational Safety and Health Authority” has been established?
- C. If the answer to (i) is negative, could the Minister state:
  - (i) when will the Act be proclaimed; and
  - (ii) what are the reasons for the delay in having the Act proclaimed?

**The Minister of Labour and Small and Micro Enterprise Development and Minister in the Ministry of Housing (Hon. Anthony Roberts):** Thank you, Mr. Vice-President. With respect to Part A of the question, the answer is no. The Occupational Safety and Health Act has not yet been proclaimed.

With regard to Part C (i) and (ii) of the question, we are unable at this time to give an exact date of proclamation. However, I must point out that in response to a similar question from Sen. Mark, in the course of the debate on the Bill in the Senate on January 13, 2004, the then Minister of Labour and Small and Micro Enterprise Development, who was piloting the Bill, indicated—and I quote:

“We are saying that there will be a period of one year before the Bill becomes fully operational.”

So, there were indications given previously to this Parliament that it should take at least one year for the law to become fully operational. A check of the *Hansard* record of the debate in the Senate would reveal this.

I want to give to this Senate an indication of action being taken by the Ministry in advance of the proclamation of the Act, since several institutional and administrative arrangements must be put in place before the provisions in the Act could be enforced. In that regard, this honourable Senate is asked to note that section 64(1) of the Act stipulates the establishment of an occupational safety and

health authority with responsibility for implementing the provisions of the Act. Section 69(1) establishes the Occupational Safety and Health Agency.

In pursuance of the establishment of these bodies, Cabinet agreed to the appointment by the Minister of Labour and Small and Micro Enterprise Development of the Occupational Safety and Health Council with the following terms of reference:

- to draft an occupational safety and health policy;
- to develop codes of practice that would provide the framework for the Occupational Safety and Health Authority to carry out its functions;
- to submit recommendations for the organizational structure of the authority.

The honourable Senate is informed that the report of the council was submitted to the Minister of Labour and Small and Micro Enterprise Development at the end of June 2004 and the input of the Tobago House of Assembly is being sought prior to the submission of a report and to recommendations being made to Cabinet.

This honourable Senate is also informed that because appropriately trained personnel are vital to the Occupational Safety and Health Agency's effectiveness in carrying out its mandate, Cabinet has agreed to the training of officers of the Factory Inspectorate Division of the Ministry. In accordance with the decision of Cabinet, training has been taking place as follows:

Mr. Devnath Roopnarine, Industrial Inspection Supervisor, was granted full pay study leave for one year with effect from September 2003, to pursue studies leading to the MSC—

**Sen. R. Montano:** Mr. Vice-President, on a point of order. According to Erskine May, ministers must answer the question that they are asked or the Presiding Officer will pull them up and will make them return to the question they are asked. That is in Erskine May and if they want, I will look it up and quote them chapter and verse.

The Minister is making the mistake I have complained about on several occasions. He is not being relevant to the question. He is dancing all over the place and I am having great difficulty in understanding how that answer relates to the question. [*Interruption*] That is the point of order, dum-dum.

**Mr. Vice-President:** Please, Senators!

Senator, I wish to refer you to 2C(ii) “What are the reasons for the delay in having the Act proclaimed?” In my view, the Minister is explaining the reasons and saying what is taking place in the meantime. Please proceed!

**Hon. A. Roberts:** Mr. Vice-President, I was saying that:

- Mr. Devnath Roopnarine, Industrial Inspection Supervisor, was granted full-pay study leave for one year, with effect from September 2003, to pursue studies leading to an MSc. post graduate diploma in Occupational Safety and Health, at the University of Salford, Manchester, England. Mr. Roopnarine is back from the course of study and Miss Linda Ramsahai, Industrial Safety Officer II, will be leaving in due course to pursue the same programme of study at the University of Salford.
- Over the period March to December, 2003, two Industrial Safety Officers I have pursued training facilitated by the Caribbean Health and Environment and Safety Services towards obtaining the National General Certificate in Occupational Safety and Health.
- Five Industrial Safety Officers of the Factory Inspectorate Division of the Ministry proceeded on a one-year programme which commenced September 27, 2004, leading to the National Education Board for Occupational Safety and Health Diploma in Occupational Safety and Health.

In the circumstances, Mr. Vice-President, I wish to inform this honourable Senate that the Ministry of Labour and Small and Micro Enterprise Development is taking the appropriate action that must precede the proclamation of the Act.

Hon. Senators would appreciate, as I have outlined above, that, in addition to ensuring that agencies that need to be given opportunities to be OSHA ready prior to the proclamation, our current activities in this area must precede the proclamation.

Thank you.

**Sen. R. Montano:** Mr. Vice-President—

**Sen. Ali:** Mr. Vice-President, I am afraid that the reply does not really satisfy me. He has not even given an approximate time as to when the Act will be proclaimed. January 13 until now is almost 11 months. I was here when OSHA was debated. It was my first contribution as a full-time Senator. If you read the transcript of what I said then, you will know that occupational safety is very close

to my heart. This is why I keep asking for it. This is not the first time I have asked for it. I have asked for it during other debates. I have posed a question to the hon. Minister, whom I referred to then as the de facto Deputy Prime Minister, and to the Attorney General. Some of these activities even predate the training of Mr. Roopnarine and the passing of the Bill. It was part of the training in anticipation. It is good. They should be trained, but at least I expected to hear two things today. I expected to hear when we can expect the Act to be proclaimed—in other words, when this National OSHA Council, that attends to policies et cetera—I thought they were all addressed in the Act. The Act is based on the policies of the Government. I do not know how they are having a separate council now to address the same subject.

I would like to ask the Minister, when he talks about training of officers, all that proliferation of courses on OSHA, some coming out of Miami, are they really approved by the Ministry or is someone trying to make the best of this? I have brought it up already in this Senate. I have spoken to Minister Imbert on this. There are advertisements all the time—National Safety Council. When I thought it was the National Safety Council, it was National Safety Council of Florida that was running a course at \$8,500 per person. Who is being trained? Are they all approved courses, or are the people taking advantage of this opportunity to make some money?

**Hon. A. Roberts:** Mr. Vice-President, the institutions identified were approved by the Ministry.

**Sen. R. Montano:** Mr. Vice-President, would the Minister let me know if I have this right? We came here in or about November last year and we passed a bill which they said was necessary. We agreed with them. We passed the bill, but they did not tell us then that they were incapable of implementing it. We spent valuable parliamentary time a year ago implementing a bill that they are incapable of implementing and they cannot today tell us when they are going to implement it. Do I understand the Minister correctly?

**2.00 p.m.**

**Hon. A. Roberts:** Mr. Vice-President, I fail to understand the question.

**Sen. R. Montano:** Simple, I will repeat the question. I am going to break it down in words of one syllable—as close to that as possible. Is the Minister aware that this Bill was passed almost a year ago? If the Minister is so aware, is he aware that the Bill took up valuable parliamentary time? If the Minister is aware that the Bill took up valuable parliamentary time, is he aware that what he has

effectively told us in the Senate today is that the Government has not implemented the law and has no intention of implementing the law in the near future because it is incapable of implementing the law, since it does not have the requisite people and so forth in place? Does the Minister agree that he has wasted the Parliament's time? [*Desk thumping*]

**Sen. Dumas:** On a point of order. I just want to suggest that the Senator is violating the rules for questioning. [*Interruption*]

**Hon. A. Roberts:** I am aware that the Bill was passed approximately one year now. I am also aware that during the debate this honourable Senate was advised that the Bill would take some time before it could be implemented. At this time, the Government is taking the necessary steps in order to support the implementation of the Bill. [*Desk thumping*]

**Sen. Mark:** Mr. Vice-President, through you, having regard to what the hon. Minister had indicated to us, the former Minister of Labour and Small and Micro Enterprise Development did give this Parliament a year for the implementation of the Bill. Could the Minister indicate—having regard to the fact that a year is going to be up in January—what time frame he anticipates for the proclamation and implementation of the provisions of the Occupational Safety and Health Bill? I just want to find out if the Minister could give us a time frame and not leave it loose.

**Hon. A. Roberts:** Mr. Vice-President, I want to repeat that at this time we are unable to give an exact date for the proclamation.

**Sen. Mark:** Mr. Vice-President, is the Minister saying to the Parliament that big business is putting pressure on the Government? Is that the reason that the Minister cannot give us a clear and definitive answer? Is the Government experiencing pressure from big business interests not to have this Bill proclaimed? Could the hon. Minister indicate to the Senate whether the Government is under pressure?

**Mr. Vice-President:** Sen. Mark, that question is definitely a new question. I think you should not go speculating. If you want to have an answer to that question, please pose it as a separate question.

**Sen. Prof. Ramchand:** Mr. Vice-President, I am getting thoroughly confused by this thing. There is a thing called “proclamation” and there is a thing called “implementation”. Sen. Basharat Ali was asking about the proclamation. Now, from the Minister's reply and from what happened to things like the Equal

Opportunity Act, I am beginning to form the impression—maybe the Minister can confirm whether this is the new policy—that the Bill will not be proclaimed until the Government is sure that the Bill can be implemented. If that is the case, it should be stated as a policy.

**Sen. Dumas.** That makes sense.

**Sen. Prof. Ramchand:** I do not know if it makes sense, but I would like to know if that is a policy.

**Sen. Jeremie:** Mr. Vice-President, the reason for having a separate proclamation date in legislation is to allow any government the flexibility to bring the law into force when it is able to bring the law into force. That is the reason when Bills are passed in the Parliament, they do not come into effect the very instant that they are passed. In respect of the OSHA legislation, a commitment was made by the Minister that the legislation would take approximately one year to be fully implemented. A year has not passed just yet. It seems to me that the Minister is saying that he is not able at this point in time—with the best will in the world—to give a statement as to precisely when the Bill will be implemented.

Mr. Vice-President, I would just like to draw your attention to Standing Orders 17(g) (xii), (xiii) and (h). These Standing Orders deal with policy questions, which the Minister cannot answer at this point in time.

**Sen. Prof. Ramchand:** Mr. Vice-President, could the Minister state whether there are any obstacles to the Government having the Bill proclaimed?

**Sen. R. Montano:** That is a good question.

**Hon. A. Roberts:** Mr. Vice-President, I want to repeat that the Government is taking all appropriate steps that will lead to the proclamation of the Bill.

**Mr. Vice-President:** Let me give way to Sen. Seepersad-Bachan for one final question.

**Sen. Seepersad-Bachan:** Mr. Vice-President, thank you. I wonder if the Minister could indicate to us: What is the time frame for some of these training programmes identified for personnel? Is there anyone else who is qualified?

**Hon. A. Roberts:** Mr. Vice-President, there will be ongoing training. There is no time frame.

**Sen. Ali:** Mr. Vice-President, I was not quite clear as to whether the hon. Minister said that the International Safety Council of Florida seminar was an approved one or not. I have a question if the Minister said that it was approved.

**Hon. A. Roberts:** I am saying that all the courses identified and where we have sent our officers, were approved by the ministry.

**Sen. Ali:** Mr. Vice-President, I did not ask that question. There is a multitude of courses that are now being advertised in the newspapers starting in some place in Diego Martin and Couva. You just have to read the newspapers and you would see that these courses are there. The last course that was advertised was not to discuss or to bring persons up-to-date on our OSHA, but to talk about the United States OSHA. I find that a little strange.

**Mr. Vice-President:** Sen. Basharat Ali, I would have to ask you to move on to the next question.

### **Drainage East of Saddle Road**

**30. Sen. Basharat Ali** asked the hon. Minister of Works and Transport:

- A. Is the Minister aware that there is no surface/storm-water drain on the eastern side of Saddle Road between Calvary Hill and Saddle Hill?
- B. If the answer to (A) is in the affirmative, could the Minister inform the Senate if there are any plans to construct a surface/storm-water drain on the eastern side of Saddle Road between Calvary Hill and Saddle Hill?
- C. If there are no plans, could the Minister indicate what measures are being taken to alleviate the traffic and flood problems that plague the residents on the southern side of Tangerine Drive, Haleland Park, Maraval?

**The Minister of Works and Transport (Hon. Franklin Khan):** Mr. Vice-President, thank you. I wish to advise this honourable Senate that it is the intention of the Government to rehabilitate and upgrade approximately one kilometre of roadside drainage works between Calvary Hill and Saddle Hill on the Saddle Road in Maraval.

The approximate construction cost of proper drainage—that is box drain and associated works—is approximately TT\$1.5 million. Under the Road Improvement Fund (RIF) for this fiscal year 2004/2005, \$600,000 was projected for the allocation of box drain improvement for the entire Saddle Road area. For the area in question, on the eastern side of Saddle Road between Calvary Hill and Saddle Hill, \$300,000 will be allocated under the RIF this year.

This honourable Senate is informed that in the interim, temporary drainage works were implemented in the last quarter of fiscal year 2003/2004, in order to

alleviate the drainage and erosion problem along Saddle Road between Calvary Hill and Saddle Hill.

**Sen. Ali:** With respect to part C of the question, I do not know what are temporary drainage works. I presume that the Minister passes there very often. I believe he lives in Moka. I look down on that side all the time, and it does not have to be heavy rainfall for water to be going across the road. I would be happy if you could tell me what temporary measures are being put in place. I cannot find any alleviation of the situation.

**Hon. F. Khan:** Contrary to what the Senator just said; I do not pass there regularly. [*Interruption*] I guess the temporary measures are the clearing of drains for earthworks. I can assure you that once I start to pass there regularly, I will keep online with the exact specifics. [*Interruption*] Mr. Vice-President, the box drains on the sides of main roads in Trinidad and Tobago, is a network; the ministry's portfolio is over 5,000 kilometres. It is not expected that the Minister would be familiar with every single kilometre of box drain. I have a cursory understanding of what the Senator said. The gist of my answer is that we have allocated \$300,000 under the RIF this year to do box drain works in the specific area in question. I think that should suffice this honourable Senate.

### **Development Project at Haleland Park**

**31. Sen. Basharat Ali** asked the hon. Minister of Planning and Development:

With respect to the Construction/Development Project at Haleland Park in the area bounded by Saddle Hill on the North, Saddle Road on the West and the Maraval River on the East and South, (Project EMA Reference No. 0515/200), could the Minister inform the Senate:

- (a) what plans are in place for vehicular ingress and egress during construction and after completion of the project?
- (b) if all the required approvals have been granted from the relevant ministries/departments for all stages of this construction/development project?
- (c) whether all the pre-conditions for the commencement of this project have been satisfied?
- (d) if the conditions have not been satisfied, what steps are being taken to halt activity on the site?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Mr. Vice-President, thank you. In accordance with the conditions set out in the

Certificate of Environmental Clearance, during construction, the developer should collaborate with the police service and the Highways Division to establish adequate signage and signalling with the aim of minimizing traffic congestion. Page 4, (1) of the CEC#CEC 051/2003 refers.

Upon completion of the project, access to and egress from the site should be taken at the points indicated on the approved plans, that is, along the Saddle Road, just north of its junction with Nutmeg Drive. Application TIL:047/2003 refers.

The status of the required approvals to date is as follows:

- (i) Full planning permission has been granted for this project, subject to conditions, under the provisions of the Town and Country Planning Act, Chap. 35:01.
- (ii) Conditional approval has been granted by the Fire Service Division by notice dated June 22, 2004.
- (iii) Conditional approval has been granted by WASA.
- (iv) The project is receiving the attention of the Diego Martin Regional Corporation.
- (v) Approval has not yet been received from the Highways Division, Ministry of Works and Transport.
- (vi) With respect to drainage, the developer was required to pave and carry out improvement works to the Maraval River within the scope of the development. These works have been done to the satisfaction of the Drainage Division and approval has been granted.

The conditions subject to which full planning permission was granted included obtaining the approval of:

- the Fire Service Division; and
- the approval of the Diego Martin Regional Corporation, prior to commencement of development.

With respect to the Fire Service Division, while conditional approval has been granted, upon completion of the development, inspections will be carried out by the Fire Service Division to determine compliance with the requirements and recommendations of that division.

As indicated, the project is receiving the attention of the Diego Martin Regional Corporation.

Under the provisions of section 16 of the Town and Country Planning Act, where development is carried out without planning permission, or where conditions subject to which permission has been granted have not been complied with, enforcement action may be pursued by the Minister, if it is considered expedient to pursue such action, having regard to the provisions of the development plan or any other material considerations. Where enforcement action is required the matter is heard before the court.

From a land use planning perspective the nature, form and scale of development as illustrated in the approved plans for this project, are consistent with the development plan for the area. Furthermore, taking into consideration that the development has received the approvals of the regulatory agencies, and that the proposals are likely to satisfy the requirements of the regional corporation and obtain the approval of that authority, the Minister of Planning and Development does not consider it expedient to pursue enforcement action at this time.

Mr. Vice-President, thank you.

**Sen. Ali:** I await my turn for question No. 32 which will be to the hon. Minister of Public Utilities and the Environment with respect to the same site.

**DEFINITE URGENT MATTER  
(LEAVE)**

**Mr. Vice-President:** Hon. Senators, I have received correspondence from Sen. Sadiq Baksh requesting leave to move the adjournment of the Senate to discuss a Definite Matter of Urgent Public Importance in accordance with Standing Order 12. It is my view that the matter the Senator is seeking leave to discuss does not qualify under Standing Order 12, but can be properly raised under Standing Order 11. I will now advise the Senator to do so.

**Sen. Baksh:** Mr. Vice-President, I will.

**BIRTHS AND DEATHS REGISTRATION (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Legal Affairs (Sen. The Hon. Danny Montano):** Mr. Vice-President, I beg to move,

That a Bill to amend the Births and Deaths Registration Act, Chap. 44:01 be now read, a second time.

Mr. Vice-President, this is a very short Bill. There are only three clauses with essentially just one sentence. The Bill seeks to enable the Registrar General to

issue certificates under the Act, faster than is presently being done, by eliminating the necessity of the Registrar General and her officers having to manually sign certificates which is a very time consuming process.

As part of the transformation effort that is going on in the Ministry of Legal Affairs, the various databases like the civil, land and company registries are being computerized. Within the Civil Registry, the data are also being put onto an electronic form. This is to make the service that is provided to the public faster and more efficient.

In Jamaica, they are already using electronic signatures on certificates in their Civil Registry.

Barbados has enacted the legislation, but has not yet implemented the form of electronic signatures.

Mr. Vice-President, just to give you a little idea as to the magnitude of the effort that is required on the part of the Registrar General in the signing of certificates generally; in 2002 we had 17,798 births, 9,764 deaths, 7,515 marriages; that is a total of 35,077 certificates which had to be done manually. Those were transactions that occurred in that year.

In 2003, births were 18,284, deaths were 10,456 and marriages were 7,478 and that is a total of 36,218 certificates, which had to be done manually. That is not the only picture of what takes place. There are many other copies of certificates that are requested and issued on a daily basis.

In 2003, under the manual birth certificate system, there were 50,259 applications; for the computerized system there were 21,377 and other certificates like marriages and deaths and so forth were 34,225 applications which is a total of 105,861 certificates that the Registrar General and her deputies did manually. The average is about 420 certificates per day; every single working day. This is an enormous effort and it takes an enormous amount of time. What we are trying to do here is to make the process simpler and faster.

Mr. Vice-President, as I have already indicated to this honourable Senate, the computerized birth certificate system, as a service, began in June 2003. At that time, it took approximately 10 days between the date of the application and the date that the certificate was ready.

In February of this year, I indicated that we had hired a transformation manager to help us along in the process of the transformation of the entire registry.

By March of this year, we had approached a same day delivery of 80 per cent of the applications.

By June of this year, we had approached 100 per cent of the applications. There is never actually 100 per cent, because there is always some little problem that may arise, but we are achieving a rate of 98 per cent to 99 per cent every single day. The system is now working, despite the fact that we still have to do everything manually. That effort is a tremendous drain on the resources that we have in the Ministry.

Mr. Vice-President, part of the process is this: We are trying to install all of the data in the ministry in an electronic form. In the Civil Registry, we are talking about births, deaths and marriages. All of this is in the attempt to improve the quality of information that we, as a society, have.

The very foundation of our society begins with the identification of who we are and, therefore, the entire process of implementing a civil registration system is part of the process that we are talking about here—a new civil registration system; a completely new database of who are citizens of Trinidad and Tobago.

With respect to the computerized birth certificate regime, we have only been able to issue certificates for those persons who were born between 1984 and 2003. In fact, the data extend all the way to 1934, but there is no way that we would be able to cope with the level of requests, if we were to extend the service to 1934. Until and unless we can pass this Bill, we just do not have the manpower to sign the number of birth certificates that would be requested.

One of the things that the computerized system gives us is that it allocates to every single individual on the database a personalized identity number, so that every single person on the system will have a unique identifying number. This is different from the old manual system. This is the way all developed countries have been moving; this makes everything else that flows from the originating document very much simpler to get a passport, an identification card or any other service where information of a birth certificate is requested.

Mr. Vice-President, because the data are now captured on an electronic form, it would mean that the response time between the request for information and provision of the information service would be much faster.

Just to give you a little idea as to the magnitude of the effort that was done—this process did not start in 2002 but it started sometime before.

**Sen. Prof. Deosaran:** Mr. Vice-President, may I interrupt the Minister? I think the public may be interested if you would clarify—the number that you

speak about would be an identification number—whether that number would be connected to the identification card number provided by the Elections and Boundaries Commission or would it replace that number.

**Sen. The Hon. D. Montano:** To go there would be anticipating a Bill that is presently being drafted to deal with all of that. So, let me not answer that question. I would just leave that question until that matter has been settled. I really cannot give you a definitive answer. It may very well be so. In fact, logically, it would be so, but I really cannot say with any certainty at this point in time.

Mr. Vice-President, in generating the electronic database, over two million records from 1934 to 2003 were entered on the database for births alone; with respect to deaths, over 300,000 records were entered from 1969 to 2002; and with respect to civil marriages, over 300,000 records were entered from 1934 to 2002. I am assured that the complete database should be finished by the third quarter of next year.

There are many issues involved in linking up the issue of birth certificates. One of the things that we have done was to move the District Registrars to four areas namely: the Port of Spain General Hospital, the San Fernando General Hospital, Mount Hope Medical Sciences Complex and the Sangre Grande Hospital. These district registrars have been moved to these hospitals making the registration of births much simpler. At this point, it still takes a long time to transmit the data from the different registrars into the Central Registry. This could take up to three or four months. The intention is to link these registries directly with the Central Registry so that these registries could be online. We are not very far away from that.

Mr. Vice-President, in a nutshell, this is what this Bill is all about. This Bill is to enable the Registrar General to affix an electronic signature to the certificates that she produces with respect to births and deaths. In the first instance, we needed only four birth certificates so that we could start the production of the birth certificates. This is urgently required by the Ministry of Education that wants to use the pin numbers to be able to track students all the way through school. We want to be able to go back and issue these certificates to all students in the system.

**Sen. Mark:** Mr. Vice-President, would the hon. Minister indicate whether there is a link between this particular development and the announcement by the Minister of Finance in 2002 to have birth certificates issued freely to the population? Is there a link between that and what the Minister is talking about?

**Sen. The Hon. D. Montano:** That announcement related specifically to the electronic birth certificates, and that is what we are talking about. This system is exactly that. For the time being, as I was saying, it works only between 1984 and 2003 because we just cannot sign enough of these certificates. So we need to be able to do it in an electronic form so that it would be done much faster. That is what this Bill is all about. This is just part of the transformation that was actually started by your administration, and we have brought it along to this point.

Mr. Vice-President, I beg to move.

*Question proposed.*

**Sen. Dr. Jennifer Kernahan:** Vice-President, thank you for the opportunity to make a short contribution to this Bill. I have to assume that the Bill before us today was brought here in the context of the Government's stated intention to implement a National Information and Communication Technology Strategy. On looking at this Bill, I went back to the ICT strategy to understand in what context to place this particular piece of legislation. What I found in the executive summary is that the Government has listed a number of objectives with respect to the country's national connectivity agenda. These objectives are:

- "Provide all citizens with affordable Internet access;
- Focus on the development of children, and adult skills to ensure a sustainable solution and a vibrant future;
- Promote citizen trust, access, and interaction through good governance; and
- Maximise the potential within all citizens, and accelerate innovation, to develop a knowledge-based society."

Mr. Vice-President, what puzzled me about these objectives is that I did not see anything here about e-government services included in these objectives. To me, they were just floating in a vacuum. I did not understand where to place this particular piece of legislation, given those objectives. When I looked at the highlights of the ICT strategy in the executive summary, it seems somewhat as an afterthought. I will quote three highlights which caught my attention here and they are as follows:

- "By 2006, all government information will be available on-line placing particular prominence on topics such as jobs, education, health, and advice for small business.

- By 2008, all government services that are appropriate for on-line delivery will be available over the Internet.
- Government will also review, and amend where necessary, the necessary legislation required to support effective, secure and protected electronic transactions.”

Mr. Vice-President, looking at those particular highlights, I assumed that this Bill would come under the context of “...all government services that are appropriate for on-line delivery will be available over the Internet...the necessary legislation required to support effective, secure and protected electronic transactions.”

Mr. Vice-President, I looked at the allocations for the ICT strategy which have been promised in 2003. In 2003 it was promised that \$82 million would be spent over the next five years to implement the ICT strategy. I was unable to locate funding for these transactions. I am sure that the Minister could enlighten us further on this matter.

What is relevant here is that we always have these pronouncements by the Government on these grandiose plans they intend to achieve. I believe that they will find this quote instructive from a document entitled “The Institute for eGovernment” which analyses the levels of implementation of leading countries which implemented e-government in the world, with Canada being the leading country, followed by the United States of America and other countries.

I found this particular quote very instructive and very relevant to the ICT strategy outlined by this Government. I quote:

“In the early stages of eGovernment, the gap between rhetoric and reality was a yawning chasm as political leadership articulated an ambitious vision with little consideration of the pragmatic considerations and complexity involved in bringing that vision to life. In these early stages the unintended effect was more rather than less complexity in dealing with government.”

Mr. Vice-President, I think this is extremely relevant to this Government and its approach to the implementation of its ICT strategy. It is obvious to those of us who think deeply about these matters that for one to bring any vision to life—whether it be e-government, social development, delivery of social services and so forth—the people must be the object and the subject of this development.

What is happening in this country is that all these grandiose visions and so forth are flawed and, most times unattainable because this regime does not see

people; what they are seeing are votes. Therefore, the Government's implementation is based on: "Will it get me votes or will it not get me votes?" If it will get the Government votes then it will implement it in the context of gathering cheap support. If it will not get them votes, then they are not going to implement it. It is as simple as that. They have taken the science of government down to its simplest, most elemental and brutal form: "Will it or will it not get me votes?" We have identified the type of politics that is relevant to that matter.

The registration of births and deaths is part of an establishment of a system of civil registration defined by Pan American Health Organization (PAHO) in a document as:

"Civil registration is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events (among others, live births, deaths, foetal deaths, marriages and divorces) pertaining to the population as provided through decree or regulation in accordance with the legal requirements of a country."

This quotation was taken from the Pan American Health Organization Promoting Health in the Americas. The name of this document is "Organization and Status of Civil Registration Vital Statistics in English-Speaking Caribbean Countries". This was taken specifically from the Epidemiological Bulletin Volume 24 No. 3 dated September 2003.

I will quote again later from this document. This document is very interesting. This was a study done on a number of English-speaking Caribbean countries with respect to the levels of the civil registration programme, the efficiencies, the defects and problems. A number of recommendations were made for upgrading the system in a number of these countries. Some of the findings in this document and the recommendations are very relevant to us, because they speak directly to the problems that we are experiencing in the civil registration system.

Mr. Vice-President, this amendment purports to introduce the electronic certification of births and deaths. No one could disagree that this would serve as a basis for the issue of timely, accurate and efficient preparation of civil registration documents with respect to births, deaths, marriages, divorces and so forth.

The civil registration system is also extremely important for a number of other reasons, including the issuance of passports. We know—without accurate, timely and efficient transmission of information from where births and deaths and so forth are registered to the Central Statistical Office and other relevant government agencies—that there are tremendous fraudulent practices which are obtained with respect to passports.

In fact, just last week, one man was found to have four different names. He had passports with one name; identification card with another name; drivers' permits with another name and other means of identification with different names on them. Under this regime, he has been operating for a number of years like this. Apparently, it was alleged that he was involved in drugs and so forth and he was charged for possession of drugs and so forth. He was able to operate with impunity because he was able to beat the system, in terms of obtaining all these documents without proper identification, or bribing personnel to get different documents and so forth. However, how he did it was very alarming. As we speak, in 2004, this is happening in our country.

Mr. Vice President, when you see a case like that, you know that this is just the tip of the iceberg, and there are hundreds or possibly thousands of other persons who are involved in illegal activities and who are able to do the same thing.

We know that this is no secret where a number of persons were able to come into this country from other islands, and in no time at all, they have obtained a national identification card; they were able to vote; and they were able to access social services and so forth. This is an open secret and this has been going on for a number of years. This is the sort of problem that this society has encountered without the proper civil registration system in place.

Mr. Vice-President, the clearance of deceased persons from the voter registration list and other official lists are important aspects of the deficiencies with the civil registration list. This PAHO document has documented that many ordinary persons do not find it important to report births, deaths and so forth. So, therefore, dead citizens remain on voter registration lists for a number of years before they are detected.

#### **2.45 p.m.**

In fact, Mr. Vice-President, during a recent enquiry a Minister had proclaimed a voter dead, and subsequently the voter turned up to protest that the news of his death was greatly exaggerated. So we understand that people are proclaimed dead in this country when they are actually alive.

There was a case again this week where a young man was deemed to have been killed in an incident in Tobago and he turned up alive and well having a good time in Maloney. This is totally startling! What is happening in this country that there seems to be no way of identifying citizens with respect to their presence in this realm?

Mr. Vice-President, at the intercensal population estimate, it is very important for the Central Statistical Office (CSO) to also be able to consult the official statistics that come from the registrars in the interval between census taking and determine population statistics, and take all that information and determine things like birth rates, death rates, infant and maternal mortality rates and so on.

It is so necessary for these statistics to be accurate and timely and flow with certain regularity because then you can look at what is happening in our country in terms of births and deaths, and make certain judgments and corrections. If you do not have the correct figures, then it is very difficult for this Government, or any other government to take corrective action when certain trends in the society are seen.

Mr. Vice-President, I have a document, *The Government of the Republic of Trinidad and Tobago, Ministry of Planning and Development, Central Statistical Office* dated 1999, and as far as I understand, this is the latest document for these statistics that are presented from the Ministry of Planning and Development that I was able to get. I could not believe that 1999 would have been the latest document, but the researchers assured me that it is, and the figures here are extremely startling. Therefore, if this is 1999 and we are in 2004, then I shudder to think what the developments have been since then.

For example, I am looking at deaths by age group and area for 1999 and I see St. George as showing the highest number of deaths recorded consistently in all the different age groups, and if I were the Minister of Planning and Development, the Minister of Social Development, or the Minister of Community Development and Gender Affairs, these statistics would worry me greatly and I would have to ask very serious questions because they are startling.

For instance, in the county of St. George, the total number of deaths was 3,376 as opposed to Port of Spain 810, and San Fernando, 521. This figure particularly stood out and, apart from that, when it was broken down into age groups, St. George showed a trend in terms of the 15—24 age group which had 101 deaths as compared to other areas which ranged between eight and 43. The 25—49 age group showed 592 deaths, much more than all the other areas listed and even the 50—64 age group showed total deaths of 634, way above other areas.

So Mr. Vice-President, I want to know why and what are the trends since 1999 to now. They gave us some statistics for HIV/AIDS which show that between the 15—34 age group, the leading cause of death was HIV/AIDS with 175 followed by transport accidents, assault, intentional self-harm and heart disease. So these are very startling statistics and I have not come to the infant mortality rate yet.

Between 1997 and 1999, we have infant mortality and maternity mortality death rates that are unacceptable. This is just an example of the importance of the establishment of a proper civil registry system and the fast-tracking of the registration process, collection and organization of data.

Mr. Vice-President, any steps that would be taken to incorporate technology into the system will serve to alleviate the long-suffering population in this country, who suffer on a daily basis to get the simplest documents and that is why in the year 2000—and I am quoting from a document, *KE Vitalware Case Study Trinidad & Tobago* and it is addressed to the Civil Registry, Registrar General's Department, Republic of Trinidad and Tobago.

It is a report on work that was being done by this organization for the Civil Registry Department, and first it lists the number of functions of the department including births and deaths, then it goes on to say:

“The Civil Registry issues 72,000 certificates per year. It registers approximately 24,000 births, 7,000 marriages, 50 adoptions and 70 Muslim divorces per year.”

The Minister has just informed us that over 105,000 registrations are made, and the recent figures he quoted amounted to over 420 per day.

It says, and the Minister acknowledged it:

“KE Software was chosen to provide a database solution for the Civil Registry as part of a joint project involving Fujitsu-ICL, and Total Service Solutions. KE Software customized, implemented...the Registry's requirements starting in 2000, with the system going live in 2001.”

Before that, vital records were on paper. At this point in time in Trinidad and Tobago, vital record functions are performed using a web browser.

“Birth and marriage data is currently available in electronic form for events from the 1890s to the data is available in electronic form for events from 1969 to the present. Prior to 2000, all records were paper. As part of KE Software's implementation process, the Civil Registry keyed approximately...from 515,500 source documents.”

Mr. Vice-President, it goes on to corroborate certain information the Minister gave us in terms of the number of events being keyed in with respect to data and so on.

This document shows that the vision of the UNC government foresaw the problem emerging in the society and the necessity for a well-organized electronic civil registry programme and we started the process to do this. How well that has progressed since 2001 is questionable given the sort of information I was able to glean on trying to get an up-to-date report on what is happening now.

Mr. Vice-President, why we have probably gone backward since 2001 in spite of all the billions of dollars we have in this country, is because this Government is somehow unable to harness the human and economic resources with technology to deliver the desired product. That is what is happening because we have the money, the human resources are there, it needs to be upgraded and treated in a manner befitting people who need to contribute to the society, but somehow we still have the people in this country suffering in long lines to access the simplest of services.

In fact, I have a sort of indirect account of what people go through because my daughter was relating to me what happened when she went to register my grandson. She had to go to a District Registrar's Office in St. Joseph which is an old, crumbling building where this old lady is writing in the registration by hand very slowly.

There were scores of young mothers with their babies, there was no shelter for people who came, they had to line up in the yard, and if rain fell that would have been a different story. Babies were crying, mothers frustrated, no amenities, no facilities and this lady is there writing very laboriously by hand into this register.

Mr. Vice-President, this is actually what is happening in this country despite the efforts made by our administration to fast-track and introduce technology and start the system of electronic transfer of information and so forth. Three years later, we are going back, people are still there with manual implementation at the level of the District Registrar's Office.

The point we have to understand is, as I said before, you have to be a government that puts people as the subject and object of everything you do, and if people are not the object, which they obviously are not, then these long lines, the frustration and the fraud are going to continue as it is happening now. If people are not the subject, then the infrastructure provided for people to get the job done is not going to be allocated to them and there will be the continuance of the fraud, the frustration, the boredom and the lack of efficiency and productivity in this country.

Every day this Government is alienating thousands of its citizens of all groups. This regime is not people-centred, or people-driven and we do not put

people as the subject or object of our activities in this country. We see them alienating the doctors and the farmers, entrepreneurs, and businessmen are leaving this country in droves. The people are being alienated, so how are you going to implement any system which you purport to serve people? Who are going to implement the system when IT specialists, who know about computers and information systems are unable to stay in this country because they fear they will be kidnapped, they fear the crime situation, political victimization, alienation and discrimination? You have to make the link, when you do not make that link, then you are spinning top in mud and keep going back.

Mr. Vice-President, as I said before, the state of affairs presently leaves much to be desired. People charged with the responsibility of delivering services are not motivated to do their jobs. They are not given the infrastructural facilities to do so, there is no organizational training and retraining, motivation and revision of how well the system works and, therefore, very little headway is being made.

When I tried to find out what is happening presently in the whole flow of information, as the Minister said, there is the District Registrar's Office and recently there was notice in the newspapers that there is registration in the major hospitals. But this PAHO document indicated that it is not advisable to wait on citizens to come forward with information on births and deaths, and it is advisable to have different cross-referencing and checks and balances which will determine whether your figures are correct.

As far as I can understand, all the sources of information that go to the Central Statistical Office are from the Registrars from the different areas which go to the Registrar General's Office, and then to the CSO. Therefore, people who do not go into the system are those who do not report births and deaths, or people who have their own reasons for not doing so.

Mr. Vice-President, I have seen so many cases of babies being abandoned, their mothers never found and there are many people who do not report certain things. Sometimes it is not in the interest of certain people to report a death because as you know, many times old age pensioners are the sole breadwinners for three-generation families so therefore if the death of that person is not reported then people can continue to acquire the pension that accrued to this particular person. There are all sorts of things happening in this country and, therefore, if you depend on people to report these important events, then we get wrong and misleading information.

**Sen. Joseph:** Mr. Vice-President, I thank the Member for giving way. I want to be clear in terms of what I am hearing. Is the hon. Member saying that there are

situations in Trinidad and Tobago where pensioners die and it is not reported, so that the family continues to receive pension payment? Is that what she is saying? Does she have evidence of that?

**Sen. Dr. J. Kernahan:** Mr. Vice-President, it was also documented in the newspapers recently that one man had four different forms of identification. Apparently the Minister is still not convinced that people are able to falsify documents, hide information and perpetrate fraud on the Government. Of course, we all know that this regime lives in a different dimension to us and therefore, they do not understand anything that is happening in the real world.

I refuse to believe that could have been a genuine question because the Minister is a Trinidadian and I am also one and I tend to know what is going on in this place. I do not know why a Minister of National Security would not know these things.

Mr. Vice-President, as I was saying, the issues that PAHO raised with respect to the deficiencies of the systems in the Caribbean-speaking countries are very relevant to us and we need to look at them and the recommendations they have made. It is my understanding that after the information of births and deaths are entered by hand by the different offices, these books are passed to the Registrar General's Office where they are now entered electronically and there is a total back-up to the extent of three years of the transfer of information to the electronic media.

Therefore, it is no wonder that the latest information I was able to get from the Ministry of Planning and Development Central Statistical Office is over four years behind. It makes sense. It also takes about three to four months, as the Minister admitted, for information to reach from the level of the Registrars Offices to the Registrar General and heaven knows how long it takes to reach from there to CSO, because one of the observations made by PAHO is that it is always advisable to have the Central Statistical Office and the Registrar General under the same ministry so there will be easier coordination and compilation to get your vital statistics.

This is one of the problems that we face; this is why people are suffering to get documents. There is lack of cohesion, lack of coordination, organization, the lack of treating people as the subject and the object of your policies and treating them merely as voting banks.

Mr. Vice-President, based on these observations that actually obtain and which were also made by the PAHO investigators who made a number of

recommendations which I would like to share with the Minister, one being that a country's self-assessment of problems and areas needing improvement need to be done on an ongoing basis. It says:

“Several common themes were observed of which the most common was the need to improve computerization. In most countries, even those with computerized central systems, registration at the local level continues to be a labor-intensive manual process and the transmission of registration information from the local level, through the district level where districts have been established, to the central registration authority is not automated, nor is there much evidence of sharing of electronic data files among agencies of government having a need for the registration data.”

Mr. Vice-President, this question of agencies being able to share information and to access files of data-collecting agencies is so important. This is a problem that was noted in the English-speaking Caribbean countries and I dare say it is a problem that is very relevant to us.

The second observation was:

“Timeliness of the availability of registration files and of tabulated vital statistics data was mentioned frequently, usually in conjunction with automation issues. In fact, respondents...reported that timeliness continues to be an important concern,...in spite of the fact that most of these countries have recently made significant improvements...”

Another problem area mentioned by several countries is the need for training and upgrading of staff. The need for training of local registrars and for records management workers and others at the central registration office was emphasized...”

Mr. Vice-President, I was told there is a tremendous problem with respect to this particular problem. One of the persons to whom we spoke indicated that the staff at the Registrar General's Office was not prepared to deal with this new electronic system, they are not properly trained, and there was no retraining and upgrading of staff even at the level of the District Registrars.

The reason they have these old people doing this sort of job is because it is a very low-paying job, therefore young persons who have their O'levels and A'levels and will love to make a contribution to this country will not be attracted to these levels of remuneration. Therefore, it is the old people who have retired and are glad for anything they can get—given the escalating cost of living, and the

problems that the older people have surviving in this country—are the only ones who are prepared to do this sort of job and this is something we have to look at.

Mr. Vice-President, as we said before, there is need for the coordination between registration officials, the vital statistics and other users of registration data in order to ensure that registration data is organized in a timely and efficient manner that is accurate and makes sense, that people using it can come to serious conclusions about what is presented. More importantly, not only come to conclusions but promote positive solutions, because if you do not have proper data in the first place, you will come to the wrong conclusions and therefore your remedial programmes will be off.

Mr. Vice-President, we live in a world where e-government and e-commerce are fast becoming the norm even in many under-developed countries. We have a situation according to the World Bank President, that there are countries where at present a number of services can be accessed online; for instance a licence to drive can be issued within a matter of hours rather than the months it takes here for us to get one.

Allow me to explain in this context what happens in most of our licensing offices across this country where people are made to suffer, sweat, lose man hours, production and so on because of the totally laborious hand-driven system and the working conditions under which people do the job, and the horrendous conditions under which the public suffer to get this service.

Mr. Vice-President, my daughter went to the Arima Licensing Office recently and it took her from about 8 o'clock in the morning to 2 o'clock in the afternoon to get a driver's permit. This is ridiculous! And there are people who leave their jobs to access these services and have to take a whole day to get a driver's permit. There is no place inside for people to be accommodated, so there are crowds of people outside shuffling and pushing.

Mr. Vice-President, this is 2004 and we have a \$27 billion-dollar budget, why can we not organize and harness the human and economic resources and the technology we have in this country to carry the country forward? But of course we know the whole story of the different dimensions in which they live and why they keep going backward.

So at this point, I would like to know from the hon. Minister what is the allocation in the budget to advance the IT technology fast forward that was promised in 2003. I do not know if "fast forward" means "fast backward" in another dimension, but it seems to me that we are not going forward.

What levels of accuracy can we expect of our figures, is it 70 per cent or 80 per cent? Given the fact—as I understood from the staff of the Registrar General’s Office—that there are no systems for cross checking and balancing the information that comes through the office?

Mr. Vice-President, there are doctors who attend to births, there are births in the communities, and midwives also attend to births. Where is the cross referencing and cross-checking to ensure that all this data comes into the Registrar General’s Office? There is none. Therefore, they depend solely on the information that comes from established registrar offices and if all the information is not there with respect to births or deaths, then that information is lost to us.

I believe that when the cross referencing and the cross-checking are done as PAHO has recommended, given the trend this country is taking with respect to how election is being run, given the terrorism, the gangs and the pronouncing of dead voters to be alive and vice versa—

**3.15 p.m.**

**Mr. Vice-President:** The speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. W. Mark*]

*Question put and agreed to.*

**Sen. Dr. J. Kernahan:** Mr. Vice-President, I have one final closing statement. In the context of what is happening in our country with the erosion of our democratic system, with the imposition of fascism, with the imposition of a system of terror around election time, we are very concerned that the accuracy of the records of voters’ lists and so on, and the records of citizens who should no longer be on the list, be rectified so that we can have confidence in these lists to the extent of 100 per cent. These are not airy-fairy ideas that we pull from the sky; these are based on the daily reports in the newspapers with respect to the lack of accuracy of information with respect to births and deaths.

This Government has committed itself to fast-forwarding the implementation of IT technology in this country. As far as I have seen, between last year and now when this was announced, the pace is extremely slow, extremely inefficient and it is because they are good at all these grandiose plans and promises, and so on. They are long on promises and short on implementation, because, as I said before, people are not the centre of their thrust for development. This is a very cynical Government, a very brutal Government which would say and do anything to stay

in power and, therefore, this is the context in which we must take all their pronouncements.

I thank you. [*Desk thumping*]

**Sen. Prof. Ramesh Deosaran:** Mr. Vice-President, I have a few comments to make in the interest of public service and from that point I must commend the Minister for making the specific review he is making to the relevant legislation and, in particular, by inserting the ID number on the birth certificate so as to be consistent across the lifespan of individuals in this country.

For example, as you rightly pointed out, in terms of students in the school system, it is difficult to trace them. I can tell you because—and it is relevant to the Bill in terms of the service provided by the revision—if you want to trace a student who is in Form I and moved to another school and ended up in Form III in some other school, it is a nightmare to trace that student. But it is important to know how that student has been faring from Form I to Form III and Form V, as to what has been causing his academic deficiency or his increased waywardness. So we do not have the kind of capacity, and I believe through the Minister's revision, the ministry itself and researchers like myself, will now have that capacity to make our demographic profile more reliable in terms of what is happening to different sections of the population.

I also welcome the Minister's presentation. I guess he might find this ministry much more challenging to the previous one he held; perhaps more enjoyable, even more relaxing, I must say. But even in that light, as legislators, I am getting more and more interested in the syndrome, as you might say, or the tendency, for us to make laws that nominally are in the public interest but at the ground level the services are not effectively and efficiently delivered. This is not certainly an indictment against this particular Minister, or this particular Government, it is a tendency we have seen grown over the years, time and time again. This is one instance, because as I reviewed the original Act, Chap. 44:01—and I am quite sure my colleague, Sen. Seetahal might add to what I am saying—there are clear areas of deficiency in administering the intentions of the Act as a public service in terms of the registration of births, deaths, burials and the subsequent Act dealing with marriages.

I would like to suggest to the Minister, with respect, rather than my having to go through all the relevant sections which I find are deficient in the administrative capacity, that he sets up a ministerial team within his ministry to see whether the services, as provided, are sufficient in this day and age, given the genesis of the

Act, dated years ago. You have some sums of money quoted here: \$2.50 to pay for this; 25 cents for that. Certainly it tells you of the age of the Act, and especially when you go to get somebody's birth or death registered, the little old ladies you see, like they have grown up with the Act itself.

So the whole thing has become in need of extensive revision. Of course, the Minister did not come here to do that, but I want to suggest to him, rather than us having a widespread debate, an overextended debate, on all these provisions—and I will indicate one or two to him—I think it would be helpful to his ministry and the Government and to enhance, what we call governance, which really means, in essence, a more effective form of delivery to the citizen. For example, section 12—and you have a number of other sections which have to do with registering deaths—it is almost a nightmare for people of the Hindu religion to get the proper and timely certification to conduct the—especially if it is a cremation.

Now, I am sure these things must have escaped the Minister's notice because it has not been, perhaps, brought to his attention, but if he can take an overview of the Act and look at where the specifics can be identified for revision—not legal revision, but administrative revision—this will therefore make the public more satisfied with the intention of the Act.

For example, the matter of security, to me, is in limbo, and the previous speaker did allude to it in terms of breaches of the law; the extent of fraud that takes place with regard to the registration of births and in some cases, deaths. The Minister of National Security did express some surprise, and it is a surprising event when people take advantage of the inefficiency in a system to commit fraud, but it is quite plausible to say that there have been numerous offences committed because of the inefficiencies in the system. For example, when you go to get your deaths registered, or even your births, the persons who are empowered officially to do so, sometimes cannot find their glasses and they are walking limping towards the table and they cannot find the book. I am telling you this from first-hand experiences. If I did not have such experiences, especially in terms of helping people to get their certificates for deaths and burials, I would not have been confident enough to make the statements that I am making. So you need to review the personnel in the field. I have nothing against little old ladies, but certainly, if they cannot see or hear well, they are vulnerable in terms of carrying out the administration of the Act.

The matter of using dwelling houses, Minister, through you, Sir, we could look at that as well, because you are using other people's houses—I have seen some houses in Central Trinidad, Caparo, Williamsville and so on, which are

dilapidated; they are leaning. Now, that would be all right; it is a private home, for which, according to the Act, you pay—I do not know if it is revised; this is another area you could look at—\$30 rent in Port of Spain for the facility. Now, certainly, that could do with some revision, assuming it has not been revised as yet. But I am not so much into the dilapidated condition of a private dwelling house; I am more concerned with the security of such a building. If it is dilapidated, certainly access to the building by less than honest persons will be quite likely, and you know what the implications of that will be.

I need not belabour the point. I think it should be well taken in terms of a review to see whether you could have improved administrative efficiency and improved security for this serious matter of the registration process. The last speaker was right in some parts of her contribution. The whole question of services to the country, I think do need improvement and I did make mention of this in my recent budget contribution, not so much to offend, but to alert, that no matter how much money we spend on these new technologies, if they are not delivered in terms of services—properly so—to the public, the money is not well spent.

I would further suggest to the Minister—in fact, all ministers, and perhaps you can set the example in this respect, because in all Cabinets there are ministers who are vigilant; there are ministers who are thoughtful; there are ministers who are quite capable of undertaking certain initiatives. I believe this Minister could be one of those. Why do you not do some spot checks across the country in terms of the agencies that serve your ministry, especially these dwelling houses to see for yourself how the process works and how it does not work. It would be time well spent. So you can come back with the confidence and speak to your technocrats and tell them exactly, first-hand, what you see and what you, as an important Member of Government, would like to see in terms of public service.

There are other aspects of the Act I can speak on, but I think the debate should be narrowed to suit exactly what the Minister has brought forward. I commend him for the intervention and I would once again repeat my respectful suggestion to him, that he looks at the improvement of the services which fall under his ministry and, in particular, setting up a task force within his ministry to review the administrative aspects of the Act and also to conduct some spot checks, under proper security, of course, wherever you go in the countryside.

Thank you, Mr. Vice-President. [*Desk thumping*]

**Sen. Dana Seetahal:** Mr. Vice-President, the Bill before us is very short, as the Minister has rightly said, and the Minister has indicated—and this is

consistent with the Explanatory Note—that the purpose of this Bill is to allow the Registrar General and presumably her officers who are delegated with that power, to certify copies of birth and death certificates by any means, which would include certification in an electronic form. That is what is stated there. The problem I have with this is that the proposed section 47 which is clause 3, speaks about the certification being done “by any appropriate means”, whereas it would seem to me that we have been talking, more or less, about electronic certification with which I personally would have no problem, because there is inherent in that some measure of protection, some measure of security and this is the concern, really.

It is a short section if it is passed, but does it deal with the current problem that exists, which is: what exactly is being done to prohibit fraud? What is being done to protect the misuse of, not only the birth certificate forms or the certified copies, but in general, the misuse of the whole system? As I understand it now, anyone can apply for anyone else's birth certificate. If I bore a passing resemblance to my colleague here to the left of me, I could go and apply for a birth certificate—I could do that whether I have passing resemblance or not—and then I could get that birth certificate and use it to apply for an identification card. I can get her name in that identification card, as mine, with my picture, and then I could use that to apply and obtain a passport, provided that I got somebody else to say that I am her, and the way people give recommendations in this country, that ought not to be a problem.

So the issue here, clearly, is, why could we not just have had another—I know there is talk of having an entire amendment of the legislation and all of that, but it seems to me as we speak now, with the sort of things that we are hearing about, some of which have been alluded to by Sen. Dr. Kernahan—and I would not speak about any particular matter because some of these are matters currently before the court—but given the whole scenario that exists and the fact that crimes are across boundaries; that it is so easy to obtain anyone else's birth certificate, and then from there to obtain these other forms of ID—why is it that we cannot have immediately something to prevent that; that, in other words, you need to show who you are before you get a birth certificate? That is, to me, the most pressing problem.

The second issue is that the Minister has confirmed quite honestly—and I find that is admirable—that the reason we have this overload, as it were, of applications for birth certificates, is as a result of—and if I misquote the Minister I hope he would, through you, Mr. Vice-President, correct me—the promise of

free birth certificates. As I understand it, in 2002, there was a promise that the country at large would get these free birth certificates. I imagine this has prompted numbers of persons to apply for that free birth certificate.

When the previous amendment of the Act came before us so that that provision could be approved, I remember asking the then Minister—your predecessor—whether or not there would be arrangements made for staffing so that we could fulfill this promise. The indication was that there would be. From my understanding—I should not say, certain knowledge, but from my understanding—I have a feeling that this has not actually happened; that there has not been the staff provision.

So if it is that we are coming to amend this legislation purely to fulfil an election promise, I would have a great difficulty with that, because I do not think that we should deal with legislation and amend it and trouble with it because of whatever party, whoever makes a promise that it now feels it should fulfil. If it is that it is to keep up with what is happening in the world—and the Minister mentioned Jamaica and the proposed legislation in Barbados, that we are dealing with electronic signatures, and I know in terms of putting in documents in court, now we are looking at electronic signatures and so on—that is fine, but this needs to be clarified, because there are people who will feel that the whole purpose of amending legislation appears to satisfy rash promises made two years ago and, therefore, our legislation would now be so wide open that it is leaving room for all kinds of fraud.

Perhaps the Minister could explain why it is stated that the certification—now, when we talk about certification, it is as if we are creating a document. We all know what you can do with a certified copy. A certified copy of a conveyance, of a deed of transfer, of a birth or death certificate, for all intents and purposes, it is as if it is the original. So if we are saying that that certification can be done by any appropriate means—and “appropriate” could mean a lot of things—why is it not stated there, “electronic means” or something as in the Commonwealth Evidence Act? The model Act stated “electronic means”.

I know it could be said that we are looking to the future and that technology is advancing, and so on, but, please, let us deal with right now and deal with the future when it comes. It is true that this Births and Deaths Act was passed in the 1800s; it is now 160 years and we are still amending it. But having said that, I feel that we still have to be very careful for all of the reasons that previous speakers have said and we have to be vigilant in this country to protect identity.

Why is that so? We all know how easy it is to get money from other people's accounts. This is another step I am pointing out, that right now, short of putting a gun to your head and going to the ATM and drawing out \$2,000, there are other ways that people can transfer money in your name. I do not think that we should make it any easier for these people. We have to balance that kind of crime against the difficulties that the Minister outlined with respect to signing all of these deaths and births certificates. We have to find a proper balance, but the proper balance cannot be—we cannot sacrifice security for expediency, so that any Tom, Dick and Harry can take your ID and my ID and do what he would with it.

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

**Sen. Brother Noble Khan:** Thank you, Mr. Vice-President, for allowing me this short intervention on what is before us, a Bill to amend the Births and Deaths Registration Act, Chap. 44:01.

It does bring to my mind some of my own experiences. We are dealing with a question here that will have ultimate effects as far as counting is concerned, by using modern-day technology which has as its major thought: speed, timeliness, accuracy, and relevancy. To some extent, some time ago, the Minister of Public Administration and Information had placed before us a package which I would refer to as the fast-track initiative. It seems to me that there is within the framework of Government policy, a method of bringing these things together, and I refer here, particularly, to the area of counting, because we are dealing with the base of counting of our people. It goes back to, I would say, the early 1960s, when the PAHO people first came to Trinidad—and I think our colleague, Sen. Dr. Kernahan made mention of them before. At that time I do recall that one of the initiatives that they were trying to institute was that with each birth, a number would be established for that new person and that would follow them throughout their lives in all government activities. For example, there would be a place as far as your identity card is concerned; a passport and what have you, and as you go down in age, as a pensioner and what have you.

Also, the question of this department that we are dealing with has always been one of high sensitivity as far as delivery is concerned. I do remember part of the initiative in the 1970s or thereabout, was the question of microfilming of the records there. These all have implications for what is before us. I do not know how far this has been achieved, but I do not get the impression that that initial assignment had reached very far insofar as delivery is concerned.

The question of counting, as I had mentioned, the importance of it, I know that today is a very important day as far as counting is concerned. Maybe not in

our country, but some four years ago a major decision that affected the world, came through counting, and that was settled in a courthouse in a country to our north. So these are some of the things that occupy my mind and the extent to which what is before us—the planning process—was gone into.

Within recent times much has been made of the question of systems and the applications of systems in what we do as part of a whole theory; the system theory which, I think, was relevant in the 1960s and in the early 1970s, as applied to organizations, and what have you. It may be relevant still, but the fast pace that technology is going, have we looked at the system that this change of the Act will be catering for? It does not seem so, because we see no linkage from what the hon. Minister has mentioned insofar as fast-forwarding is concerned, and other areas of government. Because the question of integration within the computer system is something that we would have to give consideration to if we are to become a little more efficient and timely with what we are supposed to be giving.

I know within recent times we have had quite a bit of legislation which I would like to refer to as—forgive me if I say—piecemeal; little slots coming in over the period of time. But you do not get an impression that you have a highly comprehensive overview of how this fits in towards a more—something which we have really given thought to.

I, myself, in my own way, had to visit the registration house and insofar as the staff that they have there are concerned, I am satisfied there are many young people. This fills my heart. They give a good service, but they are operating a system that, to my mind, might not be relevant to the times. For example, as a person who worked in government for quite some time, when you go to order a certificate, you pay the money and then the records are returned to you to go back to where you originally started the transaction. That, to my mind, is a big area of weakness, as far as my understanding from how government operates, and this never occurred before, even in the old days when you had to pay by stamps. So I would suggest, even as a minute area of looking—because I do not think proper thought has gone into that aspect of it.

Insofar as the new certificates are concerned, I think it is working all right and I totally appreciate what the Minister said the last time, that the time frame is going down. But besides time frame going down, we should think in terms of efficiency and filling in those gaps where we know weaknesses lie for so many wrong things to take place. I think that possibly the technocrats or the experts may look at it and consider—because in an ongoing system you may have to piggyback until the old one goes out—the question of an identity number be given

to every new birth in our country and that, following through. Again, I must say I am pleased to see that some initiative has been made, but please consider what I have said.

Thank you. [*Desk thumping*]

**Sen. Wade Mark:** Mr. Vice-President, I want to make a couple observations and seek some clarification from the hon. Minister on this particular legislation, a Bill to amend the Births and Deaths Registration Act, Chap. 44:01.

May I remind you—and I wish to quote from the Appropriation Bill of Monday, October 21, 2002, which was being presented by the hon. Minister of Finance. On page 34 of the *Hansard* report of this Appropriation Bill it states, and I quote:

“We will also provide free birth certificates in the new fiscal year and there is a good reason for that which one of my colleagues will elaborate on in the budget debate.”

This was the hon. Minister of Finance on Monday, October 21, 2002 promising the country the institutionalization of a new arrangement in which free birth certificates would be distributed to citizens of this country.

We have no problem. We believe in many countries citizens do not have to pay for birth certificates. We have, however, a problem with the possible abuse of the process which I shall detail somewhat later. But you see, it took the regime, this incompetent administration, almost two years and a couple of months—we are going into 2005—a statement delivered in October 2002 and a one-page document—took the Attorney General almost two years to submit to this honourable Parliament.

**3.45 p.m.**

This is PNM’s style. It reminds me of the promise made by the Minister of Finance in this year’s budget statement. Page 46 states:

“We propose to increase the maximum old age pension from \$1,000 per month to \$1,150 per month. This measure will take effect from the first of October 2004;”

All his colleagues thumped the desk.

“We propose to recommend to the Public Assistance Board that payments of public assistance be increased by \$150 per month and that this increase takes effect from the first of October 2004;”

He was loudly applauded.

“We propose to increase the level of disability assistance grants from \$650 per month to \$800 per month. This measure will take effect from the first of October 2004;”

Hoorah!

“These measures relating to the increase in Old Age Pension, Public Assistance and Disability Assistance Grants will benefit 98,065 individuals and will cost approximately an additional \$177 million per annum.”

Old age pensioners; public assistance persons and those with disabilities received their cheques. From November 01, no increase for the pensioners! The Prime Minister delivered his budget speech on October 08, 2004. He said that from October 01 this would be effected. I am saying so in spite of the rumblings of the Acting Prime Minister. If I were she, I would just stay quiet.

**Sen. Abdul-Hamid:** May I?

**Sen. W. Mark:** Do you want to explain?

**Sen. Abdul-Hamid:** Yes.

**Sen. W. Mark:** Go ahead.

**Sen. Abdul-Hamid:** Thank you very much. Mr. Vice-President, citizens who are beneficiaries of old age pension received their cheques at the start of the month. It would have been impossible for them to receive the increase for the month of October because the budget was read on October 08. They would have received their cheques for October on October 01. With respect to this month the Bill was passed only last week. There are 65,000 old age pensioners. Processes must be put in place to effect the increase. I am giving the assurance that the pensioners will receive their increases as soon as we ensure that all the correct processes are put in place and their payments would be retroactive. That has to do with everything.

**Sen. W. Mark:** Thank you, Minister of Social Development. What he has said and nothing is the same. One of the cardinal sins of this regime is that it makes promises that it cannot meet and fulfil. Why mamaguy the old age pensioners and the population? I have received hundreds of calls from old age pensioners who told me to raise this matter today. The Government—not Danny, you come with a nice Bill—made a promise. What the hon. Minister has said is quite correct. Is the Minister of Finance not aware of this? The man said that it

would take effect from October 01. This *cacada*, \$150 increase, that the Government has given, the old age pensioners are crying: "When I looked in my pension package I did not see anything more." The Government makes promises and the problem is that PNM's promises never materialize. This particular Bill dealing with the registration of births and deaths is very important. We have to be very careful. I do not know what systems the Minister of Legal Affairs—I agree with Sen. Prof. Deosaran—for the first time he seems to be comfortable. In the previous two incarnations he had some difficulties. He seems to be quite comfortable this time and he has brought a Bill which is quite important and relevant. It took this regime almost two years to bring this legal framework to give effect to this measure announced in the 2002 Appropriation Bill of the PNM.

I do not know what system the Minister has in place to avoid abuse. You may have walk-in voters. I do not know if you recall that a Grenadian citizen was found loitering in St. James some time after Hurricane Ivan hit that island and after the hon. Prime Minister had landed in Grenada. When the police officers found this gentleman who was languishing, they asked him what he was doing here and where were his papers. He had no documents. When they pursued it further and asked him why he was in Trinidad and Tobago, he said to the police officer—and no one has denied this including the hon. Prime Minister—that he had come here on the invitation of Mr. Manning. Mr. Manning told this Grenadian that he was free to come to Trinidad and Tobago. [*Interruption*] I do not think we have reached that stage. He was not an artist, belly-dancer or sportsman. He was an ordinary citizen out of Grenada.

I raise this question in the context of abuse of process. The Attorney General will be aware of the process because he has just involved himself in abuse of process, by appointing a commission of enquiry that is totally PNM oriented. I would not go there. We would deal with that on the hustings. That is the gentleman who gives you the impression that he is above the normal cut and thrust of the whole process of politics. We have some concerns about this area and we will like the Minister to tell us what system is in place to avoid the abuse of this process.

We were told earlier by the Minister that district registrars are located in the major hospitals such as San Fernando, Port of Spain, Sangre Grande, Mount Hope Medical Complex and Tobago. They are supposed to record births and deaths. Obviously, registration is a very serious process. You are getting data to populate the electronic system that the Ministry of Legal Affairs has in operation and is supposed to manifest at the end of the process, a unique identifier which would

replace all the different cards that we have today. The driver's permit and the identification card are to go and we would have this one unique identifier. It is part of a population registration system which we began when we were there between 1995—2001. The Minister probably did not want to let the cat out of the bag. That is where we are heading.

In Trinidad and Tobago, the identification card that we now have from the Elections and Boundaries Commission will go. It will be replaced by this unique identifier with the blood type; NIS number and driver's permit number. That is the way that we have to go in a modern society. We piloted that project and we welcome the Government's continuation of the said project.

The system of accountability and accuracy is very critical in this process. These district registrars at the various institutions in the country would feed information to the Ministry of Legal Affairs and simultaneously, to the Central Statistical Office. How accurate is the information that is being fed to the Ministry of Legal Affairs? There is evidence to show at times that the quality of information leaves much to be desired. We can be under-reporting births and deaths in the country.

I want to share some information that was provided to us some time ago by the Minister of Health when I raised a question in 2003. I had asked the Minister of Health to provide us with a detailed breakdown on a monthly basis for 2003, of the total number of deaths of infants at the neonatal unit of the Mount Hope Women's Hospital, and a copy of the report submitted by PAHO relating to the status of the neonatal units at the major hospitals in Trinidad and Tobago. It is amazing.

We are talking about population, births of babies and the deaths of persons including babies. We have a national scandal and the Government has to take stock of this development. Would you believe that in a country where you boast of \$28 billion in revenue, in January 2003, 416 babies were born and 11 died within seven days of birth? This is at the hospital at Mount Hope. Children are being brought into this world and because of all kinds of reasons they perish. Neonatal deaths within 28 days, four more perished. A total of 15 babies died. Stillbirths which are not reported amounted to seven. When you add the number of stillbirths to the neonatal deaths, 22 infants died. I do not know if the Minister got that information. The evidence from the PAHO report says that you do not get that information. I will tell you why you do not get that information, according to this report from which I will quote extensively.

For the whole period January to December, 2003, 4,803 babies were born in this country and at Mount Hope, 190 died; 121 neonatal deaths and 66 stillbirths. Only yesterday you would have seen in the newspapers, a young woman in tears. She went to deliver her baby at the Sangre Grande Hospital. From the information that we received she was healthy. The child that she gave birth to died. Do you know what was more painful? From the report, the young lady could not get any explanation from the doctors. It is as though a child has no value in this land. My wife gives birth to a baby who dies while under the care of hospital officials and when I ask questions I am being treated as if I killed somebody. *[Interruption]* Anyway, "Stretch", we will talk behind the President's Chair. I know that you have a great interest in babies. I understand that you are a prolific producer.

I raise this matter to share with you the difficulty that children face. I have a human development report, 2004, entitled *Cultural Liberty In Today's Diverse World*. When Hans Geizer was here, he used to launch this book every year at a function at the Hilton Hotel or somewhere in Port of Spain and invite a number of important dignitaries and stakeholders. This report was launched on June 11, in Belgium, Brussels. If I did not go on the Internet, I would not have known. The UNDP representative in this country seems to be more interested in getting involved in commercial activity which I shall deal with on another occasion. A report like this where we are supposed to know what is going on in Trinidad and Tobago because every year we pay the contribution to the UNDP, I had to download it from the Internet because the UNDP representative could find time for every other thing except to tell us that a report has been published and we will circulate it. I will say more about that particular individual at another time when I have to deal with her.

Women are dying at an alarming rate at these medical institutions. We seem to be ranking with Haiti or Guyana with the rate at which women are perishing while in delivery in this land. We need to get some explanations on this matter. Even our good friend, Dr. Lenny Saith almost perished because of an operation. Something is wrong in this country in terms of our health care system, particularly at the private health care level. We need an investigation into these institutions. Too many people in this land are dying. Too many people go for simple operations and end up perishing.

If I have to be operated on I would do like Patrick. I would go to Cuba. I am not letting anybody cut me in this country. Every time you get cut in this country you seem to perish. Something is wrong! I understand that the hon. Prime Minister who is now in Cuba is attending to his UNC pacemaker. We have a remote control for that pacemaker. If he plays the fool we would switch it off one

of these days. I want to withdraw that. I would not switch it off. I would just tell him do not do this, otherwise—I withdraw that AG because I know that you are a decent “fella” but you have a commission of enquiry that is PNM backed. Do not worry. You will get your chance to talk under family proceedings.

Page 16 of the PAHO report states:

Similarly for the maternal mortality, a rigorous study should be conducted as the time definition for maternal mortality is up to 42 days following delivery. Such deaths which may occur outside of the health institution where the delivery occurred would be difficult to detect and would require exhaustive research.

Such a study would require three to six months despite the apparently small number of deaths. This study ought to be undertaken as a matter of some priority as the World Health Organization has revised the maternal mortality rate for Trinidad and Tobago upward.

There is a reason for that. That is why I asked the Minister of Legal Affairs. Under demographic trends page 153 says:

In 1975, Trinidad and Tobago population was 1 million. At the end of 2002, we were 1.3 million. It is predicted that by 2015, we will be still at 1.3 million.

The annual growth rate is expected to drop from 0.9 per cent to 0.3 per cent by the end of 2015.

At the end of 2002, the annual population growth rate was 9 per cent and at the end of 2015, it would be about 0.3 per cent.

We have to find out from our colleague what is happening as it relates to our population which is reducing. In the last population census we spoke about 1.3 million, but it could have been 1.2 million. Trinidad and Tobago is declining in terms of population number. The annual birth rate as predicted is less than 1 per cent and they are predicting that at the end of 2015, it would be 0.3 per cent. Hence the reason the population seems to be dwindling, because less babies are brought.

This document talks about the number of children who are five years old and are underweight. Seven per cent of the children at the end of 2002 were underweight. There is a prediction that it would go higher by 2015.

On page 169, we are talking about infant mortality rate per thousand live births. In 1970, it was 49 per 1,000 and it went down to 17. In terms of maternal

mortality, at present, we are 160 per 100,000. In Cuba, it is 33, Minister of Foreign Affairs. Women, hon. Hazel Manning, this is a scandal. In the Bahamas, it is 60 out of 100,000. We have to find out from the Government why our women are dying just to bring life into this world. Barbados is 95. There are countries like Costa Rica with 43 and Seychelles, 82. Why are we so high? Singapore is 30 per 100,000. I raise these points to get a message across.

Sometimes, because of how some of this information is recorded, apparently, it does not reach the relevant authorities. You may be under-reporting the number of persons who might have perished based on the data reaching you. That is because of the poor standards that exist at our various health institutions.

The result of this PAHO study revealed on page 12, that given the problem of inconsistent and sometimes incorrect application of definition, it was not possible to determine reported perinatal mortality rate from all the institutions. We are talking about data being provided by the district registrars to the Ministry of Legal Affairs and by extension the Central Statistical Office. This PAHO report dated December 2003, is an investigation into perinatal infant and maternal mortality in Trinidad 2002.

San Fernando General Hospital reported only stillbirths and neonatal deaths. Mount Hope Medical Complex, Port of Spain General Hospital and Sangre Grande Hospital reported early neonatal deaths as perinatal deaths, late neonatal deaths as neonatal deaths. Different definitions are being used by the different health institutions to describe the passing of babies and young children. This is the confusion at the various hospitals in our country.

In the case of San Fernando General Hospital, the PAHO consultant who was investigating neonatal deaths at the various health institutions identified 35 more deaths than were reported in 2002. The Minister of Legal Affairs and the Central Statistical Office can easily, and it may not be maliciously, be feeding the population and international agencies with wrong information because the data is not standardized. The whole process becomes polluted and contaminated. I am not saying that is the fault of the Minister of Legal Affairs. He is a policy maker and gets information. His public officials enter the data. Not because we have district registrars at the various health institutions, it follows that you are getting accurate information because of the confusion in conceptual definitions.

The suspicion is that some early neonatal deaths were not recorded and hence, not enumerated. More recently, infant mortality reports are validated against ward census counts before dissemination. I bring to your attention, inconsistencies in the reporting mechanisms. This Minister has to pay attention to this area.

The second source of data presented another set of difficulties. At one institution the death register contained both neonatal deaths and stillbirths. At the other institutions, the death register did not contain stillbirths. These would be found in the births, maternity or delivery or labour register according to the institution. The death register should list all deaths including neonatal deaths; data on the same; the sex, date and age of the deceased; the date of the event; the ward on which the deceased was a patient; the attending medical officer and the cause of death. Would you believe that these things are not recorded?

In the case of neonatal deaths, the deceased is identified as I/O; the mother's name and the ward is the neonatal unit. These are the only means of identifying a neonatal death. Great care must be exercised in detecting neonatal deaths in the register. This is Trinidad and Tobago in 2004. Look at the kind of scandal at our health institutions. I pity the Minister of Legal Affairs because he is receiving data from these district registrars. Their houses are not in order. The Minister would not be able to get accurate information. The same developments are taking place with the births registers. Some differences are here and there.

The report said that many of the entries contained errors which include a two-year old mother. Imagine that! Where you ever hear that?

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

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

*Question put and agreed to.*

**Mr. Vice-President:** Sen. Mark, I am going to ask you to continue after the tea break which we shall take now.

**4.25 p.m.:** *Sitting suspended.*

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

**Sen. W. Mark:** Mr. Vice-President, the report that I referred to made a number of recommendations. Like Sen. Dr. Kernahan, this report dealt with some stark and serious realities facing our institutions where children are born; mothers die during birth and infants perish. I want to indicate to the hon. Minister some of the recommendations. The accuracy of the information that the Minister receives through these district registrars leaves a lot to be desired.

The PAHO report recommended that since the death certificate is a matter of public record, there is no reason the mortality database maintained by the CSO,

should not contain the name of the deceased. To improve the usefulness of the database it should contain not only the underlying cause of death, but also all the causes listed on the death certificate.

The registers and other data collecting instruments must be standardized overall. That is to facilitate comparability of data. There is an absence of standardization in terms of records re data collection on births and deaths.

There should be mechanisms in place to provide documents in a timely fashion, especially the completion of the discharge summary. Validation of data collected and information disseminated should be routine. The data that is fed to the CSO and the Ministry of Legal Affairs need to be validated when collected.

Critical analysis of the data and utilization of the information generated with queries when anomalies are detected would give the impetus to improving the quality of the data. The quality of the data that is collected at the health institutions via the district registrars located at all health institutions is suspect. This report was submitted to the Government in December 2003. It is now 2004. I do not know if the Minister has a copy of this report. I do not know what the Minister of Health has done with this report. The reality is that recommendations have been made to improve the quality of data that they receive. The Minister admitted that the time between the actual production of the data and the ministry receiving same, because it is done on a manual basis, takes between three to four months. I can make a copy of the report available to the Minister if he is interested in this report. It makes very important reading.

The report also said that the pathologist's report should be included in the medical record and the findings should be in the discharge summary. Efforts should be made to integrate the maternity medical records in the hospital's general medical record system, to facilitate oversight and monitoring of the data from the section. Given that it was not possible to collect, validate and analyze perinatal mortality data for the past five years, a more thorough investigation should be conducted.

**Sen. D. Montano:** I wonder if Sen. Mark would give way for a question. Could you explain to me what is perinatal birth or death? What does the word, "perinatal" mean? You were talking about it so maybe, we can understand what you are talking about. I do not know what "perinatal" means. We have looked it up everywhere. We cannot find it anywhere.

**Sen. W. Mark:** I did not see the definition here. Sen. Mary King is an expert in that area.

I can look up the definition. The key point I am making is that babies who are born, perish at a very early age because of a number of reasons. The mother can be undernourished and she will deliver a child that is not properly nourished. The quality of the data is suspect when it comes to the question of children who die as soon as they are born. Young children come into this world and because of difficulties and limitations they do not live to our age. That ought not to be in a country which boasts of a budget of \$28 billion. We have a small population.

One thing that I could say about Cuba is that they take care of their citizens. They put emphasis on the people. Everything is free in that country when it comes to health and education. I do not blame the Prime Minister for going there. At least he would be taken care of, particularly the post operative care. We seem to be lacking in that area in this country. I hope that Sen. Mary King would be able to help me in terms of this word, “perinatal”. Sen. Montano, I may later specialize in that field and I will be able to give you greater clarification.

They need to validate the perinatal and infant mortality data; ascertain the causes of the discrepancies with a view to remedying and determining the risk associated with this perinatal mortality. The final recommendation has to do with our daughters, mothers and aunts who are dying while delivering babies into this world. The PAHO representative called for a rigorous research study to be conducted into maternal mortality in Trinidad and Tobago. I do not know if the Government has taken the challenge to have an investigation into that matter.

It is unacceptable, in a rich nation like ours to have so many young women dying because of all kinds of factors which I would not go into here. There are factors that are under our control. I believe that those women who are dying—and out of every 100,000 live births, 160 young women perish during the period of delivery—that is too many. In 2004, we believe that that rate should be reduced to 40 and then zero, if that is possible.

As we seek to deal with this Bill that is focusing on births and deaths of citizens of this country, the Minister should take into account the report of the PAHO team in terms of infant mortality and see how he could persuade the Government to look at this report again and implement the recommendations. This is to assist the Ministry of Legal Affairs in properly identifying, assessing, registering and making information available to the Central Statistical Office.

Thank you.

**Sen. Dr. Eastlyn McKenzie:** Mr. Vice-President, I agree with Sen. Seetahal about the certification by any appropriate means. I wonder whether just a stamp

on a document would be okay. We need to be more specific if we are talking about electronic means, that we say so, definitely.

I agree with some of the matters raised by Sen. Dr. Kernahan.

**5.15 p.m.**

I know that Sen. The Hon. Martin Joseph was a bit taken aback when Sen. Dr. Kernahan made the statement about persons drawing pension and so on long after. I can tell you from my own experience. My father was an old age pensioner. He died in 1991. He died early in the month of August and at the end of August his old age pension cheque came. I wrote on it “Deceased” and took it into the Social Welfare office. I thought that would have stopped a cheque from coming in September but lo and behold, a cheque came in September again for him. I wrote on it “Deceased” and I took it to the Social Welfare office and I said okay, fine, that would have been the end of it but another one came. I then went into the office again and said: “I now understand why poor, desperate people would try to cheat the Government.”

Mr. Vice-President, if he had had someone designated to change his cheque, as many of the old pensioners do; they have someone whom they name and designate to collect their cheques. The person would go and collect the cheque and they would carry the document to the bank or wherever and they would change the cheque for them. Mr. Vice-President, if that had happened that person could have cashed the cheque for three months without any action being taken. I was told that the computers were programmed for three months and, therefore, they probably do not disrupt it to take off a name, so I guess they would not disrupt it to put on a name. Probably that is why some people would stay a long time, Sen. Abdul-Hamid, to get their old age pension, if they apply. Mr. Vice-President, that is something for which we need some coordination and that is why I brought it up.

Mr. Vice-President, for the Government pension and National Insurance there is what is known as a Life Certificate. This is done in April and October—six months. If anything like that should happen again: Is there any coordination, collaboration or cooperation between the Registrar General’s Office or the Births and Deaths section with the NIS or with the Government Pensions Department? Or, is it going to happen as happens with the old age pension?

Mr. Vice-President, we need to set up some sort of coordinating link between the Registrar General’s Department and probably the NIS, Government pension, old age pension section so that this information would be relayed.

I agree with Sen. Dr. Kernahan. I know offhand of districts in Tobago, specifically, Bethel and Scarborough. The one in Bethel is right by the postal agency. The sign which says: "Registrar of Births and Deaths, Middle District" is as faded as ever. Who is responsible for sprucing it up? These people get a little stipend. I remember just a few years ago it was \$160 per month or something like that and when you go they have to hand-write the death certificate. Sometimes the cause of death is so long, with all sorts of medical terms and so on that it cannot even hold in the little space that you have there. These people have to write "chinkee chinkee" but they still have to be legible. I think they have to write six copies. So I think that you need to look into the conditions under which these people work and the facilities that they have. They have to write in longhand and they have to be legible and most of them are old people—Well, we have some new ones coming on in Tobago because the older ones are going out. But the older persons have some nice, big curvy handwriting so by the time they write one line of the cause of death from the doctor's certificate the whole column is filled. They actually have to write on the table too.

Mr. Vice-President, I want to urge the hon. Minister and his team to take a trip to Tobago and to go around to the Registrars of Births and Deaths houses—if you want to call them that—and see first-hand how they operate.

Minister Martin Joseph, from my experience, if a person dies—whether in hospital or at home—a doctor must give a death certificate explaining the cause of death and all the statistics about the person who has died. You take that to one of these District Registrar of Births and Deaths offices, depending on where the death occurred and depending on all these circumstances—if the person dies at the hospital, there is one there now. As far as I know, nobody will bury or cremate that dead unless you hand them that death certificate. So, for anyone to be buried or so without that death certificate—I do not know how possible that is—somebody is violating the rules.

As regards the birth, I know that somebody registers the birth of the child. If the child is born at the hospital you have a document, which you take to the District Registrar's Office and they record it. But, sometimes you do not have the name of the father on it; you will only have the name of the mother. The child would have no name. Well, now if it is at the hospital you can register the child right there but if it is not, you have to go back to the district. Sometimes somebody else goes and tells them: "Yuh know so and so."

Mr. Vice-President, I look at my own birth certificate and who do you think went to inform the Registrar General two or three weeks after I was born? My

eldest brother, Mr. Vice-President. I have known of instances, Mr. Vice-President, you know and we know it in Tobago that by the time an old person goes to register the child and they would ask: What is the child's name? Well they did not have a name. Most times you did not have a name. They would ask: "Boy or gyul?" "Buh wait nah! Buh wha'! Mih cyar even remember if is ah boy or gyul!" They cannot remember sometimes! Sen. Gift, am I not telling the truth? They cannot remember and sometimes they have to go back and get the information and come back, and sometimes they come back and say: "Ah think was ah boy! And in truth was a gyul!" [*Laughter*]

**Sen. Mark:** Are you sure Knowlson was not a victim of that?

**Sen. Dr. E. McKenzie:** No, no, he was not a victim of that. [*Laughter*]

Mr. Vice-President, what is frightening now is that if you go to register the name and somebody tells you, "Wade or Rawle or Martin; you would know that it is a boy! But when they tell you one of these unisex names: Daniel; you do not know whether Daniel is spelt "Danielle" or "Daniel". You do not know if it is a boy or girl! So if you depend on the name alone to remember the gender of the child you are in trouble. What I am saying to the hon. Minister is that you have to look at all these little folk things; all these little cultural things that we have. Many times I know in Tobago people have to go and correct information through affidavits because of the fact we have all these types of things that will happen.

Mr. Vice-President, if it is by electronic means say that, so I would not confuse it with just a signature and a stamp that you put on and that is it. And you go with that and they say: "Well, they say you do not have to have this again so this is okay." "...any appropriate means." Mr. Vice-President, I find these Ministers are stingy sometimes about taking their staff around to see what they have to work with. When we bring these matters to the Parliament; sometimes even when you bring it to the head office in Trinidad, they do not seem to understand and if you do not understand, then you do not see the urgency and you do not understand what we are talking about. Take your staff; pay the airfare; get a taxi and say: "Take me to these registrar offices in Bethel, Middle District—and there are not many, you know—and go and actually experience it and then you will understand where we are coming from, how they write up these things and so on. I would like to urge the hon. Minister to set up a link between the Registrar General, the National Insurance, and Government pension and so on.

Finally, Mr. Vice-President, I support Sen. Mark. The use of the statistics would be very important, whether it is for births or deaths. For births you can

actually plan policies on trends; you can plan public education on trends. For example, if from your AIDS statistics and your death certificates the cause of death is AIDS-related, diabetes, hypertension or whatever and if you see it probably pertaining to certain districts, you can advise health education in these districts as preventative measures. If you have many people in Toco dying of, let us say, dengue then you could say to public health: We have a dengue problem there, when you look at the trend and the statistics which show that too many persons are dying of that disease in that district, it means that something is wrong somewhere.

It is the same thing with hypertension, diabetes and all these things. AIDS: you should focus on Tobago and in Point Fortin, I think I saw that on the newspapers. Then you could say: Let us direct our public education to these areas where we seem to have a more serious problem than we have in other areas. The Registrar of Births and Deaths Division is not only to record numbers; it is also to analyze the causes to have data to suit the categories of causes and to cause divisions, departments and the ministries to take action from the statistics that you have. So you and your staff have a very important role to play in your division.

I do not want you to think it is just a narrow thing of just recording that 17 babies died or that 21 old persons died. Look at the cause of death and you must be able to direct. With respect to education; we have 1,000 children born in this district this year, therefore, in three or four years' time your pre-school should be expanded and in five years' time your primary school should be expanded because you have so many children in this district who will need education. Therefore, the use of the statistics you get from your department must be made available; must be used wisely, and make your division a sort of central point for policy and action in other divisions.

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

**The Minister of Legal Affairs (Sen. The Hon. Danny Montano):** Mr. Vice-President, when I started off I really did not think that a Bill that had one sentence would end up in four hours of debate. Nevertheless, let me try and deal with some of the concerns.

Let me go backwards to talk about Sen. Dr. McKenzie. I was concerned about the wording of the Bill, in fact, several persons addressed the wording of the Bill "...any means" necessary. Mr. Vice-President, it is not a new expression. In fact, the first time that it was used was in the Recording of Court Proceedings Act of 1991, Section 3: "Where court proceedings can be done by any means". We were

following from that because we recognized that the technology was changing. It may change to a different form in the future and, therefore, rather than commit ourselves to any one form, this wording was used.

I share the concerns of Senators—Sen. Seetahal and Sen. Dr. Kernahan raised it as well. I also was rather concerned about it. I had asked the CPC drafters to have a look at that to rethink whether that wording was, in fact, appropriate. Despite my queries they have assured me that is, under the circumstances, in the age that we are in—the most appropriate means but we can thrash out those in our discussions at the committee stage.

Sen. Dr. McKenzie spoke about the link between both death register and pension lists and NIS and so on. Senator, the intention is, eventually, that there will be an automatic link among all the different services, including the EBC and the Ministry of National Security. Especially on deaths, for instance, the EBC should be immediately notified because they are the ones who control ID cards. They have to be notified immediately that somebody has passed away. We are getting there: that is part of the transformation; that is part of the process and the problem is well understood. Let me give you the assurance that we are getting there.

Mr. Vice-President, much of the mechanisms to control those issues—and some of the other issues that were mentioned, I will deal with that later—are really going to come about when I bring the Bill for the civil registration which will change this paradigm: the whole business of how persons are registered on the system and, in fact, who gets registered on the system. We also have to register visitors who come into Trinidad and Tobago and persons who leave, including nationals who leave; people who emigrate are no longer part of our system and we need to know what their status is. So that even that level of information has got to be brought into the population registration system and that is, in fact, what we are looking at.

You were quite right, somebody can only be buried in the country if, in fact, you have a valid death certificate, but of course, things do happen. People are born; do die and nobody knows anything about it.

**Sen. Seetahal:** [*Inaudible*] death registration as distinct from a death certificate. I think they are two different things. My understanding is that you would register the death and three or four months after you would get a death certificate. There are different provisions in the Act.

**Sen. The Hon. D. Montano:** Well, you have got my point. It has got to be registered before it can happen.

Insofar as the collection of statistics, while I just talked about that and we will be the repository of the information, we will not be analyzing data, we will simply be the repositories of the information and we will provide the information to other departments and/or ministries.

Sen. Mark's contribution was noteworthy for two things, one is that he used vocabulary that not only he did not understand, but nobody else in this place understood, and he did not really talk about the Bill at all. He spoke about the CSO and the hospitals and their systems but he did not really talk about the Ministry of Legal Affairs and its systems. But his early comments [*Interruption*] I will tell you. Perinatal means the death of a child between zero and seven days. [*Interruption*] Well, that is the information I have been given. I asked and he did not know.

Mr. Vice-President, he was concerned about, he said: "What system do we have in place to prevent abuse?" In fact, a number of Senators raised the question about the security over the system of granting birth certificates and I suppose death certificates as well.

Mr. Vice-President, with your leave and with the leave of hon. Senators, that is not an issue that I would like to get into at this point. Let me just tell this honourable Senate that I speak wearing the hat, sometimes, of a professional accountant and auditor. It is in my instinct and training to look at systems to see what can go wrong. Does this system work perfectly every time? That was the first questions I asked when I came into the ministry. I got some answers and, Mr. Vice-President, with your permission I do not want to disclose what those answers were at this time, nor what we have done about it. I will leave that for another time. Let me assure Senators that it is an issue of which we are very cognizant and at which we are looking very closely.

Sen. Mark talked about the under-reporting of births from hospitals. Mr. Vice-President, the law is very clear, births have to be recorded; there are certain systems in place to ensure that it happens. If persons make errors then we would have to be the recipients of errors, but we are not aware of the systemic problems that Sen. Mark would lead you to believe.

At one point he spoke about a two-year-old mother. To the best of my information, the age of mothers are not recorded on either the birth certificate or the death certificate. I do not know what that has to do with this.

**Sen. Mark:** Mr. Vice-President, if I could clear the air for my colleague. I was merely quoting extensively from a PAHO report, which I indicated I have an

extra copy of. If he wants a copy, I can make a copy available. It was not Wade Mark speaking. I was speaking to a PAHO report and they were talking about the errors.

**Sen. The Hon. D. Montano:** It was Sen. Wade Mark's contribution to the Senate and he talked about a two-year-old mother. The mother's age is not reported on a birth certificate or a death certificate, so I do not know how that comment fits in at all.

Sen. Bro. Khan talked about a comprehensive overview of the system. Yes, Senator, we will give a bit more of that when we talk about the civil registration system. This Bill was really confined to just signing birth certificates, that is what we are talking about and, therefore, with your leave, we will give you that when that is brought before you.

Insofar as weaknesses of the system are concerned, again, I just mentioned, yes, we are aware that there are some issues. We have dealt with some of them and we are continuing to deal with others.

Sen. Seetahal spoke about "...any means" necessary, I just dealt with that and we can deal with it again at the committee stage. We spoke about the misuse of the system and again with your leave, I really do not want to get into that. If I did at this point I would be saying things and I would be leading criminals into all sorts of things. I do not want to go there at all, not at this point.

You said that as a result of an overloaded system; as a result of the promise of free birth certificates. I did not say that. I did not say that the system was overloaded because of that. At this time, under the old system, we still have more requests for manual certificates than we do for the electronic form.

**Sen. Seetahal:** Mr. Vice-President, if I may? Sen. Mark had asked whether or not one of the reasons you had all those requests for the number of certificates in this year was because of the previous Minister making the promise that they were free. I recollect you said, yes.

**Sen. The Hon. D. Montano:** Well, Senator, I did not get when he said it, whether that was the reason. He asked me if, in fact, a promise had been made and whether the promise related to electronic birth certificates and I said, yes. As to whether that is the reason for overload, no, that is not the reason for the overload. There is just a huge demand for birth certificates both the manual and the electronic. I do not know; we have no data; we have no information that would suggest that any overload is because of a promise.

Sen. Prof. Deosaran commented on the number of laws that are passed and there still being relatively inefficient service. Senator, I understand what you are saying but let me assure you that in this ministry we are working extremely hard to make the nexus between being a government agency with a private sector attitude towards service. Let me make it very clear at this point that the public servants in this ministry have responded with nothing but complete enthusiasm to the changes and recommendations I have made toward provisions of service. [*Desk thumping*] It has been a unique pleasure to work with a group of public servants who have nothing but the best will and intention to serve the people. These are public servants who intend to do their job and they have been doing it extremely well. I am very proud of the fact that we have made huge strides in terms of the quality of service, and this is just one little piece, to help us do what we are already doing.

The other thing too, Senator, is that there is a saying that what gets measured gets done. One of the things that we did recently was to take little unofficial polls of users of the service to see how they viewed the system and whether they felt the system had improved any. The response that came back was, yes it has improved but there are some problems; these are some of the problems which we are addressing. In order to ensure that we maintain an increasing level of service, we have set up a small unit in the ministry comprising officers from the research department and communications unit and they will be looking to get information in a variety of ways.

It has taken us quite a while to figure out how we can measure the information. What kind of questions can we ask? In fact, an outside firm has been engaged to help us do this; basically, operating on the premise that what gets measured gets done. So that if persons say, listen this place is too hot or it is too cold; there are no bathrooms; there is no water; whatever the situation, we can respond to the situation. If it is too slow; if persons are not nice; they do not know what they are doing; whatever the complaints are, we will be able to respond. We are not guessing in the dark. It is being approached on a very scientific basis and we are already beginning to see the improvements.

Mr. Vice-President, let me deal with Sen. Dr. Kernahan. I listened to her contribution and an expression came to mind, the words were: "Out to lunch". She just did not know what she was talking about and her comments bore no relationship to the reality of what was taking place in this ministry. She talked about the online delivery objective of the ITC plan. I cannot really imagine, Senator, that birth certificates are going to be part of the online service. Because

of the security involved, you will have to provide a plethora of information before you get birth certificates and that legislation, as I have said, is coming shortly. Senator, you spoke about something that really has no nexus with what we are talking about here.

The Senator went on to talk about the Government's implementation is motivated only by vote-catching and that we do not care about people. Mr. Vice-President, the Senator does such disservice to the public servants who are working extremely hard for the benefit of the people. They do not care which government is in power. All they want is to do their job properly.

**5.45 p.m.**

Mr. Vice-President, all I am doing is leading the charge and setting the policy directives. They are the ones who are doing all of this work. They are the ones who are changing the paradigm. They are the ones who are serving. Mr. Vice-President, the Senator has maligned the decent, hard-working, efficient public servants.

**Sen. Dr. Kernahan:** Mr. Vice-President, in no point of my contribution did I attack public servants. In fact, the gist of my contribution was that people have to work under conditions that are not suitable to the jobs that they have to perform in the society. This is the contribution I made and please, do not allow the Minister to misinterpret and mislead the Senate to what I said in that manner

**Sen. The Hon. D. Montano:** Mr. Vice-President, as night follows day, the logical conclusion is what we are doing and what the public servants are doing is political. This Ministry is a service-oriented ministry and the public servants in the ministry are working very hard to provide that service. The only conclusion that can be drawn from the Senator's comment is that somehow public servants are involved in a political objective, which is just absolute rubbish.

The Senator also stated that the United National Congress started this process of the computerization of birth certificates. That is not so. It was the People's National Movement in its last administration in 1994 that initiated the whole business. The UNC did nothing about it until 1999 when they restarted and continued it. Then, she talked about the Licensing Office, and I do not know what the Licensing Office has to do with the Ministry of Legal Affairs. The Senator spoke about the horrendous circumstances in the Licensing Office. But my recollection is that system collapsed under the UNC administration, and not under the PNM. We had set it up and they allowed it to collapse.

That really deals with all the contributions and I thank all Senators for their comments. I hope I have dealt with them.

Mr. Vice-President, I beg to move.

Question put and agreed to.

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

*Clause 3.*

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

**Sen. Seetahal:** Mr. Chairman, my proposal was in the third line, after the word “certification”, to delete the rest and it should read “the certification may include certification in an electronic form”. To my mind, electronic form covers most desirable means of certification.

I have heard the Minister say that his advisors in the drafting department and possibly elsewhere, suggest that this is the preferred wording because it could take care of future developments. But to say these are the words used for recording in court; in court where you have recording by hand, electronic means by different forms that is okay, but when you are talking about something as certifying a death or a birth it would seem to me that we do not want to have any appropriate means. It is much too wide. This is my suggestion. I prefer to say that, “certification may include certification in an electronic form.” Because that, I think, is wide enough to take care of developments in the foreseeable future.

**Sen. D. Montano:** Mr. Chairman, I am advised that will not work. The wording, as I indicated, was looked at and re-looked at again. The original language came from the Law Reform Commission. Looking at it myself, this language, and even when I sent it back they came back and said this is the international practice. This is not unique only to Trinidad and Tobago. It is not a unique expression and it is very appropriate under the circumstances.

**Sen. Seetahal:** Can I ask from where? Is it the same thing in Barbados? I know in Barbados they have electronic form and that is my understanding of the draft legislation there. I find it passing strange from my knowledge.

**Sen. D. Montano:** I am advised it would include the United Nations.

**Sen. Prof. Deosaran:** If you pin it down to electronic, and assuming in the proceedings of whatever kind the system breaks down, what is the implication for relying on some other method?

**Sen. D. Montano:** Say it again, Senator.

**Sen. Prof. Deosaran:** I am saying if you tighten the regulation or the clause to allow only electronic recording as the Senator is suggesting—

**Sen. Prof. Ramchand:** “May include”.

**Sen. Seetahal:** Yes, “may include”. It widens—

**Sen. Prof. Ramchand:** Mr. Chairman, if the Minister wants to say “may include”, would he take the word “approved” instead of “appropriate”?

**Sen. D. Montano:** We are not using the word “appropriate”. The words are “may be done by any means.”

**Sen. Prof. Ramchand:** Any means. That carte is too blanche.

**Sen. D. Montano:** We can keep the word “appropriate” if you wish.

**Sen. Prof. Ramchand:** “Appropriate” is too open. “Approved” would mean that it will have to be approved by someone—

**Sen. D. Montano:** “Approval” gets a little complicated. “Appropriate” could be better.

**Sen. Prof. Ramchand:** It means that every time you want to do it you are judging that it is appropriate. Whereas, if it is approved there are certain means that have been approved beforehand. And it is really a question of the judgment of the people involved in the system. Do not forget, there is a whole other set of security systems around this business. It is a question of what is appropriate in the circumstances and it is a question of judgment as well, and experience of course, as to what is suitable in the circumstances.

If you are not using “may include electronics” then, perhaps, the word “appropriate”.

**Sen. D. Montano:** Electronic. This expression would include digital or any other means that might come about. It is better that we not try to restrict it.

**Sen. Prof. Ramchand:** So “appropriate”?

**Sen. D. Montano:** Would you like the word “appropriate” inserted?

**Sen. Seetahal:** If everybody else is happy with that—

*Question put and agreed to.*

*Clause 3, ordered to stand part of the Bill.*

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

*Senate resumed.*

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

**VENTURE CAPITAL (AMDT) (NO. 2) BILL**

**Select Committee Interim Report  
(Adoption)**

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Vice-President, I beg to move the following Motion standing in my name.

Be it resolved that this Senate adopt the interim report of the Special Select Committee of the Senate appointed to consider and report on the Venture Capital (Amdt.) No. 2, Bill 2004.

The terms of reference given to the Committee by the Senate were to consider and report on the Bill entitled the Venture Capital (Amdt.) (No. 2), Bill 2004, and to report back to the Senate.

Standing Order 51(2) of the Standing Orders states:

“When a Bill has been committed to a Select Committee no further proceedings shall be taken until the Select Committee has presented its Report to the Senate, provided however that if the Report is delayed, for whatever reason, for more than twenty-one (21) days, the Chairman of the Select Committee...must report progress to the Senate at the next sitting of the Senate immediately after the expiration of that period and each twenty-one days thereafter until the final report is presented.”

Mr. Vice-President, the period of 21 days expired on a day the Senate should have met. That is to say, Tuesday, October 19, 2004. However, the Senate did not meet on Tuesday, October 19, 2004 but met instead on Thursday, October 22, 2004. At that sitting, the interim report of the committee was presented indicating the progress of its work.

In the circumstances, I wish to inform the Senate that the Committee has held two meetings to date and, I now move that the interim report be adopted.

Mr. Vice-President, I beg to move.

*Question put and agreed to.*

*Report adopted.*

**ADJOURNMENT**

**The Minister of Community Development, Culture and Gender Affairs and Acting Prime Minister (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, November 09, 2004 at 1.30 p.m. We will continue in the order according to the Order Paper we have today. We will begin with the Family Proceedings (Amdt.) Bill.

**Mr. Vice-President:** Hon. Senators, there is a matter to be raised on the adjournment of the Senate.

**South Africa High Commissioner-Designate  
Failure to Assume Duties**

**Sen. Wade Mark:** Mr. Vice-President, you would recall that during the debate on the 2004 budget, I made reference to a situation involving the High Commissioner-designate to South Africa, Her Excellency, Donna Carter. I raised the issue as it related to her failure to take up duties in South Africa.

Mr. Vice-President, the reality is that in spite of the efforts of the hon. Minister of Foreign Affairs to clear the air on the matter, more confusion was created in my mind and I thought it necessary to raise this matter as a Motion on the Adjournment of the Senate so that greater clarity could be brought to bear on this matter.

It is an established fact that Her Excellency, Donna Carter, High Commissioner-Designate to South Africa, received her instruments of appointment in December 2003. Her Excellency has to date, not taken up duties at her Mission in South Africa. It is a fact that once you receive your instruments of appointment you have to receive your salary and this is what Her Excellency has been doing. She has been in receipt of her salary and as the Minister pointed out, she does not receive at this time any allowances.

Mr. Vice-President, in the public's interest, if this particular individual was a career public officer, there would be a procedure involved, that is, the provision of the relevant sick leave which a career public officer would be entitled to and similarly, somebody who is a political appointee, would have certain entitlements.

I think the time has come for the Minister of Foreign Affairs to be very upfront and to be very brutal in this matter. I ask the question: what is the status of Her Excellency, Donna Carter since becoming High Commissioner-Designate to South Africa? My information is that Her Excellency is not well and she has been at different points seeking early recovery. My information to date, as we speak, is

that she is now in Costa Rica seeking further medical assistance as it relates to her affliction. The issue here is whether the Government intends to take steps to have her replaced; whether for instance the Government, in accordance with the relevant regulations, has received the relevant sick leave certificates that the Minister or the Permanent Secretary ought to be in receipt of and, how long would the Minister and the Government facilitate this arrangement particularly as I said, where it involves a political appointee, and not a career diplomat. And that is why the public would like to get some information on this matter.

The Minister must tell us today whether the information I have is correct. Is her Excellency not well? Has the Minister received sick leave certificates from the particular individual? Why has this lady not taken up her appointment even though she was handed her instruments of appointment in December 2003?

Mr. Vice-President, the taxpayers of this country have spent some \$24 million and that was detailed in the *Estimates of Expenditure*, re:-the Ministry of Foreign Affairs.

In May 2004, the Government purchased and paid for four buildings in South Africa with your money and my money. A building for the High Commissioner, that is her residence; a building for the Mission, a building for the Deputy High Commissioner; and another building for some members of staff that would be located there.

Mr. Vice-President, we have purchased property valued at TT \$24 million and we have no High Commissioner residing or occupying the High Commissioner's residence. This is a very serious matter and I do not believe that the Minister, with respect, could continue to play games with the population. He must tell the population and he must tell you, Mr. Vice-President, and this Senate what is the status of Her Excellency.

What is even more important, is how long again would the goodly lady, Her Excellency, Donna Carter be able to remain out of the service of the High Commission in South Africa? Is it going to be another year? Can the Minister of Foreign Affairs indicate to this Parliament whether Her Excellency will be taking up her appointment on December 01, 2004, or on January 01, 2005 because it seems now to be somewhat open-ended? If you were given your instruments of appointment since December 2003 and we are now at November 02, 2004, almost 11 months into the year—about 12 months for her, a year, because it was December last year, and we are now in the eleventh month—and she has not taken up duties and the Minister remains quiet; the Government remains silent on

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this matter and tongues are wagging. People are asking whether this lady is drawing money under false pretences; whether fraud is being committed and whether the Government is a participant to this fraud of taxpayers' money.

I have no problem if somebody is ill. We are human beings. We are entitled and we will get sick from time to time, but you must come and tell the Parliament that the lady is not well. She is suffering from 'X' or 'Y'. You may not want to disclose all these things but just tell the Parliament she is not well and you would expect her to be off from duty for the next 18 months so that the country will know what the position is. But I cannot be told by people around the corner or I cannot be told by some persons who are concerned about this matter, that this lady has been appointed and she has not taken up her appointment yet.

Mr. Vice-President, if I did not get information on this matter from the public I would not myself be aware. Had I not raised this in my budget contribution, I would not have been aware of this matter. This thing has been going on for so long and I thought it irresponsible on the part of the Minister of Foreign Affairs, in a matter like this one, that he should not have levelled with the population and with the Parliament, and let us know what is the state of play insofar as Her Excellency is concerned.

As I said, I cast no aspersions. When people are ill and sick, I have to be sympathetic because as a human being, I can also become ill; I can also become sick. But one thing I can assure you, if I am ill, you will know and every Member of Parliament will know. I will make a sick leave available to you. I will seek your permission and you can read it into the public records that Wade Mark is not well and I have granted Wade Mark six weeks' leave, a month's leave, six months' leave. That is how we do business here. I am a servant of the people and her Excellency, Donna Carter is a servant of the people and, therefore, we need to have information, particularly when it involves a political appointee.

Mr. Vice- President, I hope that I have said enough on this matter. The Minister weaved his way out of this matter when I came into the Parliament the last rounds. I requested, specifically, clarification and it was Sen. The Hon. Martin Joseph who told me to go to the *Hansard*, I missed what the man said, that is the Minister of Foreign Affairs. When I went to the *Hansard*, I saw no information that could have brought clarification to my mind. And that is what I was seeking, during the budget debate, from my dear friend the hon. Knowlson Gift.

I think he owes this country, he owes you, and he owes this Parliament an explanation that is rational, that is defensible, and that is palatable. We want the

country to at least accept what he is saying. Let us get something that we can accept but, do not give us any kind of half-baked answer. We do not want that. We want a proper response from him.

**6.15 p.m.**

**The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):** Thank you, Mr. Vice-President. As my colleagues are aware, the Minister of Foreign Affairs is not given to drama and to sensation such as the last speaker. The Minister of Foreign Affairs of Trinidad and Tobago does not play games. *[Interruption]* The Minister of Foreign Affairs of Trinidad and Tobago at the present time is not an irresponsible figure. *[Interruption]* I am simply responding to accusations and if I am to respond, you will listen to me.

Mr. Vice-President, the question posed by the hon. Senator, even the wording of it, has some element of blame or guilt. It speaks of the failure of Her Excellency Donna Carter, High Commissioner-Designate, to assume her official duties in South Africa. The terminology leaves the impression that something that could have been done was not done, even though the reason for doing so may be explained. It gives the impression of choice; but one does not choose to get sick; one does not choose to be unwell. It is a circumstance or condition that visits anyone during one's lifetime. Here we have before us a question posed by the goodly Senator as to why Her Excellency has not yet assumed her office as High Commissioner to South Africa.

Let me go back a little. The appointment of heads of missions, be they ambassadors or high commissioners, is the sole prerogative of the Prime Minister. He and he alone can make appointments and he and he alone can terminate such appointments. Here we have the appointment of a High Commissioner to South Africa; the first in the history of the relations of Trinidad and Tobago with that part of the country.

Now, the question of accreditation is not as simple as putting a body on a plane and telling it, it is going to Johannesburg, Pretoria, Durban or to Washington. Certain things have to be done in advance. When the High Commissioner-Designate was appointed, we saw to it at the Ministry of Foreign Affairs that the usual orientation exercise was put in place, so the High Commissioner-Designate had to report for duty at the Ministry of Foreign Affairs for the customary round of orientation as is typical of all new appointments. She was no exception. She was on duty at home in Port of Spain prior to going out as the High Commissioner to South Africa.

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During the course of that orientation and attachment to the Ministry, Her Excellency started feeling unwell and, consequently, had to submit to medical attention. The medical attention is still in progress. The Ministry of Foreign Affairs has been provided on a regular basis with the relevant sick leave certificates and, indeed, Mr. Vice-President, we are satisfied that Her Excellency will be assuming her functions, either towards the end of the year or very early in January. She has given that commitment. Her doctors have given that commitment.

It is not a question of the Government spending \$24 million to buy property. The question of diplomatic relations is serious. You have to go out there and make the adequate choices for the properties in which you would be housing both your staff and the office people. You have to have residences. You have to have accommodation for the people who will be serving the mission as a whole—be they housekeepers, chauffeurs, whatever. There has to be staff.

That, indeed, calls for a certain type of precision. You have to make sure that your mission is located in the right place. You have to make the right choices. You have to make sure that you live within the diplomatic compound so the question of security both in terms of personal safety and the security of the premises must be adequately covered. It takes time. You also have to make sure that the building acquired meets the overall criteria for embassies. You have to show well. You have to have the property located in the right places—in the right diplomatic districts. That is being done. In addition, you have to accommodate the building in terms of the security requirements.

You are talking about an embassy, particularly these days when terrorism and other threats are in the air. It takes time. You just do not go in and buy a building and put your people there. It is not the property of the People's National Movement; it is the property of the Government of Trinidad and Tobago. So whichever party is in power—even though we will be in power for quite some time—takes care of the property.

There is really no drama. I believe that this is a storm in a teacup that need not have been here at all. In fact, I am sure that Sen. Mark knew the fact very well, but in his usual drama he had to have some sensation. Indeed, we are doing things so transparently that while \$24 million seems to be a lot, it is because the process and the procedure were different. We do it differently, unlike the \$1.00 transaction which was done in Ottawa and which has left us with a massive bill. We are still spending money to repair a structure that nobody knew how we came by. This is transparency.

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I believe that I have covered every concern of the goodly Senator and I do not think anything more needs to be covered.

I thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.22 p.m.*