

Leave of Absence

Tuesday, February 03, 2015

SENATE

Tuesday, February 03, 2015

The Senate met at 10.30 a.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Shamfa Cudjoe who is out of the country.

VACANT SEATS

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. TIMOTHY HAMEL-SMITH

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, and acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, TIMOTHY HAMEL-SMITH, to be vacant, with effect from 2nd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann’s, this 2nd day of February, 2015.”

Vacant Seats

Tuesday, February 03, 2015

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. GARY GRIFFITH

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, and acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, GARY GRIFFITH, to be vacant, with effect from 2nd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 2nd day of February, 2015.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. EMBAU MOHENI

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, and acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of a Senator to be vacant:

Vacant Seats

Tuesday, February 03, 2015

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, EMBAU MOHENI, to be vacant, with effect from 2nd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 2nd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. EMMANUEL GEORGE

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, and acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, EMMANUEL GEORGE, to be vacant, with effect from 2nd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 2nd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

Vacant Seats

Tuesday, February 03, 2015

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. ANAND RAMLOGAN

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, and acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, ANAND RAMLOGAN, to be vacant, with effect from 2nd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 2nd day of February, 2015."

SENATORS' APPOINTMENTS

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. GARVIN EDWARD TIMOTHY NICHOLAS

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, GARVIN EDWARD TIMOTHY NICHOLAS, a Senator, with effect from 3rd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 3rd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: BRIG. GENERAL CARLTON ALFRED ALFONSO (RETIRED)

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, BRIG. GENERAL CARLTON ALFRED ALFONSO (RETIRED), a Senator, with effect from 3rd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 3rd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. BRENT SANCHO

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, BRENT SANCHO, a Senator, with effect from 3rd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 3rd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MS. CHRISTINE NEWALLO-HOSEIN

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, CHRISTINE NEWALLO-HOSEIN, a Senator, with effect from 3rd February, 2015.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 3rd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona, O.R.T.T. S.C.
President.

TO: MR. KWASI MUTEMA

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, KWASI MUTEMA, a Senator, with effect from 3rd February, 2015.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of February, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T., S.C.
President.

TO: MR. STUART YOUNG

WHEREAS Senator the Honourable Shamfa Cudjoe is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, STUART YOUNG, to be temporarily a member of the Senate with effect from 3rd February, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Shamfa Cudjoe.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of January, 2015."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Garvin Edward Timothy Nicholas, Brig. General Carlton Alfonso (Retired), Brent Sancho, Mrs. Christine Newallo-Hosein, Kwasi Mutema and Stuart Young.

10.45 a.m.

ELECTION OF A PRESIDENT

Sen. Camille Robinson-Regis: Mr. Vice-President, if I may, we have a concern with regard to the procedure that was adopted today. Under Standing Order 3(2) with regard to the election of the President, we have a concern that as far as (2) indicates, the election should have taken place immediately after the prayers, and we would like to know if the procedure that has been adopted today is correct because our interpretation of Standing Order 3 indicates that the procedure that has been adopted this morning may be called into question. So could I have your ruling on this, please?

Mr. Vice-President: In accordance with the election of a President, what I have seen here:

“When the Senate first meets after a General Election, and before it proceeds to the despatch of any other business, the Clerk of the Senate shall call upon the Senators to elect a President and the procedure for such election under Article 45(1)...”

Sen. C. Robinson-Regis: Sorry, Mr. Vice-President, I refer specifically to 3(2), where it says—if I may—

Mr. Vice-President: Hon. Senator, I have been advised, whilst it is said that it shall take place after the Prayers, it did not say “immediately”. Therefore, what I have been advised is that—therefore, the election will take place now. So we do not believe it is a breach of the procedure, as it did not specifically say.

Sen. C. Robinson Regis: Thank you, Mr. Vice-President. I thought, given the circumstances—because it is not something that we were accustomed to, neither are we privy to what has happened to our President; and the Senate, up to last week, did have a President and we did not have any indication—not that we necessarily had to have an indication, but given these Standing Orders, we felt it was incumbent on us on this side to raise that issue and to get a clear ruling on that issue. *[Interruption]*

Mr. Vice-President: Please, please.

Sen. C. Robinson-Regis: If I may, Mr. Vice-President, that is the context within which I raised it. You have given your ruling and I am grateful for your ruling. Thank you very much, Mr. Vice-President. Our main concern was that

without a President, the Senate is not properly constituted and as we stand now there is no President of the Senate. [*Desk thumping*] There is no President of the Senate, so it was incumbent on us on this side to draw the Standing Orders to your attention, and you have now given a ruling; and I think we can move forward if you are ruling that the election can now take place. We were concerned about that.

Mr. Vice-President: Leader of Government Business.

Sen. G. Singh: Mr. President, my understanding is that when you sit in the Chair, the Senate is properly constituted and we can now proceed to the election.

Mr. Vice-President: I just want to say that I am the Vice-President of the Senate and it is not in the best interest to say that we are not properly seated because on several occasions, in the absence of the President, I sit in the Chair. While it states here in 3 quite clearly, but it did not immediately say—and therefore the election would take place. Therefore, I have ruled that we have carried out the right procedure. [*Desk thumping*]

Hon. Senators, the office of the President of the Senate has fallen vacant. In accordance with Standing Order 3(2), I call upon the Senate to elect a President. I now invite nominations.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, I rise to nominate Sen. Raziah Ahmed as President of the Senate of Trinidad and Tobago.

Seconded by Sen. The Hon. Marlene Coudray.

*There being no other nominations, the Vice-President of the Senate declared Sen. Raziah Ahmed duly elected President of the Senate. [*Desk thumping*]*

Mr. Vice-President: I will now take the opportunity to suspend the sitting until the elected President is properly robed. The Senate is now suspended until that has been done.

10.57 a.m.: *Sitting suspended.*

11.13 a.m.: *Sitting resumed.*

[MADAM PRESIDENT *in the Chair*]

[*Desk thumping*]

National Trust of T&T (Amdt.) Bill, 2015

Tuesday, February 03, 2015

**NATIONAL TRUST OF TRINIDAD AND TOBAGO (AMDT.)
BILL, 2015**

An Act to amend the National Trust of Trinidad and Tobago Act, Chap. 40:53, brought from the House of Representatives [*The Minister of National Diversity and Social Integration*]; read the first time.

**TRINIDAD AND TOBAGO PANAMA PARTIAL SCOPE
TRADE AGREEMENT BILL, 2014**

An Act to give effect to the Partial Scope Trade Agreement between the Republic of Trinidad and Tobago and the Republic of Panama and for related matters, brought from the House of Representatives [*The Minister of Trade, Industry, Investment and Communications*]; read the first time.

PAPERS LAID

1. Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amendment) Regulations, 2014. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Civil Aviation [(No. 8) Aviation Security] (Amendment) Regulations, 2014. [*Sen. The Hon. L. Howai*]
3. Audited Financial Statements of the Trinidad and Tobago Tourism Business Development Limited for the three months ended December 31, 2012. [*Sen. The Hon. L. Howai*]
4. Annual Audited Financial Statements of the Trinidad and Tobago Tourism Business Development Limited for the year ended December 31, 2013. [*Sen. The Hon. L. Howai*]
5. Annual Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2014. [*Sen. The Hon. L. Howai*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Heritage and Stabilisation Fund of the Republic of Trinidad and Tobago for the year ended September 30, 2014. [*Sen. The Hon. L. Howai*]
7. Annual Report of the Trinidad and Tobago International Financial Centre Management Company Limited (TTIFCMCL) for the year ended September 30, 2013. [*Sen. The Hon. L. Howai*]

Papers Laid

Tuesday, February 03, 2015

8. Annual Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited (TTIFCMCL) for the year ended September 30, 2014. [*Sen. The Hon. L. Howai*]
9. Annual Administrative Report of the Trinidad and Tobago International Financial Centre Management Company Limited (TTIFCMCL) as at June 30, 2014. [*Sen. The Hon. L. Howai*]
10. Ministerial Response to the Tenth Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group I) on the Administration and Operations of the National Insurance Board of Trinidad and Tobago (NIBTT) [with particular focus on the Board's relations with the National Insurance Appeals Tribunal (NIAT)]. [*Sen. The Hon. L. Howai*]
11. Annual Administrative Report of the Trinidad and Tobago Free Zones Company Limited (TTFZ) for the year ended December 31, 2013. [*The Minister of Trade, Industry, Investment and Communications. (Sen. The Hon. Vasant Bharath)*]
12. Annual Administrative Report of the Point Fortin Borough Corporation for the year October 01, 2011 to September 30, 2012. [*The Minister of Local Government. (Sen. The Hon. Marlene Coudray)*]
13. Annual Administrative Report of the Office of the Prime Minister for the period October 2009 to September 2010. [*The Minister of the Environment and Water Resources. (Sen. The Hon. Ganga Singh)*]
14. Annual Administrative Report of the Office of the Prime Minister for the period October 2010 to September 2011. [*Sen. The Hon. G. Singh*]
15. Annual Administrative Report of the Office of the Prime Minister for the period October 2011 to September 2012. [*Sen. The Hon. G. Singh*]
16. Annual Administrative Report of the Ministry of Public Utilities for Fiscal 2013. [*Sen. The Hon. G. Singh*]
17. Annual Administrative Report of the Ministry of Science and Technology for the period 2012 to 2013. [*Sen. The Hon. G. Singh*]
18. Annual Administrative Report of the National Information Communication Technology Company (iGovTT) for the period 2012 to 2013. [*Sen. The Hon. G. Singh*]

ORAL ANSWERS TO QUESTIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Madam President. The Government is in a position to answer questions Nos. 63, 64, 29, and 31. We ask for a deferral for two weeks of the other questions on the Order Paper.

The following questions stood on the Order Paper:

**Housing Development Corporation
(Details of Houses)**

- 16.** With respect to the Housing Development Corporation (HDC), could the hon. Minister of Housing and Urban Development inform this Senate of:
- (a) the number of houses constructed throughout Trinidad and Tobago for the period May 2010 to August 2014;
 - (b) the specific number of houses constructed in each Housing Development; and
 - (c) the total cost to build and outfit these houses? [*Sen. C. Robinson-Regis*]

**“New Flying Squad”
(Status of)**

- 23.** Would the hon. Minister of National Security provide the status of the investigation into the re-establishment of a “New Flying Squad”? [*Sen. C. Robinson-Regis*]

**National Commission for Self-Help
(Details of)**

- 24.** Would the hon. Minister of Community Development inform this Senate on:
- (a) the number of projects that were approved by the National Commission for Self-Help (NCSH) for the period June 2010 to November 2014;
 - (b) the nature and location of each project; and
 - (c) the cost of each project? [*Sen. C. Robinson-Regis*]

**Government Borrowing
(Total Amount of)**

- 62.** Could the hon. Minister of Finance and the Economy indicate the total amount of government borrowing for the period January 2013 to present? [*Sen. Dr. L. Henry*]

**Advertisements and Public Relations Campaigns
(Cost of)**

- 30.** Could the hon. Attorney General provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of the Attorney General in the media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Questions, by leave, deferred.

Madam President: Sen. Dr. Lester Henry.

**Caribbean Airlines Limited
(Status of)**

- 63. Sen. Dr. Lester Henry** asked the hon. Minister of Finance and the Economy:

With regard to the operations of Caribbean Airlines Limited, could the Minister indicate:

- (a) what was the profit or loss for the calendar year 2014;
- (b) whether the company has been transformed in any way since the installation of its new Board in 2013; and
- (c) if the answer to (b) is in the affirmative, in what way?

The Minister of Finance and the Economy (Sen. The Hon. Larry Howai): Madam President, in answer to question 63, the accounts which relate to the profit or loss for the calendar year 2014 for Caribbean Airlines Limited, the accounts for the financial year at 2014 which ended on December 31, 2014 are not yet completed. The audits of the accounts for 2014 are not scheduled for completion until the second half of this year.

When the new Board took office, a number of audits were outstanding and we expect by the end of this year to have all up to date. I can say, however, that the unaudited accounts—and these are subject to final adjustments—for 2014 show a loss of \$60 million for that year.

The transformation with respect to part (b) of the question—the transformation of a company such as Caribbean Airlines will take three to four years of following a consistent company strategy to achieve, identified objectives with major milestones targeted during this period.

Oral Answers to Questions
[SEN. THE HON. L. HOWAI]

Tuesday, February 03, 2015

In their first year of operation, the current Board addressed a number of organizational gaps including the implementation of a new management structure, the filling of vacancies in key positions, improvements in internal control systems and accounting processes, and the bringing up to date of the annual financial and statutory reporting requirements of the company.

A new strategic plan was also developed, which aims to break even by 2017. There is now improved leadership and accountability and significant improvements in the business planning cycles, deployment of performance management measures, and the pursuit of business opportunities which are all in progress.

The company is working towards continuous improvement in the shared goals of customer service and people development, competitiveness and financial sustainability and operation performance.

Thank you.

Sen. Dr. Henry: Supplemental, Madam President. Could the Minister clarify what strategic plan exactly he is referring to? Is it the—when the new Board came in we were promised a new strategic plan, is it that one or something else?

Sen. The Hon. L. Howai: Yes. Madam President, the plan is a new plan that has recently been developed. An initial plan was developed; however there was a lot of additional work that needed to be done. Consultants were brought on board and a recent plan was completed towards the end of last year, which is the plan that I am referring to and which is the one that targets break-even by 2017.

Sen. Dr. Henry: Further supplemental, Madam President. Could the Minister confirm, just for the sake of the listening public and us, the \$60 million is a projected loss and that is in US dollars, right?

Sen. The Hon. L. Howai: Yes. Sorry, it is US—my apologies. It is US dollars and it is the estimate that we have based on the unaudited accounts at the end of December last year.

Sen. Young: Further supplemental. Hon. Minister, does this factor the fuel subsidy equation?

Sen. The Hon. L. Howai: We no longer have a fuel subsidy in place. However, we did give a grant to the company which was recorded as equity during the course of the year in place of that particular subsidy, and the accounting for that in terms of the loss would have taken that grant into consideration.

Sen. Al-Rawi: By way of clarification, further supplemental. Hon. Minister, I am aware that the subsidy was removed. The grants, if you could clarify, that you are speaking about, is this the \$500 million grant times two which we dealt with at the budget package?

Sen. The Hon. L. Howai: Sorry, times two—meaning?

Sen. Al-Rawi: The grant was cleaved into two and we found it in the accounts and brought it to your attention during the presentation of the appropriation Bill, so I am asking whether that is the \$500 million—what is the extent of that grant, then, if I put it that way?

Sen. The Hon. L. Howai: The answer to that is that the amount of the grant that was brought into the accounts was US \$38 million.

Sen. Al-Rawi: Further supplemental. So the US \$38 million that was brought into the account, hon. Minister, that is for the period of which accounting year ending when?

Sen. The Hon. L. Howai: That was for last year's accounts, 2014.

Sen. Young: Further supplemental, Mr. Minister. On that grant, can you confirm whether that was the only grant to Caribbean Airlines by the Government in the last fiscal year, the only injection or grant?

Sen. The Hon. L. Howai: Based on the accounts that I have, it is the only figure that I am seeing here, it is the total of operational support which is included in the accounts for 2014. So I will have to say that is the only thing that came into the accounts during that year.

11.25 a.m.

Sen. Young: Just one more clarification, Madam President. Mr. Minister, we had heard, sometime last year, the figure of over \$1 billion being injected into Caribbean Airlines. Are you saying that this is an inaccurate figure? Or there was no injection by the Government into Caribbean Airlines of over \$1 billion last year?

Sen. The Hon. L. Howai: No, there was no injection of over \$1 billion last year. I do not recall the exact number and perhaps that could be subject to another question, but what it was is that during the course of last year, we did include a number in the budget. However, there is a difference between the accounting year for Caribbean Airlines and the accounting year for the Government.

In putting it into the accounting year for the Government, in this fiscal year, it would come into 2015. What would have paid in 2014 may have been a combination of what was due for 2013/2014 period as well as part of 2014/2015 period from Government's accounting point of view.

And just to clarify, Caribbean Airlines is January to December. So if you take January to December of 2014, Government's accounting period will be October 2013 to September 2014, will be one year, 2014 for us, and then October 2014 to September 2015 will be the new fiscal year. So then that is when the other piece would come in. So what we have here is the amount that came in for the period January to December of 2014, which would have been part of the allocations for the 2013/2014 year in the fiscal budget and part of the allocations for 2014/2015 in the fiscal budget of Government. I do not know, I hope that explains it. Yeah.

Sen. Robinson-Regis: Supplemental, please, Madam President. Can I? Thank you. [*Interruption*]

Madam President: Could you, please? I just need to advise. Hon. Members, according to Standing Order 18(7) which allows for 45 minutes for questions, at this point we have used up that time. I would allow one further supplemental. I also need to, hon. Members, enquire whether we would want to continue with additional questions.

Sen. G. Singh: Madam President, thank you. It is the general approach of the Government to answer the questions we have listed, but having regard to the circumstances of today in the aftermath of this question, we will defer the other questions for the next occasion we sit.

Sen. Robinson-Regis: Madam President, we have no difficulty with that in the aftermath of these questions which have been asked. Am I to ask my supplemental? Yes, they will be for oral.

Sen. G. Singh: Just for your clarifications, the questions we indicated that we will answer, we will put it for oral answer on the next occasion.

Sen. Robinson-Regis: Thank you very much, Madam President, and thank you very much for your clarification. Minister, would you be able to indicate who were the consultants used for the strategic plan?

Sen. The Hon. L. Howai: The name of the consultants is Lufthansa. I do not have the exact name of the company, but again I could provide that on another occasion, but it was Lufthansa I was told by the management.

Sen. Dr. Henry: The figure for, hon. Minister, the \$60 million loss, does that include the overall airline or Jamaica operations separate?

Sen. The Hon. L. Howai: No, this is the number for the entire operation.

EXPIRATION OF QUESTION TIME

The following questions stood on the Order Paper:

**Revised Estimates of Economic Growth
(Reasons for)**

- 64.** Could the hon. Minister of Finance and the Economy explain the main reasons for the revised estimates of economic growth for 2014, from a predicted 2.5% to 0.5%, as announced by the Central Bank in December 2014? [*Sen. Dr. L. Henry*]

**Ministry of Local Government
(Cost of Advertisements and Public Relations Campaigns)**

- 29.** Could the hon. Minister of Local Government provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Local Government in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

**Ministry of Finance and the Economy
(Cost of Advertisements and Public Relations Campaigns)**

- 31.** Could the hon. Minister of Finance and the Economy provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Finance and the Economy in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Question time having expired, questions 64, 29 and 31 were not dealt with.

ADOPTION OF CHILDREN (AMDT.) BILL, 2014

Order for second reading read.

The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau): Thank you, Madam President. If you would permit me, as I am in this august Chamber for the second time, I would really like to extend by profound congratulations to the newly appointed Senators, [*Desk thumping*] to these new messengers of hope who would take Trinidad and Tobago to that land of true hope and glory. I want to congratulate them.

I want to also take the opportunity to congratulate you on your positioning and elevation from a Minister of State in the Ministry of Gender, Youth and Child Development to this very prestigious position of President of the Senate. [*Desk*

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thumping] But more so, I want to congratulate you as a political pioneer. You know, it is very coincidental that February 01 was named International Hijab Day and to see you with your resplendent sartorial elegance standing there [*Desk thumping*] as the first woman of the Islamic faith to hold such a prestigious position, you are indeed a political pioneer and I congratulate you. [*Desk thumping*] Madam President, I thank you.

Madam President, I beg to move:

That a Bill to amend the Adoption of Children Act, 2000, be now read a second time.

I am pleased to present the Adoption of Children (Amdt.) Bill, 2014, in this honourable Chamber. Its subject is to replace the adoption board with the Children's Authority and to deal with certain other issues in the parent Act. It is an important Bill because it deals with the welfare of the children of our nation and the complex issues of adoption.

The Adoption of Children Act, 2000, which the Bill before us is seeking to amend, seeks to modernize the adoption sector and to align it to the new child protection system which will be managed by the Children's Authority. Adoption will constitute an important alternative family placement option for children in need of care and protection. The Adoption of Children Act, 2000, will work in tandem with the Children's Authority Act, Chap. 46:10, the Children's Community Residences and Foster Homes and Nurseries Act, 2000 and the Children Act, 2012, to treat with vulnerable children in Trinidad and Tobago.

These statutes set out the legal framework for the new child protection system. The overarching philosophy embodied in the legal framework is that all children in alternative care, be it foster care, institutional care or otherwise, should be reintegrated with their biological families, and where such reintegration is not possible or appropriate, alternative permanent families should be found for them. This is the concept of permanency. The right of every child to belong to a family is a fundamental principle of the Convention of Rights of the Child which underscores the permanency principle.

Madam President, the permanency principle is also embodied in the Children's Authority Act, Chap. 46:10, in particular, sections 6, 14, 22 and 25. It encompasses elements of assessment, planning and placement. Madam President, children may be placed in foster care or institutional care as an initial placement option but their care plans will prioritize permanency. From the inception of this, their placement in foster care or institutional care, efforts will need to be made to

return such children to their home or to help them find another permanent family if that is the right decision for the child. This is implicit in the Act and indeed it is a guiding philosophy of the Children's Authority.

As far as possible, children should be able to transition to adoption within the shortest possible time and with minimal disruption once this is determined to be the best placement option for the child. The need for a close relationship between adoption and foster care and adoption and institutional care is therefore evident. There should be a seamless interface between these placement options.

The responsibility for transitioning from foster care to adoption and from institutional care to adoption is the remit of the Children's Authority under the Children's Authority Act, Chap. 46:10. It is appropriate, therefore, that the Authority be given the responsibility for managing adoption in order to effect such transitions with minimal delays. Research shows that delay in the adoption process can have a negative consequence for the child's psychosocial outcomes and decreases the likelihood of finding an adoptive family. The experience here in Trinidad and Tobago, as well as other countries, is that the adoptability of a child decreases as a child gets older.

The Children's Authority Act, 2000, was amended in 2008 to, inter alia, expand the powers and functions of the Authority to allow it to assume the adoption function under the Adoption of Children Act, 2000. This is reflected in sections 5(1)(b), 5A, 7A of the Children's Authority Act, Chap. 46:10. The Bill before this honourable Chamber therefore seeks to replace the adoption board with the Children's Authority to enable the Authority to assume this function. A Bill was introduced in 2007 to do precisely this. However, that Bill lapsed.

Proclamation of the Adoption of Children Act, 2000 will coincide with the proclamation of the Children's Community Residences, Foster Homes and Nurseries Act, 2000, the Children Act, 2012, and the full proclamation of the Children's Authority Act, Chap. 46:10. This will allow the Authority to include adoption as part of a new child protection system. In the absence of this, the courts will be deprived of the option of an order freeing a child in need of care and protection for adoption as catered for under section 25 of the Children's Authority Act.

Madam President, it is appropriate that adoption should play a much larger role in the care and protection of children. This has been the approach in countries such as England, Canada, and others that have both modernized their adoption system, and put systems in place to change the culture of adoption. Placing

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children at the disposition of the Authority will nevertheless remain an important function of the Authority. However, this has significantly declined in importance. Recent trends in this country reveal that approximately five to six children per year who are mainly babies are placed by a parent for adoption. The waiting list of prospective adopters on the other hand exceeds 100.

The Adoption of Children Act, 2000 and the Bill that seeks to amend it, which is before this honourable House, promotes the adoption of children in need of alternative care. This should become the norm rather than the exception and will require a major cultural shift. Public sensitization and buy-in will therefore be important if we truly wish to find permanent adoptive homes for those of our children who require alternative care. The key challenge will be finding enough prospective adopters for those children in care for whom adoption is the best outcome. The Children's Authority will take the lead in this but we will all need to do our part in seeking to change the culture of adoption sooner rather than later for the sake of the vulnerable children in our country. Adoption has immense scope for turning their lives around.

I turn now to the other amendments proposed in the Bill. Many years of lapse since the enactment of the Adoption of Children Act, 2000, which is intended to repeal and replace the existing Act, that Act commenced in 1947. It was opportune, therefore, to review the 2000 Act and to propose further amendments where deemed necessary. In this regard, a committee chaired by the Chairman of Children's Authority was appointed to review the Act and to also consider the further amendments proposed in the 2007 Bill.

11.40 a.m.

The chairman of the Adoption Board was also a member of that committee. The committee made further proposals, which are now reflected in the Bill before this honourable Chamber. Moreover, discussions were held with the Registrar General and her views solicited on several issues.

Madam President, it is useful to summarize the main reforms of the Adoption of the Children Act, 2000, in order to provide some context and understanding of these further amendments. Some of the main reforms in the 2000 Act are as follows:

1. reducing or waiving the six-month probationary period in certain circumstances;
2. introducing court procedures to make a child available for adoption prior to an adoption order;

3. protecting an applicant against removal of a child, where the child had been residing with that applicant for a period of five years;
4. abolishing the requirement that the applicant be resident and domiciled in Trinidad and Tobago or that the child be a Commonwealth citizen and be resident in Trinidad and Tobago;
5. expanding the grounds for dispensing with consent by the court by expressly introducing persistent failure to discharge his or her parental responsibility to the child;
6. introducing the definition of “abandonment” such that a child is deemed to be abandoned if the parent has failed to make contact with the child for at least six months;
7. making provision for overseas adoption; and
8. making provision for disclosure of birth records through application to the Registrar General and for the information to a person under 18, who intends to get married as to whether the person he or she intends to marry may be within the prohibited degrees of the relationship, also through application to the Registrar General.

Madam President, the further amendments proposed in the Bill are intended to plug gaps in the Adoption of Children Act, 2000 and to give further protection to prospective adopters and biological parents.

In many instances, Madam President, the law is simply clarified such as the proposed amendments to the definition section. The further amendments also seek to give effect to the Convention on the Rights of the Child, more particularly, the principle of evolving capacity of the child. This is in keeping with the philosophy that adoption is to become an integral part of the new child protection system, which envisages the adoption of older children. Madam President, it is appropriate, therefore, that the child’s views be considered in relation to his or her religious upbringing.

Section 11 of the parent Act confines this to the views of the parent or guardian. As such, clause 7 of the Bill proposes to widen section 11 to expressly take into account the views of the child, where practicable, in relation to his or her religious upbringing.

One view that has recently entered the public domain is that the child should not be afforded this right. It is suggested that adoptive parents have the right to bring up their children according to their values and beliefs. We need to bear in

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mind that section 11 of the Act already mandates the Authority to have regard to the wishes of the parents or guardians as to the religious upbringing of the child as far as this is practicable.

The Bill now proposes the same, with respect to the wishes of the child in keeping with section 10 and particularly section 25C which mandates the court to give due consideration to the wishes of the child in relation to his or her religion before making an adoption order. All of this is happening before the adoption order is made and it is the correct approach to take these matters into account.

Madam President, it ensures that the match is right. While this may not be a big problem for very young children, it can be quite problematic to ask a much older child to give up his or her religious beliefs for another set of beliefs.

Madam President, hon. Senators will recall that under the 2000 parent Act, the six-month probationary period may be waived by the Children's Authority in certain circumstances, including where the prospective adopter is a close relative, as specified. This simplifies and shortens the process for such persons. The Authority will have a very wide discretion also to waive or shorten the six-month period if it is satisfied that it will be in the best interest of the child to do so. It is also the Government's view that the pool of close relations who sought to benefit from the discretion of the Authority to waive or reduce the six-month probationary period be widened to include a parent, step-parent or relative and a former step-parent or relative.

The mandatory six-month probationary period has been a major challenge for close relations who wish to adopt. Sometimes the child has already been residing with them for a considerable period of time. Madam President, this also reflects the fact that marriages or relationships may break down but the child may still be living with a former step-parent or a former relative by marriage. This is indeed part of our culture.

Clause 8, therefore, now proposes to widen the pool of close relatives by amending section 12 accordingly. Madam President, the Bill also seeks to extend the time frames within which a child may be removed from an adopter, where the adopter gives notice of his intention not to adopt or where the Authority gives notice that the child will not be allowed to remain with the prospective adopter.

The existing 1946 Act, that is, the Adoption of the Children Act, Chap. 46:03, mandates that the child be returned to the board within seven days of the giving of these notices. The 2000 Adoption Act also mandates that the child be removed within seven days. The Bill now proposes at clause 8, to extend the time within

which the child may be removed from seven to 21 days. The reason for this is that the notice given may be due to no fault of the prospective adopter such as where there has been a change in marital status or where there has been a change in financial circumstances or a death might have occurred. It may be in the best interest of the child for him or her to remain there for a longer period than the prescribed seven days. Madam President, once the notice is given, it will be the Authority's responsibility to immediately investigate and remove the child immediately if necessary or leave the child in a safe environment until new placement options are found.

Similarly, where the court refuses the grant of an adoption order, it is proposed to also extend the period from seven days to 21 days. Madam President, as I mentioned, the Children's Authority will have a duty to remove the child immediately, where necessary. The officers of the adoption unit will be in charge of the case and will be responsible for continuous monitoring.

Madam President, hon. Senators will also note that the 2000 Adoption Act, for the first time protects an applicant against the removal of a child where the child was already living with that person. It does so at section 13. The protection is triggered only if the child had been in the care and protection of the applicant for five years. It is the Government's view that this protection should be strengthened by reducing the five-year period to three years and extending the protection where the child may have lived for substantially or almost his entire life. The need to strengthen this protection is also reflected in the 2007 Bill.

The Bill also seeks to increase the penalty for offences created for such unlawful removal such that the penalty is no longer a fine with an alternative of imprisonment but the penalty will now be conjunctive. This also has to be read together with the powers of the court to return the child upon conviction of the person. The Bill also specifies that the applicant be added to the list of persons to whom the child should be returned, which clearly was an omission.

Madam President, several new concepts are evident in the Adoption of Children Act, 2000. One of these is the concept of making a child available for adoption whereby a child may be made available for adoption by the court but may have to await placement with suitable adopters.

The issue of whether this would make the process more lengthy has been aired. However, although this is adding a new stage to the process, it is not likely to lengthen the adoption process since the requisite consents are obtained at this stage or consent is dispensed with by the court. Madam President, several checks

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and balances are also included, with respect to the rights of the birth parents where a child has not been placed with prospective adopters and the parent did not sign the statutory declaration that he or she did not wish to be involved in future questions concerning the adoption.

Madam President—[*Interruption*]

Sen. Robinson-Regis: Continue, Minister, we are listening.

Hon. C. De Coteau: Madam President, indeed—I was somewhat distracted by the messages coming in on some cell phone. Madam President, indeed, more certainty is created and the Authority can advance the process of placement and permanency planning. Madam President, the Bill does not propose to change the concept of making a child available for adoption, which is already implanted in the 2000 parent Act. Rather, it seeks to ensure that children so freed, whether placed at the disposition of the Authority by a parent or guardian, or whether in the care of the Authority and so freed, are adequately protected and cared for while awaiting adoption. Clause 12 seeks to do this.

Madam President, while on the subject of who are required to consent to an adoption, the very important issue of the consent of a child to his or her adoption was raised in the other place and the Government gave an undertaking to consider this policy issue. Indeed, Madam President, the issue is worthy of very serious consideration. The technical advisors of the Ministry of Gender, Youth and Child Development and the Children's Authority considered the issue at length and examined the legal formulations adopted by several countries, territories and provinces including South Africa, the United States of America, Ontario, British Columbia, Southern Australia, New South Wales and many others. In the final analysis, it was felt that the issue was one requiring much broader stakeholder and community consultation before arriving at a consensus as has been suggested. It is nevertheless something that the society as a whole should think about and the Ministry of Gender, Youth and Child Development will be initiating these discussions.

Madam President, the suitability of prospective adopters is one of the most critical factors leading to a successful adoption. This will become even more critical where adoption is to become an integral part of the child protection system. Children in need of care and protection will become available for adoption and it is vital that prospective adopters be subjected to rigorous scrutiny.

As I stated earlier, a key challenge for the Children's Authority will be finding enough suitable prospective adopters for children in care for whom adoption is the best outcome. The Authority will need to identify people who have or could develop the right skills and who have an aptitude to parent children in the care of

the Authority. It is felt that the Children's Authority should be given the discretion to determine the suitability of prospective adopters. The regulation-making section, particularly 40(1)(c) and 40(1)(d) also addresses this issue. Accordingly, clause 16 of the Bill proposes to repeal section 23. This is also reflected in the 2007 Bill.

Madam President, having regard to the proposal to delete section 22(2), concerning legal representation of the child, the court will always act as the main check and balance to the application to be made to free a child for adoption, for the adoption order and for the transfer of a child to another jurisdiction.

Throughout the Adoption of Children Act, 2000, both the Authority and the court are mandated to consider the views and wishes of the child. This is also clearly spelt out in section 22 itself.

In addition, the Children Act, 2012, at section 88 makes provision for a Children's Authority in any court proceedings. Section 88(5) expressly states that:

"In any court proceedings, the Court may request that the Solicitor General assign a Children's Attorney to represent and safeguard the interest of a child and perform such other functions as the Court may think necessary."

The introduction of Children's Attorneys in the Children Act, 2012 is a novel concept and I am advised that the Children's Attorneys are in the process of being appointed in order to give effect to the Children Act, 2012 upon proclamation.

Madam President, having regard to the consent of spouses, it is the case that many spouses may be living apart and their separation is likely to be permanent. Either spouse ought not to be deprived of the opportunity to adopt simply because they have not yet obtained a divorce.

The language of separation likely to be permanent, is language already used in the Act in another context, and ought to cause the courts no difficulty.

11.55 a.m.

Madam President, one of the most important proposals of the Bill before us, relates to the kind of official entries that may be made in respect of an adopted child. The date of birth of an adopted child is needed in various circumstances, such as entry into primary school and the SEA examination. The current adoption certificate where the word "adopted" is written in large bold letters across the certificate, has long been a source of embarrassment for children. The certificates serve as proof of the child's date of birth. It is not unusual at the time of the SEA examination, for example, for the child's teacher to exclaim perhaps not intentionally, that the child is adopted. Sometimes not even the child knows that

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he or she is an adoptee. Although it is hoped that adoption will be normalized, and will in the future carry no such stigma, we still need to deal with the reality and, therefore, need to protect the child against such stigmatization.

The Bill benefited from the advice of the Registrar General in this regard, and now proposes two entries with respect to an adopted child. The second entry that is, an entry recording the birth of the child in which each adopter shall be recorded as the parent of the child, will substitute for the child's birth certificate, and will carry a unique identifier. This is the certificate that will be used for everyday purposes by the child or its adopted parents. The first entry will record the adoption. Clause 21, therefore, seeks to amend section 33 of the Act, to cater for the two entries. Clause 22 makes provision for the code to be approved by the Registrar General.

Madam President, the need to protect the adopted child should be paramount and reflected in the above cases, concerning the official entries to be kept by the Registrar General, relating to an adopted child. In like manner, the Bill proposes to restrict the search of the adopted children register. Instead, every person being able to search the register as in the case of under section 33(6) of the 2000 Act, clause 21 proposes that this be limited to the adopter, a person authorized in writing by the adopter and the Children's Authority.

Madam President, I turn to the issue of disclosure of birth records. This matter has also recently entered the public domain for discussion. The issue of disclosure is both a difficult and sensitive issue. The international discourse on the subject is pervaded by two schools of thought. One school of thought adheres to the view that there should be open disclosure, and no barriers imposed when the adopted child reaches 18. It is argued that the adopted child has a right to know his identify, and if so prevented, may lead to psychological and psychiatric harm. It is further argued that health issues such as serious hereditary diseases, should take precedence over sealed records, and any perceived right of the biological parent to privacy. The proponents of this view also argue, that they are the only people who cannot access their own birth certificates.

Madam President, the other school of thought holds steadfast to the view that the right of the biological parent to privacy should trump full disclosure, that the biological parent may have suffered trauma in giving the child, and does not want to relive that trauma, or may have gone on with his or her life with a new family and new relationship to preserve.

Madam President, in some instances, the child may have been the result of very deeply traumatic circumstances, such as a rape, and the biological parent would not wish to relive this deep trauma. It is a deeply divisive debate and its many pros and cons are well documented in several online scholarly papers.

Madam President, in countries where records are sealed subject to court decisions, many cases have reached the courts. In reviewing the 2000 Act, this issue occupied the minds of the technical experts, and after very extended deliberations, hearing testimony from an experienced practitioner, who has been associated with adoption for over two decades, and reviewing the laws of several jurisdictions. The recommendation that records be closed unless opened by the courts was accepted. It is a complex issue and will likely come up again for future discussion.

Clause 23, therefore, seeks to give effect to this, and to alter the position reflected in section 34 of the 2000 Act. The 2000 Act introduces overseas adoption for the first time, and sets out certain restrictions regarding children who are to be sent abroad. It is felt that a parent and step-parent, in addition to a guardian or relative as specified in section 35, should benefit from the exemptions prescribed in that section, and clause 24 seeks to give effect to this.

Madam President, Trinidad and Tobago has not ratified the Hague Convention on protection of children and cooperation in respect to inter-country adoption; that was May 29, 1993. However, many of its principles are incorporated in the overseas adoption provisions. Thus, unless the person to whom the child is to be transferred is a guardian or relative, the Bill now proposes that this provision be widened to include the parent and step-parent.

Madam President, only a court in Trinidad and Tobago can authorize a child to be sent aboard. All consents must be obtained and a suitability report must be considered by the court. There are no private adoption agencies in Trinidad and Tobago, and only the Children's Authority will have responsibility for managing overseas adoption. The involvement of both the court and the Children's Authority is intended to prevent overseas adoption being used for criminal purposes.

Madam President, certain Caribbean countries such as Barbados and Jamaica, also permit overseas adoption, and the equivalent of our Children's Authority in both countries namely, the Child Care Board in Barbados, and the Child Development Agency in Jamaica, manage these overseas adoptions through the courts, as is the intention of the 2000 parent Act. Technical advisors from the Ministry of Gender, Youth and Child Development have been in communication with the Barbados Child Care Board, to fully understand their process.

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Having said that, Madam President, I wish to assure Members of this honourable Chamber, that in the interest of our children, the Ministry of Gender, Youth and Child Development will be approaching the Cabinet to seek its approval for ratification of the Hague Convention.

Clause 25 most importantly seeks to amend section 37 of the Act, to permit recognition of adoption by residents of Trinidad and Tobago, outside of Trinidad and Tobago and before or after the coming into force of the Act, while clause 26 would amend section 38 to extend to non-residents, in addition to non-nationals for the purposes of recognizing adoption of children in Trinidad and Tobago. These proposed amendments will overcome many of the current obstacles being faced by relatives and others who live abroad.

Madam President, I will like to conclude by saying, that this Bill is important to the commencement of the operations of the Children's Authority, and for the effective implementation of the new child protection system. It is a Bill with far-reaching implications. The new adoption Act which will repeal and replace the existing 1946 Act, will chart adoption in new directions for the benefit of our children in need of care and protection. While the Children's Authority will have primary responsibility for charting these new directions, we all need to do our part to erase the stigma of adoption, and to embrace it in a positive and rewarding option for children in need of alternative placement.

Madam President, and Members of this august Chamber, I do appeal to you to fully support this Bill.

Madam President, I beg to move. [*Desk thumping*]

Question proposed.

Madam President: All Senators wishing to join the debate may do so at this time.

Sen. Stuart Young: [*Desk thumping*] Madam President, on behalf of the Opposition Bench, allow me to congratulate you on your ascendancy to the new position of President.

As I rise here today, I am grateful to be given the opportunity once again, to contribute to the discussion taking place in the Senate, in relation to this important piece of legislation. I would like to also take the opportunity to welcome the many new faces I see, since I was last here, many of whom were sworn in this morning. We have quite a few new faces, and I must say, there is one old face I am glad not to see anymore, and there is one other face that I am [*Desk thumping*] upset to see is gone.

Madam President, I would also like to make the observation that we are sad to see, whilst we are happy to welcome you to this new position, we are sad to see the former President leave. It was made mention to me that it is obvious he did not know he was leaving, because we have an invitation before us for two days' time, where it says Sen. The Hon. Timothy Hamel-Smith, President of the Senate. So one wonders on this side what it is that happened and why the former President had to go. [*Crosstalk*]

Madam President, having been giving the opportunity to contribute to this important piece of legislation, as the hon. Minister laid out to us a short while ago, [*Interruption*] this is an important piece of legislation. In fact, it is our position that it is long overdue, because we are dealing with the amendment of an Act from 2000 that has not as yet been proclaimed, and we are now in the year 2015. That saddens me somewhat, but we are here nevertheless, and hopefully pressing on and moving ahead with this important piece of legislation. Although the question is, why did they take so long for us to make these simple but necessary adjustments?

In preparing for the contribution this morning, Madam President, I took the opportunity to go on to the Children's Authority of Trinidad and Tobago's website, which unfortunately is still under construction, but some of the information contained in their information brief concerned me. For example, in their background, they say they are not yet operational, but proclamation of the relevant Acts is imminent. Of course, this is one the said Acts that they are waiting on to be proclaimed, and this is an important piece of legislation because, of course, it is dealing with the adoption of children. As we have heard the Minister inform us a short while ago of the many different important facets adoption plays in a developed country's society, and the ability to assist children who are in need of more facilitating and warm homes, and there are people who, of course, would want the opportunity, and the ability and they can provide for the less fortunate children in an adoption scenario.

The Children's Authority provides us with the current status of legislation, which again had me quite concerned as we see they are still waiting for quite a bit of legislation to be passed and to be proclaimed. That led me to ask another question, Madam President. The question is simply this, the question is, all of the legislation that is being passed through the various Houses, what is the position in terms of the implementation? Because my understanding is there is a lot of legislation that has been passed both by the Senate and by the House, that is currently waiting proclamation, [*Desk thumping*] and more important, the implementation.

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Madam President, this Government has from its very early days, spoken to us about the importance of children. We have had no reason to doubt them that they have the interest of children at heart, and that they will do all that is necessary, but I think we must have an answer as to why it has taken almost four and a half years, for this important piece of legislation to reach the Senate, and the House for debate, and we need some answers for that? [*Crosstalk*]

So having looked at the Children's Authority information brief, I think there is a lot of concern over on this side, for the passage of the legislation to allow this important Authority to do its work. The new hon. Attorney General, we ask that you take note, and that you do all that you can to give this important Authority all of the powers, and allow it thorough the legislation and the various proclamations that are necessary, the ability to carry out its important duties.

12.10 p.m.

Now these amendments start off by telling us that it is to bring us in line with international treaty obligations and, in fact, the United Nations Convention on the Rights of the Child. And I would like to take this opportunity to just refer to a couple important areas of this convention because I think it is an opportune moment for us to tell the population the importance of this type of legislation and what we are trying to do is to incorporate into domestic law our international treaty obligations.

This convention deals with—I am reading from the Convention on the Rights of the Child and it says the convention deals with the child's specific needs and rights. It requires that the States act in the best interest of the child and this approach is very different from the common law approach found in many countries that had previously treated children as possessions or chattels, ownership of which was sometimes argued over in family disputes.

The convention acknowledges that every child has certain basic rights, including the right to life, his or her own name and identity, to be raised by his or her parents within a family or cultural grouping and to have a relationship with both parents even if they are separated. And we heard a short while ago some of the important amendments being made to the child adoption Act are to incorporate exactly this, where their parents were separated, and the adoption process, to deal with a situation where there is an adopted child and the parents are going to be separated.

The convention obliges States to allow parents to exercise their parental responsibilities. The convention also acknowledges that children have the right to express their opinions and have those opinions heard and acted upon when

appropriate; to be protected from abuse or exploitation. And I would like to suggest that the mere fact of providing an adoption process allows us to protect, in some instances and on some occasions, children from abuse and exploitation, to have their privacy protected, and it requires that their lives not be subject to excessive interference.

So, I would like to say at the outset that this is an important piece of legislation which we on this side will be supporting and, of course, there will be certain amendments we will make suggestions to and certain areas that we hope that the Government, and especially the new Attorney General, will see favour in listening to us, unlike some moments in the past, listening to us because we are really here to contribute to bettering the legislation.

Now, the next area I would like to move on to is about the need to protect children and this type of legislation is designed to protect children's innocence because, of course, you have situations—as I have been seeing within a constituency that I have been walking regularly—you have a lot of children who are now in need of the basic elements—of what I would call the basic elements of humanity—and this UN Convention on protecting children's rights and this type of legislation are important contributing factors.

What we must do, Madam President, respectfully I suggest, is make the process—it is a balancing process when it comes to the adoption of children—to both make it a simple process and not an unnecessarily burdensome process because there is a wide, wide barrage of individuals out there and couples out there who are willing and trying to adopt.

I have some instances, personal instances, where I have friends and also clients who have come to me to help them walk through the adoption process and they have found that there are many stumbling blocks and many difficulties in the process. And these are people who are willing to contribute and to take children who are in foster homes and in orphanages and welcoming them into the warmth of their own home and to provide them with the necessary, what we take for granted.

I am sure every one of us in this Senate, what we take for granted in our everyday living, there are some children out there who do not have those opportunities and those basic elements of humanity—if I may call it that—and the adoption process is meant to allow the opportunity for those in society who are ready, willing, capable and able to give this to young children and to give it to children of all different ages as we heard the Minister say, and I agree with him.

The statistics show the older a child becomes the more difficult the adoption process for that child to be taken into a home. So it is important that we make and we give the Children's Authority all of the necessary resources, not only the financial resources, but also the legislative resources which is what this Act is seeking to do, to allow them the ability to make it a much less cumbersome process and a process where, as I was saying earlier, we balance the ability for these willing people in society who want to adopt, with protecting the rights of the children whom they are looking to adopt because those are the two competing interests. But we must make sure, through the Children's Authority, that they are not put into circumstances where their health, safety and well-being can be put at further risk.

In fact, I would like to just take a quick moment to tell a very brief story in the comparative analysis and why this legislation, I think, is something that is necessary. I was in the Netherlands a couple weeks ago and a couple was talking to me about the adoption process, quite coincidentally. This was a couple who had already gone through their life with their own children. They had had three children of their own and they had decided the children had now left the home and they wanted to give back to society by going through the adoption process because they had the financial wherewithal, the energy, et cetera, and they wanted to go and adopt some less fortunate children.

They were telling me how difficult the process was and it became a complete turn-off because they felt that they were being unnecessarily grilled by the authorities. Therefore, they decided, look, it was not worth their time, their emotional effort, et cetera. And I would like to stick a pin there and say that we must ensure that with our legislation and more so with the regulation for the Children's Authority, that we get that balancing exercise correct and we get it right, not to turn away those who are willing to go through the adoption process and contribute to society via that means and that route. Then also the Children's Authority needs to carefully and consistently monitor the houses and the places where the children will be housed by the Authority.

On that point, I would like to say that it is important, as we have seen when we are passing the many pieces of legislation over the past year or so, that the Children's Authority is properly resourced and I would like the Government to give that commitment—I think it is an important authority. I actually know quite a few people on your board of directors and they are trying—and they are trying their best—and it is important that we give them the ability to do so through the legislation and that we make this whole process, in fact, a more user-friendly process.

Having said that, Madam President, I now move to some of the various clauses in the Bill. What I am using is the very useful Bill that was given to us that has all of the coloured annotations so that we can work it back to the original Act.

I would like to say, first of all, I think it is a good move for us to give the Children's Authority and to move away from the Adoption Board as we are now doing and this Children's Authority, as we were saying a short while ago, is the new body charged with the responsibility for looking after the rights and protecting the rights of children in Trinidad and Tobago and we must do all that we can and we must do it with more haste because very soon we will be moving into, I assume, the dissolution of Parliament and then we must make sure that these Bills do not just evaporate. I see a lot of nods on the other side. I heard last night, "we are on the cusp of a general election", which I found was interesting language to that that I had heard before.

If you go to the original Act, section 9(4), we are now where the court is going to entertain an application for adoption and we are saying that:

"The Court shall not entertain an application for adoption unless that application is supported by a recommendation from the Authority."

I think this emphasizes to us the importance of this Children's Authority and the role that they are going to play from the outset with respect to the adoption process that an adoption cannot go ahead, even at the application stage, unless the Authority has given the nod. And the Authority is reminded, in the next section, of the need to safeguard and promote the welfare of the child. So I would like to remind the Authority this should be uppermost in its mind.

Now, when we move to the original section 11 where there are some amendments, it says:

"The Authority, when placing a child with an adopter, shall have regard so far as practicable, to the wishes of the parent, guardian or child, in relation to the religious upbringing of the child."

I personally find this to be a somewhat, almost controversial clause because I envisage, and it is a practical reality that I have faced with people, as I said a short while ago, who have wanted to adopt. Where you, for example, have two spouses, a man and a woman, who are of, for example, Islamic faith and they are looking to adopt and the child is a Roman Catholic, was baptized a Roman Catholic, and if you now have the parents of the child who is now up for adoption saying, look,

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I would like the child to be raised as a Roman Catholic, but you have two persons who are looking to adopt, but they practise the Muslim faith, what happens in a situation like this?

I think we really need to take a close look at it as to whether the guardian or the parents of the child, when we say, “so far as practicable”, they must have regard to the wishes of the parents or the guardians of the child in relation to the religious upbringing, are we not really, as legislators, imposing an unnecessary burden and a hurdle in the process?

Then, you move on to the next section, which gets into the whole application to the court for adoption. I think there is a very good addition to that original section 12 in now amending section 12(2)(b) where:

“The Authority may waive or reduce the probationary period mentioned in subsection (1) where—

(a) one of the applicants is a parent, step-parent or relative of the child, or has been a step-parent or relative of the child;”

And this is an excellent addition because there are many instances in our society where the parents of children may have to leave the child with their relative and they go abroad to seek a better living or they think they can find better economic means away and you have a situation where you now have a relative remaining in Trinidad and Tobago bringing up the child and, for various legal reasons, they may want to adopt the child and we are saying that the Authority can waive the probationary period in such instances.

Now, when you move across the following page to section 12(5), which says:

“Where notice is given by the adopter or the Authority under subsection (3), the Authority may within twenty-one days of the date on which the notice was given, remove the child from the care of the adopter.”

So basically, when you have a decision that the Authority has made a decision for the child not to remain in the care of the adopter and is given the reasons, we allow an appeal process, and then the question in my mind is, whilst that appeal process is being undertaken, what happens with the child? Does the child remain with the adopter, in the care of the person who is trying to adopt or removed to the Authority? And we must consider very carefully there, Madam President, the psychological and sociological needs of the children in being moved back and forth. And when we get to that stage I will be asking that we take a closer look at it.

We then have the next policy position being in making a child available for adoption under Part IV. I think it is a good addition to say now at section 15(2) and we are now adding that:

“Where a child in respect of whom an application is made under subsection (1)—which is to allow a child to go forward for adoption—“cannot be cared for prior to an adoption order being made, the Authority shall take the child into its care in accordance with the Children’s Authority Act and may place the child with a foster parent or in a community residence.”

This is a very important amendment being proposed because it is now giving the Children’s Authority the legal ability and authority to place that child with a foster parent or community residence as opposed to trying to find a means in a home or in an orphanage, et cetera. It gives them an option that they did not have before.

Then you go on to the next subsection (2A):

“Where a child who has been in the care of the Authority, has been declared by the Court to be freed for adoption, the child shall remain in the care of the Authority, which may place the child”—and again it is giving the Authority the ability to—“place the child with a foster parent or in community residence until such time as the Authority places the child with suitable adopters.”

12.25 p.m.

I know of these instances taking place now, Madam President, with some close friends of mine, and they were overjoyed recently by the fact that through this process they are being given—they are in the process for the adoption of two young children, and they are being allowed to care for these children on weekends and to go through the whole probationary process. So, I think these are very good amendments that are being proposed.

Madam President, there are a number of other comments and points I would like to take, but I think those really are for the committee stage. So, in conclusion, I would like to just say that this is a piece of legislation that can certainly be supported. It is long overdue. It has taken us too long to get here, and I think we need to move speedily to not only get this legislation corrected at the committee stage and move on, but also what other legislation there is necessary to be proclaimed and to be put through the pipeline. Mr. Attorney General, we need to get it done so we can give the Children’s Authority all of the powers and legislative powers that it needs to do its jobs.

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Thank you very much, Madam President, for the opportunity. [*Desk thumping*]

CONGRATULATIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Sen. Young for your contribution. By agreement, as indicated to the Leader of the Opposition Business and to the coordinator of the Independent Bench, Madam President, I beg to move the adjournment of this Senate but, before I do so, I think it would be remiss of me if I do not thank my former colleagues, Senators Anand Ramlogan, Gary Griffith, Emmanuel George, Embau Moheni [*Desk thumping*] and the President of the Senate, Timothy Hamel-Smith, for their sterling contribution to public service now that they are no longer members of this Senate.

I would also like to take the opportunity to congratulate Sen. Kwasi Mutema, Sen. Carlton Alfonso, Sen. Christine Newallo-Hosein, Sen. Brent Sancho and Sen. Garvin Nicholas for embracing public service, and we look forward to their contribution [*Desk thumping*] in this Senate as they add to the furtherance of the decorum and dignity here.

Madam President, I take special privilege in congratulating you on your elevation. I think that you will bring your own style to bear upon the office, and we look forward to the deliberations of this Senate and your guidance. [*Desk thumping*]

Sen. Camille Robinson-Regis: Madam President, if I may, it will be remiss of me if I did not join in the hearty congratulations to the new Senators who have joined us. It was a little unfortunate that we could not bid them farewell, not necessarily from this Chamber, but probably if they are looking at us through the television, we are happy to bid them farewell.

Hon. Senator: Some of them.

Sen. C. Robinson-Regis: Some of them, some of them more so than others. Madam President, we look forward to you presiding over the deliberations of the Senate. We thank President Timothy Hamel-Smith [*Desk thumping*] for the time that he spent with us. For us, on this side of the Senate, we would say that we found him, in the main, to be a fair presiding officer, and we thank him for his public service to the people of Trinidad and Tobago. [*Desk thumping*]

As the Prime Minister said last night, we are on the cusp of a general election, so it means that the new Senators who have taken up office will have very little time, perhaps, to make a difference to the offices that they now hold, but we look forward to their contributions in the Senate, and I am sure they are looking forward to our contributions to their contributions.

Madam President, we wish them all the best and, indeed, we wish Trinidad and Tobago all the best. Thank you very much for this opportunity. [*Desk thumping*]

Sen. Helen Drayton: Madam President, Senators, on behalf of the Independent Bench, first, let me thank all past Senators for their contributions, for their wisdom and for their camaraderie, and on behalf of the Bench to say a very heartfelt and special thank you to Mr. Timothy Hamel-Smith, again, for the excellence of his stewardship. He had this very dry but excellent wit I think which we all became familiar with.

Let me heartily welcome all new Senators: Sen. Sancho, Sen. Newallo-Hosein, Sen. Brig. Gen. Carlton Alfonso, Sen. Garvin Nicholas and Sen. Kwasi Mutema. We congratulate you on your appointments, and we certainly look forward to your contributions; we look forward to your wisdom and informative debate. Regardless of political belongings and, if I may say, independence of thought and action with respect to this Bench, in the final analysis at the committee stages of Bill, we do try to put our heads together and do what is in the best interest of lawmaking and that is why we are here. So, once again, congratulations.

Welcome Senator and President Raziah Ahmed. We have grown accustomed to your very calm, yet determined contributions especially on children and social matters. We are sure in the best traditions of the Senate and the distinguished Presidents before you, that you would steward this Senate with wisdom, courage and objectivity. Welcome, Madam President, thank you. [*Desk thumping*]

Madam President: Hon. Senators, may I take this opportunity to welcome all of the newly appointed Senators to this honourable Senate and to congratulate you all. I also wish to especially welcome Member of Parliament Clifton De Coteau from the other place, and to say what a privilege it is to welcome you having served with you at the Ministry of Gender, Youth and Child Development and thank you for your support, Sir. [*Desk thumping*]

In addition, I want to take this opportunity to thank Sen. Timothy Hamel-Smith for his distinguished service as President of the Senate, and to instruct the Clerk to convey your appreciation as voiced to the honourable former President of the Senate.

Hon. Senators, I also want to thank you for the confidence you have reposed in me and I thank all hon. Senators for the faith and trust which you have placed in me. Indeed, my objective and my commitment remains to inspire confidence in our fellow citizens, and to make a positive contribution to development. I thank you very much. [*Desk thumping*]

Adjournment

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ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Madam President, having regard to the coming few days, and tis the season of Carnival, I beg to move that this Senate do now adjourned to a date to be fixed.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 12.34 p.m.