

Congratulations

Tuesday March 19, 2013

SENATE

Tuesday, March 19, 2013

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

CONGRATULATIONS

(PRESIDENT ANTHONY CARMONA)

Mr. President: Hon. Senators, I thought it would be appropriate at this point to offer our congratulations to the President of Trinidad and Tobago as the titular head of Parliament. [*Desk thumping*] I have no doubt that his words yesterday at his inauguration will have touched the minds and hearts of all our countrymen and women. I noted that he also had some words for us here in the Parliament and I have no doubt that, as parliamentarians, we will take heed of what he had to say.

So, if I have your leave, a letter of congratulations will go from this Parliament to His Excellency. Certainly, when we think in terms of the events that have occurred, both yesterday and today, the world has turned a new page, it would appear.

We are entering a new phase, a new era, if you like. Of course, Pope Francis I was inaugurated this morning, [*Desk thumping*] and we had yesterday, the President.

So I am sure that we all look forward to this new era with delight and acclaim and we will ask that the Secretary of the Parliament send such a letter to His Excellency the President. [*Desk thumping*]

There is one other announcement but I will leave that to our break just before the tea at 4.30.

**BIRTHS AND DEATHS REGISTRATION
(AMDT.) BILL, 2012**

Bill to amend the Births and Deaths Registration Act, Chap. 44:01, brought from the House of Representatives [*The Minister of Legal Affairs*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. P. Ramadhar*]

Question put and agreed to.

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MARRIAGE (AMDT.) BILL, 2012

Bill to amend the Marriage Act, Chap. 45:01, brought from the House of Representatives [*The Minister of Legal Affairs*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. P. Ramadhar*]

Question put and agreed to.

**MISCELLANEOUS PROVISIONS
(DEFENCE AND POLICE COMPLAINTS) BILL, 2013**

Bill to amend the Defence Act, Chap. 14:01 and the Police Complaints Authority Act, Chap. 15:05, brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken at a sitting of the Senate to be held on Tuesday, March 26, 2013. [*Hon. G. Singh*]

Question put.

Sen. Beckles: Just before you put the question, I know the Leader of Government Business spoke to me about it briefly. I told him I will speak with my colleagues, but just to indicate that next week is Private Members' Day and we were hoping that we would be able to have our Private Members' Day next week.

Sen. Singh: Mr. President, there is no indication that we will not be having Private Members' Day, but April 02 is the day that we have adjusted in order to facilitate the Government bringing this Bill—for Private Members' Day. [*Interruption*]

Hon. Senator: What you say is confusing. We want our day next week.

Sen. Singh: You want your day? You will get your day next week. We will do the Defence (Amdt.) Bill on April 02.

Sen. Beckles: Mr. President, can I say “thank you, kindly”, to the Leader of Government Business. [*Desk thumping*]

Hon. Senator: All right!

Mr. President: Hon. Senators, the question is that the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, April 02, 2013.

Agreed to.

PAPERS LAID

1. Annual audited financial statements of the Seafood Industry Development Company Limited for the financial year ended September 30, 2012. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]
2. Annual audited financial statements of Caroni (1975) Limited for the year ended June 30, 2010. [*Sen. The Hon. G. Singh*]
3. Annual audited financial statements of Caroni (1975) Limited for the year ended June 30, 2011. [*Sen. The Hon. G. Singh*]
4. Annual audited financial statements of the Education Facilities Company Limited for the financial year ended September 30, 2011. [*Sen. The Hon. G. Singh*]
5. Annual audited financial statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2012. [*Sen. The Hon. G. Singh*]
6. Annual report of First Citizens Bank Limited for the year 2012. [*Sen. The Hon. G. Singh*]
7. Annual report of the Central Bank of Trinidad and Tobago for the year ended September 30, 2012. [*Sen. The Hon. G. Singh*]
8. Annual audited financial statements of the Trinidad and Tobago National Petroleum Marketing Company Limited for the financial year ended March 31, 2011. [*Sen. The Hon. G. Singh*]
9. Annual audited financial statements of the Trinidad and Tobago Electricity Commission for the year ended December 31, 2011. [*Sen. The Hon. G. Singh*]
10. Annual administrative report of the Betting Levy Board for the financial year July 01, 2009 to June 30, 2010. [*Sen. The Hon. G. Singh*]
11. Annual administrative report of the Ministry of Science, Technology and Tertiary Education for the period October 2008 to September 2009. [*The Minister of Tertiary Education and Skills Training (Sen. The Hon. Fazal Karim)*]
12. Administrative report of the Ministry of Science, Technology and Tertiary Education for the period October 2009 to September 2010. [*Sen. The Hon. F. Karim*]

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13. Annual report of the Police Complaints Authority for the period October 01, 2011 to September 30, 2012. [*Sen. The Hon. G. Singh*]
14. Annual report of the Integrity Commission for the year ended December 31, 2012. [*Sen. The Hon. G. Singh*]
15. Ministerial response to the Sixth Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group 2) on the East Port of Spain Development Company Limited. [*The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie)*]
16. Annual administrative report of the Registration Recognition and Certification Board for the year 2010. [*Sen. The Hon. G. Singh*]
17. Annual administrative report of the National Entrepreneurship Development Company Limited (NEDCO) for the period October 01, 2010 to September 30, 2011. [*Sen. The Hon. G. Singh*]
18. Annual administrative report of the Cipriani College of Labour and Co-operative Studies for the period October 01, 2010 to September 30, 2011. [*Sen. The Hon. G. Singh*]
19. Regional Health Authorities (Contracting for Goods and Services) (Amendment) Regulations, 2013. [*Sen. The Hon. G. Singh*]

JOINT SELECT COMMITTEE REPORTS
(Presentation)

Ministries (Statutory Authorities and State Enterprises) (Group 1)
National Carnival Commission

Sen. Corinne Baptiste-Mc Knight: Thank you, Mr. President. Mr. President, I have the honour to present the following report as listed on the Order Paper in my name:

The Sixth Report of the Joint Select Committee established to inquire into and report to Parliament on Ministries (Group 1) and on the Statutory Authorities and State Enterprises falling under their purview on the Administration and Operations of the National Carnival Commission.

**Ministries (Statutory Authorities and State Enterprises) (Group 2)
Trinidad and Tobago Solid Waste Management
Company Limited (SWMCOL)**

Sen. Dr. James Armstrong: Thank you, Mr. President. Mr. President, I have the honour to present the following report as listed in the Order Paper in the name of Sen. Dr. Lester Henry:

The Ninth Report of the Joint Select Committee established to inquire into and report to Parliament on Ministries (Group 2), and on the Statutory Authorities and State Enterprises falling under their purview on the Trinidad and Tobago Solid Waste Management Company Limited (SWMCOL).

ORAL ANSWER TO QUESTION

**Establishment of the Flying Squad
(Details of)**

38. Sen. Fitzgerald Hinds asked the hon. Minister of National Security:

- A. Would the Minister indicate whether he is aware that a former National Security Operative/Retired Police Inspector Mervyn Cordner, has publicly stated that he and other persons, with the full knowledge and approval of the Ministry of National Security, established a “Flying Squad” Unit and set about some covert operations in crime-fighting, for and on behalf of the Ministry and the people of Trinidad and Tobago?
- B. Did the Minister personally have any conversation and/or agreement in this regard with the said former Inspector Mervyn Cordner, in respect of this covert unit and activity?
- C. Did the Minister instruct any official in the Ministry of National Security to have any such discussion and/or agreement with former Inspector Cordner?
- D. Has the Ministry of National Security provided any resources, of any kind, in the establishment and support of this entity and its activities?
- E. What action did the Minister take following the Minister’s publicly-stated promise to revive the “Flying Squad”?

The Minister of National Security (Hon. Jack Warner): [*Desk thumping*] Thank you, Mr. President. Mr. President, the question has five parts. The answer to A is as follows: I am aware that Dr.—(and I say, “Dr.” in parenthesis). I am

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aware that (Dr.) Mervyn Cordner has been saying several things publicly, with each utterance different from the one he said previously. However, I am not aware of what has been referred to in this question.

1.45 p.m.

Answer to B: Mr. President, I never had any conversation nor agreement with the said former Inspector Mervyn Cordner in respect of any covert unit and activity.

Answer to C: Mr. President, I do not recall ever instructing any official in the Ministry of National Security to have any discussion and/or agreement with former Inspector Mervyn Cordner.

Answer to D: Mr. President, the Ministry of National Security did not provide any resources, of any kind, in the establishment and support of the entity and its activities referred to in this question.

Answer to E: Mr. President, as stated in the *Newsday* of June 26, 2012, I quote:

“...Warner said he would explore the possibility of bringing back a, ‘Flying Squad that is sanitized.’”

Mr. President, I made no promises. I said I would explore it and I did by discussing it with the Commissioner of Police, and based on his advice the idea was abandoned.

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

Mr. President: Supplemental question, Sen. Hinds.

Sen. Hinds: Is the Minister of National Security aware that an official from the National Security Operations Centre (NSOC) stated in relation to this matter that he assisted in the acquisition of motor vehicles for Mr. Cordner and the unit to which the question refers?

Hon. J. Warner: I do not know what the NSOC official said or did not say. But I do know, however, the NSOC official had no official authority from the Ministry for issuing any instructions to Cordner or anybody else.

Sen. Hinds: Further supplemental. Does the NSOC not fall under the purview of the Minister of National Security?

Hon. J. Warner: It does, like so many other units.

Sen. Hinds: And is the Minister telling this Parliament, today, that a senior, in

fact, a director of NSOC stated publicly in relation to this highly publicized issue that he assisted in the acquisition of vehicles? Is the Minister saying to this Parliament that he is not aware of that?

Hon. J. Warner: I want to say, again, very slowly—apparently, I spoke too fast just now—this Minister is not aware of any official instruction given to any director of NSOC or anybody else with regard to giving instructions to Mr. Corder on any matter whatsoever.

Sen. Hinds: That was not the question, Mr. President. The question was: whether the Minister is aware that the director of NSOC told this country that he assisted Mr. Corder and his team with the acquisitions of vehicles? That is the question.

Hon. J. Warner: And the answer simply put, I am not aware.

Sen. Hinds: Is the Minister, therefore—unaware of that—able to say on what basis was such assistance provided?

Hon. J. Warner: I am not aware of any assistance which was provided. I said before I am not aware, I say it here I am not aware, I will say outside I am not aware of any assistance provided by any official to Mr. Corder.

Sen. Al-Rawi: Further supplemental, Mr. President. Thank you, hon. Minister. In respect of your answer provided at paragraph A, is the hon. Minister able to assist us as to when he first became aware of the statements by Mr. Mervyn Corder, as answered by the hon. Minister a moment ago?

Hon. J. Warner: I became aware of them when I read them in the newspapers.

Sen. Al-Rawi: If I could perhaps then repeat the question in a different way: is the Minister aware when? I did not ask how, I asked when.

Sen. Singh: Then go and do your research.

Hon. J. Warner: Then if that is the question, then I am not aware.

Sen. Al-Rawi: Further supplemental, Mr. President. The hon. Minister indicated that this Minister was not aware of the provision of certain services, is the hon. Minister aware of any other Minister, perhaps a member of the National Security Council who is so aware?

Hon. J. Warner: I am not aware. [*Laughter*]

Sen. Al-Rawi: Thank you, hon. Minister. Further supplemental, Mr.

President. Is the hon. Minister able to assist us with an explanation in relation to the public statements as to the provision of certain vehicles by the Ministry of National Security, standing agent for same, in respect of this particular unit?

Hon. J. Warner: I cannot assist you, Senator, or the Senate, on any public statement that was made which did not come from me or the Ministry as official statement.

Sen. Al-Rawi: Further supplemental, Mr. President. Is the hon. Minister aware of the provision of vehicles to persons associated with, or persons claiming to be associated with, a new flying squad?

Hon. J. Warner: Apart from what I read in the newspapers, I am unaware.

Sen. Al-Rawi: Has the hon. Minister made investigations, through his Ministry, as to whether in fact such vehicles were provided as has been stated in the public domain?

Sen. Singh: Do not answer the question.

Hon. J. Warner: I will answer him. I did not.

Sen. Al-Rawi: Is the hon. Minister able to assist us with the course that the hon. Minister proposes to be put into effect to establish this fact, it having stood in the national domain for a very long time and it having been the subject of two statements in Parliament in the House of Representatives?

Hon. J. Warner: I do not know what course I should take on an issue that has no official bearing or sanction from the Ministry of National Security and, consequently, I have no course of action to take, except what I did take by reporting it to the hon. Prime Minister.

Sen. Al-Rawi: Is the hon. Minister aware that the provision of vehicles to an agency, which is the Ministry of National Security as alleged in the public domain, is a procurement of services and/or things?

Hon. J. Warner: I want to say, again, the Ministry of National Security did not procure any services or things for anyone outside of the official remit of the Ministry and definitely not for Mr. Corder.

Sen. Hinds: Would the Minister indicate whether as Minister of National Security, you have instructed or advised the Commissioner of Police, specifically, to look into that and related matters?

Hon. J. Warner: I did not. I do not instruct the Commissioner of Police.

Sen. Al-Rawi: Further supplemental. Is the hon. Minister aware of the provision of

any resources being, specifically, vehicles to persons claiming association with the Ministry of National Security, insofar as the hon. Minister has just stated in reply that he is not aware of resources posed in this question?

Hon. J. Warner: Senator, in any form or fashion, in any language, my answer is the same, I am not aware.

Sen. Hinds: Finally, Mr. President. As far as I am concerned, is the Minister of National Security deeply concerned, as so many people in this Republic, that there may have been the operation of this covert unit—

Mr. President: Sorry, Sen. Hinds, that is conjecture. I do not think I could call upon the Minister to answer that question.

Sen. Hinds: I am obliged. Is the Minister concerned that there may have been persons in this society personating police officers without his knowledge to the detriment of the citizens of this country?

Hon. J. Warner: Impersonation is an offence. I do not deal with offences. The police do. I am concerned of any crime that took place in this country, impersonation or anything else.

Sen. Al-Rawi: Further supplemental, Mr. President, with your leave. Is the hon. Minister able to assist us as to whether any disciplinary action—relative to any persons at the Ministry of National Security arising out of matters disclosed in this question—is being taken against any persons under the Ministry of National Security?

Hon. J. Warner: As Minister, I am not aware of any disciplinary action being taken against anyone in the Ministry for what you have alleged, Senator.

Sen. Al-Rawi: Further supplemental, Mr. President. Is the hon. Minister able to assist us as to whether he intends to initiate any investigative report relative to these matters; and if appropriate, to conduct any disciplinary measures or to make such reports as may arise therefrom to the Commissioner of Police for investigation?

Hon. J. Warner: I have no intention of doing that, Senator. What I do know, however, is that the hon. Prime Minister did refer certain matters to the Commissioner of Police, relative to this matter.

Sen. Al-Rawi: Is hon. Minister of National Security then able to assist us, as the Minister of National Security, as to what he intends to do in relation to this issue which stands in the public domain and which has not yet been satisfactorily

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answered from this perspective?

Hon. J. Warner: As far as I am concerned, Senator, the Minister and the Ministry have satisfactorily answered what they can and truthfully so in this matter. And like the nation and you, Senator, I await the next outcome of the matter which has been referred to the Commissioner of Police.

Sen. Al-Rawi: Is the hon. Minister of National Security able to assist us, as a member of the National Security Council, as to any steps relative to answers provided in this question that the National Security Council may be taking relative to this issue?

Hon. J. Warner: Regretfully, Senator, I would not be able to assist you.

Sen. Al-Rawi: Is anything, in fact, being done in relation to this issue by the National Security Council?

Hon. J. Warner: Well I do not think I could divulge to this, even this hallowed Chamber, what the National Security Council discusses or does not discuss. I do not propose to do that now.

Sen. Al-Rawi: I respectfully accept that answer, hon. Minister, but my question most respectfully was whether anything is being done, not what is in fact being done. *[Laughter]*

Hon. J. Warner: My answer remains the same, Senator.

Sen. Al-Rawi: Thank you, Mr. President. Thank you, Minister.

STATEMENT BY MINISTER

2011 National Population and Housing Census Demographic Report

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you, Mr. President. It is with great pleasure and honour, that I lay today in this Senate, the 2011 National Population and Housing Census Demographic Report. This report represents the first volume in a series of volumes on the results of the 2011 Population and Housing Census for Trinidad and Tobago which was conducted over the period January 09, 2011 to May 31, 2011.

This is a milestone for Trinidad and Tobago, having taken only 18 months from the enumeration phase to process and verify the data and produce its first volume. At the beginning of the process, this target of 18 months was a shift in the norm since previously such an initiative took a minimum of three and generally four years. The

release of this report is, therefore, a record achievement for the Central Statistical Office and for Trinidad and Tobago. It signals a commitment to the production of accurate and timely data collection, and dissemination to guide evidence-based policy and decision making through all spheres of national development.

I give the assurance here, today, to all citizens, that the 2011 Population and Housing Census, at all material times, observed international statistical best practice. The required rigour, the professionalism and the international standards were observed at each stage of the process. In addition to the highly professional team at the Census Planning and Management Division of the CSO, the CSO was supported by the United Nations Fund for Population Activities, the Caricom Secretariat and, in particular, the Regional Census Coordinating Committee (RCCC) of Caricom. The RCCC assisted in the formulation of the regional strategy to promote the use of uniforms, concepts and definitions, and a common core of questions for the purpose of producing comparable high-quality data, which can be useful for monitoring social and demographic developments across the region.

2.00 p.m.

Additionally, for the production of this demographic report, state-of-the-art intelligent character recognition (ICR) technology, a form of scanning technology, was utilized thereby eliminating the need for manual data entry which was the practice in the past. This process removed the potential errors that can be made by manual systems and improves the timeliness in production.

This activity was not outsourced as it was, say in Jamaica, and so capacity was built in the CSO in this area while the work went on. The population census provides detailed benchmark data on the size of the population, age structure, educational attainment, labour force and other socio-economic characteristics of all persons at a specified time while the housing census provides detailed benchmark data. The 2011 Population and Housing Census, therefore, now forms the most comprehensive socio-economic database with regard to the people of Trinidad and Tobago.

This census demographic report highlights the data on a number of key areas including: national population characteristics, which provide data on population growth and trends; indicators on aging; educational attainment; international migrants; population density concentration, which includes an index on the concentration of the population and the trends in internal migration. Marital status is also addressed in this volume, as well as trends and rates of fertility, and the changes in households including household headship.

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Subsequent volumes will report on the results of the other data collected and will address issues such as health, disability, economic activity, information on communications technology, census night information, housing and the environment. An administrative report, which will describe the operational procedures and comment on the project's strengths and weaknesses—to ensure that there is detailed documentation available for the planning of the next census—will also be produced. The 2011 Population and Housing Census maintained an unbroken series of decennial censuses, conducted and reported for Trinidad and Tobago since 1851. This census is part of the United Nations year 2010 round of censuses which include national censuses conducted between 2005 and 2015 around the world.

Mr. President, the production of this demographic report is invaluable to a national planning agenda and development agenda. The Ministry of Planning and Sustainable Development has been systematically mapping out the national development agenda articulated through three related documents: the *Medium-term Policy Framework 2011—2014* titled Innovation for Lasting Prosperity; the “Working for Sustainable Development in Trinidad and Tobago”—Progress, Gaps and Opportunities for Action—which was presented at the Rio+20 Conference in Brazil; and the *National Performance Framework 2012—2015*, which will also be shared with Members of Parliament.

Through these documents, the national goals and measurement framework have been established. These strategic priorities are now supported by effective projects and programmes funded through national budgets and the Public Sector Investment Programme. These initiatives are monitored and there is ongoing collection of data. The national census provides the widest body of evidence for determining the impact and effectiveness of the policy initiatives. The data are, therefore, interlocking, as are the policy interventions, and therefore, effective policy—supported by effective and efficient programmes—will be reflected because of the change in data.

It is noteworthy, Mr. President, that the 2011 census data provides baseline data that are intended to be used to make estimates for the next 10 years. So it is, therefore, that the process of data analyses has already begun and some important highlights that impact national policies are being distilled. Therefore, the demographic data contained in this report has already informed our national spatial development strategy document which has also been partially shaped by six consultations held in Tobago and in Trinidad so far, and which will go out for national public consultation in April.

Mr. President, I wish to highlight some of the key findings comparatively between 1990 and 2011. There has been a slowing down of the growth rate of the population. Between 2000 and 2011, the population of Trinidad and Tobago grew by only one-half percent annually. The total population, according to the 2011 Population and Housing Census, is 1,328,019 persons—the highest recorded since 1851. This figure represents the count of persons within institutions which totalled 4,939, as well as 534 street dwellers at the time of the census. However, the number of street dwellers has since been reduced because of action taken by the Ministry of the People and Social Development over the past three months.

For the intercensal period 2000—2011, the change in population size was recorded as a total of 65,653 persons. The demographic report records changes in census population by municipalities in Trinidad and parishes in Tobago. Most noteworthy were the city of Port of Spain, the city of San Fernando and Diego Martin which reflected negative growth of minus 2.6, minus 1.2 and 0.3 per cent respectively. In Tobago, the Parish of St. John reflected minus 0.6 growth.

Minimal growth in population is being observed in other areas which may be demonstrating the emergence of new city centres. This growth was seen in the Borough of Chaguanas, 2.0 per cent, and the municipalities of Mayaro/Rio Claro, Princes Town and Sangre Grande reflected in numbers: 1 per cent, 1 per cent and 1.3 per cent respectively. In the Parish of St. George in Tobago, growth in population was 2.3 per cent. In the Borough of Arima and the municipality of Tunapuna/Piarco, population growth remained relatively modest while in the municipality of San Juan/Laventille the population remained unchanged.

These changes impact the national spatial development plan which is being developed by the Town and Country Planning Division of the Ministry of Planning and Sustainable Development, and which is driven by a National Planning Task Force established just over one year ago. This data therefore affords us the opportunity to effectively treat with the development of urban, as well as rural communities. This is particularly important as we plan the economic activity in the number of growth poles identified by the Government of Trinidad and Tobago.

Population trends in these municipalities seem to support the development of the economic growth clusters corresponding with the building of economic and social activities around communities, thereby reducing the focus on two central business districts, namely Port of Spain and San Fernando, and consequently spreading opportunity and facilitating a broad base of development.

Such trends make it imperative that we examine the plans for cities whether they

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are viewed only as places of work during the daytime or rather as live centres for business, culture and housing on a 24-hour basis as some of the larger capitals of the world are. This we are doing in Port of Spain, for instance, where we are looking at the options for redevelopment within the framework of a sustainable city.

Mr. President, the changes in the population size are complemented by the changing age structures of the national population. In the youngest age group, 0-4 years, there was growth in the percentage distribution of both male and female populations in the amount of 9.4 per cent between 2000—2011. Based on the 2000 census, 1.5 is indicative of a sex ratio that is consistent with a slight preponderance of males over females in the entire population. This was particularly the case in every five-year age group below the age of 55. But, for persons in the five-year age groups between the ages of 55 and 79 years and those 80 years or older, females outnumbered males.

A similar trend existed based on the 2011 census where the number of males was greater than the number of females in all five-year age groups less than 65 years. For persons in the five-year age groups between the ages of 65 and 79 years and those 80 years or older, females also outnumbered males.

Mr. President, the aging index is the ratio of the number of persons who are 65 years and older over the number of persons between the ages 0-14 years. The age-dependency ratio for Trinidad and Tobago decreased from 48 in 2000 to 42 in 2011. This ratio looks at the proportion of dependence—that is, the combined child population comprising all age groups of persons less than 15 years and the aged population of persons 65 and older, in relation to the working age population defined as the group 15-64 years old. The decline in this ratio, that is to say the dependency ratio, meant that for every 100 members of the working age population, 42 dependents were being carried—in census 2011—instead of 48 as was seen in census 2000. The improvement in the age-dependency ratio in 2011 was due to a growth in the working age population—15-64 years—and a decline in the dependent population.

When the age-dependency ratio is examined by municipality, five municipalities showed ratios below the national average. In descending order, they were Tunapuna/Piarco, Princes Town, Couva/Tabaquite/Talparo, Penal/Debe and Chaguanas. Areas with ratios above the national average, also in descending order, were Port of Spain, Diego Martin, Tobago, San Juan/Laventille, San Fernando, Sangre Grande, Point Fortin and Arima. The other areas had age-dependency ratios which were similar to the national average.

The indicator shows that in 2011, persons age 65 years or older, relative to the total population, rose to 9 per cent from 5.6 per cent in 1980. A population in which the indicator assumes magnitudes ranging from between 5 and 10 is regarded as neither young nor old, but is in an intermediate stage. This trend will be monitored through the relevant agencies within the public sector to ensure responsive policy, as it relates to the aging of the population, health issues, social security benefits and employment practices.

In examining the ethnic composition of the population, the data continued to be disaggregated between the two largest ethnic groups in Trinidad and Tobago—Indians and Africans. Indians accounted for 35.4 per cent of the total population while Africans accounted for 34.2 per cent. In the 2000 census, the respective percentages were 40 per cent, Indians, and 37.5 per cent Africans. The difference between the groups narrowed—therefore, from 2.5 per cent in 2000 to 1.2 per cent in 2011.

The next largest group was described as “Mixed” representing 22.8 per cent of the population and this aggregated into African/Indian, 7.7 per cent, and Mixed/Other, 15.1 per cent. This group increased from 20.5 per cent in 2000. Trinidad and Tobago can, therefore, realistically be described as a “nation of minorities” with Indians and Africans being two large minorities closely followed by the groups classified as “Mixed”.

Mr. President, when ethnic composition was compared across the two islands, a completely different landscape was observed in Tobago as compared to Trinidad, where 82.5 per cent of the population was African in Tobago followed by the “Mixed” group comprising 8.5 per cent. The Indian population in Tobago was a minuscule 2.54 per cent. It is also noteworthy that nationally, 6.2 per cent of the population did not declare an ethnicity.

2.15 p.m.

Mr. President, in 2011, the largest religious denomination was again Roman Catholicism with 285,671 followers, having declined from a membership of 289,711 in 2000, a decrease of 1.4 per cent. Other religious denominations that experienced decreases in their membership in 2011 were Hinduism, Anglicanism, Presbyterianism, Congregational and Methodist. The number of persons affiliated to Pentecostal, Evangelical and Full Gospel more than doubled from 76,327 in 2000, to 159,033 in 2011, an increase of 108.4 per cent. Worthy of note is the fact

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that 146,798 persons did not state their religion and 28,842 persons declared no religion, representing a total of 175,640 persons who cannot be aligned on the basis of the census report to any religious affiliations.

Migration continues to be an area of concern and there continue to be challenges in measuring this phenomenon accurately. In Trinidad and Tobago, there were 15,455 persons who migrated to other countries during the period 2000—2011. This statistic could be viewed as one of the indicators representing the trend of intellectual capital flight, or brain drain, that has been one of the challenges of our development.

During the period 1960—1980, it is estimated that Trinidad and Tobago had lost approximately 175,000 of its nationals to the United States, Canada and the United Kingdom, in that order. The trend continued with these three countries receiving over 81 per cent of Trinidad and Tobago's emigrants but amounting to only, however, 12,594 during the 2000—2011 period, with the United States alone accommodating 59 per cent or 9,177. So, less people are migrating now but we need to better understand who is migrating and why.

Emigrants, 15-19 years and those 20-24 years, constituted almost 30 per cent of all nationals emigrating from Trinidad and Tobago during the intercensal period. Data suggests that most emigrants moved from Tunapuna/Piarco, San Juan/Laventille and Diego Martin during the intercensal period. These trends will be aggressively monitored, as they directly impact the new entrants to the labour market and the return of investment in tertiary education.

Females constituted a relatively larger share among emigrants from Trinidad and Tobago during the intercensal period, a proportion amounting to 56.6 per cent, with the largest number of female emigrants coming from Tunapuna/Piarco.

Mr. President, with the total number of foreign-born residents being 48,781 based on the 2011 population and housing census, this compares slightly upward from 41,753 in 2000, an increase of 16.8 per cent. Despite this increase, foreign-born persons, as a percentage of the total population, were virtually unchanged, moving from 3.3 per cent in 2000 to 3.7 per cent in 2011.

Mr. President, Members of the Senate, comparing the 2000 census data to the 2011 data, there was a slight decline in the number of persons with no educational attainment. However, our Government recognizes the value of human capital development as a critical component of economic and social transformation. It is an integral part in building an innovative knowledge-based and sustainable

economy.

That is why action is being taken by the Government of Trinidad and Tobago to improve institutional strength and capacity at the Ministry of Education, focusing on areas such as planning, leadership and management, as well as oversight and administration and that is why action is being taken by the Ministry of Tertiary Education and Skills Training, which involves workforce certification, expansion of vocational education and increase of tertiary participation by 4 per cent, since 2010, and continuing upward.

Of significant importance is the high percentage of the population 15 years or older without educational qualifications—38.7 per cent. We as a Government recognize the serious economic and social implications that could manifest in the medium to long term, if left unabated. To prevent further contributions to poverty, unemployment and crime, Government will continue to implement key reforms within the education system, literacy development, improvement in the administration of education, curricular reform and improvements in the quality of teaching and strategic interventions for skills building.

Statistics show a significant increase in the percentage of persons attaining university-level education, from 3 per cent in 2000 to 8.4 per cent in 2011—that is, of the whole population. This increase speaks positively to the many Government-sponsored programmes, including the introduction of the Dollar for Dollar programme, which evolved into GATE and subsequently the expansion of the Government Assistance for Tuition Expenses programme (GATE) and the Higher Education Loan Programme (HELP) over the 10-year period.

A disaggregation of the data shows a trend where females outnumber males in the tertiary-level attainment. An implication of such will be that Government must consider the social impact of an increasingly educated female population. A possible relationship which emerged from the household data of the 2011 demographic report suggested that the traditional family unit has undergone changes, which can be linked to the increased number of educated women and may signal that there is the need to develop support services and other facilities, to supplementing the changing needs of the family unit.

Mr. President, I now turn to the matter of population density and concentration. We must express a critical appreciation of the population trends reflected in the demographic report and the intercensal changes since the population statistics are essential to planning actions, monitoring and evaluation programmes, as well as policy development.

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Based on the 2011 demographic report, the overall population density of Trinidad and Tobago is 259 persons per square kilometre, which is a slight increase from 246 persons per square kilometre in the last report. The data set showed several interesting observations regarding the increase or decrease of the population density within the municipalities. Despite being the most densely populated area, the city of Port of Spain was shown to have a decrease in population density. Associated trends with this observation are also seen in the internal migration figures, as well as the household data set. Internal migration in the City of Port of Spain reflected the least in-migrants, as compared with other municipalities and even further, the capital recorded a decline in the number of households.

In terms of areas with lower population densities, areas like Mayaro/ Rio Claro and Sangre Grande had the most significantly low densities, with 44 and 82 persons per square kilometre respectively. Interestingly, while the household data suggested that Sangre Grande had increased in the number of households overall, overall the internal migration figures reflected that Sangre Grande, Tobago and Mayaro/Rio Claro were the least likely areas into which people would move. I would also like to make note of the increased internal migration to one of the growth poles. The demographic report for 2011 reflects in-migration for Chaguanas as 12,026 and for Couva/Tabaquite/Talparo, 16,237.

Mr. President, these trends reveal several possible relationships to our policy positions and the development of projects in these areas. To address the burgeoning issues which could arise as a result of population density trends, the Government is dedicated to developing adequate policies to treat with land use. These policies cover issues of land distribution, national land use and housing, acquisition of land, solid waste management and comprehensive disaster management. Suffice it to say that we have had five regional consultations so far, to develop our national spatial development strategy and we are headed for national consultation on the draft national spatial development strategy next month—six consultations really: five in Trinidad, one in Tobago.

Mr. President, another vital issue addressed in the population statistics is fertility. Considering the censuses of 1990, 2000 and 2011, there has been a steady decline in fertility, from 4.1 live-born children per woman to 3.1 to 2.5 respectively. The incidence of childlessness increased significantly from 8.3 to 10 per cent to 12.8 at the time of the 1990, 2000 and 2011 censuses respectively. These findings have various implications for policy. In terms of education, we must find out if this significantly impacts school placements and what are the implications for construction of new schools.

With regard to the economy, the implications appear to be challenging. Fewer births equal fewer people to form the country's labour force. This can in turn lead to a strain on the country's economy and social welfare system, as this reduced labour force will likely be unable to adequately support the ageing population.

There are important issues to consider here, which have important implications for the development of our country, not to mention the sustainability of a competitive economy. Moreover, action needs to be taken to include a healthier, experienced ageing population in productive and meaningful endeavours, which will bring value to them and add value to the society.

Mr. President, the demographic report highlights several trends regarding marital status, household data and household leadership. The data set provided insightful links between these areas which could signal potential useful areas for policy development. Our Government's position is one which supports gender-responsive budgeting and currently the Ministry of Gender, Youth and Child Development is developing this policy. This proactive stance will contribute to equity and greater equality.

There was an overall increase in households by 17 per cent. The rate of growth of households has outpaced the rate of growth in the population since 2000, which has resulted in the decline in the average size of households. Additionally, there was an increase in households in all municipalities, except the City of Port of Spain and the City of San Fernando. Most significant instances of increased households are noted in Chaguanas, Sangre Grande and Tobago. The reduction in households in the cities of Port of Spain and San Fernando, combined with the increase in other municipalities—especially Chaguanas, Sangre Grande and Tobago—could be associated with a reversal of earlier public housing programmes, that is to say, much earlier, that predominantly provided homes in major urban areas.

The population growth recorded for Port of Spain and San Fernando was minus 2.3 per cent and minus 1.2 per cent respectively in 2011, which declined from 1.5 and minus 0.6 in 2000. This occurrence could be a sign of issues like internal migration, and the sign of internal migration may be linked to other possibilities like availability of affordable homes or other social factors, for example, crime.

As part of our Government's commitment to the people of Trinidad and Tobago, we will continue to work towards poverty reduction, through providing access to affordable housing. The affordable housing is a priority and a target for

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the attainment of the millennium development goals. This Government, through the Ministry of Housing, Land and Marine Affairs, developed initiatives including the land for the landless programme and the accelerated high-density programme, which sought to increase housing options available to low- and middle-income persons interested in home ownerships.

We have also invested in making home ownership and repair more affordable by offering financial support strategies, the home improvement emergency grants and subsidies for after natural disasters. In addition, Town and Country Planning is taking a serious look at density policy within the urban footprints already established in the country.

2.30 p.m.

Mr. President, marital status data indicate that 41.2 per cent of the population are married; 48.9 had never married; and 4.7 were divorced or legally separated. The 2011 demographic report shows that the singulate mean age at first marriage—[*Desk thumping*]—has increased since 2000—

Sen. Hinds: Well said.

Sen. The Hon. Dr. B. Tewarie:—has increased since 2000, from 28.1 for females and 31.4 for males—

Sen. Hinds: No, we have heard enough.

Sen. The Hon. Dr. B. Tewarie:—to 29.2 years for females and 31.8 for males. These statistics—[*Desk thumping*] could have long effects on the average size of the family unit.

Sen. Hinds: I beg to move.

Sen. The Hon. Dr. B. Tewarie: There was a decline in the average size of each household, from 3.6 in 2000 to 3.3 in 2011, and this can be linked to declining fertility rates; the growth in nuclear family households and an increase in single person households.

There is a visible increase in the number of single person households: 76,698 in 2011, from 46,259 in 2000. A noticeable feature of the single person household was the high male percentage—65 per cent of the single male households, particularly in the 45 to 64 age groups. Of equal interest was the number of females over the age of 65 living alone which was significantly higher. [*Crosstalk*]

Additionally, in terms of household leadership, the 80-year-old group was the most noted instance of female-headed households. This observation could suggest a need for

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gender analysis of areas like quality of life, health and longevity.

The single household phenomenon can be related to several issues: marriage, divorce, issues of urbanization and issues of health. This data could be analyzed to investigate potential issues of family life as well as the effects of urbanization which may need to be studied in greater depth.

Sen. Hinds: We understand it! We understand it!

Sen. The Hon. Dr. B. Tewarie: Household headship was shown to be largely male dominated—[*Crosstalk*]

Hon. Senator: “Yuh posing fuh de camera?”

Sen. The Hon. Dr. B. Tewarie:—recorded two out of every three households predominantly in the age group 45 to 49, with a very visible presence in Penal/Debe, Mayaro/Rio Claro and Couva/Tabaquite/Talparo, all of which are areas that reflected positive growth in the number of households. However, female-headed households constituted a substantial 33 per cent of which the predominant group being 50 to 54 years old.

Mr. President, the implications of this data—as contained in the demographic report of 2011 population and housing census for national policy—are being addressed as a priority of the Ministry of Planning and Sustainable Development. Our goal is to ensure that the data is effectively used in decision making, and policy will be aligned to create the level of balanced development across the society that we envision. [*Interruption*]

Sen. George: “Make ah spin nah.”

Sen. The Hon. Dr. B. Tewarie: Mr. President, as you realize, the data as depicted in the demographic report are rich and very instructive on the nature and characteristics of our population. It should be remembered that the CSO also prepared last year a Human Development Atlas based on the 2009/2010 data. These documents serve as important tools in our development planning, and while the Ministry of Planning and Sustainable Development continues to analyze the data, we would like to encourage researchers and social scientists—and other citizens and stakeholders with interest—to also examine the data and use this information to develop new research areas, and improve the quality of research and analysis of information about Trinidad and Tobago, to contribute to our country’s development.

I also give the assurance that as the subsequent volumes of data on the population

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and housing become available, these reports will be made available to this august House and to the general public. In fact, the CSO website can be accessed at: www.cso.gov.tt and the Ministry of Planning and Sustainable Development website can be accessed at: www.planning.gov.tt. [Interruption] I am sorry that I wore out the patience of the hon. Sen. Hinds—

Sen. George: Attention deficit! Attention deficit disorder, “da’is wah he have.”

Sen. The Hon. Dr. B. Tewarie:—but he has a short attention span.

Sen. George: Yes, yes, very short.

Sen. The Hon. Dr. B. Tewarie: With that, Mr. President—

Hon. Senator: No patience.

Sen. The Hon. Dr. B. Tewarie:—I complete my statement. [Desk thumping]

**BIRTHS AND DEATHS REGISTRATION
(AMDT.) BILL, 2012**

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Thank you, Mr. 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. President, let me just tell you how grateful I am for the opportunity given to me here. It is a high honour to be in the company of such noble souls.

Sen. George: Except Hinds! [Desk thumping]

Hon. P. Ramadhar: Mr. President, a birth certificate is proof of citizenship. It provides the first legal recognition of an individual and protects the person’s right to an identity. Indeed, it is known as a breeder document which provides identity and from which all rights of citizenship are granted. There are those of us who may take for granted the enjoyment of the rights and obligations that an officially recognized identity confers on us. Most of us can be enrolled in educational facilities, access public health programmes, or apply for employment and vote to elect our representatives in government without any difficulty whatsoever.

We are part of the Republic of Trinidad and Tobago and it is part of us. With our certificate of birth in our hands, not only does our love of our land flow in our veins, but we have a proven and documented stake in the land that we love. However, there are citizens of this country who encounter great challenges in

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proving their identity and accessing rights as citizens because of the simple fact that there is no given name on their birth certificates.

The bestowal of a name is a symbolic contract between the society and the individual. By recognizing a name, society confirms an individual's existence and acknowledges its responsibilities towards that person. But what is life like for a person who may have a birth certificate but no given name on that certificate?

The citizen who has the misfortune of not having his name on his birth certificate has no avenue to have his name inserted if 12 months have elapsed after the registration of his birth. Understand clearly, this person could only have the name inserted up to a maximum age of 15 months old. I say 15 months because the Births and Deaths Registration Act states that you have three months to register the birth of a child, and 12 months thereafter to name that child, if you do not do so at the time of registration.

If at 15 months old his parents failed to recognize the importance of naming him or her, under the present and current legislation, Mr. President, that person will never have a complete legal name. The convention has therefore developed for an affidavit to be attached to the birth certificate as a very poor substitute of proving one's identity. Attaching an affidavit to a no-name birth certificate has opened the door to fraud.

It is to be noted that Commissioners of Affidavits prepare affidavits on the information given by the client, and this process is not administered, regulated or recorded by the Registrar General. The Registrar General recently shared an example with me of what this can mean. A woman attached an affidavit to her aunt's no-name birth certificate; with these documents she was able to obtain a photographic national ID card in her aunt's name. Knowing that her aunt lives abroad and that she had substantial money in her bank account, she was able to actually access her aunt's funds. In many jurisdictions, in this modern digital age, these affidavits would be seen as suspect and anachronistic and remnants of a bygone era, immediately raising a red flag of suspicion and rightly so, Mr. President.

A citizen of this country migrated to the United States at a very young age and spent most of his adult life in the US Army. He was selected as a potential candidate to form part of the US President Obama's personal secret service detail. He lost that opportunity because his name was not recorded on his birth certificate, and as a result he was not granted the top level security clearance which is necessary to function at that level.

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The accompanying affidavit which he carried as an attachment to his birth certificate naming him as the owner of that certificate could not be accepted as proof of his identity. Sadly, the current legislation bars the Registrar General from inserting his name on his certificate. He, therefore, had no recourse and was quite despondent when he visited me to bring to my attention the serious difficulties that persons in his position face.

Another citizen who is in the process of applying for US citizenship has had immense difficulties with her application, as the US authorities in November 2012 advised that they are not prepared to accept an official birth certificate without a child's name on it. The hardship does not end there, Mr. President, as even our ambitious young persons seeking to further their education in other jurisdictions face problems with these certificates.

A young woman on the cusp of fulfilling her lifelong goal of attending the prestigious St. Andrews University in Scotland was refused admission because her birth certificate did not state a given name. We can only dare to imagine the disappointment and feelings of frustration and helplessness felt by these individuals at seeing their dreams crushed.

In another example, Mr. President, it was brought to the attention of the Registrar General that two women were both using the same birth certificate, one of whom was attempting to obtain a national identification document. One provided all the relevant information pertaining to her birth and family history and was straightforward with her personal information. The other woman when interviewed by the Registrar General admitted that she was born in St. Vincent and the Grenadines. She did not seem to be aware of the exact date that she came to Trinidad. She was not forthright while answering questions. Preliminary checks in our database further indicated that this woman was not being truthful. Prior to this investigation, this woman held an electoral ID card and a passport. This matter is now receiving the attention of the police.

Mr. President, the United Nations Convention on the Rights of the Child, the most widely ratified human rights treaty, to which this country is a signatory, recognizes in Article 7:

“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”

Article 7 also emphasizes that:

“States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”

Mr. President, last year the United Nations Human Rights Council, with the support of the World Health Organization and the Health Metrics Network in a resolution entitled “Birth registration and the right of everyone to recognition everywhere as a person before the law”, emphasized the critical importance of the birth registration and the issuance of a birth certificate. We must work together to ensure that all our citizens are ensured these rights.

I would now like to discuss section 22 of the Act, the proposed amendments and the rationale behind them. While it is indisputable that much of this Act is anachronistic and archaic, because of the limits imposed by section 22, there is a growing number of our citizens who continue to endure hardships seemingly without relief, and who must somehow navigate their lives with access to basic Government services such as health care and Government financial assistance made much more difficult.

The new 21st Century Registrar General’s Department is equipped with a database system that allows us to quickly and easily identify that 300,000 citizens do not have a given name on their birth certificates. Three hundred thousand persons who have birth certificates do not have their given name, their full name—first name and surname—on their birth certificates.

Mr. President, it is alarming to note that of that number, 30,000 are 18 years and under. The urgency of this situation is why section 22 is to be amended now. We are well aware that the entire Act must be reviewed and we are in the process of drafting legislation to replace it. The Registrar General has established a committee which is proposing changes to civil registration, and which are being prepared for submission to the Chief Parliamentary Counsel for drafting.

2.45 p.m.

Mr. President, some may ask: “Why then bring this amendment now?” The reason is very simple in that there are many, many persons who visit the RG’s department daily. Some of them may even be looking at these proceedings right now hoping to have some relief to the daily hardship that not having a given name on their birth certificate has caused.

Section 22 of the Act requires that when a child is born, a parent has 12 months from the date of registration of the fact of birth to give that child a name. After the expiration of this statutory period, there is no further opportunity to correct this

omission and the child's birth certificate will be issued henceforth without a name. The only recourse for such an affected individual will be to ask an immediate relative or sibling to swear to an affidavit stating that he or she is the unnamed boy or girl in the birth record. This may not present a problem for a child who is fortunate to have both parents alive and present in his life. The enormity of the impact of being unnamed is most keenly felt, Mr. President, by those of our citizens who have outlived both their parents and their siblings.

This Bill, which amends section 22 of the Act, will remove the 12-month time limit and give the Registrar General the authority to insert a given name at any time, subject to the provision by the applicant of documents which will satisfy the RG's requirements for proof of identify. The process of proof of identity is a very rigorous one, which the Registrar General routinely employs.

Mr. President, we have amended the original legislation to utilize the same process of proof which is effected under section 19 of the Births and Deaths Registration Act for persons who have never had a birth certificate. As required by section 19 of the existing births and deaths registration regulations, the specific documents which may be required are as follows:

- immunization cards;
- marriage certificate of the person's parents;
- the birth certificates of all siblings born before and after the person;
- the identification card of the person's mother or father or, where possible, the identification cards of both;
- a letter from the schools attended, including the date of birth as it appears on the register of the schools;
- the baptismal certificate, if any;
- an affidavit from the person's mother or father stating the reason for the failure to insert the full name on the birth certificate;
- a letter from the hospital stating the person's date of birth;
- an affidavit from a person other than a mother or father who was present at the birth of the person in question;
- an affidavit from a person from a category listed in the schedule, who knows the person and has known the mother or father or both for a period commencing not less than five years before the date of the affidavit.

Mr. President, the Registrar General may waive any requirement set out in the regulations, or the Registrar General's office can require additional documents in special cases where more information may be required in order to prevent fraud. Mr. President, judicial oversight of this process is not the best option. In fact, it is not an accepted best practice regionally. Jamaica has empowered its Registrar General to carry out this task. So, too, has Barbados and the Bahamas. We are quite late to the game.

There is another matter, which I will deal with here, Mr. President, and this seeks to deal with the amendment to address the matter of identity theft. The absence of a given name on a birth certificate facilitates the perpetration of fraud and identity theft. A birth certificate is a source document from which all forms of identification originate, such as electoral identification cards, driver's permits and, most importantly, passports.

Recently, an International Civil Aviation Organization sub-regional workshop on capacity building in travel-document security and identity management was held in Trinidad at the Hilton. It was revealed that fraudsters no longer target the machine-readable passports. The facilitators all agreed that having made the passport a more secure document, attempts at fraud are now made in respect of its source or the breeder document, that is, the birth certificate.

The strengthening of the civil registries to ensure the security of birth certificates was, therefore, a key focus of that workshop and the international bodies in attendance all expressed concern about Trinidad and Tobago certificates which do not bear the name of the child. The practice of attaching an affidavit ensures that a person, intent on committing fraud, need only to have an affidavit prepared stating that they are, in fact, the unnamed boy or girl on the birth certificate and he or she assumes that identity.

Prior to the computerization of the records in the custody of the Registrar General, personal vital information remained unsecured and could not easily be retrieved. It was relatively simple for more than one person to use the same birth record, often for the duration of their entire lives. The magnitude of this previously latent problem became apparent with the introduction of the electronic system and the issuance of the computerized birth certificate.

Both the Immigration Department and the Elections and Boundaries Commission have verification systems in place. However, these are of limited effectiveness as a flag is only raised when a second person attempts to use a birth certificate that has been previously used by someone else. To date, Mr. President, there are over 1,000 known cases of persons using the same birth record that the Registrar General has investigated

and, regrettably, it is anticipated that this number will increase.

Although this amendment will give much longed-for relief, the Registrar General has anticipated that fraudulent applications under this new provision will increase unless a secure monitoring system is implemented. It is probable that those persons who are currently using the same birth certificate will now make all haste to apply to have their names inserted on that same birth record.

Anticipating these potential acts of fraud, the Registrar General has created a specialized investigation unit whose sole function is to deal with identity fraud. The work of this unit is critically important as one considers the number of persons who are affected and whose identity will need to be verified before a name is inserted on the birth record.

The process carried out by the investigative unit will drastically reduce the opportunities for identity fraud in the future, while also constraining and inhibiting those who are currently using fraudulent identities, tightening the grip of the law on those who choose to abuse it. Each application will be carefully vetted to the full satisfaction of the Registrar General.

Mr. President, the Registrar General has also signed memoranda of understanding with other government agencies, including national security, elections and boundaries, the Board of Inland Revenue, customs and excise, the regiment, the Ministry of Education, to name a few.

The information provided by these agencies will aid the department in identifying the social footprint of each applicant to determine the veracity of the applicant's details—the complete social footprint: first and last name combined with all other information such as your parents, your place of birth and other things. This footprint is what we can use to ensure that fraud is curtailed.

The attention to due diligence proposed herein does not mean that it is our intention to impose yet another onerous legislative provision, which seeks to exclude rather than to include. I recently watched men, some of them advanced in age, having lived much of their lives on the streets and, for the first time in their lives, they received birth certificates. I was reminded then of the value of citizenship, of being a part of our nation and of it being a part of us. I was clearly shown how important the possession of a complete and accurate birth certificate can be in the life of one of our citizens.

The lack of a birth certificate was one difficulty for not only these men, but for the social service providers who were trying to help them. Access to the many

assistance programmes available to these men were severed in part due to the lack of a birth certificate. Now in possession of their birth certificates, these men can begin to claim their legal identities and, thereby, their rights as citizens; their rights to access the blessings bestowed upon us as citizens of our beloved Trinidad and Tobago; their basic human rights to life, health, shelter and family; as well as their right to vote.

Imagine, Mr. President, the frustration of being in a position to help these men—of being a social service provider, having the resources to assist these people in rebuilding their lives, but having your hands tied because they do not have a legal identity with which to work.

Mr. President, the People's Partnership Government recognizes that the world is becoming a smaller place and, with advancing technology, identity theft is a growing scourge. We are committed to doing all in our power to guard against this scourge and to protect any citizen who may possibly become a victim. It is clear, too, that what was once acceptable and permissible, regionally and internationally, is no longer so. Even our global competitiveness and efforts towards economic diversification are impaired by the antiquated system that this legislation seeks to repair.

We cannot stand by while our citizens continue to face hardship and embarrassment or have their hopes and dreams dashed by a law, Mr. President, that we can all easily correct. At the very least, every one of our citizens of Trinidad and Tobago deserves to enjoy the right to a name and the sense of personal identity and uniqueness that our name would give to us and we are committed to doing our part in making this a reality.

Mr. President, I beg to move.

Question proposed.

Sen. Faris Al-Rawi: Much obliged, Mr. President. I rise to make a short contribution to this Bill before the honourable Senate, being a Bill to amend the Births and Deaths Registration Act, Chap. 44:01.

If you would permit me, Mr. President, I believe that this is the first time the hon. Minister of Legal Affairs has, in fact, presented to this Senate. It is the first Bill that he is piloting and I wish to extend a warm and cordial welcome to him. It is good to have him in the presence of the Senate. I can state at the outset that we on this side commend the effort to bring redress to the citizens of this country through an amendment such as this and that we, in fact, support the amendment.

What I would like the hon. Minister to pay attention to, through you, Mr. President,

are a number of observations by which we can perhaps tighten the legislation that is in fact in effect. Secondly, if he could then factor, in terms of his reply, what mechanisms the Government intends to deal with if so appropriate.

Before even getting there and insofar as we are dealing with a Bill that deals with births and deaths, I hope you would indulge me in expressing true sadness and deep condolences to the members of the family of John Donaldson, who passed away today. He stood as a distinguished citizen of this soil and one who will be sorely missed. His wit, his humour, his diligence, his enterprise are well known to citizens in Trinidad and Tobago. He served into the Parliament—and I would not pre-empt much further the tribute which my leader on the Senate bench would offer to him later, as both leaders will, I am sure, with your leave, Mr. President.

Suffice it to say that, insofar as this Bill deals with births and deaths, I thought it appropriate to offer that very early contribution and condolence to the members of the family of John Donaldson, to the citizens of Trinidad and Tobago and to the very large PNM family that supported him.

Mr. President, the hon. Minister piloted this Bill in the House of Representatives and I dare say that he took on board very important amendments and introduced them to the Bill, which has now come before the Senate. In doing so, I also wish to commend the fact that he has come with some better preparation as it relates to the statistical information which prevails for this kind of debate. Indeed, I think it is an important thing, on every debate, that the mischief that Parliament seeks to cure by way of legislation is properly stated, and the hon. Minister did put that mischief in clear terms in stating that we had hoped to deal with—I cannot even use the word “anomaly”, but a large occurrence of difficulty to some 300,000 persons in having their names not included on their birth certificates.

The hon. Minister was correct in saying that there is United Nations direction in terms of the declarations made by the United Nations as to rights which prevail, particularly to children in having their names recorded properly.

3.00 p.m.

And dare I say, and I wish to add that our own Constitution, under enshrined rights in section 4, provides citizens of this country with the opportunity to avail themselves of the protection of equality of treatment and the right to private and personal life, if I could put it that way, slightly amending the language of the Constitution. So, this is an essential core aspect that we deal with providing the privilege of the use of your name.

I would think that this arises out of the very special and cherished characteristics in

Trinidad and Tobago: we being a multicultural society; we ethnically coming from different backgrounds; we ethnically becoming a mixed population. But some time ago—hence the 300,000 persons falling into that effect—the degree of acknowledgement of the Hindu Marriage Act leading on to births and deaths registrations, Muslim families with backgrounds there and other forms of established religious intervention in the society, would have caused us to be in a difficult position with full names being given.

As we know, in the Hindu community, sometimes it was traditional to use one name. In Muslim families—in fact, in Arab families as I am descended partly of, the tradition is to use three names. So, different ethnic backgrounds lend themselves to different styles of naming, and that would have been compounded by the difficulty in accessing the resources of the State in causing registration of births to be properly carried out. So, this is an important event.

The fact is—and I did not hear the hon. Minister speak to the required overhaul of the legislation as a whole.

Hon. Ramadhar: I did.

Sen. George: He did.

Sen. F. Al-Rawi: Do not get too antsy. I did not hear the hon. Minister speak to the details of that. I did hear him flash over the point of—[*Crosstalk*—my friends opposite, I do not understand what is going on today with them. They are antsy. The fact is that a deep overhaul of the legislation is required. My learned colleague, the Minister of Legal Affairs, has sat in that position for the last three years moving into his fourth year. Trinidad and Tobago suffers somewhat from the Westminster model insofar as we tend to have frequent changes of Government and, therefore, the country as a whole is often left with cycles having to be ramped up and wound down before general elections.

Suffice it to say, one can realistically expect a change of Government in 2015—[*Laughter and desk thumping*]—and that being the case, Mr. President, I would encourage my learned colleague whom I have great respect for to hurry up with the amendments and the overhaul of this kind of legislation because, when you look to the parent Act, Mr. President, this legislation was, in fact, put in as Act No. 13 of 1847, which means that the legislation on the record is 160 years old.

That being the case—and any reading of the Act will demonstrate we are really dealing with a very archaic system which successive Governments have

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tampered with and sought to bring relief through, by way of, piecemeal amendment. I think that the time is right—and I am happy that the hon. Minister has indicated the review of this—I think that the time is right for this legislation to undergo a comprehensive overhaul.

There are provisions in the parent Act which relate to reciprocity to the laws of England, which I quite frankly cannot see as standing as proper law today, but there are even lower hanging fruit than that, and my learned colleague need not look too far other than to the front bench of this Senate to the hon. Minister of Gender, Youth and Child Development, Sen. Coudray, to enquire as to the status of implementation of the Children Bill.

As you know, Mr. President, that is a sincere piece of law which this Parliament dealt with, which is related to this Bill insofar as the rights of the child can be invoked through that particular law, which stands right now, assented to, but without proclamation since August of last year. I do hope that the hon. Minister will assist us in his wind-up as to what the status of the interarticulation between those two pieces of law will be or are, because the parent Act itself refers to the articulation to the status of the Children Act.

Now, Mr. President, I wish to put on the record, my belief, because I am not aware of a case on point, but the law as it stands in this country could not be that the only way that you could operate if your name was not corrected or inserted within 15 months of birth was to use an affidavit because, under the inherent jurisdiction of the court, the court would have the ability to direct the Registrar General to amend a birth certificate accordingly.

Sen. Moore: The Births and Deaths Registration Act does not allow it.

Sen. F. Al-Rawi: I know. The Births and Deaths Registration Act is silent on the point and, so, my position is that under the inherent jurisdiction of the court, an application could be made to that effect. I do not seek to hang my hat on any point other than to clarify that that is a position, but it is not the best position because that application to court would involve an expensive approach to the court and, perhaps, the court having to engage in construction of legislation, which is in and of itself a difficult task.

But, Mr. President, section 54 of the parent Act—section 54(1) in particular—allows the Registrar General to develop regulations and rules that may best assist the implementation of the Act and that may, perhaps, be a mechanism which the Registrar General can seek clarification on as it relates to any other issue which we may intend to look at by way of revision.

So, if I make that clear, section 54(1) of the Act, which empowers the Registrar General to prescribe rules and regulations and to make certain orders and, in fact, amendments to Schedule 1 of the Act, that that is something which we can look at if we are caught in a difficult position of having to use Parliament's time we can, perhaps, use that as a convenient mechanism to find solutions which are outside of the box.

Mr. President, something which is of immediate concern to us as a Senate and which relates, in fact, to the interarticulation between the Children Bill and the debate which occurred on that and, in fact, this Bill, the Births and Deaths Registration (Amdt.) Bill stands squarely with respect to the anomaly which we have in Trinidad and Tobago of births occurring with children making children. And by that—I am sure that this will come up under the Marriage Act when we debate it a little bit later. I am giving immediate flag and attention to my learned colleague that we really do need to hear the Government's position with respect to amendments to the Muslim Marriage Act, the Hindu Marriage Act or what form of consultation we will engage the population in—perhaps in the body of our Constitutional discussions as to that—because it stands in terms of certain statistics which we can come to later in the other debate, which is set on our agenda.

Mr. President, I think it important to put on *Hansard* the compliment that I wish to give the hon. Minister in speaking to the issue of identity theft. That is the mischief which haunted the Lower House, and which the hon. Minister paid careful attention to and gave certain balances to. In fact, I dare say that he has gone much further—and I compliment him for that—in speaking to the implementation of the specialized investigative unit of the Registrar General.

I wish to echo this point because this is something for Trinidad and Tobago and not a partisan issue for either Government or Opposition. It is imperative that the citizens of this country be aware that there are investigative elements in active operation which will screen and protect us all as citizens from identity theft. I say so because the issue of electoral lists, the issue of passport acquisition and the issue of all things following from—as my learned colleague put it—breeders' rights—all of those things are very sincere to us as citizens, and not only as political entities.

So, I wish the hon. Minister, if he can, in his wind-up, to perhaps provide a little bit more detail and caution to the citizens of this country as to the extent of protection which we can feel will originate out of that investigative arm. And, in doing so, I would like, through you, Mr. President, to put it to my learned

colleague to consider the introduction of heavy penalties and/or fines and/or jail terms in relation to that type of fraud under the Births and Deaths Registration Act.

Now, that is something that we would have to consider as a part of parent legislation, and not by way of regulations, because as we are well aware, the Interpretation Act does not allow us to prescribe under regulations the imposition of fines or offences in regulations beyond \$500. So, it would be imperative for us, if we want to send a clear signal from the Parliament of Trinidad and Tobago of our abhorrence to fraud in relation to such important documents as your birth certificate—from which many other rights and privileges as citizens of Trinidad and Tobago ensue—then I think it would be incumbent upon us as a Parliament to look to the imposition and to a statement of imposition of fines, penalties and/or jail terms in relation to a fraud that can be perpetuated in this regard.

I say so, in particular, because whilst the parent Act as it stands right now, without amendment, allows the Registrar General sincere powers of amendment and prescription of rules—and I speak specifically here under sections 19 and 54 of the parent legislation which allow the position of the Registrar General amending by way of order and amending by way of regulations without fetter—things which can apply to prescribe the operation of this Act.

It is important that we empower the Registrar General, not only to rely upon the criminal law in this country of any type of fraud that may be passed on to the investigative arms in the police, but that we state with clarity in the parent legislation the type of offence which we consider abhorrent.

Mr. President, the factoring of that kind of balance would give the degree of proportionality that we seek to capture by this kind of amendment. We, knowing that proportionality of laws is the litmus test of its constitutionality under section 13 of the Constitution and that being the case, I think that that is a very immediate piecemeal analysis and approach that the hon. Minister can make back to Parliament to consider this issue.

I say so knowing that a local government election is upon us very shortly, one would hope, and that—

Sen. Singh: Ha ha! Postponed it four times under Manning!

Sen. F. Al-Rawi: Yes. And you I am sure would seek to ensure that it comes into effect, not having in fact made the amendments as you promised in your manifesto. I think that it would be important to recognize that a local government

election is upon us, and that a general election is soon upon us. When we factor the position of fraud and identity theft that can happen there—and it is true to say and let me automatically qualify that, that you vote upon a registration and identification card, and not a passport originating from your birth certificate. I accept that, but the point is that, we must seek to assuage the fears of citizens in this country that we at all times have our institutions of government looking to protect the citizens from any abuse in process.

So, Mr. President, the Bill itself is one which is deserving of support. The prospect of amendment is one which is urgently required, and by that I mean a deep and proper amendment to this 160-year-old law. I would invite my learned colleague to reflect upon the contributions of Mrs. Kamla Persad-Bissessar as she stood in Opposition in 2004, when last the Births and Deaths Registration Act was looked at, when she made reference to the dichotomy that prevails in what she called in that debate, “white people certificates versus other people certificates”. But she was making reference there to the disparity in treatment between—her perceived disparity in treatment between—certain ethnic groupings in Trinidad and Tobago.

Sen. Deyalsingh: Serious!

3.15 p.m.

Sen. F. Al-Rawi: But that debate in fact had quite a lot of benefit to it in speaking to the issue of identity theft, as the Leader of the Opposition did then, and in expressing her fears as to the utilization of electronic signatures in the Registrar General’s Department.

So, Mr. President, we need to conduct with haste, and, very carefully, our exercise, particularly when one factors the statistical information laid before this Parliament in the Trinidad and Tobago 2011 National Population and Housing Census Demographic Report, as my learned colleague, the Minister of Planning and Sustainable Development, who was careful to take due time and consideration in describing to the Parliament a little bit earlier.

When we look to Appendix I on page 396 of that report, and we look at live births as recorded in the period 1964 to 2008, we notice that we have moved from some 32,955 in 1964 live births down to 19,888, and it is not a difficult concept, and this is again a specific recommendation to the hon. Minister of Legal Affairs and to the Registrar General—whose officers would be present here today—to take immediate use and to make immediate implementation of existing provisions in the parent Act.

By that, Mr. President, I refer to the fact that there are penalties for breaches of

legislation. In particular, there are penalties for not registering your children within the prescribed time—that is, as prescribed under the parent legislation—the requirement that parents do show cause why they have not so registered the names of their children. So, that is an immediate low-hanging fruit that we can reach to, much as we did in imposing the existing penalties under the Companies Act when we sought to impose fines. That is another low-hanging fruit that the hon. Minister can look to implement in maximizing the utilization of existing fines and penalties.

Mr. President, I wish to commend the urgency of review to the hon. Minister. I wish to suggest that the balance and proportionality that is suggested in the Bill as it was amended in the Lower House, by that House, stands proper scrutiny. I think it is one which passes muster. I wish to urge the hon. Sen. Coudray to make a contribution, quickly, in relation to the status of the Children Bill. Where it is, what is happening with it, where are we going to, how are we going to implement this Bill knowing that it articulates with many other pieces of legislation including this legislation and the Bill now before Parliament?

It is important that we have with urgency, anxious scrutiny of the type of work that that Ministry under Sen. Coudray is engaging in, so that we can see the realization of many promises offered by successive governments in relation to the status of children, and in particular, this particular Government when we dealt with the near 15-hour debate in May 2012, over two days in the Senate which resulted in the passage of that Bill.

So, Mr. President, with those few words, I commend those recommendations, through you, to the hon. Minister of Legal Affairs, and I look forward to supporting this Bill. Thank you. [*Desk thumping*]

Mr. President: Sen. Drayton.

Sen. Helen Drayton: Mr. President, I will be very brief while I support these amendments. These amendments are necessary and I heard what the Minister said about reviewing the Act. I also heard Sen. Al-Rawi make reference to the word “relief”, and I think, were it not so sad, it would have been comic relief that we are speaking in the year 2013, in the 21st Century on an Act that, yes, it is 165 years old, but it is an Act that was done up when slavery still existed.

I want to say that it is more than abhorrent that we have a section such as section 16 in an Act that we are debating in Parliament in the year 2013. What I would like to add, Mr. President, I think that it is time that we deal with Acts in a holistic manner rather than this piecemeal approach; it is not doing any justice to citizens; it is not making Parliament look good; and, most of all, it does not make

Government look good. I see no reason why we should not have dealt with this Act in a more holistic manner.

I agree that the amendments that are being made now are urgent, but I also would suggest that we delete section 16, which makes reference to persons in charge of plantations and estates registering the births of children. Thank you, Mr. President.

Hon. Senator: “Some ah dem over dey escape from plantations.”

Mr. President: Sen. Deyalsingh.

Sen. Terrence Deyalsingh: Thank you, Mr. President, as I rise to make what will be a very short contribution on a Bill to amend the Births and Deaths Registration Act, Chap. 44:01. Mr. President, I would like to first of all commend the hon. Minister for his maiden contribution in the Senate, and his success in bringing this amendment is largely due to the work of computerization of that department which was started many years ago, and I would like to thank the past administration for having the foresight to set in train that technological advancement which allows us to be here today. [*Desk thumping*]

The Minister spoke about over 300,000-plus persons who will be affected, positively so, by this Bill. In his wrap-up—if it is possible, if you do not have it now it is not a problem—it would have been interesting to know where these 300,000 people are located: north Trinidad, central, west, Tobago. It will give us a better idea of the mischief we are trying to solve. Where are these 300,000 persons? I say this, Mr. President, because we are here to debate an amendment and this is crucial as to why we are spending parliamentary time on an amendment to an Act which admittedly needs reworking from top to bottom.

It is not good enough to just quote the figure. The reason I am going down that road is the figure, as put forward by the hon. Minister and the figures as put forward by the hon. Minister of Planning and Sustainable Development, today, on his census report, even that report has been disputed in the public domain.

Sen. Singh: By who?

Sen. T. Deyalsingh: By Mr. Sat Maharaj. He has publicly disputed the figures. He has publicly disputed the metadata used to come up with the figures. That is a fact of life.

Sen. Maharaj: “Do you believe everything Sat say?” [*Laughter*]

Sen. Al-Rawi: Sen. Maharaj says he does not believe.

Sen. T. Deyalsingh: If Sen. Maharaj does not believe him that is his business.

Sen. Beckles: He is asking you if you believe everything that Sat says.

Hon. Senator: No!

Sen. T. Deyalsingh: Well, I would not go down that road, but the fact is the census figures have been disputed, and I would just like to know on what basis—
[*Interruption*]

Hon. Senator: You believe the census?

Sen. T. Deyalsingh:—the hon. Minister is saying we have 300,000 persons and where they are distributed. If he could disaggregate this figure for me into one: nationals; are they all nationals—300,000 citizens of Trinidad and Tobago—and I would tell you why, Mr. President. Trinidad and Tobago is a haven for what we might call “economic migrants” from far and wide, people who settle here for a time simply to get a Trinidad and Tobago passport either to stay here or to migrate to North America.

So I would like to know, if it is possible, that the people who will be applying for birth certificates under this new dispensation, are they all nationals of Trinidad and Tobago? In that 300,000, do we have non-nationals from near and far, from Caricom islands, Caricom territories and other territories? The reason being, Mr. President, a birth certificate, as the hon. Minister said, is indeed a breeder document, and once a person gets a birth certificate then the next thing they can get is a passport; the next thing they can get is registration on the voters list, under the Representation of the People Act, and be able to vote.

So the question is, 300,000 persons—if they are not bona fide residents of Trinidad and Tobago—can severely determine and affect the outcome of an election, and we are here now picking out one section again of one Act to debate—memories of section 34. We are here again just picking out one section of an Act which the Minister has admitted needs to be reworked.

So coming back to the Act now and the Registrar General’s role, in listening to the Minister’s presentation in piloting the Bill in the Senate, he did spend a lot more time in the Senate than in the Lower House, but in reading your presentation hon. Minister, in the Lower House, no mention then was made of the investigatory unit under the Registrar General’s office. I have your presentation here. The question that arises—I would have thought that an investigatory unit would have been important enough to have been brought before the House of Representatives, where you have the elected Members.

The question is: what has happened between March 01, 2013 and today that the hon. Minister only mentions it today, two weeks later? Why was it not debated? Why was this point not made in the Lower House? I am hoping that it is not simply to appease the Opposition, and, in fact, that the Registrar General's office has in fact been resourced by persons, by equipment and by a sufficient number of investigators, so that persons applying to have their names put on birth certificates, we can investigate their claims, where they are living, are they bona fide residents, because what we are doing now is taking away judicial oversight as existed before and putting it in the hands of the Registrar General.

So that is a point which I would like to know: where, how, when was this unit set up, how many investigators do we have in this unit? And that, Mr. President, are my short notes on this Bill. It is a Bill that we will look at. It is a Bill that is worth supporting, but, more importantly, when could we expect the entire Act to be reworked and what are the particulars of the investigatory unit? Mr. President, I thank you. [*Desk thumping*]

3.30 p.m.

Sen. Dr. Rolph Balgobin: Thank you, Mr. President. I just have a few quick things to add in support of this Bill before us, and that is to say that the original was first tendered and put into law in 1847 which was a very different time in Trinidad and Tobago, shortly after slavery—not 10 years in fact.

So while it is—I suppose, in a sense, adequate or appropriate for us to say that this is a piece of legislation that is ripe for rework—the fact is that, by my count, we have in fact amended it 22 times and this is the 23rd amendment that we are looking at. So it has received a fair amount of attention over the decades that have passed, and certainly I am of the view that it is now—the time is ripe for perhaps a more thorough and comprehensive reassessment than is presented here.

I also want to pick up on this idea of section 16 of the parent legislation which speaks to particular registration arrangements that are made if you are born on a plantation, and I quote from section 16:

“In the case of every child born alive, it shall be the duty of the father and mother of the child, and in default of the father and mother, of the occupier of the house or tenement in which, or the person in charge of the plantation or estate on which, the child is born, . . .”

I would not go any further. I think that we have gone well past that and that we ought to consider amending or deleting altogether.

I do note, Mr. President, that an injury has been done to some 300,000 people by the estimation of the good Minister, and it does beg the question what these 300,000 people are about. What I mean by that is, if we did fix this I do not know how many of these 300,000 people we would actually help. I suspect that we would be implementing here a remedy that would assist people, very few current cases and perhaps more cases going into the future, but perhaps the Minister can correct me on that score.

There is one change that I, or one point of clarification, that I was seeking from the Minister and that is in the proposed clause (1C) which says:

“The Registrar General may waive any requirement set out in (1B)”—sorry, not (1C)—(1B)(d) which says—“any other document that the Registrar General may require.”

I think that is a device that can be abused, and so—is it that we meant to say the Registrar General may “reasonably require” or is it that we are ring-fencing that in the regulations referred to above?

Well I do not—I am not quite sure what the remedy is, but the concern is alive. You can ask me anything if you are the Registrar General. If we are creating omnipotence, even in a defined space, it creates room for abuse, and presumably it is governed by regulations and if so then I would be very happy to hear that from the learned Minister.

The last point that I want to make really has to do with the question that Sen. Al-Rawi raised and that is that of identity theft. I think that that is a major problem in developed societies which depend on digital or digitized or electronic systems—call it however you will—to manage their population or identity—well—information related to a person’s identity.

Here in Trinidad and Tobago just recently in the newspaper I have noted that some Bollywood stars were due to come, and then it turns out that they did not know anything about it, and the person who was supposed to have been bringing these people down on identification by the media said that she knew nothing about it. And the fact that her identity was borrowed, or if not, stolen, that things were done with her identity—a phone was registered in her name and used and so on. And we know in a trusting society, which was what the Minister was speaking about when he said that the registrars really work with affidavits that are provided by the people who have something to gain by what is contained in the affidavit.

So, yes, in every societal system there must be areas where an element of trust is required, but it is becoming easier and easier for people to steal the identities of

people in their community, people known to them. In developed societies, of course, people go through your garbage, they pick up your credit card number, your name, your utility bills, and they open bank accounts, they go and get another phone, they apply for social security or some other form of identification and then, you know, the thing just snowballs.

It also, Mr. President, creates the opportunity for, or an avenue for, money laundering which is not something that I have heard discussed before, but it does do that, and it creates a dead-end scenario whenever a questionable transaction is processed. So it is something that I would encourage the Government to pay due attention to, but I am fully in support of this. I commend the Minister for righting what is a very obvious wrong, and I think that we should support this and get on with our business. Thank you, Mr. President.

Sen. Penelope Beckles: Thank you very much. Mr. President, I have some comments that I would like to make on this Bill to amend the Births and Deaths Registration Act, Chap. 44:01, and it really has to do with the issue of education as it relates to the importance of this particular Bill. You know, when I heard the figure 3,000—

Sen. Hinds: Three hundred thousand.

Sen. P. Beckles:—sorry, 300,000, you know. I would say first of all, I had my misgivings for a number of reasons, you know, and then I started to think a little more of some of my own experiences, both as an attorney and as a Member of Parliament. My misgivings, of course, had to do with the concerns raised by Sen. Deyalsingh, simply because I have known of many situations where people have been able to access a birth certificate to use for basically illegal purposes.

Well I was looking really at the situation of the number of people that I have encountered who simply did not have a birth certificate. I know this particular clause is trying to cure a situation as said in 2(b) where it specifically talks—2(a) subsection (1), by deleting the words “or if it was registered without a name when a name is given to it”. Then it goes on to make particular statements in 2(b), but you know, it caused me to reflect on the number of persons that I have encountered without a birth certificate.

Some of us do not believe that there are a number of people—I think—I do not want to go and say thousands, but maybe the Minister might have a figure. But I have encountered a whole family—mother and five children—without birth certificates, none going to school, and you know, some of us do not think that in 2013 that that is happening in Trinidad and Tobago. The truth is that it is

happening in Trinidad and Tobago. The reason why I am raising it is really to ask the Minister of Legal Affairs to look at the whole issue of education.

Mr. President, a number of times when I have encountered those families—I mean, just think about it, if you have five children in a family who have never gone to primary school. I mean, we think about the repercussions of that. You know, some of us do not think about it, but it means that nobody has gone to primary school then secondary school; sometimes one member of the family. In truth and in fact sometimes the parents are actually ashamed to go to anybody to ask to get a birth certificate. Sometimes you find that mother may not have had the benefit herself of either primary or secondary education, and the cycle continues.

So that sometimes those people would accuse maybe the MPs, Senators, governments of not assisting them because, I mean, the question of getting public assistance, the question of getting a grant, the question of even getting into school. If you do not have a birth certificate you are simply not going to be able to get into school, and sometimes the parents give up.

You know, I really believe that we need to do a little more education. I am asking the Minister to consider an educational component because of the fact that this is a genuine situation that exists in Trinidad and Tobago. As I said, the repercussions for us as a society, when we have a number of persons growing up—young men and women—who have no identity. Therefore, some of them may get to the stage where they may have been born and were not registered or they did not have a name or you want to change or whatever, but a number of them are just totally out of the system.

The other reason why I think that—and I think it is very much related to this Bill—the other reason why I want to look at the educational component is, now that we have the automated birth certificate, it means that a number of people when they go to get their passports are finding themselves in difficulties. The difficulties are, prior to the machine readable passports, the stringent requirements for your birth certificate, your marriage certificate and for making sure that everything corresponds, now they take it very seriously.

So, Mr. President, I am sure that in your practice and so, you would have encountered—sometimes in applications for letters of administration or probate of a will, and then you realize that the birth certificate, the marriage certificate, the death certificate, the ID, the passport, that some people have all different names. Some of us at home do not realize that, you know, for whatever reason we give

children a name that is totally different from their names on their birth certificates. Then the person dies and, I mean, they then look for the birth certificate and you realize well I have been calling her Susan all my life, and on her birth paper her name is really Sherry. You know, then when she got married she used the name Sherry and so—I mean, we may think these things are simple, but they are really very serious issues.

You go to open a bank account, even now they are requiring when you go for bank accounts that you have two IDs or a number of things that we are requiring where people have two forms of identification and sometimes your passport, your birth paper, your marriage certificate, you do not have two identifications where your names are similar.

So, as much as I support the Bill, I also support the issue of the need to have the legislation reviewed in a much more comprehensive way. It may be that there is some reason why this particular clause might have been brought forward before others. If it is affecting 300,000 persons, then clearly it is something as a society we need to deal with as a matter of urgency.

I am looking forward to the Minister bringing the other sections of the Act that need to be amended, and I also hope that the suggestion of the educational component of the Bill is taken seriously, as well as the concerns expressed by everyone, Sen. Balgobin and Sen. Deyalsingh, as it relates to the genuine concern about the issues of fraud and identity that can take place as a result of this section. Thank you kindly, Mr. President.

Sen. Fitzgerald Hinds: Thank you very much. [*Desk thumping*] Mr. President, as I enter this debate for a short while myself, I am obliged to ask, really and seriously: what is the real reason why the Government brought this measure before this Senate?

Sen. Singh: Politics as usual.

Sen. F. Hinds: I am not unaware that the very dignified and hard-working professionals at the Registrar General's Department saw the wisdom in this measure and I am aware that they do support it. Notwithstanding that, I still ask myself whether this Government has some ulterior purpose or some ulterior motive for bringing this measure.

It was Sen. Drayton who pointed out that there is a very archaic provision that, I think section 16 of the Act, still mentions plantation. Of course, the Minister is a lawyer. Of course, he is ably supported by his colleague the Attorney General who himself is a lawyer of senior counsel. One would have thought that

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notwithstanding any noble intention coming from the Registrar General's Department, which I underscore exists, that they would have in the review—because they are well paid, you know, earning a lot of taxpayer money, and very well paid, very well resourced—and one would have thought that they would have given a little more time and attention to this. It really bothers me, but I am wondering whether there is not some ulterior purpose or motive for the Government—

3.45 p.m.

Mr. President: Senator, you are not permitted—please have your seat—you are not permitted to attribute motives to Members of Parliament. Of course, the Government do happen to form a large part of the membership of the Parliament, and therefore, I think it improper for you to be attributing motives to them in the debate.

Sen. F. Hinds: I thank you. I was not attributing, Mr. President.

Mr. President: That is the word you used.

Sen. F. Hinds: I was wondering. [*Interruption*] I have not come to any conclusions.

Sen. Singh: You are like Alice in Wonderland. We would change your name to Alice Fitzgerald Hinds.

Sen. F. Hinds: You see, as you correctly pointed out, Mr. President, it was this very Parliament that found ourselves caught up—

Sen. Singh: “Oh, you gone retro now.”

Sen. F. Hinds:—in the whole scandal that is section 34. This very Parliament. When many of us operated with the dignity, the nobility and the well-intentioned approach that we all had, we found ourselves being labelled by the citizens of this country and the world in a certain manner [*Interruption*] because it has turned out, it appears, that notwithstanding the nobility of some of our intentions around here, some person or persons had an ulterior motive, maybe.

Mr. President: Sen. Hinds, please have your seat! I will not permit you to ascribe ulterior motives to Members of the other side or any other parliamentarian here. Thank you.

Sen. F. Hinds: May have had, I should have corrected myself. May have had. [*Crosstalk*] At any rate, Mr. President—

Mr. President: Stick to the point.

Sen. F. Hinds:—I know some of my friends in this Parliament, my colleagues, especially those on the other side, they do not want to hear anything about section 34. [*Interruption*] But we are proceeding. That is a blemish that we all carry. That is a blemish that we all carry. Of course, just in passing on the matter, to remind myself and the national community, we did not select it for its proclamation, but we carry the label. But this is a matter that is yet to be resolved.

Sen. Beckles told us of a family, in the course of her practice as an attorney-at-law, that she came across; none of the members, very unfortunately, had possession of a birth certificate. And I remember in the 1970s or early '80s, I was a police officer, and walking through Woodford Square on my way to and from police headquarters for a few days, there was the spectacle in Woodford Square about a family led by a woman called “Mother Earth” and she had a number of relatives there with her and they had very healthy names like “Cassava” and “Dasheen” and so on, and we do not know, they lived a very natural existence as we gathered—

Sen. George: Somebody was named “Tiger” too.

Sen. F. Hinds: Yes. I am now overhearing the Minister, Minister George saying he used to be called “Tiger”, but I am not surprised. But this is not the place for that Minister George.

Now the Minister—and we have heard it mentioned several times by most of those who contributed—spoke about the fact that there are about 300,000-plus persons who are without forenames on their birth certificates, and of those 300,000 or so, about 30,000 of them would be children or juveniles. And why is this a problem? Of course, as the Minister correctly pointed out, a birth certificate is about identity by others in the society in which he or she was born and spent or would spend most of his or her life. It has to do with a psychological content as well, about a feeling of being a part and so on, so that a birth certificate is a very important issue.

But, of course, Mr. President, when it comes to registering to go to a school, we, of course, have a situation in Trinidad where primary school education is compulsory, and at some point at around age five, the parents or guardian of a child will approach some institution for the child’s enrolment to get on with the formal learning process. Of course, at a later stage you have the SEA. When you are ready to register for the SEA you have to provide proof of your identity, a birth certificate typically; the question of ID cards, passport; even the Board of Inland Revenue, I understand, they want to see some form of identification when you go on their record or otherwise.

When it comes to settling property issues out of administration and probate of wills and so on, very often questions of identity and therefore names of

individuals arise. We have encountered in the course of our practice, sometimes the deceased sometimes an applicant for the estate, or the applicant to probate the will may not have that name on the birth certificate, and therefore a process has to be undergone; sometimes a paternity order, and that is a judicial process. An application is made to the court and the court declares a relationship of paternity between father and child.

So, the birth certificate is very important. Job applications: during the course of one's life, one is seeking employment and it becomes relevant there. And of course I would learn that sometimes citizens encounter issues—and we heard it in the debate today—abroad. While we found a formula, according to convention in Trinidad and Tobago, to treat with this issue of no name appearing on one's birth certificate, while it was good for Trinidad and Tobago and those 300,000 people, I wondered—when I heard the number sometime ago when the Bill was presented—how would they—in the light of the needs that I have just highlighted, the list that I have just shared, and that list is not, of course, exhaustive—have navigated their way through the society. [*Interruption*]

And we found a formula by way of a statutory declaration, an affidavit, sworn before the appropriate commissioner, and I know some people in the society still say commissioner of “affidavis”, but of course, it is the commissioner of affidavits, and we found that formula to resolve the matter.

But while that might have been good for Trinidad and Tobago, it certainly proved to be very deficient in other countries, and therefore it was only a partial solution. This affidavit, typically as we have heard today, would have been sworn by some—by maybe the parent, or some member of the family, or some neighbour, or some person who claims on oath to have known this individual for a certain period of time and knew them typically from when they were born or childhood, and that they know them to be carrying that particular name. But that, as a solution, still yielded several problems. It was prone to abuse and fraud, and therefore, you know, we still have issues around that.

Ours, as you know, Mr. President, is an open system of registration: whether it is land title here under the RPO or even the common law system, whether it is the question of marriages, births and deaths, we have an open system where any person can go to the Registrar General's Department and obtain any other person's birth certificate, marriage certificate, death certificate or search title to land.

By virtue of this openness, a person can—well, you know, you hear people saying they want the original. Well, every certificate garnered from the Registrar

General's Department is in fact an original, and people, of course, apply for and make use of these. With one exception, of course, as it relates to the very modern—and I want to congratulate Trinidad and Tobago, I want to congratulate the Registrar's Department as well, for its contribution to the development of which I would now speak—we have now put in place, and since, I think about 2003, an automated birth certificate, computer generated.

Of course, while those are also public documents, an individual cannot simply go and get that which belongs to another unless that person authorizes it, and there are checks and balances to ensure that the authorization is proper and valid, so to speak. So, as a result of the access of which I just spoke, very often it has transpired, and the Minister alluded to it, that persons have been found, or several persons have been found to be making use of a single birth certificate, and therefore it is—to put it in very colloquial terms—about some racket and “rachifée” and “bobol”. I was about to say UNC in that same sentence. I always use them together, but I would not do so for the time being.

Sen. Singh: “Is about PNM, O’Halloran and Calder Hart.”

Sen. F. Hinds: “Yuh hear who is speaking?” Would I be protected, Mr. President? You hear who is speaking, trying to distract me? [*Crosstalk*]

Sen. Singh: You know—[*Inaudible*—distract you.

Mr. President: I am sure you put—[*Inaudible*]

Sen. F. Hinds: Yes, thank you very much, Mr. President. Thank you very much, Mr. President.

So, you have cases of that and people get involved in the—multiple persons using the same birth certificate get involved in that for various reasons. Some years ago we had a situation where it is alleged, I do not know if it was ever well established, that a certain former Commissioner of Police, wanting to extend his time in office, he produced someone else's birth certificate. That is not new; there are many other cases like that in this country. Many other cases. I know in my practice as a criminal attorney, or an attorney who practises criminal law.

Sen. Singh: I thought so. [*Laughter*]

Sen. F. Hinds: An attorney who practises criminal law. [*Crosstalk and laughter*] I know who the criminal attorneys are. I know who the criminal attorneys are. [*Interruption*] But I know that you have had cases where a particular twin in this country, they played games with the system for many years.

One commit a crime, and you know they played their games using each other's birth certificate and similarity of face and so on. So we have these issues, but typically people do that to extend their time when they are not ready to retire as yet and so on. People at all levels, and saying so, Mr. President, you were present yesterday when our President—and I extend personal congratulations to him and to the people of Trinidad and Tobago for the gift of the President that we now have. [*Desk thumping*]

Sen. Singh: Who was your nominee again? Who was your nominee again?

Hon. Senator: Uncontested, no need for a nominee. You could not get 12—

Sen. F. Hinds: Minister Ganga Singh is asking me about, who was my nominee?

Sen. Cudjoe: Who was his?

Mr. President: You may proceed, Sen. Hinds.

Hon. Senator: Do not bring the President into the debate here, 35(7).

Sen. F. Hinds: It is not a matter that I want to traverse at this point; we will deal with that elsewhere. [*Laughter*] We will also deal with that elsewhere, but in any event—

Sen. Singh: Wind up. Wind up.

Sen. F. Hinds:—yesterday, the President, as he addressed this nation and I was so proud—

Sen. George: Our choice.

Sen. F. Hinds:—and yet I was so proud. Yesterday, he pointed out rather poignantly—[*Interruption*] Mr. President, can I be protected?

Mr. President: Senators, shall we listen to Sen. Hinds.

Sen. F. Hinds: He pointed out yesterday that the question of misconduct and “bobol” and racket is not only to be found in the current Government.

Hon. Senator: You are paraphrasing the President's speech.

Sen. F. Hinds: I am just paraphrasing the President, “eh”. He said at all levels of the society the thing is to be found. [*Interruption*] And that is true and he called on the nation, he called the nation to order yesterday, saying that we must all observe the same high standards that we expect of the other.

I have seen cases in the courts as well, where a youngster may have been

accused of committing a crime and in an attempt to avoid big jail, he claims that he is 16 years or under. He claims juvenile status. And that is one of the scenarios in which people try to deceive as it relates to age, not only to extend their tenure in certain occupations and so on.

Mr. President, in the 1990s—I spent a short time in England—there was a big issue in England where it was said that persons were going to cemeteries and using information found on tombstones, obtaining dates of births and names of persons and stealing the identities of deceased persons and making use of it.

Sen. Singh: What movie that was?

Sen. F. Hinds: This is real. This is real. So, this is not unheard of, people doing these things, but with the advent of the machine readable passport in Trinidad and Tobago—another progressive step—and I do not want to take any credit for it on this side. I just say this was one of the things that we must compliment the Government of Trinidad and Tobago at that time for.

Hon. Senator: “Oooh.” [*Desk thumping*]

4.00 p.m.

Sen. F. Hinds: I remember Minister Martin Joseph working very, very hard along with the experts in immigration, and so on, to bring about this very advanced progressive step, but with the advent of the machine readable passport on which there is also the PIN number, a lot of the fraudulent use of birth certificates that subsisted came to be revealed.

In other words, prior to the advent of the machine readable passport, the old birth certificates which were handwritten could more easily have been manipulated than the automated or computer generated birth certificates as we know them today. And with the help of a few corrupt individuals, or perhaps more than a few, who would have sat in chairs in the office of the Registrar General—and that exists without apology or at least to a greater extent existed in the past—there was a number, thousands, I heard the figure today, about 1,000 cases so far have been investigated. That may be the tip of the iceberg.

A lot of manipulation took place and there are a lot of fraudulent birth certificates, the old format circulating in the atmosphere, but with the machine readable passport once you go and you make application for one, it is very likely that that manipulation will be revealed. So we are getting better, we are getting better in Trinidad and Tobago, and I am sure we will hasten towards that improvement and betterment come 2015, but that is another question.

Mr. President, so many of these manipulated or fraudulent birth certificates were in

the atmosphere, I am advised, and I want to compliment the Registrar General and his or her staff—or her. I would like to compliment the Registrar General because in dealing with this problem—because we make lofty pronouncements here at the Parliament floor, and as I indicated earlier without ascribing any motive, it may be that persons have different motivations for doing what we are doing here today—
[*Interruption*]

Hon. Senator: Oh good Lord.

Sen. F. Hinds:—but at the end of the day, it is the professionals in the Registrar General’s Department who must oversee this process. I want to congratulate them because in light of this problem they put together a team of investigators which largely consists of former police officers from the fraud squad and so on, whose duty it is on behalf of all of us in this society to investigate these incidents and to try to bring the perpetrators to justice.

This is no small matter you know. We have already been told of the importance of a birth certificate and the importance of identification, whether it is for nationality purposes—because once you have a birth certificate you are identified with your country of birth and all the benefits of that State or that country accrue to you—whether it is medical care, whether it is social security, a whole host of things, whether it is GATE, whether it is HDC housing, because you can only lawfully acquire or possess or be the beneficiary of a state-supported or a subsidized house through the HDC if you are a citizen of Trinidad and Tobago.

So it is very important, and I am saying to you, Mr. President, the whole scenario around false birth papers and false documents and passports is a major industry. I am told that a fraudulent birth paper can sell for as much as \$5,000. People pay thousands of dollars to go and get a forged visa stamp to try to get into the United States. So it is big business and the Registrar General responded by putting in place investigators to try to deal with that matter.

So, as I said, Mr. President, we have a lot of false birth certificates around, we have some false passports, we have false visas, we have false marriage certificates—it is a big industry. From time to time, you would see the police put a raid down on a place looking for counterfeit money; they will find a printing press. These are the kinds of people who get involved in these things. It is very elaborate. We have false résumés too. I cannot help but think of that, and you know Resmi is synonymous with that sort of thing.

Sen. Singh: And Winston Ali. You could remember Winston Ali?

Sen. F. Hinds: And Omar Khan, who my friend Minister George kept ensconced in T&TEC for a very long time, notwithstanding our challenges from here in terms of the inaccuracies and more recently—*[Interruption]*

Sen. George: Study my name.

Sen. F. Hinds:—one commissioner of a certain commission of enquiry in this country, serious questions have been raised—*[Interruption]*

Sen. George: Irrelevant, 35(1).

Sen. F. Hinds: You hear, a Minister of Government telling me that that is irrelevant. He does not want us to speak about it.

Mr. President: I have not seen the relevance to this Bill, so perhaps if you could—

Sen. F. Hinds: I will demonstrate it to you, Mr. President. If you will be more patient—*[Laughter]* I will demonstrate it, Mr. President. But they do not want to hear about these things. *[Crosstalk]* It is amazing, the comfort they feel with all of this going on in Trinidad and Tobago—*[Interruption]*

Sen. Singh: Wind up your contribution.

Sen. Ramlogan SC: Right now you are making Minister Tewarie look exciting, “eh”. *[Laughter]*

Hon. Senator: Exactly. *[Laughter]*

Sen. F. Hinds: Mr. President, it is so bad. *[Laughter]* Minister Tewarie, I hope you heard that. He has no oomph, he has no oomph like your friend Mr. Dookeran. *[Crosstalk]* Yes, that is all right.

Mr. President: Proceed.

Sen. George: Proceed man, come on.

Sen. F. Hinds: Yes, I am proceeding.

Mr. President, so as we come here today to amend this, I want to support the call of my friends Sen. Deyalsingh and Sen. Drayton who felt that we should take a more comprehensive look on this legislation. But just to remind us, section 19 of the existing Act speaks to the question of a child. It provides that a child should be registered within three months of the birth of that child and the name of the child should be inserted in 12 months. And it is that that led to the phenomenon of

the affidavits of which we spoke.

Mr. President, section 18 of the existing Act takes it so seriously, it imposes a duty on someone finding even an abandoned child to cause the name of the child to be—well, for the child's birth to be registered and for the name of the child, of course, to be placed therein. I am told that Trinidad and Tobago is coming from behind a number of other Caribbean States; our neighbours have gone the way that we are attempting to go today.

It is interesting to note that you can have, under the current legislation, a late registration of a birth. In other words, if a person was born in the circumstances as Sen. Beckles identified, and there is a duty to register within three months, but if there was none, you could register that birth at any time, whether the person is 60 years, 70 years and that can be done under the current legislation but no provision to insert the name. And that is the noble reason why we are here today.

It was in the other place that my friends and my colleagues from the Opposition saw the Minister come to the Parliament with the original formulation of this Bill and it was the —[*Interruption*]

Sen. George: Some of the things “he saying” not right.

Sen. F. Hinds: Very right. And it was those of us in Opposition in the other place who suggested, as a check and balance, that the Minister allow the Registrar, who would make the determination to insert the name, to apply the provisions of the regulation that had to do with the registration of births. So now we have before us, a situation where, as we contemplate this amendment, the Registrar must apply the regulations as it applied to dealing with the registration of a birth, belatedly, to the question of the insertion of the name. And I think that that is a very good thing.

I only have to wonder in passing, Mr. President, why did not, why could not this Government think of this before they came to the Parliament and had to wait for the PNM in Opposition in the other place to point a simple logical measure such as that out to them. I have to wonder why. Is it that they are not thinking? Or is it that there is some ulterior motive unbeknown to the professionals in the Registrar General's Department?

But at any rate, I am very happy to know that it is now there hon. Minister, and that the Registrar could apply her mind to that and more than the list as it exists in the regulations that she must now apply, she can ask for any other document and that could include passport, it could include your BIR records and any other document, affidavits from any number of persons, if in her professional

judgment, she finds that those might be necessary.

So, Mr. President, we now have in front of us a Bill that we are satisfied would bring joy and uplift to the people at the Registrar General's Department. We now have a Bill before us which, with the check and balance I have just described, satisfies us on this side of the Senate as we proceed. So, I will join my friends on this side in providing some support for this measure.

I want to take the opportunity because as a practitioner myself, and as a citizen, I have had occasion to go to the Registrar General's Department or to send my clerks there too, to enjoy the service that they provide in the public interest. On all occasions I have found that they were very professional, I have found that they were very helpful and, Mr. President, I want to take the opportunity, for what it is worth, to very publicly congratulate the Registrar General and this is not quite usual but I feel obliged to even mention the name—a name. I have encountered a very stalwart public servant down there by the name Mrs. Rocke. I call her Miss Rocke. And she has been there many a year, and she performs yeoman service in all our benefit. Many of my colleagues in profession would have mentioned the name from time to time.

I want to take this opportunity to congratulate them and I want to encourage them to continue to be the gatekeepers because, while we speak from the Parliament floor here, while we enjoy the hallowed Chambers of Government, at the end of the day it is the gatekeepers in the Registrar General's office who will keep the records sanitized and safe in the public interest. It is they at that office who will ensure that the questions of fraudulent documents, to the extent that they can, would be properly managed.

So with those few words, Mr. President, I would say that I support my friends on this side and we lend support to the Government on this. I hope that with this support the Government will pass its Bill and that it will go back specially where the Minister of Legal Affairs is a lawyer, and he has the very vociferous Attorney General in his company. To the extent that they communicate, I would hope that they would review the entire piece of legislation and make the changes that were proposed by Sen. Drayton, Sen. Deyalsingh and at the end of the day, come back to this Parliament assured of our support and we will have a more modern piece of legislation, of course, including the provisions that we would have passed here today.

Mr. President, I thank you.

4.15 p.m.

Sen. Shamfa Cudjoe: Thank you, Mr. President. I would like to just raise an issue that was not raised by any of the other Senators. First, I would like to place on record—because quite often in the Lower House and sometimes here in the Upper House, Senators make this comment that in Tobago we have to travel to Trinidad for a birth paper. So I want to place on the record, Mr. President, that that is not so. As a matter of fact, for over 35 years we have been issuing birth papers in Tobago. I can say that because my elder sister is 34 years old; I am going on 35, and my mother did not have to go to Trinidad to get her birth paper. Also, even the electronic birth paper, which had been in place since before this administration—I remember in 2007 I was away at university and my mother was able to get my electronic birth paper, so that is not so.

But, Mr. President, I want to place on record—and maybe the Minister, when he is wrapping up, can address this issue—that the digital system that is currently used in the office of the Registrar General goes back only to 1930. So in Tobago people applying for a birth paper, they have the records there up to 1930. I think in Trinidad it is the very same thing. Even if you are born in Trinidad and you come to Tobago and you want to get your birth paper done in Tobago, it could be done by the Registrar General in Tobago and you get it back in a matter of 15 minutes.

But, Mr. President, for people who are 82 years and older, the system does not allow them to get their electronic birth certificate because the system only keeps records from 1930, and I got this information from somebody who works in the office of the Registrar General.

I want to know if there is something that could be done to assist the older people—because this is mainly people who were born before 1930 who are 82 years and older—so they would not have to worry about running up and down to get that kind of work done and getting affidavits and statutory declarations, and so on, that require them to find somebody who is older than they are, and they are already 82. So maybe there is something that we could do to bring some relief to these older people.

With those few words, Mr. President, I thank you. [*Desk thumping*]

Hon. Senator: Well said!

Sen. Corinne Baptiste-Mc Knight: Thank you, Mr. President. I will be mercifully, really brief because I just want to ask two questions on behalf of the 300,000 who, like myself, have a birth certificate that says either “legitimate” or “illegitimate” girl—

Hon. Senator: Exactly.

Sen. C. Baptiste-Mc Knight:—and I carry neither name. What I would like to find out is: is this measure a prelude to outlawing birth certificates that do not have a name on it? Because if the problem is the possibility of fraud, the next step is to say, now that the law is passed that allows you to insert a name at any time after X date, a birth certificate without a name on it, be it machine readable or not, is not acceptable.

I need to have a reply to that, very seriously, because it is not as simple as getting all of these documents. Baptismal records may not be existing because if you do not know where you were baptized—and I am not sure many of us were aware when we were being baptized to know to go to X church for it. If there is not someone older than you who can tell you, there is a problem, and if after a certain age when you cannot find someone who has known you—who is five years older than you—and you have to make a declaration yourself, the possibility of fraud lies there because the idea is that anyone getting hold of your nameless birth certificate can make the declaration. So that I want to have it very clear, what the relationship is between these certificates without names and this law.

The second question I have is this: section 22 of the law that is being amended applies to two circumstances—one, where the person is registered but the name is to be altered. Now, there many reasons why this name may need to be altered. It might be that the spelling of the name is wrong or the person might just have put a different name on it. But there was no need to produce the certificate until the child is ready to go into school. This could be age three, it could be age five, but it is past 12 months.

Now, there is no provision for dealing with that situation according to the amendment that is being proposed here. So is it the intention that this is going to be taken into consideration when the whole law is being reviewed? These are just the two areas that have not been touched on that I would like to have some answers to.

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

CONDOLENCES
(PROF. JOHN SPENCE)

Mr. President: Senators will recall that I stood down the earlier opportunity to give tribute to Prof. Spence, and I propose to do so now before the tea interval. I therefore call on the Minister of Tertiary Education and Skills Training.

The Minister of Tertiary Education and Skills Training (Sen. The Hon. Fazal Karim): Thank you very much, Mr. President. I have the honour to rise and pay tribute to the life of a former Senatorial colleague, Prof. Emeritus John Arnott Spence, who

passed away on Wednesday, March 06, 2013.

Prof. Spence was born on the island of St. Vincent on Monday, July 15, 1929 and later migrated to Trinidad and Tobago at 11 years of age. In his formative years his beloved mother was his first teacher and became the bedrock of his academic prowess. He attended Queen's Royal College at the secondary education level where he was later inducted into the Hall of Honour.

Prof. Spence continuously pushed the knowledge frontiers and sought advancement at the tertiary education level. He went on to study at the University of Bristol in the United Kingdom and graduated at 21 years of age with a Bachelor of Science in Botany. He then successfully attained a postgraduate diploma in Agricultural Science at the University of Cambridge; a postgraduate diploma in Agricultural Science at the Imperial College of Tropical Agriculture and a doctorate at the University of Bristol over the next decade.

Prof. Spence is a modern exemplar of Caribbean social citizenship. He dedicated his time and talent to national service and community advancement. He served on multiple local, regional and international committees and bodies in the spirit of human development.

Mr. President, colleagues, Prof. Spence was the chairman, as well, of the committee that considered the rationalization of the sugar industry. He was also a member of the steering committee that established the University of Trinidad and Tobago, a member of the Caribbean Industrial Research Institute, a member of the International Board for Plant Genetic Resources in Rome and a member of the International Centre for Tropical Agriculture in Colombia.

His love for agriculture is unrivalled and will forever be etched into the history books of Trinidad and Tobago. Prof. Spence is credited with the development of citrus, anthuriums, dwarf pommecythere and dwarf pigeon peas, to name a few achievements of his agricultural repertoire.

Mr. President, in my years as a student on the campus at the University of the West Indies, St. Augustine, I came to know Prof. Spence as an inexhaustible fountain of knowledge. His career on campus is noteworthy, having been a lecturer, professor of Botany, dean of the Faculty of Agriculture and head of the Cocoa Research Unit. His illustrious research work is recorded in over 50 scientific publications and he was accorded the esteemed recognition of the Chaconia Medal (Gold) in 1980 for his public service through agricultural advocacy and academia.

Not only was Prof. Spence a repository of information for knowledge-intensive production systems in food, agriculture and science, he was also a connoisseur of sorts in the humanities. His passion for knowledge fluttered across diverse fields and he provided in-depth intellectual analysis on education, tourism, governance and constitutional reform, among other areas.

In July 2010, Prof. Spence participated in a consultative process spearheaded by the then Ministry of Science, Technology and Tertiary Education, which resulted in the production of a policy framework for tertiary education, technical and vocational education and training and lifelong learning. Mr. President, as Minister, I am grateful for his contribution to the tertiary education sector.

Mr. President, more recently, in the *Trinidad Express* newspaper on Wednesday, February 27, 2013, Prof. Spence not only endorsed the need to amend the Constitution, but advocated against establishing a new Constitution. Such is the man that we have all come to know and adore. Even in his last days he maintained a strong sense of civic duty, an indelible love for good governance.

Mr. President, as an Independent Senator between 1987 and 2000, during the third, fourth and fifth Republic Parliaments, Prof. Spence was characterized as a pillar of trust, integrity and rational thinking. His contributions on over 40 pieces of legislation and the piloting of a private motion on agricultural policy were symbolic of his commitment to enhancing the quality of life of the people of Trinidad and Tobago and the wider Caribbean. Prof. Spence was a steward for agricultural development, a columnist, a researcher, an educator, an administrator, an Independent Senator, an intellectual, and so many more descriptors.

The late Prof. Spence is gone, but never forgotten. He was a caring husband to Yolande Spence; an exemplary father to Malcolm, Louis and Richard; a selfless grandfather to Stephen, Shawn, Kevin, Jonathan, Stefan, Benjamin, Adrian and Ana; a distinguished patriot and a genuine Caribbean son.

Mr. President, it is therefore with a sense of great humility and admiration for the outstanding accomplishments of Prof. Emeritus John Arnott Spence that I enter this tribute into the record of *Hansard* of the Senate of the Republic of Trinidad and Tobago.

I thank you. [*Desk thumping*]

Sen. Penelope Beckles: [*Desk thumping*] Thank you, kindly, Mr. President. Mr. President, I consider it a privilege to be able to enter this tribute in relation to Prof. Emeritus John Spence. Certainly, after hearing the Minister of Tertiary Education and Skills Training, there is very little that I can add, but what I would like to say is that I had the good fortune, when I joined the Senate in 1995, of having the opportunity to be

Condolences

[SEN. THE HON. F. KARIM]

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able to listen to Prof. Spence.

At that time, Prof. Spence, Prof. Kenny, Martin Daly, and a number of other persons were in the Senate and, of course, one looked forward to the contributions of Prof. Spence. One recognized his passion about agriculture and, more particularly, about the environment, and I think we have all become accustomed to his writings in the newspapers as they relate to his concerns about agriculture and the environment and, certainly, where he would have liked to see the society—the seriousness he would have liked to see us take as it relates to our dealing with this issue of food security and feeding of our population.

4.30 p.m.

One thing that always stays in my mind is the fact that he never gave up about writing about agriculture, about giving suggestions on the environment; and one of the things you could be certain about is—following the budget presentation of the Minister of Finance every year—Prof. Spence would dissect the budget presentation and would focus mainly on issues of agriculture and the environment. We learnt a lot from him. I always thought of him as a teacher. From time to time if I needed some advice in terms of my presentation, particularly in the area of agriculture, you know, I would have a chat with him.

One of the other areas, in addition to agriculture and the environment, that he felt strongly about, was the issue of education, the issue of the curriculum and really how we could make a difference in terms of ensuring educational opportunities for the people of Trinidad and Tobago.

I think the agricultural sector, in particular, would miss him; the environmental sector; the persons from the science sector as well as those from the educational sector. On behalf of my colleagues on the bench here, of the People's National Movement, I would like to express condolences to his wife and members of his family and friends, who would have lost a very dear friend.

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

Sen. Subhas Ramkhelawan: Thank you, Mr. President. I rise to join in tribute to Prof. John Arnott Spence. What I can say, in addition to what my colleagues have said, is that I found him to be a remarkably accomplished man who was able to delve in so many areas during his lifetime; and serving as an Independent Senator for some 15 years is in itself an accomplishment beyond that of his accomplishments in academia.

What I can say about the late Prof. Spence is that, when I did get his calls—

and there were quite a few—I would have to think very carefully about what mistakes I would have made in some presentation on my early morning television programmes. I got a few of his calls and I had to think, as I said, very carefully. We would engage in very, very long conversations on the phone and, I must say, we never met on a face to face basis, except at functions and so on. The education and the learning that I got from Prof. Spence, I considered it invaluable. Just like my colleague, Sen. Beckles, in agriculture there was quick learning because Prof. Spence was sharp and always to the point.

We have lost a remarkable man who has made a great contribution, and on behalf of the Independent Bench, I want to extend condolences to his wife, his children and his extended family, and to say that through him, we have benefited a lot, not just in academia, but here in the Senate and, may he rest in peace.

Thank you. [*Desk thumping*]

Mr. President: Hon. Senators, I would like to join with the Senators who preceded me in expressing my deepest condolences to the family of Prof. Emeritus John Arnott Spence, who passed away on March 06, 2013 at the age of 83.

Prof. Spence, of course, dedicated a significant portion of his life towards the science of plants and to the advancement of our agriculture industry, and is recognized as one of the most outstanding botanists of his era. Indeed, much of the advancement in local research on cocoa is attributed to Prof. Spence and his pioneering work in that regard.

Prof. Spence's era spanned a number of areas and his opinion on issues including political, constitutional reform and economics were immortalized in several publications he authored, and demonstrated his keen intellectual prowess.

During his tenure as an Independent Senator from 1986 to 2000, I believe, Prof. Spence was respected for his logical and intellectually sound contributions. His contribution to parliamentary discourse is held in high regard. I am certain that his work will continue to be considered as an authoritative source for insight into issues and policy dynamics regarding the agriculture industry of Trinidad and Tobago.

I extend sincere condolences to his wife, children and relatives, and trust that the guidance and comfort of the Almighty God will assist them through this period of loss.

I have, therefore, directed the Clerk of the Senate to write a letter of condolence to the family of Prof. Spence by Members of this honourable Senate. I now invite all Senators to stand for a minute of silence in memory of Prof. Emeritus John Arnott Spence.

The Senate stood.

Condolences
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Mr. President: May he rest in peace. Amen. Senators, it is now 4.37 p.m. I propose to take the tea break at this point and we will resume at 5.10 p.m.

4.37 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

[MADAM VICE-PRESIDENT *in the Chair*]

Madam Vice-President: Before the tea break, we suspended. Anyone wishing to join the debate may do so.

BIRTHS AND DEATHS REGISTRATION (AMDT.) BILL, 2012

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Madam Vice-President, it is good to be here, again, to really respond to some very short issues, and I want to thank Members on the other side and the Independent Bench for the contributions they have made because, at the end of it, we all seek to improve the way we do things and, certainly, whatever we do in public service must be in the service of the public.

Let me just hasten to add, however, that in my presentation, I made it abundantly clear that the Births and Deaths Registration Act needs to be revamped. A lot of work has already gone into that because as we have been reminded, the anachronistic section 16 has no place in a modern era and is totally out of sync, but a lot of suspicion was raised by some of the speakers and I think it is important for me to deal with that.

In another place I had cause to reflect on a story I had been told many, many years ago and I think it is important to repeat it. Madam Deputy President—
[*Interruption*]

Hon. Senator: Vice-President.

Hon. P. Ramadhar: Vice-President, sorry—forgive me for repeating this, but I think it is important for all of Trinidad and Tobago to learn this story.

There was an old man sitting outside the gates of an old city, and travellers would be passing by and they would ask of him, “Old man, what sort of people will you find within the gates of the city?” He would ask, “From where you have come, what sort of people would you have known?” The first set of travellers reported, “Oh, they were very happy, loving, wonderful people.” He said, “Welcome, you will find those people here.”

The second set of travellers passed by and asked the old man the same question. His response, of course, was, “From where you have come, what

sort of people did you know?” They said, “From where we have come, the people were all crooked, mischievous, corrupt, nasty.” He said, “Well these are the people you will find here.”

So the story in that story, the essence is, it is from your perspective and what is in your heart and mind that you would find suspicion when good and noble intent may be intended.

This piece of legislation is an amendment that became necessary because of the cries of our citizens. Many of them come—I am sure, as Members of Parliament, those who sit in their constituency offices, would know that the constituents themselves would have that problem. I am grateful for the intervention of Sen. Beckles, from her experience as a lawyer, and certainly as a former Member of Parliament, of the problems that people face. And into the Ministry they come in droves, complaining about this problem, and it is a very easy fix in this day.

We will make the change that is necessary to relieve a terrible burden on them, and I congratulate all those who will support this amendment. There is nothing mischievous behind it. There is nothing suspicious behind it. But Sen. Hinds, I was wondering where he got all his suspicions from, only to be reminded he was a police officer. I think he may have done a far better job as a police officer than his contributions in some of these matters.

Hon. Senator: Not necessarily.

Hon. P. Ramadhar: Well I am hopeful. [*Laughter*] I could only hope.

Hon. Senator: Do not believe in hope.

Hon. P. Ramadhar: I could only hope. So, Madam Vice-President, knowing that, we will be revamping and looking at all the different sections and all the different connotations of this law, and many other laws that will come very soon to the people.

5.15 p.m.

There was an interesting contribution from Sen. Al-Rawi when he spoke to the placement in this legislation, or in new legislation, of penalties. We intend to do that, so that you will signal right away if a wrong is done or if you contravene any of the sections there, there is a penalty. But, under the present law, for instance, the fraud that we speak to or the forgeries that we have heard about, are dealt with under the general law of the nation. We have perjury laws because when you come and you make your application—I am going to be very, very,

short—in any false declaration, we do it by statutory declaration. So, on that declaration is stated that if you make a statement knowing it to be false, the penalty of imprisonment is available to you, if I may put it like that.

So, I do not know what more I can add except—some very good questions from Sen. Baptiste-Mc Knight. Yes, it is the intent ultimately to eradicate the existence, if I may say, of birth certificates without full and proper names, but that will come with time. As we transition from where we are, we take the reality of 300,000 persons not having their full names on their birth certificates. We are embarking upon, as we have in the past, a registration drive and educational programme to inform our citizens of the need to register your child, and now that this law is to be passed, how they can go about now, for those who have not put their proper names, to do so. So really that is where we are at.

My friend from Tobago, Sen. Cudjoe, let me just say that the reason you will find that 1930 number, it is only because we started working from the youngest going backwards, but it is a work in progress, so if you check today, you might find that it has gone back even further. If there is any particular need you have of a person whose date has not yet come in that category, the application, once it is made, the Registrar General will go pull that document out and fix it for you, so you will get your electronic birth certificate.

So, I want to compliment the Registrar General and all the staff members for the tremendous amount of work that they have done in the Ministry. [*Desk thumping*] There are many areas that they have improved, many areas that we are in the process of improving. As we all work together, as issues come about and problems we have never even foreseen, we have to be able to deal with those.

So, Madam Vice-President, with these short words, I just want to say that whatever issues have been raised here, knowing full well that we are looking at the totality of the revamping of the laws, we will take those into consideration. I thank you very much. I beg to move. [*Desk thumping*]

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.

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.

MARRIAGE (AMDT.) BILL, 2012

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Thank you, Madam Vice-President. I beg to move:

That a Bill to amend the Marriage Act, Chap. 45:01 be now read a second time.

Thank you very much, Madam Vice-President. With the launch in 2011 of computerized death certificates, the Registrar General's Department moved closer to completing the ongoing digitization project of all records for which the department has custody. This Bill addresses another new service: the issue of computerized marriage certificates.

There are approximately 473,000 marriage records in the electronic database and the issuing of computerized certificates will complete the process of a fully electronic civil registry. At present, certified copies of marriage certificates are handwritten, manually signed and issued five days after the application is received. With the amendment to this Act by virtue of the inclusion of sections 50 and 51, the Registrar General will be empowered to amend the current form of the marriage certificate and introduce a computerized marriage certificate. These changes will be subject to the approval of the Minister and will be laid in the Parliament within 30 days as is required by section 52.

The move from handwritten to digital marriage certificates will allow the Registrar General's Department to achieve greater efficiency as the delivery period will be reduced from five days to five minutes, and the records that are issued will be of enhanced security and accuracy. [*Desk thumping*] So, Madam Vice-President, we will achieve better efficiency, security and accuracy while maintaining proper ministerial and parliamentary oversight of the process.

The Registrar General currently ensures that all the data contained in the marriage database is first verified for existing and previously unknown errors or discrepancies. Now, as with the computerized birth certificates, the computerized marriage certificates will have the same security features, and will no longer be susceptible to tampering and fraudulent use. Madam Vice-President, the Registrar General also currently records and monitors the data of applicants who apply for marriage certificates, and any suspicion that the person may be guilty of bigamy can be easily investigated.

Madam Vice-President, I would now like to review the effect of the proposed

amendments to sections 19 and 20 of the Marriage Act Chap. 45:01. I also know that sections 12(c), 21(1), 28, 29, 30 and 41 will be amended by changing the word “President” to the word “Minister”. The Registrar General also functions as the registrar of marriages. One of the preliminary requirements of the solemnization of a marriage is that the licence must be duly issued by either a district registrar or a duly authorized marriage officer.

A destination wedding is an exciting alternative to a traditional wedding and islands in the Caribbean are a popular wedding destination for a growing number of couples from the US and other nations. We want to ease the frustration and stress of all persons who choose to marry in Trinidad and Tobago by removing the requirement for the Minister to sign marriage licences. There are two licences which are the subject of the amendment of the existing sections 19, 19(a) and 20—the President’s licence and President’s authority. These licences can only be issued with the approval of the Minister of Legal Affairs, without which the intended marriage cannot otherwise be performed.

As Minister of Legal Affairs, I must approve and sign each licence for myself. Due to the demands and exigencies of office, I have often considered what would happen if I were unable to approve a marriage licence in time for the planned wedding. There are times when I am unable to attend to these matters as promptly as I would intend. It is with this in mind—and I believe with a more practical and logical alternative to this potentially nerve-racking procedure—it is for the Minister of Legal Affairs to delegate the power under the Act to sign and issue these licences to the Registrar General.

With this amendment, those persons who have satisfied the requirements will have their licences issued by the Registrar General without delay; no longer having to be concerned about the availability of the Minister of Legal Affairs to sign off on this important document. There may be the thought that this transfer of responsibility may burden the Registrar General even further. However, in this advanced age of technology, which the Registrar General’s Department has to its credit harnessed, and with the passage of the Electronic Transactions Act, the Registrar General can now affix an electronic signature on these licences. This would relieve the Registrar of manually signing and will ultimately reduce the time frame for the delivery to applicants.

Madam Vice-President, the United Nations Convention on the Rights of the Child, as well as the Convention on the Elimination of All Forms of Discrimination Against Women—to both of which the Republic of Trinidad and Tobago is a signatory—are contradicted by parts of the current marriage Acts,

specifically regarding marriages under the age of 18.

This is a serious issue but we do not feel that this should be addressed without consulting the people of Trinidad and Tobago, in particular the various religious organizations. The issue of age of consent to marry exists at the intersection of a relationship between the church and the State—the core of where one’s constitutional rights and privileges affect one’s religious rights. Given the gravity of the subject, consultations must occur before addressing more comprehensive amendments to the Marriage Act. The issues of the age for marriage and gender issues in relation to marriage are matters that are attending the public debate, and we do not have the arrogance, Madam Vice-President, to pass such far-reaching law without the permission of the people.

Madam Vice-President, this Bill seeks to do two things: the issue of computerized marriage certificates and simplifying the process of issuing marriage licences. These simple steps are part of the Ministry of Legal Affairs’ continuing effort to improve the everyday lives of our citizens.

5.30 p.m.

We have, in the last two years, made our services far more accessible to our citizens. The staff of the Ministry of Legal Affairs has done this through the establishment of 15 e-registration centres for the registration of births and deaths; through the overseas citizens outreach programme to enable faster access of nationals abroad to records issued by the Registrar General’s Department; and also by the use of the overseas outreach programme to allow access to the RG’s Department; through the launch of online registration of businesses and the incorporation of companies; and through the expansion of the San Fernando and Arima sub-offices. But, we will not rest there.

The Ministry of Legal Affairs, with the cooperation and funding from the IDB, has begun two projects to further modernize the operations of the RG’s Department. The first of these projects is the upgrading of the land registry services by implementing a new software application, which will enhance the land records database, digitizing all real property records.

The second IDB-funded project will improve the security of all records held by the department, by implementing a state-of-the-art vault management system. Access to the vault, which contains many of our nation’s most valuable documents, will be restricted by fingerprint scanning, biometric access and each record will be equipped with a radio frequency identification chip. Every record

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in our vault would be automatically tracked so when a record moves, we will know it and that movement will also be recorded. The records held by this department are the most important legal documents our citizens depend on. They depend on us to keep these records safe and accessible when we need them.

In conclusion, Madam Vice-President, I would like to wholeheartedly thank the staff of the Registrar General's Department for their diligence and commitment to improving the service being provided to the people of Trinidad and Tobago. I thank you and I beg to move.

Question proposed.

Madam Vice-President: Any Member wishing to join may do so. Sen. Al-Rawi. [Desk thumping]

Sen. Faris Al-Rawi: Thank you, Madam Vice-President. I rise to make a short contribution, much to the disbelief of some of my colleagues opposite, in relation to the Marriage Act, Chap. 45:01. Again, I thank—[*Interruption*] not just opposite, my colleague says—again the hon. Minister of Legal Affairs.

Sen. George: I am in disbelief myself, so he is right.

Sen. F. Al-Rawi: I thank the hon. Minister of Legal Affairs on making his second contribution to this Senate in his three-year tenure thus far. Indeed, his tone and measure is always appreciated. It is good to see that sort of delivery, albeit a little bit rushed, Madam Vice-President, but I think that he did in fact touch all of the salient points that I think Members opposite will seek to give a little expansion to, if only so that we may take advantage of the national forum and igniting that level of debate that we must, because, really, the Parliament provides a very excellent forum for allowing the initiation of discussions, for allowing for the expansion of constitutionality and for due consideration, because after all we are—whether as nominees here in the Senate or as Members elected in the House of Representatives—merely servants of the people.

My learned colleagues, perhaps, would have thought that today could have included discussions considering the marriage of the Partnership, one may say, but we would not go down there.

Sen. George: Please!

Sen. F. Al-Rawi: I could go into a little humour this afternoon.

Sen. Singh: What about the marriage of Ramesh and Rowley?

Sen. F. Al-Rawi: I would not go into that full level because then I would go into the law of divorce. I would go into the fact that you can get a divorce with two years' separation with consent, or five years' separation without—but I would not go

there.

Sen. George: Please.

Sen. F. Al-Rawi: Suffice it to say that Chap. 45 of the Laws of Trinidad and Tobago has, in the separate sections, 45:01, 45:02, 45:03, 45:04 of the Laws of Trinidad and Tobago, successively deal with the Marriage Act, the Muslim Marriage Act, the Hindu Marriage Act and the Orisha Marriage Act. Those four pieces of legislation constitute the body of legislation which regulates our multicultural society. In fact, the parent legislation before us was created by an Act of Parliament, Act No. 13 of 1923. So, we are dealing with a bit of legislation which is some 90 years old now. The other marriage Acts which prevailed and which interarticulate with this particular piece of legislation, the dates, as far as I can remember, the Hindu Marriage Act was Act No. 13 of 1945, the Muslim Marriage Act was Act No. 7 of 1961, and the Orisha Marriage Act, No. 22 of 1999.

Madam Vice-President, even though the mischief described in this Bill, from a *Pepper v Hart* point of view or from a legislative purpose point of view, is to provide simplification, and that in and of itself is a noble purpose, so as to remove the requirement for the Minister of Legal Affairs to attend to licences for marriage as of his office, he himself, even though that is the limited intention here and, therefore, to cause what seems to be innocuous amendments only to the word “President” as it appears in the parent legislation in several sections of the Act and in the schedules to the Act. It is incumbent upon us as a Parliament, when we consider the usage of time and with the right opportunity of constitutional discussion lying on the landscape of the nation, as it does right now, echoing in the words of His Excellency the President in his exhortations to Trinidad and Tobago yesterday on his inauguration, it is important that we do take conscious reflection of a few points in that.

My learned colleague says, quite correctly, that the affixing of an electronic signature, which the Registrar General will use in granting the marriage licences and the exemptions to that, or the shortening of periods, which the Minister previously would have to have done—and let me explain that the Act itself, which we are seeking to amend, is to change the word “President” where it appears in respect of a President’s licence and a President’s authorization, to “Minister”. But what that effectively means in law is not that we are moving from the President of the Republic of Trinidad and Tobago to the Minister, we are—by using the word “Minister”—allowing the Minister the authority, as he has in law, to delegate his functions to the Registrar General. So that is the transition that we are doing. It is not President to Minister; it is in fact Minister allowing for, and this is an implied condition of the amendment, the

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delegation to the Registrar General.

Indeed, that is why we have the restriction as we do in common law in any event on the power of a delegate to himself delegate and that is by the introduction of a new section 50, as proposed by the Bill in clause 8; a new section 52 and that is the principle of a delegate not being able to delegate himself.

So, Madam Vice-President, whilst that may be the mischief described, we are, as the hon. Minister has put it, relying upon, as one of the main mechanisms to avoid fraud again and identity theft again, relying upon the provisions of the Electronic Transactions Act. But the caution which I must offer is that the Electronic Transactions Act has only been partially proclaimed in Trinidad and Tobago. If I am not mistaken, it has been partially proclaimed as to sections 1, 2, 3 and 4 and that the proclamations stand in January 02, 2012 and January 18, 2012.

But the core aspect of that Act, which has not yet been proclaimed, it is the second time in the Senate on this side of the Session that we are cautioning the Government that it must seek to bring life to the checks and balances in the Electronic Transactions Act, which have not yet been proclaimed and that, specifically, resides in the unproclaimed sections which deal with fraud, which deal with civil liabilities and criminal liabilities in respect of that and which deal with the authentication of electronic service providers.

If I were to put it another way, the very heart, soul and lifeblood pumping through the veins of the Electronic Transactions Act has not been put into effect, and therefore, when we seek, through the form of amendment that we are doing now, to allow for the delegation away from a Minister as careful as this hon. Minister is—because I know him to be a careful attorney in his previous incarnation and a good one at that—but when we move away from someone as careful as this Minister is, I am sure, in the conduct of his signature to marriage licence, et cetera, Madam Vice-President, we are really moving to a reliance through the Registrar General of an electronic system, using the aid of the Electronic Transactions Act when the core provisions are not yet proclaimed.

So, if the hon. Minister could pay careful attention in his wind-up to, perhaps, assist us with the status of proclamation of the Electronic Transactions Act, we would do very well as a nation to feel a better sense of security that the heart and soul of the mechanisms in law which exist in the Electronic Transactions Act, can come in to assist where there is fraud or room for fraud.

Now, let me put that in context, Madam Vice-President. It is quite possible if you are dealing with rules of intestacy or testacy—that is, when people die, an inheritance has to be dealt with—that some scoundrel can seek to take avail of the rules in the

parent legislation for the provision of notice.

So, that is, you are under the parent Act, as contemplated 90 years ago, required to give certain periods of notice to say you are going to get married. That is reflected in the banns which you post in the congregations that you are a member of, separately or jointly. That is constituted by the notice at the Registrar General's office that you intend to be married. That is why we have a provision time frame of seven days as it is, et cetera, and that is why we have very specific rules in our laws telling us how and in what circumstances the President's licence, as it is called under the parent Act, can in fact be shortened to facilitate a faster period of marriage. But, there is also in the parent Act, provision for marriage in extremis and that is a provision or certification permissible to a minister of religion who allows someone to marry someone who is dying, to put it simply.

So, when we are dealing with periods of notice and we are dealing with electronic signatures to certain events, we have to be careful that we do not throw the baby out with the bath water and that we have the ability, as the hon. Minister has told us in a previous Bill, to allow the investigative units at the Registrar General's office, which he spoke to us of in an earlier debate today—but which I am sure applies equally now, because it spoke to the larger arrangement for security mechanisms at the Ministry—it would be important for us to know that we have that check and balance preserved, lest we have people married in extremis or by Minister's licence or President's licence, as it was called under the parent Act, using it such as to take advantage of a widow, an old lady, a widow who is passing or a widower who is close to passing.

So that, the family does not find out that all of a sudden a will is invalid, because a will is invalidated, as Members may be aware, by a marriage. That is one of the exceptions to an existing rule. If you have an existing will and you get married, your will is invalid. So, we need to take care of the tangential lines of concern that can arise by not having adequate security mechanisms in place, which ought to take care of these events.

Madam Vice-President, the Ministry of Legal Affairs and the Registrar General's Department have done a lot of work over the years. I am a practitioner of law and I am engaged in the practice of a large amount of conveyancing and mortgaging work, I will say, and in my interaction in the corporate arena as well, I can say with great pride that I have seen the developments at the Ministry of Legal Affairs. It is an often underplayed Ministry, but it is really and truly the lifeblood of our legal system. It houses the Registrar General's Department and records, it deals with companies, it deals with everything to do with the living person's registry for wills, et cetera. It is a multifaceted arena and there have been sincere improvements as a result of work

over the last 10 years.

5.45 p.m.

The developments in the security mechanisms at the vault, the single electronic window, the computerization of records, the online registry for the computers registry, all of these things—the improvements in the Intellectual Property Office—they have been done over the last 10 years, and we must be careful when we move to delegate authority as this legislation proposes, to keep the checks and balances in place. So, I hope that my learned friend will speak to some of those checks and balances so that we can be more confident in the level of security offered.

Madam Vice-President, I have just perhaps two short points to make which the hon. Minister spoke to. One is related to destination weddings in Trinidad and Tobago, destination weddings in the Caribbean. It is a form of exploitation of our natural flora and fauna, our culture, et cetera, that Trinidad and Tobago in seeking to diversify its economy, can seek to attract specialist weddings, tourism weddings. Tobago is an island paradise for that sort of beach wedding, et cetera. It is perhaps even more so a better destination now that the THA holds a 12-nil majority, but I would not go there.

Sen. Singh: Are you stopping people from Calcutta?

Sen. F. Al-Rawi: I think you need to speak to Minister Maharaj about that. [*Crosstalk*] The fact is, when we look to this kind of amendment, we must be conscious that with a 90-year-old piece of legislation, which limits—in the parent Act—the operation of open-door weddings at particular times, it is bifurcated right now in the Bill.

On the one hand a wedding must be had with open doors, if it is performed by a minister of religion between the hours of 6.00 a.m. and 6.00 p.m. On the other hand if it is performed by the registrar or superintendent/subintendent, it is performed between the hours of 10.00 a.m. and 4.00 p.m. If we are really seeking to take advantage of the tourism aspect—and I want to use the word carefully—much as oil and gas would, exploitation of services that come out of that and maximizing the market. We really should be looking to an overhaul of that kind of time frame, whilst we are making it easier and more simple for the Minister's licence to apply. We could perhaps look at broadening the time frames within which weddings occur.

The second point that I wish to refer hon. Senators and the Minister to, which

he alluded to in his presentation, Madam Vice-President, has to do with where I started. It has to do with the conflict which prevails in our laws, as it relates among the several pieces of law that deal with marriage, being the Muslim Marriage Act, the Hindu Marriage Act, the Orisa Marriage Act and, in fact, Chap. 45:01, which is this Marriage Act. That is impacted in particular by the Sexual Offences Act which describes a major, a person of age, as a person 18 years or older, and under the legitimacy of sexual relations for statutory rape, as a person under 16 years in the Sexual Offences Act. When you compare that to the Muslim Marriage Act, where the age limit of male to female is 16:12 and in the Hindu Marriage Act, where it is 18:14, we have a problem.

It is something which we alluded to in the Children Bill when we articulated concerns there, and when we considered the passage of the Romeo Clause. In fact, that Bill was a Bill, I am sure you remember it very well, Madam Vice-President, as you did yeoman service to the nation in seeing that Bill piloted in the way that it was in the Senate. It was one of those very rare opportunities when the Government and the Opposition voted fully for the Bill and the entire Independent Bench voted against it.

My understanding of why that vote in the negative was had by the Independent Bench was their objection to the very dichotomy that I am referring to now. The PNM as an Opposition and the Government both had a unified position of the need for consultation on the issue—we, being the parties that have elected Members of Parliament and having constituents.

So, I am very encouraged that my learned colleague has agreed that this is an issue which we must look at as a nation, and have consultation on as a nation. I wish to point out to him very quickly that when we look to the Central Statistical Office and the report tabled here in Parliament this evening—the Trinidad and Tobago 2011 National Population and Housing Census Demographic Report—when you look to page 30 which speaks to marital status under number three, it deals with as the last line of that page, it deals with singulate mean age at first marriage. It says:

“The singulate mean age at first marriage... is an indicator of the mean age...”

It says basically, that it is 29.2 years—that is, a person who is 29 years old, roughly, as a man getting married for the first time—and for a woman, 31.8 or 32 years old to get married for the first time. That is the singulate mean age that the statistics in 2011 demonstrate.

But, there is a very important caveat to that which I wish to draw Senators’

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attention to, through you Madam Vice-President: this method assumes that no first marriage occurs after age 50 or before age 15. Now, that is very, very important when we consider what we are going to do about Chaps. 45:02, 45:03 and 45:04—Muslim Marriage Act, Hindu Marriage Act and Orisa Marriage Act—in conjunction with this piece of parent legislation, when we are looking to review, as we must, if we are to meet the United Nations’ standards of the rights of the child, which I know we all support. If we are to meet those standards, we really must know that our statistical information does not even contemplate, when we are collecting it, an application of marriage for girls at 12 years old or 14 years old as two pieces of legislation in this country allow. So, Madam Vice-President, it is a very important deep-rooted issue.

We, I know, the Members of political parties with constituents, support the very large numbers of persons that populate our respective religions. It was interesting to note at page 17—in fact, it was Sen. Deyalsingh who pointed this out to me a short while ago—that the Anglican population is 75,000 people; Baptist, 90,000; Hinduism, 240,000 persons; Islam, 65,000; Jehovah’s Witness, 19,000; Methodist, 8,000; Pentecostal, 159,000; Presbyterian, 32,000; Roman Catholic, 285,000; other, 115,000; Seventh-Day Adventist, 54,000; none, 28,000; not stated, 146,000 people.

So, we are dealing with large numbers and in our consultation as the politicians in this Parliament, it is important for us to capture the true desires of the persons whom we represent. So, I would urge my colleague who, in fact, has the pleasure of pioneering the constitutional discussions and reforms, to table that as an urgent agenda item, so that we can have some form of gauge to it.

Madam Vice-President, the last point that I wish to make is that the Act itself is one in need of deep reform. It is 90 years old. There are by my count 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 sections that deal with fines or deal with fees, all included in the body of the legislation. The revenue generated to run this kind of division—that is, marriages and the production of certificates, et cetera—the revenue at highest generated is \$300 under the Act; copies, \$30 or \$12.50. The allowance to marriage officers for their operation of office is \$112; \$127 per month. I would love to know where in Trinidad and Tobago you can rent a place for \$127 a month.

Madam Vice-President, the highest offence prescribed in the Act is \$300. You get \$10 for a registrar’s certificate. It would make much better sense if we were to do much like the Act that we just dealt with, which is the Births and Deaths Registration Act, that you populate a schedule for revenue, and that we look to prescribe the revenue not in the body of the Act itself, which is hard to amend, but instead by Minister’s orders

as is traditionally done in reference to a schedule.

The Act is in need of urgent revision. It has not been one—largely because we do not have that large an incidence of difficulties in marriage. I can tell you that many lawyers live off of the difficulties in divorce, but in marriage itself, we have not had that much difficulty. I think that the time is ripe for us to look at a revision of the legislation. I am sure that it would be supported by all parties present. I am sure that the hon. Attorney General will be in his best form when he deals with that.

Again, I extend a sincere invitation to my learned colleague, Sen. Coudray, for us to hear from her as to the status of the Children Bill, the Act which is awaiting proclamation; it has been assented to. It is a burning issue for us all to know about, and with that short contribution, I thank you. [*Desk thumping*]

Sen. Helen Drayton: Thank you, Madam Vice-President. Let me say that I really have no issues with this Bill to amend the Marriage Act. I have read the parent Act and I fully endorse what has been said. Again, we are bringing legislation piecemeal, piecemeal. A legislation, an Act which was done in 1923, yes, 90 years ago and, of course, under section 29 in today's context, with respect to marriages being "solemnized with open doors" and also between 10.00 a.m. and 4.00 p.m., I really cannot understand the context today.

But it gives me an opportunity to address two matters and, of course, with my track record I think that those two matters are quite predictable. One major one has already been mentioned by Sen. Al-Rawi, but when it comes to children, I think that having to reemphasize certain issues will be important. So let me say that I have full respect for all religions, bar none. So, I speak strictly from the perspective of the rights of the child.

I continue to hear the Government speak about consultation, and I do not know if it is that we have to wait until a new Constitution to deal with this burning issue of children being given away in marriage from the age of 12, because their rights are already enshrined in the Constitution, and also we have signed an international convention that prohibits that kind of activity. So, children are not in a position to assert their rights to childhood and the needs for their development. So, someone has to speak on their behalf, and someone also has to speak on behalf of all the NGOs who work tirelessly every single day in the care of children.

The marriage laws as has been said discriminate against them, particularly girls. The Children Act discriminates against both boys and girls, and yes, as it was said, the Independents abstained on that Bill because for some of us and I certainly would speak for myself, I will not agree to any law which discriminates against children,

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and which continues to reinforce the age of marriage for children at 12 years.

6.00 p.m.

According to the Hindu Marriage Act, children can be—the age at which a person is capable—this is a law: it says the age at which a person is “capable” of contracting marriage is 18 years in the case of males and 14 years in the case of females.

Under the Muslim Marriage Act, the age at which a person is capable is 16 years for boys and 12 years for girls—at which they are capable; but the law governing the welfare of children says the legal age for the consent of sexual intercourse is 18 years of age. There are many contradictions in the way the law deals with children’s affairs.

And another example: you will criminalize a youth of 19 years for having sex with the consent of a 16 year old, who is in the workplace legally. That 16 year old is deemed incapable of giving such consent, but the law supports marriage of children at 12 years. Now, how could a sexual relationship with a 12 year old, according to one law it is rape, but under another law it becomes wholly a legal thing under the cloak of marriage. So what I want to say is that all this thing about consultation, I think it is another cloak. I say it is another cloak because the children cannot vote; but the people who marry them can vote.

Now, recently we heard about rampant rape and abuse against children, and specifically about 200 cases of abuse were reported in central alone. The question is this: what is the role of the Children’s Authority?

The reality is the Children’s Authority has a handful of people, a handful of persons, because you could count them on your fingers, who are specialists and who are qualified to deal with certain issues, but in one region alone we speak of 200 cases for the year to date. So I have to assume that the sheer magnitude of their work, these staff—and I understand it is about nine of them—must be very frustrated. I would not be surprised if they move on to more lucrative and more welcoming pastures. I know they are dedicated people, but they must live and they must maintain their sanity.

Now, it is not that the authority did not get moneys under the budget, it is not that training is not being done, the reality is it is just not enough. I understand that they are waiting approval of a new organization structure. I understand they need more staff; they need more funds; and they need more of everything. This is my understanding.

The question has been asked: why has the authority not been proclaimed? Well, the reality is, I do not think that that law should be fully proclaimed because if it is proclaimed, the authority is not resourced adequately to properly exercise their mandate under the law.

The Children Bill was proclaimed—or was it assented to, not yet proclaimed? In any event, if it is proclaimed, they are not properly resourced to give effect to that Bill; not when you speak about one region generating 200 cases of abuse. Somebody has to go out and investigate. They have to go out to the homes. They have to make reports and if yes, the children are being abused, then they have to find somewhere to put those children because they have to remove them from the environment, and there is a dire need for safe places for children who are being abused.

So when I heard about 200 cases for the year to date, I have some questions and more so for the victims and welfare support unit, or the child victims, whatever the unit is called, because it begs the question: where are those children? Where are the 200 perpetrators, or is it less than that, who are abusing hundreds of children? Have they been arraigned? Are they in jail or are they in the environment of the children?

We also heard—and I think this was said by the person who heads that particular unit—I understand that a video was made and this was shown at a conference at Hyatt. I wondered whether the question was raised: where is this poor victim? Where is this poor child? Where is the perpetrator? Who made the video?

Now there is an abundance of evidence to show that abused children during their formative years may affect them for the rest of their lives, and their communities. Violence against children is a condemnation of the future to brutality. So the real fight against crime is really a fight for the minds of children.

We speak on amendments to the Marriage Act and, while we do so, children are being abused in the marital home by fathers, by mothers, by brothers, by sisters, by guardians and there is no church, there is no police, there is no neighbour and there is no authority to help them. But often there are people who know that they are being abused—maybe a relative, a neighbour, a school friend—but where do they go? To the Children's Authority? The Children's Authority, from my understanding, is struggling to help itself.

Now, at this time, if there is any rallying point we need, I want to suggest that rallying point should be children. I think if we rally for the cause of these

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children, we will begin to get the formula right with respect to crime and we will begin to get the formula right on an agenda for the future.

So, I want to plead for children's homes. I want to plead for all the NGOs that are helping children. Whatever they need, let us pull out the stops. Of course, these NGOs must be properly inspected. They must certainly justify their needs and I want to say that I stand by ready to help in whatever way possible.

So I want to close by urging the Government to amend the legal age to 18 years for all marriages regardless of gender and regardless of religion. Apart from the fact that the current laws deny the children a right to be children, these laws contravene the international conventions that we have signed. It is time for the consultation to end and it is time for the Government to uphold the rights of all children that are enshrined in the Constitution.

Madam Vice-President, I thank you.

Sen. Dr. Rolph Balgobin: Thank you, Madam Vice-President. I just have a short contribution to make on this Bill. I should start with the simplest point and that relates, not so much to this, as an observation about the parent legislation, and that is that really fees should be in a schedule. The way it is placed in the parent legislation is quite ungainly and lends itself to inflexibility and fiscal or financial deficit for the authority operationalizing this law.

I have a deeper concern, which has been stated here, but I wish to explore it a little more and to emphasize an aspect of it that troubles me a very great deal. For that, I want to note that in the legislation proposed, we have made amendments to sections 12, of the parent Act, 19, 20, 28, 29, 30, 41, 49 and so on. Section 23, which we skipped over, of the parent Act, is entitled "Consent to Marriage" and section 23 deals with consent to the marriage of a minor.

So, I am gravely concerned about that because we have in Trinidad and Tobago today, the very peculiar circumstance where we have, in law, protections for parents, for people who can sell or otherwise place their minors—their children or people for whom they are guardians—into marriage. The child has little or no voice and I cannot, for the life of me, reconcile this set of arrangements which we are ignoring still, when we have a situation in the world today which goes largely unacknowledged, and that is, by some statistics there are more people in slavery, enslaved in human bondage today than there ever has been—even at the height of the slave trade that defined the development of the Caribbean and its societies and its economies. Most of these people appear to be women and children. Thankfully, our information is a little better than a few hundred years ago and so we have information. We know that human trafficking is a huge problem.

Recently in San Fernando, some 75 women were arrested—the owners of the facility never are—for prostitution and so I thought, well, that is the authorities doing their work. Someone came to me and said, well, you know, that is not really what is happening there you know. They go to these countries and they get these girls to come. Now, I know, oftentimes, they come, people take their passports; they beat them, threaten them with violence; take them to a foreign land where they do not know the language; they have no network, no support; they view the authorities as being involved; they are given drugs to fuel an addiction. The one that I was unfamiliar with is the one where you promise to give them some money to go back home with and nearing the end of their tenure you just call the police, or you call the authorities, they come in and raid the place and the State then sends them home for you.

So I think that this issue of human trafficking is germane only because I think that it is not impossible to contemplate a scenario where minors in Trinidad and Tobago can be sold into slavery.

6.15 p.m.

We already see some parents sending their children out to beg. What comes after that? There is just one more step; one more step. Oftentimes they send their daughters. They send their daughters by your front gate to come by your car to ask you “for thing”. “My God”, how do we make these simple amendments and leave these things unaddressed? How do we do that? Where is the conscience in our society when we look at that? [*Interruption*] I have a solution as it turns out.

You know, the legislation that this thing appears to fix, I am very happy to support it. I have absolutely no difficulty with decreasing the workload on the presidency. The Minister wants to grant licences, and he should be permitted to. I do not see anything wrong with that. Personally, in the same section 28 that we are amending, there is the quite peculiar arrangement that marriage has to be solemnized between six o'clock in the morning and six o'clock in the evening, and the doors have to be open; no “air-condition” for you. [*Laughter*] The doors have to be open. Why? And why six to six? What if I want to have a midnight wedding or a sunrise wedding, and the sun is going to rise daybreak at 5.45 a.m.? Bad news!

Sen. Deyalsingh: “You cyar marrid ah vampire”. [*Laughter and crosstalk*]

Sen. Dr. R. Balgobin: But the morning sun, does that not approximate in Hindu logic to “satwar”, to a very important—the quality and aspect of that sunlight is unrivaled; it is unparalleled with any light you get for the rest of the

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day. But we pay attention to Ministers and presidents and their duties and there are some plainly nonsensical aspects to the parent legislation that require assistance.

My only concern with this remains, this society's continuing demonstration of its impotence to deal with the major problems affecting us and there are two and only two. We can call corruption a third. I am going to ignore corruption for now. We have problems here of sex and violence. We have problems here of sex and violence and they go together. Studies of killing, studies of gang activity tell you that the money that they make really is driven by—is gained by violence and is driven for sex—that three. That is a triumvirate: money, sex and violence, and it feeds the criminal mind and criminal behaviour.

So, I am looking at the Sexual Offences Act and in the definition section we call a minor 18 years old. In section 7(2), we say that a girl cannot have sex under 16 years of age. Section 9 of the Orisa Marriage Act says 18 for boys, 16 for girls. So, I guess boys just have to wait longer, but for a girl it is all right. The Hindu Marriage Act says 18 for boys, 14 for girls and the Muslim Marriage Act says 16 for boys and 12 for girls. Now, I am not passing judgment on anybody's religious beliefs.

PROCEDURAL MOTION

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much Senator for giving way. Madam Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of the Bill under consideration and Motion No. 1 under "Committee Business": the Bill for the incorporation of the University of the Southern Caribbean.

Question put and agreed to.

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Sen. Dr. R. Balgobin: Thank you, Madam Vice-President. And so, when we look at the varying pieces of legislation which we have, which purport to address the issue of when it is permissible for a minor to have sex—and, to me, sex is a major—I do not know how it is that in the definition section of the Sexual Offences Act, we say that a minor is under 18, and sexual activity is okay. Sexual activity is something for adults. And so, this is not about attacking anyone's religious freedoms.

Madam Vice-President, my position is very clear in my own mind with what we know today about modern biology, physiology and psychology, it cannot be tenable for Trinidad and Tobago to have this range of permissions for people to have sex. And there is a lovely get-out clause which says, well, you know, if you have sex with a minor, and you thought she was your wife, but she actually was not, well, that is okay too.

Sen. Al-Rawi: You need to have children in the Marriage Act.

Sen. Dr. R. Balgobin: You have then passed a piece of legislation, one year ago, almost to the month—I stood here and objected strenuously to the provisions in the Children Bill, now Act, which cemented these arrangements. Here we come again. We are talking about a certain aspect of it, but let us have the courage to change it. What dialogue do we need to have? What discourse? What is it that we have to do? This is not a constitutional change. We continue to put our young people at risk. Human trafficking is a major problem. I do not know but there are estimates which suggest that it occurs with our children too. It occurs with our children too.

So, I am all for the regularization of arrangements which allow for the smoother flow and operation of everything to do with marriages, and marriage is a good thing, because the basis of societies cannot be individuals, it has to be a household; it has to be a household. Perhaps one day we will even be mature enough to have a discourse about same-sex marriages. *[Interruption]* This is occupying other jurisdictions, other places. I am not talking about that. I am merely saying that I think it is a missed opportunity for us to bring amendments to the Marriage Act, and leave such an absolutely glaring arrangement, misarrangement, in place. The social safeguards are no longer there for the protection of minors who find themselves in marriage and who may not have chosen it. They may not have chosen that status or that life.

So, I would wish to encourage the Minister to please, please hear my entreaties, because the solution is very simple, bring it up to 16 or 18. It is not a difficult solution; bring it up to 16 or 18. It is not to say that this happens every day, but we ought not to permit it to happen. It ought not to be in our law books.

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

Sen. Prof. Harold Ramkissoon: Madam Vice-President, I arise to make a contribution, a brief contribution, to this seemingly innocuous and benign Bill. *[Laughter]* But before I do so, let me also extend a very warm welcome to the Minister of Legal Affairs to this our Senate. *[Desk thumping]*. It is his maiden visit I think or trip from the lower to the upper. You are, Mr. Minister, the recipient of an upgrade.

Sen. Deyalsingh: “Ah ha, well said.”

Sen. Prof. H. Ramkissoon: Madam Vice-President, this Bill seems to be what I call a facilitating Bill. It transfers power or some powers from the President’s office to Minister of Legal Affairs office. I do not know if it is transferring some power from a crowded office to a less crowded office or from a crowded office to a more crowded office. My only hope is that it is going to result in better efficiency, probably loose up some bottleneck and that the people would benefit from this transfer of powers. That is my real hope.

Society has come a long, long, way, from an isolated village to a highly interconnected global village; from a closed society to a more open society; from an extended family to a nuclear family; and now in some cases to single and increasing in numbers, to single-parent home. With these changes, the institution of marriage has been under attack. An issue that was once taboo is now being brought to the fore.

My good friend, Sen. Dr. Balgobin, talked about same-sex marriage. That is hotly debated in some countries around the world, and I have no doubt that it is going to come to our shores in the form of a full debate sooner than later. Just recently in the US, one of the Senators—a very vocal anti-gay Senator—had to have a second look at his views when he found out that in his very home, one of his sons had declared his leanings.

We must, from time to time, in light of a changing world, in light of new knowledge brought about by the advances of science, revisit some of our institutions, some of our thinking and adapt while we restore or retain our core values. What worked in a past era may not work in today’s age, and may not be in keeping with today’s reality. With these opening remarks, Madam Vice-President, I now turn to two relevant issues in this Bill that deserve our attention.

Let me again—I think Sen. Faris Al-Rawi did this—remind us all that in our law books there are four marriage Acts reflecting the diversity that is Trinidad and Tobago. Marriage Act, 45:01, we are now debating, trying to amend this Act; then the Muslim Marriage and Divorce Act, 45:02; the Hindu Marriage Act, 45:03 and the Orisa Marriage Act, 45:04. One of the problems that I would now like to highlight is a problem that deals with marriage certificate: the inordinately long time it takes to get a marriage certificate for someone marrying under Hindu rites.

Let me give you an example. One of my younger sons, about a year ago got married, and the young couple wanted to get their marriage certificate as quickly as possible so that my son could put the name of his wife on his health insurance

so she could get coverage. Madam Vice-President, it took them over six months to see that wedding certificate, six months chasing after individuals; six months chasing after a paper certificate; six months in this electronic age, in this age of information technology. That highlights either gross inefficiency or inefficiency at its best or efficiency at its worst. Another relative got married in September last year, seven months now, and she is still waiting for her marriage certificate.

6.30 p.m.

Madam Vice-President, I did a bit of research to try to find out where are the problem points, and let me quickly walk you through the steps that are involved to get a marriage certificate if you are getting married under Hindu rites. You have a pundit, a Hindu priest, who will do the ceremony. He may travel from point A to point B. He lives, let us say, down in Cedros and he goes to Chaguanas to do a wedding. He is unlicensed, which means that he can do the ceremony but he cannot sign the form, so he has to take it to another pundit who is licensed. That pundit then signs the form; it is then taken to a local office, Registrar's office.

Hon. Senator: Subcontract.

Sen. Prof. H. Ramkissoon: Then from there, that local Registrar's office, it goes to the central Registrar's office in Port of Spain, and on several occasions there are errors made by the officers, probably at the central office or elsewhere, in spelling for example, and part of this process has to be repeated. Madam Vice-President, this is the reason why it takes such a long time to get something as simple as a marriage certificate, so I am kindly appealing to the Minister to please look into this problem. It is a real problem and it needs your urgent attention.

Madam Vice-President, I have been trying to look for adjectives to describe this process, this cumbersome process, and some of the words that came to my mind: disruptive, punitive and demoralizing. I hope these would be something of the past.

Madam Vice-President, I now want to briefly turn to another issue which has been mentioned by my colleague, Sen. Drayton, the issue of early marriage. It is a sensitive issue but it is an issue that we have to confront. We have to confront it. Let me start by stating that, most if not all of our youths, particularly our girls, want to live normal lives. They want to enjoy their childhood. They want to spend their formative years in school; this is natural. They wish, I am sure, to make or take advantage of all the educational opportunities available to them, opportunities made possible by past governments and this Government. They do not, I believe, want to be saddled at an early age with responsibilities that would stunt their growth, stunt their development and cripple their future.

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The hon. Prime Minister recognizes this, and I want to quote from the hon. Prime Minister's address. At a meeting of female Heads of Government held in New York in June 2011, the Prime Minister declared and I quote:

“It is not okay that”—our—“girls...”—should—“bear the burden of teenage pregnancy.”—It is not okay that—“half a million women die each year during childbirth across the developing world.”

Later, at another meeting, Commonwealth Heads of Government in Australia, she stated and I quote again:

“Early and forced marriage is one of the most significant barriers to girls' education, maternal health, female economic empowerment and the realisation of basic fundamental human rights.”

Between 1997 and 2007, there were 105 girls under age 15 who were married according to UWI researcher Carol Jaggernaut. Granted this is not a large number but every child marriage is one too many. Women understand the problem of early marriage better than men, and that is why women today are at the forefront of this battle or this fight to do something about child marriage in this country. I want to commend the many NGOs, the many women's movements, and the individuals also, a number of individuals who are involved in this fight.

Women know the pain and pangs of birth. They are the ones who are the homebuilders and the homemakers. They are the ones who make ends meet in their homes. They are the ones who look after the education of their children. They are the bedrock on which our society is built, and they are the ones who still have an interest in our young children, our young girls in particular. In addition, some of them have to pursue their own career, like yourself, Madam Vice-President. That is why I have tremendous admiration for the mothers of this nation.

What is the position of men? And, you know what this reminds me of, a typical West Indian male response, “This is not my child”. That is the response, I think, coming from the male.

The divorce rate seems quite high. You heard the statistics given by the hon. Minister of Planning and Sustainable Development, but I would give you another statistic: there were 2,840 new divorce cases in Trinidad and Tobago in 2011; 2,840 in 2011 alone. That is five per thousand people, approximately, and when you get to the five to six range, it is extremely high.

The statistics are consistent with the breakdown in family life that we are witnessing with its dire consequences, with the increasing number of single parents. Early marriage could only make this bad situation worse. It is for this reason I am urging the Government, again, to move with haste with respect to their consultation. I want to be a bit more optimistic and think that this is real consultation, and bring legislation to this Parliament to do something about reducing the age of marriage in this country. The current laws are archaic, they are oppressive.

Hon. Senator: Increasing.

Hon. Senator: Not reducing, increasing.

Sen. Prof. H. Ramkissoon: Increase. Sorry, my apologies—increase.

Hon. Senator: “Dat is all the arguments before.” [*Laughter*]

Sen. Prof. H. Ramkissoon: Let us take a look of what is happening around the world in some of the other countries with respect to the marriage age. India: 21 male, 18 female, and just recently I saw where they are taking measures to make sure or to put in place to enforce compliance. Bangladesh: the same thing, 21 male, 18 female. Singapore: 21, and if you are between 18 and 21 and you want to get married, you need parental consent. Egypt: 18 years. Algeria: 21 male, 18 female.

Hon. Senator: Saudi Arabia?

Hon. Senator: Twelve and 14.

Sen. Prof. H. Ramkissoon: Madam Vice-President, from these figures, we certainly have to increase the minimum age. We have to increase the minimum age. Some people are suggesting age 18, and I think that is a reasonable age across the board, a universal age in the country. I do not think we could leave it at one age for one group and another age for another group. I think it has to be a universal age across the board.

In conjunction with this, Madam Vice-President, I think the time has come for us to ensure that compulsory education, education is compulsory for all up to age—I do not know what the current age is, but I would like to see age 17 at least; everyone should be in school up to age 17.

Madam Vice-President, my thanks to you and fellow Senators for giving me the opportunity to raise the two related issues. I have brought to the attention of the Government of the day the two issues with the hope that action will be taken, with the hope that archaic laws would be no part of a 21st Century Trinidad and Tobago. I thank you most kindly, Madam Vice-President. [*Desk thumping*]

Madam Vice-President: Sen. Ramkhelawan.

Sen. Subhas Ramkhelawan: Thank you, Madam Vice-President, for giving me the opportunity just to say a few words on this particular Bill. I had not intended to contribute because I thought that the amendments were rather simple. [Interruption] But if Sen. Al-Rawi would give me an opportunity to contribute, I would do so. [Laughter]

Sen. Al-Rawi: Sorry, M'Lord.

Sen. S. Ramkhelawan: The debate became rather intriguing when the matter of the marriage age under the various—the Hindu Act, the Muslim Act, and so on, were brought into the debate, first by Sen. Al-Rawi and then by Sen. Drayton, and I think we need, with this particular area, to be very sensitive. We have been sensitive to the needs of different elements of our community who have different perspectives, but I do not want to defend the marriage age of 12 or 14 or 16, in the case of girls—children.

What I do want to say is that we have a greater prevalence of teenage pregnancy in our society, and if we use one yardstick, or probably one metre stick, we are going to find ourselves in some difficulties. How could you have a situation, for example, if you say the marriage age is 18 years for women and we have a preponderance, a growing situation, of teenage pregnancy?

[MR. PRESIDENT *in the Chair*]

Does it mean that if someone wants to legitimize a relationship that we raise that age and we do not create exceptions for such situations, because we have a contradiction that is taking place. Let me say that my understanding is—and I will stand to be corrected—that there is less and less and less of marriages that are taking place among young children, but there is more and more and more of teenage pregnancy, and if that pregnancy happens out of wedlock, what do you do? What do we as a society do if those persons who are affected in a relationship want to legitimize that situation?

So I have heard the discussions, I have heard some of the discussions relating to the children in terms of the children legislation, where two young persons at the age of 16 and so on, can have a sexual relationship without it being considered a criminal activity, and there is so much in terms of irrationality of the legislation. We all agree to that. We all agree that this age must be lifted, not only in terms of legislation, but also in terms of education.

I was a bit surprised that my colleague, Sen. Al-Rawi, spoke to the question of—because he and Members on the other side have constituents who elect them that we should simply, probably, wait and stand aside while negotiations and discussions are going on with regard to the age of marriage—[*Interruption*]

Sen. Al-Rawi: That is not quite what I said.

Sen. S. Ramkhelawan: Well, you know you will usually take your minute to explain, but I was just paraphrasing. [*Laughter*] Let me reiterate my concern that if we are going to do this—and because it has been raised in this debate—if we are going to do this, we have to be very sensitive, not only to the different constituents that make up our society, but to the practicality of this matter of teenage pregnancy which is a growing phenomenon.

6.45 p.m.

I do not know whether Sen. Dr. Tewarie had it in the statistics, I was looking for it, the incidence of teenage pregnancy per 100 and so on, I did not see it, but it is the point I wanted to make and inject into this discussion, which is a very intriguing discussion.

Let me say in concluding that I support the amendments that are being proposed in terms of what was called a rather innocuous change, but the matter of marriage and the broader issues must be considered, if not today, which I do not expect that they will be, but at some time in the future when we have to discuss this at greater length. I thank you, Mr. President.

Mr. President: Minister of Legal Affairs. Oh, sorry.

The Minister of Gender, Youth and Child Development (Sen. The Hon. Marlene Coudray): Mr. President, before the Minister of Legal Affairs [*Desk thumping*] properly responds, I would just like to make a few comments on some of the contributions made here today.

Hon. Senator: Well done.

Sen. The Hon. M. Coudray: I would like first of all to indicate that the issue of the marriage age would be properly addressed by the Minister of Legal Affairs; I am sure he would in his wind-up. The Ministry of Gender, Youth and Child Development is a Ministry that deals with policy and therefore, after extensive consultation for over a year, recommendations were sent to that Minister, the hon. Prakash Ramadhar with respect to the outcome of those consultations.

With respect to the other issues raised in terms of the Children's Authority: the Children's Authority was set up to protect children, the rights of children, to protect children from abuse, and that piece of legislation was passed in this

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honourable House. Therefore, I think, we need to be very clear on the role of the Children's Authority and the role of the police and other authorities in terms of abuse against children.

The Children's Authority is a regulatory body that is also responsible for monitoring children's homes for licensing and for those purposes. So that the recent—you hear these sporadic outbursts from several places in society in terms of what is happening with children and offences against children.

I want to assure this Senate and the population of Trinidad and Tobago that the officers, the technocrats and other officers in the Ministry of Gender, Youth and Child Development have been tirelessly pursuing all these avenues, and all these complaints, and that we are limited in terms of what we can do, and we are now in a position where we are looking at all the various pieces of legislation and the gaps in the Act itself in terms of all these issues that come to our attention on a daily basis. It is time consuming. It takes time, but I want to assure everyone that the Ministry is on top of things and we are addressing it.

The issue of the Children's Authority not being properly resourced, I do not think that there is any Government Ministry or authority in this country today that is adequately resourced, and therefore we are trying, with the limited resources that we have, and I think it is a question of proper use of resources.

Mr. President, I just want to say to Sen. Drayton who has offered to help—the Senator said that she is ready and willing to help—I think with her background she might be able to help the Children's Authority in terms of fiscal discipline and in terms of dealing with all the matters that fall under the Act, and how they utilize the resources allocated to them.

I think I raised several issues during my budget contribution in October last year, and some of the concerns at the Ministry itself had with how the resources were utilized, and I think I would be out of this chamber just having those discussions.

The question of safe houses and other issues, those are also being addressed, and two pieces of—I have already mentioned the Marriage Act which is being addressed, and also the Education Act and a recommendation was made to the hon. Minister of Education, which he is addressing, to raise the minimum age of attendance at school to 16 years and in keeping with the very Act, the Children Act 2012, which I think makes provision for a child to be in school up to age 12. We have seen a lot of inconsistencies and our legal people are working on them.

I just want to stand at this time—not to take away too much from the debate in terms of the Marriage Act—I just want to give the assurance that the Ministry is working along with NGOs and others, and I want to take the opportunity to thank all those who have been involved.

We have been having seminars with the NGOs across the country. The proclamation of the Children Bill—I said also in the debate on the budget in October that it requires training, and we had started. It would take about one year to put things in place that will allow the Act to be proclaimed fully. So the training is taking place. I think the next stage is Tobago; we have done four so far out of six.

So, I will come back to the Senate with a comprehensive position on where the Ministry of Gender, Youth and Child Development is with respect to those critical children's issues in our country. Thank you. [*Desk thumping*]

Sen. Al-Rawi: I would appreciate that.

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Mr. President, I am very, very grateful to be able to stand to close this debate. Let me begin by answering my friend, Sen. Al-Rawi, and I am hardly—in fact, I am hesitant to say because I know you normally check these things, but my information is that the Electronic Transactions Act, that relevant section has in fact been proclaimed on January 12, but we will sort that out in any event.

To Sen. Ramkissoon, Professor, I am grateful for your information about the inconveniences of obtaining the marriages licences. But let me just hasten to add that many of the issues you raised are out of our hands in the Ministry, in that it is dependent upon the marriage officers to bring the information to us, and if they delay those matters, then we cannot really help, because as soon as the information comes to us, the turnaround time is within seven days, the marriage licences are available—marriage certificates, sorry.

Now, what we are doing, and what we have already done, in relation to the registrars for deaths, is that we have gone electronic already, where we have trained many of them to use computers, so that they input all the information and email it to us. So it is a matter, you know, within seconds it is at the Ministry.

We are in the process of doing the same for marriage officers. So in a short period of time there should be no delay. Once the information is input it comes to us, and once this law is passed you would have your electronic marriage certificate within a matter of minutes. So we are dealing with those issues. Let me just hasten to add that it is illegal for anyone to officiate as a marriage officer without a licence to do so. [*Crosstalk*] Yes.

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In relation now to the issue of the age for marriage; we have heard a lot this evening about it. It is something that is troubling the hearts and conscience of many of us, but here we are where there are religious rights, and then there is, of course, what I may consider sometimes the majority view, that these rights need to be dealt with in a way. We have started consultations. Indeed, I want to say that consultations are important for several reasons. It really highlights the issue and those you consult with, even though they may hold their religious beliefs dear to them, sometimes by the culturalization, the fact that it is open and the discussion has opened, you have changes. Let me tell you why I am very confident.

In the last 10 years we have had 3,565 marriages for persons under the age of majority, but the good news in all of this, Mr. President, is that in 2010 there were 27 such marriages, in 2011 there 21. As Prof. Ramkissoon has reminded us, even one is too many; but you know what the good news is? Last year there were three. So there is a trending down. So that, you know, you may very well have no issue to deal with. [*Crosstalk*] We are not going to assume that to be so. I am saying that you look at the numbers and the discussions, and I congratulate the Minister, our hon. Sen. Coudray, for some of the consultations that they have been having, and the last two years this has really gripped the conversation with the NGOs and civil society.

Therefore, we are seeing, by the numbers themselves, a real-time and a real-world reduction in these marriages. So I feel very confident on that. But as you say the consultations will continue, and as soon as we are able to revamp all of the legislation—as we say, you know, this is 90 years old, I was not born yet, and many of us were not.

Hon. Senator: Some of us.

Hon. P. Ramadhar: Some of us might be. Yeah. [*Laughter*] So it is wrong somehow to give—[*Crosstalk*] [*Laughter*]

Sen. Karim: “Some who aint, some without birth paper.”

Hon. P. Ramadhar:—the impression, you know, that this legislation was the creation of this administration. It is something we met, but we are dealing with it. Sometimes laws take far longer than we want, to be enacted or effected [*Crosstalk*] but we have the will and the dedication to take on hard and difficult things [*Desk thumping*] because, yes, and to make changes.

These issues, I understand, there was tremendous work done in the year 2007 in the very Ministry of Legal Affairs, but when the time came for decision, it was

shelved, put aside, left for somebody else to do the work. We will take on that responsibility as we have, in many things. [*Desk thumping*]

Sen. Al-Rawi: Hon. Minister. [*Crosstalk*]

Hon. Senator: “He come in Guyanese time, you know.”

Sen. Al-Rawi: Hon. Minister, thank you so much for giving way, as you truly always are a gentleman. If I could just point you to have your research team—so that we could get it right. The Electronic Transactions Act Parts V, VI, VIII, IX and X have not been proclaimed. Eight deals with Consumer Protection; IX, Contravention and Enforcement; and X, the Miscellaneous Provisions including jurisdiction of the court. So just by way of assistance to when your team is looking at it later. Thank you, Minister.

Hon. P. Ramadhar: Thank you so much. But we were dealing with the signature, the electronic signature.

Sen. Al-Rawi: But the signature is there, but it is the contravention aspect.

Hon. P. Ramadhar: I see, I see. But we are here dealing with the issue of the use of the electronic signature, and I am grateful for your assistance. Thank you so much.

Sen. Ramkhelawan, I really do feel as I have been upgraded in coming here because of your intervention, which was very refreshing, to give a balanced view to what is in the real world happening, because we speak about marriages and the age for marriages, but the real mischief, and so, that is happening in the society, is where children are giving birth to children, and no law that we could pass here will deal with that. It is really about social issues and social interventions which I know Sen. Coudray and their Ministry would be looking into.

So, you know, it would be almost artificial to talk about the laws for marriage when in fact the vast majority of the problem really resides with young people who do not even consider marriage, but live as if they were and have children, and many of their children are without fathers. They may have biological fathers [*Crosstalk*] and that is the point we make. So let us not have an artificial argument here about the age of marriage, as if that is the fix-all for everything. It is not.

This society was allowed to decay for more than a generation or two. [*Desk thumping*] We sat, many of us, warned as we were at least a generation ago. Morgan Job had warned of this, warned of this. Who had the authority then to deal with it? But suddenly in the People’s Partnership all of these things come

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now and it is dumped on us as if we created it. We are all part of the problem, but we must all be part of the solution. [*Desk thumping*] So let us take responsibility now. [*Desk thumping*] Look at the work that Sen. Coudray is doing in her Ministry. The Children Bill for years, not brought to the Parliament, it has been here. Human trafficking—[*Interruption*]

Hon. Senator: Good. Good.

Hon. P. Ramadhar:—whoever brought that?—not this administration?—to bring it into law to deal with these matters? There is a dirty underside to the society that we need to put light on, and the age of hypocrisy has to end. [*Desk thumping*]

His Excellency yesterday—no one was happier with his statement. I thought it truly a refreshing breeze, a new light put onto this nation, a call to arms for all patriots, and not those who just want to hold office or hold title without doing the duty to our people. This is the time that we will do it.

7.00 p.m.

This is not the time for criticism for the sake of criticizing, but if there are issues—and I thank you. I mean, earlier today we heard some very good ideas and suggestions for births and deaths and also for marriages. We would take that on board because, at the end of it—and I tell you I did not come into politics as a lifelong involvement, you know. I came in to make change. [*Desk thumping*] This Government, I joined it, I became a member of the Partnership and the leader of one of the partners in the Partnership, not for the sake of saying that we are in Government, but for the sake of doing the things that are necessary to fulfil a promise, a hope and expectation for a better Trinidad and Tobago. [*Desk thumping*]

Sen. Lambert: Well said.

Hon. P. Ramadhar: And I say this: if not now, when? And if not us, who? [*Desk thumping*] Because I have looked back into the past and for all those who criticize, when they had the opportunity they did nothing—[*Interruption*]

Sen. Ramlogan SC: Absolutely.

Hon. P. Ramadhar:—in fact, contributed in no small way to the decay that we look around and we see in almost every level of society.

When His Excellency spoke about accountability, not just for leadership, but from the very top to the very ground, he could not have been more accurate or more on the button. [*Desk thumping*] When it is made to believe—

Sen. Ramlogan SC: Good, man; good, man.

Hon. P. Ramadhar:—in the society, that, yes, you are entitled to a fair day's pay, but you “doh” have to work for it. When did those programmes come into the society where you could not get labourers because there was something else that paid far higher and you did not have to do anything much to earn it?

Sen. Hinds: That is not true.

Hon. P. Ramadhar: You could talk about that. I know, because I grew up in the agricultural heart belt and I know what it is like when farms had to close, agriculture had to perish because of some special works programme that was literally made.

Sen. Singh: Make work.

Hon. P. Ramadhar: Make-work programme, when in fact there was real work to be done.

Sen. Ramlogan SC: Yeah, yeah.

Hon. P. Ramadhar: Real work to be done. That has infected the society for almost two generations now, but it is about time, and thank God that we are a blessed nation and we have oil and gas—the resources that allow us the luxuries of wastefulness. That is what it is, you know.

Oil and gas has allowed us the luxury of being wasteful, but that time has got to end and it has got to end sooner than later, because as the real world overtakes us, because we live in an almost imaginary world in Trinidad and Tobago. If we were to remove oil and gas from the economy, I do not know what will happen. [*Interruption*] I really do not know what would happen. So, the time for getting real is now, and forgive me for being a little passionate about it, but, you know, when you see things and you try to fix things, you know, there is the old saying, “leave a sleeping dog let they sleep”. Yeah? [*Interruption*] Sometimes you wonder why others just left things alone—because they are afraid to deal with the hard work that is necessary to bring change. [*Desk thumping*]

But we are committed [*Crosstalk*] in this country, and a call to patriots, it does not matter which political party you belong to, if you love your country, if you love your children and you love your future, now is the time we must work together and stop this pointing fingers and casting blame, but let us work towards the solutions, let us be fortified, let us be energized knowing that we can save this nation. We can make it the great nation it was intended to be; little bit, small bits, big bits, whatever it is, we must all do our part.

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

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Hon. Senator: Excellent speech. Well done, well done.

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 to 9 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.

SPECIAL SELECT COMMITTEE REPORT

University of the Southern Caribbean (Inc'n) Bill (Adoption)

The Minister of Tertiary Education and Skills Training (Sen. The Hon. Fazal Karim): Thank you very much. Mr. President. I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the Report of the Special Select Committee appointed to consider and report on a private Bill entitled, "An Act for the Incorporation of the University of the Southern Caribbean and matters incidental thereto".

Mr. President, before I continue with my presentation, may I take this opportunity to congratulate our Minister of Legal Affairs, the hon. Prakash Ramadhar, for his presentation this evening, and expeditiously so with respect to the Births and Deaths Registration (Amdt.) Bill, 2012 and the Marriage (Amdt.) Bill, 2012. I think we owe you a great deal of gratitude, hon. Minister, for a job well done and we welcome you.

Hon. Senator: Well said. [*Desk thumping*]

Sen. The Hon. F. Karim: Mr. President, let me also acknowledge in the Public Gallery, members of the University of the Southern Caribbean who are here with us for this very historic occasion. [*Desk thumping*] My classmate, who was also a classmate of His Excellency Anthony Thomas Aquinas Carmona, and he is Dr. Clinton Anthony Richard Valley, who is the President of the University of the Southern Caribbean. [*Desk thumping*]

Let me also recognize the legal representatives from Hobsons, Andrea Orr and Mr. Romney Thomas as well as Janette Cupid-St. Hilaire, Vice-President, Financial Administration of the University of the Southern Caribbean and Merna Riley-des Vignes, Director Human Resources, University of the Southern Caribbean. [*Desk thumping*]

Mr. President, the University of the Southern Caribbean is a private educational institution with a diverse student body located in the twin island Republic of Trinidad and Tobago. It is operated by the Caribbean Union Conference of Seventh-day Adventists, which consists of the following territories: Barbados, Guyana, Suriname, Trinidad and Tobago, the British and US Virgin Islands, and the Windward and Leeward Islands excluding the French dependencies.

The university is located on 384 acres of land in the beautiful Maracas Valley which is about 10 miles north-east of Port of Spain. Graduates from the institution continue to show the richness of the educational package offered at the University of the Southern Caribbean, providing employers with a feeling of trust. The USC reputation extends beyond Trinidad and Tobago to the Caribbean region and the rest of the world. Mr. President, graduates of the university serve the church and society, not only in the Caribbean but also in many other parts of the world. The university's name is honoured as many of its graduates have earned advanced degrees in internationally recognized and renowned institutions.

The University of the Southern Caribbean was founded in 1927 as East Caribbean Training School for the purpose of educating the youth of the Caribbean Union Conference. Two years later, it became Caribbean Training College. In 1945, the college developed a well-defined college preparatory instructional programme and in 1947, Caribbean Training College was officially declared a junior college offering two-year postsecondary certificates in theology, teacher training and business and secretarial science.

In 1956, the college again assumed a new name, Caribbean Union College. In September 1970, an important academic extension was instituted at the CUC. The two-year junior college programme in theology was extended to a four-year programme leading to the Bachelor of Theology degree. Subsequent changes included conferring, since 1985, of the Bachelor of Arts, Bachelor of Science, Bachelor of Business Administration, Master of Science degrees and associate degrees in a wide range of disciplines in affiliation with Andrews University, Michigan, the United States of America.

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Mr. President, a significant change in status was received in February 2006, with the official conferral of the title, “University”. The certificate of institutional title was presented to the administration by the Accreditation Council of Trinidad and Tobago (ACTT) making USC the third university in the Republic of Trinidad and Tobago. Mr. President, the University of the Southern Caribbean is fully recognized as a tertiary level education institution by the Government of Trinidad and Tobago through its accrediting body the ACTT. It is also recognized as a teacher training institution by the Ministry of Education of Trinidad and Tobago. USC is also fully accredited by the Board of Regents Department of Education General Conference of Seventh-day Adventists, Washington DC, USA.

Mr. President, the USC is also affiliated, as I indicated earlier on, with Andrews University, Berrien Springs, Michigan USA. Students obtain degrees from AU by following the programme listed in the affiliation agreement between the USC and Andrews University. Andrews University is accredited by the North Central Association of Colleges and Schools and is on the list of approved universities in Trinidad and Tobago.

On May 21, 2012, USC received full institutional accreditation from the Accreditation Council of Trinidad and Tobago as was announced by the chairman of the board of governors Dr. Michael Dowlat at an official conferral ceremony held at the Ministry of Tertiary Education and Skills Training. During this significant occasion, Dr. Dowlat conferred upon USC seven years’ accreditation status, the maximum granted by ACTT to any institution. He mentioned that the USC has indeed created history as it is the first private religious institution to receive accreditation from the Accreditation Council in the Caribbean region.

7.15 p.m.

Mr. President, the University of the Southern Caribbean espouses the philosophy of the Seventh-day Adventist Church. It teaches that true education is the harmonious development of the head, the heart and the hand. Excellence in teaching, scholarship, research activities, educational innovations and dedication to the principles of Christian education rank high in the value system of the university. The university views truth as coming from God, as an expression of the nature of God, and the Bible, as a divine frame of reference, which encompasses all truth.

Mr. President, for the university, the integration of faith with learning and culture is central to the social, emotional, intellectual and spiritual development of students. It supports the concepts of equal educational opportunities without regard to race,

sex, religion, ethnicity or place of residence. The University of the Southern Caribbean is predominantly a regional institution, though there are students from as far, and as many as 30 countries. It seeks to preserve Christian heritage, and at the same time its graduates, following in the footsteps of Jesus Christ, seek to ameliorate the society. The university seeks to instil in its students that witnessing for Christ is their highest goal.

The university's motto, "Beyond Excellence," conveys the emphasis on developing a well-rounded USC individual, who will not only portray excellence in academia, but also the excellence to which mankind is called, as stated in Matthew 5:48: "Be ye therefore perfect, even as your Father in heaven is perfect."

Mr. President, the University of the Southern Caribbean embraces a multidimensional approach to teaching and learning, which includes:

- Intellectual curiosity—where minds come alive and excellence blossoms;
- Cultural diversity—unity in diversity;
- Spiritual nature—a recognition and dependence on the Supreme Being.

At the USC, the students are challenged and made to critically explore concepts, schools of thought, universal issues and problems, with a view to listen intellectually, creating a problem-solving disposition. They are instilled with a desire to invest time and energy in learning more about a person, place, thing or concept, and by so doing developing healthy intellectual curiosity with multiple benefits. That desire will help stimulate their brain, give them mastery in research skills, and in the process, make students intellectually smart and interesting individuals.

The professors are all congruent on igniting students' intellectual curiosity by allowing them to think, explore and discover. Always the proverbial backbone of a thriving nation, an intellectually curious individual is always willing to add to his or her store of knowledge and to do something to make a change.

Mr. President, fondly referred to as a "mini United Nations", the USC family comprises a potpourri of faculty, staff and students from over 38 countries worldwide. USC provides a stimulating multicultural environment where students discover new avenues of learning and experiences aimed at preparing them to capably meet the challenges and opportunities of a rapidly changing world. Embedded in its philosophy is the provision of equal opportunity for all peoples. Thus, USC's ethnically diverse population creates an environment for acceptance and appreciation of cultural differences.

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With over 83 years' experience in Christian education, USC continues to offer a holistic package that embodies the development of mind, heart, soul and hand. Its serene and secure environment provides a perfect environment not only for study, but for spiritual enlightenment. The vibrant Campus Ministries Department provides many opportunities to learn about God and to share his love on campus, in the community and around the world, through programmes, clubs and activities that uplift and train students to become servants of God to humanity.

Mr. President, on September 13, 2012, I presented a petition on behalf of the University of the Southern Caribbean (USC). After the notices were published for three consecutive Thursdays in the *Trinidad Gazette* and *Trinidad Guardian* respectively, the private Bill was introduced and read a first time on Tuesday November 20, 2012. Mr. President, at the next sitting of the Senate the Bill was read a second time and the following members were appointed to serve on the Special Select Committee:

Sen. The Hon. Fazal Karim	Chairman
Sen. The Hon. Marlene Coudray	Member
Sen. The Hon. Embau Moheni	Member
Sen. Penelope Beckles	Member
Sen. Dr. Lennox Bernard	Member

Mr. President, may I also take this opportunity to mention and, gratuitously so, to thank Miss Khisha Peterkin and Miss Katharina Gokool, secretary and research assistant respectively. After the requested documents were received, the committee held one meeting on December 04, 2012 and the promoters—that is, the officials of the University of the Southern Caribbean—were required to appear before the committee with their legal advisors to answer any questions members raised. A report on the work of the committee was prepared and, based on its findings and observations, the committee found sufficient proof to support the incorporation of the University of the Southern Caribbean by an Act of Parliament. The committee therefore recommends that this private Bill be passed by the Senate.

Mr. President, I beg to move.

Sen. Dr. Lennox Bernard: Thank you, Mr. President. In rising to support Sen. Karim on the Bill before us and as a member of the committee, I think I will seek to get the support of all of our membership, all of our colleagues here on

what I consider to be a just attempt to provide this institution with an upgrade to the status of a university and incorporate it rather, in that status. The committee met at an interesting time—[*Interruption*]

Sen. Al-Rawi: Dr. Bernard you have to second the Motion.

Sen. Dr. L. Bernard: I need to just second the Motion?

Sen. Deyalsingh: And reserve your right to speak.

Sen. Dr. L. Bernard: I wish to second the Motion and reserve my right to speak.

Question put and agreed to.

Sen. T. Deyalsingh: Thank you, Mr. President, I rise to make a contribution on “An Act for the incorporation of the University of the Southern Caribbean and matters incidental thereto”.

Mr. President, we really live in a wonderful country. Here we have a Motion to incorporate an Adventist university piloted by a member of the Muslim faith and is now being spoken to by a member of the Presbyterian faith. It brings back fond memories of just yesterday at the President’s inauguration where we had a Chinese steel band playing an Indian song, “Suhani Raat”, and both Sen. Dr. Armstrong and myself were thinking what a wonderful place we live in. So, it is indeed a pleasure to associate myself with Sen. Karim and the University of the Southern Caribbean.

Mr. President, I also welcome Dr. Clinton Valley and his team to today’s proceedings. We are now going to incorporate what is probably our third university into Trinidad and Tobago. Our first university being the University of the West Indies, which morphed from the College of Tropical Agriculture, I believe an outpost of the old University of London.

Hon. Senators: Imperial College.

Sen. T. Deyalsingh: Imperial College. Then we have the University of Trinidad and Tobago which will be a state university, UWI being a regional university, and now we have a private university, and Sen. Karim gave the history. I knew it from 1950-something as the Caribbean Union College and now we have the University of the Southern Caribbean.

My contribution is going to be very short. I just have one area of concern which I will touch on. To develop my argument—when one drives past the University of the Southern Caribbean as Sen. Karim said, you have these 300

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acres of undulating verdant green land, nestled in the foothills of the Northern Range in Maracas valley, with all the attendant buildings, equipment, assets—assets in terms of “cash in hand”—but any university’s biggest asset, Mr. President, as you may well know, is their reputation. Their reputation is their major asset. When one constructs a balance sheet it is always difficult to put a dollar value on your reputation, and the university of the Southern Caribbean has indeed a sterling reputation over the years.

If one attempts to put a value on the acres of land, the buildings, it might probably run into the hundreds of millions of dollars. And when one links that with the type of education that the university tries to offer—the university based on faith and academic excellence—they are in fact to be congratulated.

When this Bill is passed today, and notice I use the term “when” the Bill is passed—I am anticipating that the Bill will indeed pass—what we will be doing concurrently is repealing the Act for the incorporation of the Caribbean Union College and for the matters incidental thereto, which was assented to on November 27, 1997. And I did have some trouble putting my hands on a copy of this Act. But I had to, so I could compare what this new Bill that we are debating today, and how it differs from the 1997 Act.

Mr. President, if one goes through the Bill clause by clause the main difference has to do with substituting the word “University” for the word “College”. I think that is the main difference between the 1997 Act that we are repealing with this Bill. There are some other differences, but this is the major difference. If I turn to section 4 of what we might call the 1997 parent Act and compare it with clause 4 of the Bill that we have today, this is where my area of concern lies, and this is why I was at pains to point out the value, both in terms of dollars and spiritual value of the university. Clause 4 says:

“The University may—

- (a) acquire by purchase...
- (b) accept surrenders or reconveyances...
- (c) borrow or raise money...
- (d) raise and administer funds...
- (e) invest the monies of the University...”

What this Bill does as the 1997 piece of legislation does, it does give the university—as all universities—the power to raise money, collect money via wills, donations, whatever, and these are all important functions.

This then leads me now to my area of concern. My area of concern has to do with the fiduciary functions that a board of trustees, which the university does have—because I am on their website as we speak—but I will still like to speak to the issue of fiduciary duty to be performed. Given the extensive real estate holdings of the university, and the fact that in other pieces of legislation that we passed in this Chamber, the issue of board of trustees or management is always incorporated in the corpus of an Act, the body of the Act. I will refer hon. Senators to two Bills which we passed recently—the one with the Ramleela and the real estate area—where both those pieces of legislation had provisions for a particular management structure and board of trustees.

7.30 p.m.

My concern is—and when I look at the report which the hon. Minister spoke about, the report which we got today, on page 1 of the report it is, in fact, a private Bill, so it would not have gone through the rigours of the LRC. The fact is that a committee was set up to look at it, and on page 3 of that report, when the members of the University of the Southern Caribbean appeared before the committee, apparently a list of the board of trustees was, in fact, produced. So there is a list of the board of trustees.

My concern is that I would have liked to have seen this board of trustees be given a sounder statutory footing. When I look at the Caribbean Union College's website, there is, in fact, a board of trustees of the Caribbean Union Conference; there is a board of trustees of the University of the Southern Caribbean, and there are lay representatives from the Eastern Caribbean Conference, the Guyana Conference and so on, and so on, and so on. But this Bill is to incorporate a body in the jurisdiction of Trinidad and Tobago. So my only concern—or question to the hon. Minister—is, given the extensive holdings of this university, given the fact that this university, as it has done in the past, will be raising its own funds, spending its own money and so on, I would have liked to have seen a stronger board of trustee provision made, actually, in the Bill.

Mr. President, as I said, it was discussed. The committee did meet for one day. Whether that was enough scrutiny for the issue, I do not know, but I would like to see some legislative harmony in the way we do things. Whether it is for the Ramleela Bill or whatever, that we come up with some sort of formula so that when we bring legislation here, there is some similarity of purpose across pieces of legislation [*Interruption*]*—and harmonization.*

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I would like to suggest that after this Bill is passed today, that the University of the Southern Caribbean, through their attorneys—I think you mentioned Hobsons—look at this issue of a more robust and more rigorous arrangement regarding its board of trustees.

Mr. President, that is the only issue I really have to raise. It is a pleasure to make a very short contribution on this piece of legislation. I congratulate the university and I wish them all God's blessings in the future.

Mr. President, I thank you.

Sen. Faris Al-Rawi: Thank you, Mr. President. Mr. President, I did signal to Dr. Bernard that I would be very, very short in this arrangement.

Hon. Senator: Five minutes?

Sen. F. Al-Rawi: Not quite five, perhaps less. May I say that it is a pleasure to rise to make a very short contribution to this Bill. I wish to echo part of my learned colleague, Sen. Deyalsingh's sentiment, that it is not often that we get the privilege, as we do today, to pilot a private Bill to establish something as noble as an institution of higher learning.

It is, of course, not a recent entity. It is, in fact, one with a long history, as my learned colleague, Sen. Karim, has put to the Parliament, but it is the elevation, if only by name today—the accreditation having arrived some time earlier—of that of a university, that I am sure is a privilege for all Members of Parliament to participate in.

May I, in a short sojourn, insofar as we have had an introduction of persons, say that I did have the pleasure of listening to several members of the Valley family in different capacities. Of course, Dr. Valley is here. Through you, Mr. President, I acknowledge his presence. I know it is not normal for us to do that, but I wish to compliment his team in bringing the university forward to this day.

I wish to also take conscious reflection of the presence of a representative of Hobsons, Mr. Thomas, who is, I should say—I see Christlyn Moore—Sen. Moore—has not even cracked a smile yet, but we did have the pleasure—three of us—of being at university together and of sharing very good times at the University of the West Indies, another indigenous university that has brought much pleasure to Trinidad and Tobago, including most recently, a President of the Republic of Trinidad and Tobago for the second occasion, being a graduate of the University of the West Indies and, perhaps, with better distinction, a graduate of Presentation College, San Fernando. [*Laughter and desk thumping*]

So, Mr. President, if I may say, I wish to echo—

Sen. Deyalsingh: You were going good, you know. You were going good.

Sen. F. Al-Rawi:—Sen. Deyalsingh's issue on a board. For the issue of harmonization, Mr. President, I think it important that at committee stage we consider the issue of structuring into the parent body, the parent Act—it being an Act which repeals one prior—the status of a board, not only for management issues on a day-to-day basis, but to clothe the institution with authority of a legal nature to have identifiable personalities who may occupy that position from time to time to conduct the business of the university, but also to conduct the legal affairs.

The Bill provides for the service of legal documentation, as other Bills of this type do, at the registered address of the entity, but, Mr. President, it is more common when we look at bodies corporate, to identify legal personalities occupying positions so that there is certainty in how we can progress the business of the entity.

The Bill, as currently constructed, leaves it open by way of implication that there will be a president of the university and a secretary of the university, if you look to the provision that deals with the affixation of the seal of the university. But I think that it would be apposite to its best interest if we were to specify a maximum and, perhaps, minimum limit for a board of directors—if that is the word to be used. It is reflective of what is at the University of the West Indies where there is a university council, something which my colleague, Sen. Dr. Tewarie, would be well aware of, and Sen. Dr. Henry is also well aware of. But I recommend, by way of echo to Sen. Deyalsingh's position, that that be inserted into the body of this Bill.

Secondly, I noted under the powers described to this Bill, the powers that are ascribed to the university are not in harmony with previous Bills of this type that we have dealt with—and I mean specifically the Ramleela Bill which we saw to production, and the Association of Real Estate Agents of Trinidad and Tobago as well—and, in particular, the power to sue or be sued and/or compromise litigation is absent from the specific powers. And if we were to reflect back to the operation of the Companies Ordinance, as it existed prior to the Companies Act, and we look to memoranda and articles of association, the reason why we specify powers of this type is that if you fail to specify the power, you may be deemed not to have the power in and of itself.

So I would not have wanted to see an institution not have the ability to take legal action or defend it and for a locus question in court to arise or, indeed, to not have the power to compromise litigation brought against it, whether for contentious-type litigation or non-contentious-type litigation.

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Mr. President, save for that, I can say, wholeheartedly, that I look forward to supporting this Bill and I hope that the hon. Minister has with him today the benefit of legal counsel that have assisted in drafting this Bill so that we can seek to improve and tighten the purposes, tighten the powers, tighten the arrangements so that this entity would not have to find itself coming back to Parliament for assistance by way of amendment to legislation.

With those few words, Mr. President, I thank you for the opportunity to contribute.

Sen. Dr. Lennox Bernard: [*Desk thumping*] Thank you very much, Mr. President, second time around, and please forgive me for my poor approach to seconding the Bill.

In fact, I was about to suggest that the Bill was timely, or when it went to committee stage, it was rather timely because in Britain, at that time, they had upgraded the status of 10 colleges to universities, and they used as their attributes: vital statistics as one, courses, facilities—that is, facilities for staff—accommodation for students, education facilities, the laboratories, classrooms, seminar rooms, library—we stayed with them on the question of the library more than they had intended—sporting facilities, student union, other campus facilities, including counselling, childcare, health, cafeteria, the motto of the institution which would inform its ethos, its alumni; and a very big one that we again grilled the members, considerably, was on research capacity.

In fact, in Britain, those 10 institutions that ranged from 40 years to 90 years old, with one institution that was as young as 10 years, were granted university status.

So we questioned these individuals on all these categories. Sen. Karim made reference to their undergraduate programmes. We were a little concerned that the graduate programmes did not number at 10 per cent of undergraduate programmes, and they had promised to upgrade that to bring the numbers up. They were at 200 at this time, and they were hoping that in the not-too-distant future they would be able to bring that list to 300—or the number to 300.

We were concerned about library, as it related not so much to the number of hard copies. We were concerned about ICTs, CDs, DVDs, journals and magazines and what have you, and they told us that, in fact, there was a constant attempt to upgrade those.

Current research activities, we felt that they should have been listed in some document. A record of the research being done by the institution may be from since 2000 to now, and, again, that was something wanting that, in fact, they said would be done.

No survey had been done on performance of graduates in the workplace, but they were happy to inform us that word on the ground was that in their BSc programme in nursing, the response had been good by the clients as to the performance of the students.

We asked about the question of discrimination, whether, in essence, there could be, in any sense, some form of discrimination based on religious persuasion, and this, we were assured, did not exist. The same is true, we were told, of the nature of the curriculum and the ability for students in the element of scholarship, to research areas, critical theories, books of a secular nature that did not necessarily link itself with their religion.

The question of patenting, which is a big issue in our area, our universities should pay heed to this. It has not been addressed and, in fact, we felt that with time this institution would go that way and ensure that this is happening.

We found the institution to be financially buoyant, meaning that it will not be a burden on the Exchequer, and we take note of what Sen. Deyalsingh is saying. We skirted it. Maybe we did not have the expertise on that day to do some of what he had intended that we should. But we did ask the question as to its regionality and whether there was an element of permanence in Trinidad and Tobago because, when called the University of the Southern Caribbean, there was a thought—well, in my mind—that at any point the institution, or headquarters, or hub, could move to another country, possibly Suriname, and with it, it would play havoc to the incorporation that we would have granted.

We were assured that Trinidad and Tobago will remain the base, or the hub, and that there was no likelihood that the institution, the centre, the focus of the institution would move from Trinidad and Tobago to any of the other jurisdictions under which the institution works.

We were enamoured by the fact, objective (b), as one of their aims and objectives—we were enamoured by the fact that there is a network-base system planned whereby the institution will seek to affiliate itself in ways down the road to other institutions, thereby allowing our plans, our policies for tertiary education to come together in ways that would be more important for the development of tertiary education in Trinidad and Tobago.

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So that invariably, we felt that this was an extremely gallant and important move in the development of tertiary education in Trinidad and Tobago, and in seeking your support for this institution—it is not a fledging institution. It is an institution, as Sen. Karim has said, that has a basis, a foundation in truth, in truth that they see as truth in its religiosity, its spirituality, but it allows that open window for scholarship in the areas that would allow the young minds, and older minds, as they improve on their postgraduate programmes to read, understand and move into spheres of life that could go even beyond the element of the religion and its spiritual base.

So, Mr. President, I wish to endorse all that had been said before, and to suggest that we give full acceptance to this Bill.

Thank you very much. [*Desk thumping*]

The Minister of Tertiary Education (Sen. The Hon. Fazal Karim): Thank you, Mr. President. Mr. President, let me thank my colleagues on the opposite side, Senators Deyalsingh and Al-Rawi, for their exhortations and their contributions. Let me also thank my colleague, Sen. Dr. Lennox Bernard, for seconding the Motion. Let me also advise that the power to sue, as was raised by Sen. Al-Rawi, I am advised is in fact dealt with in the Interpretation Act. So that is covered there.

With respect to the governance issue, you would have recalled that I indicated since 2006 we would have had the Accreditation Council, which would have given status to the USC, and one of the criteria for accreditation would have to be, you have to satisfy the governance structure and the board of trustees would have been dealt with. But we welcome the comments of Sen. Deyalsingh—[*Interruption*]

Sen. Deyalsingh: Thank you.

Sen. The Hon. F. Karim:—in terms of the tightening up of the governance structure, and while it may not necessarily need a special amendment, it is something in fact that we will be looking at. We did, in fact, look at it exhaustively in the committee.

Mr. President, as I began, I wish to, in a sense, thank all members who have been associated from the University of the Southern Caribbean, members of the committee, and to thank all those who would have contributed this evening to this private Bill and, Mr. President, I commend the committee's work, therefore, and recommend that this private Bill be now passed by the Senate.

I beg to move.

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Question put and agreed to.

Report adopted.

Sen. Al-Rawi: Mr. President, may I—

Mr. President: You have a question?

Sen. Al-Rawi: Yes. Thank you, Mr. President, so that we could make the best use of time, insofar as this is a Motion, Mr. President, do we have the liberty to go to committee stage on this, to propose an amendment relative to the features on the board?

Mr. President: I would refer you to Order 57. Having adopted the report, there is no further question of going into a committee. We go directly into the acceptance or non-acceptance of the Bill as read a third time.

Sen. Al-Rawi: So for clarity, Mr. President, then—and thank you so much for that reference by way of clarification—any future tightening then is to be done that way, i.e., at a future date? Any amendment would have to be brought by way of an amendment?

Mr. President: If the organization felt that there was need to come back in order to make amendments they would proceed to do so. My understanding from what Sen. Karim has said is that they are satisfied that the Bill conforms to everything that they require and it meets all legal requirements.

Sen. Al-Rawi: Just for the record, Mr. President. I have had a chance to reflect on section 37 of the Interpretation Act and I feel comfortable about the aspects of suit. In fact, it deals with seals, et cetera, as set out in the Bill, but I would sincerely recommend that the entity, through this Parliament, take heed of the amelioration that it can have to its purposes by the use of a trustee as put into the body of the legislation.

Thank you for the opportunity.

Mr. President: I am sure counsel having heard you—overheard you—will take it under advisement and decide whether he wants to come back to this Senate.

Question put and agreed to: That the Bill be now read the third time.

Bill accordingly read the third time and passed.

Adjournment

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ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, March 26, 2013 at 1.30 p.m. as Private Members' Day, and to give notice also that there will be a sitting of the Senate on Wednesday, March 27, 2013 at 1.30 p.m. to debate a Bill to amend the Defence Act, Chap. 14:01 and the Police Complaints Authority Act, Chap. 15:05.

Hon. Senator: No! No!

Sen. Al-Rawi: Mr. President—

Mr. President: Sen. Al-Rawi.

Sen. Al-Rawi: Thank you, Mr. President. With your leave, again, by way of clarification, I understand that we are at the business of the adjournment of the Parliament now and I am very comfortable and happy with the Motion to adjourn the Parliament to a fixed date. Relative to the issue of notice however, Mr. President, for another Sitting of the Parliament, my question is: is that at all put to a question for this Parliament to consider? Because if so, we are in a position, perhaps some of us, to indicate the difficulty with that date as proposed. So I would want to assist the Leader of Government Business by informing him in advance, by way of notice, that that date is a particularly difficult date for debate of this Bill.

Mr. President: I am sure he overheard you. I take it he will ask for that adjournment on March 26, 2013 as to whether we go to March 27, 2013. It was just a matter of notice, but I am sure you will work it out with him between now and March 26, 2013.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.53 p.m.