



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

3rd Session – 10th Parliament (Rep.) – Volume 16 – Number 20

**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE WADE MARK
SPEAKER

THE HONOURABLE NELA KHAN
DEPUTY SPEAKER

Friday 1st March, 2013

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*Leave of Absence**Friday, March 01, 2013***HOUSE OF REPRESENTATIVES***Friday, March 01, 2013*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon Members, I have received communication from the following Members: the hon. Nizam Baksh, Member of Naparima and the hon. Anil Roberts, Member of Parliament for D'Abadie/O'Meara have asked to be excused from today's sitting of the House. The hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West is out of the country and has asked to be excused from sittings of the House during the period February 28 to March 03, 2013. The leave which the Members seek is granted.

VISITOR**MR. KELVIN CHARLES****(Presiding Officer Tobago House of Assembly)**

Mr. Speaker: Hon. Members, may I on your behalf warmly welcome to the Parliament, the presiding officer of the Tobago House of Assembly, Mr. Kelvin Charles, who is currently seated in the Speaker's gallery. Welcome to the Parliament, Mr. Kelvin Charles, Presiding Officer. [*Desk thumping*]

PAPERS LAID

1. Annual Audited Financial Statements of Caroni (1975) Limited for the financial year ended June 30, 2010. [*The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal)*]
2. Annual Audit Financial Statements of Caroni (1975) Limited for the financial year ended June 30, 2011. [*Hon. Dr. R. Moonilal*]
Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.
3. Ministerial Response to the Fifth Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Tobago Regional Health Authority. [*Hon. Dr. R. Moonilal*]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: The hon. Member for La Brea. [*Interruption*] Yes, Leader of the House.

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): Just to indicate that the Government would be in a position to answer question No. 22 and question No. 23. The hon. Minister of Sport is not available today, and we would ask to defer the question to the Minister of Sport for one week.

The following question stood on the Order Paper in the name of Mr. Fitzgerald Jeffrey:

**Recreational Grounds
(Upgrade of)**

- 21.** Could the hon. Minister of Sport state when will each of the following recreational grounds be upgraded with a water supply, a pavilion, toilet facilities and flood lights:
- a) La Brea community;
 - b) No. 4 Road, Palo Seco;
 - c) KTO/Cochrane;
 - d) Lot 10 Village;
 - e) Aripere Village;
 - f) Rancho Quemado;
 - g) Union Village; and
 - h) Dalleys Village?

Question, by leave, deferred.

**Community Centres
(Opening of)**

- 22. Mr. Fitzgerald Jeffrey (La Brea)** asked the hon. Minister of Community Development:

Could the Minister state when will the following community centres be opened:

- a) Palo Seco Settlement;
- b) Los Charos; and
- c) Vessigny?

The Minister of Community Development (Hon. Winston Peters): Thank you, Mr. Speaker. The Palo Seco Settlement, Los Charos and Vessigny Community Centres are approximately 90 per cent completed. The Ministry of Community Development proposes to open these centres during the third quarter of fiscal 2013.

Mr. Jeffrey: Supplemental. Hon. Minister, are you aware that the flooring of the stage at the Penal Community Centre is made of greenheart, whereas the flooring of the board used to construct the Vessigny Community Centre is made of the inferior teak—I am sorry—inferior pitch pine? Could you tell us why? [Crosstalk]

Mr. Sharma: “Whe yuh want, a”—[Crosstalk]

Mr. Warner: You keep quiet. [Laughter]

Hon. W. Peters: Hon. Member for La Brea, I think you are exaggerating my ability. I am not an expert on wood at all. [Laughter] I do not know anything about what type of wood is being used.

Dr. Khan: What type of wood you would like to get?

Mr. Jeffrey: Supplemental. Hon. Minister, can you assure this House that you will check to see that the wood that was used to construct the Vessigny stage at the community centre that some kind of remedial work is done?

Hon. Member: Ask him what wood he want.

Hon. Member: One-word answer. [Crosstalk]

Hon. W. Peters: Yes.

Community Centres (Construction of)

23. Mr. Fitzgerald Jeffrey (La Brea) asked the hon. Minister of Community Development:

Could the Minister state when will the construction of community centres commence in the following areas:

- a) Aripéro;
- b) KTO/Cochrane Village;
- c) Rancho Quemado; and
- d) Santa Flora?

The Minister of Community Development (Hon. Winston Peters): With respect to construction of the community centres at Aripéro, KTO/Cochrane Village and Santa Flora, to date there is no Cabinet approval to undertake works in these areas. The Ministry of Community Development has not received formal requests from these communities for the construction of community centres in the respective areas.

In 2008, Cabinet granted approval to commence construction on a community centre at Rancho Quemado. Currently 23 community centres are being constructed, 17 of these range between 60 to 95 per cent complete, and the remaining six are between 15 to 59 per cent.

The Ministry's allocation for fiscal 2013 is \$70 million and priority is being given for the completion of these projects in fiscal 2013, therefore, funds would not be available to commence construction of the Rancho Quemado Community Centre. Construction of this centre is tentatively scheduled to commence in fiscal 2014.

Dr. Gopeesingh: You have the answers.

STATEMENT BY MINISTER

Mr. Speaker: Hon. Members, I have been advised that a statement is to be made to this honourable House by the Minister of National Security sometime later on in the proceedings, so I beg your indulgence at that time when I shall revert to this item. Let us continue.

DEFENCE (AMDT.) BILL, 2013

Bill to amend the Defence Act, Chap. 14:01 [*The Attorney General*]; read the first time.

MARRIAGE (AMDT.) BILL, 2012

Order for second reading read.

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Mr. Speaker, I beg to move:

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

Mr. Speaker, it is with great pleasure I stand before you today to bring an amendment to old law that is so simple, but so critically important in this modern era. Mr. Speaker, with the recent launch in 2011 of the issue of computerized death certificates, the Registrar General is that much closer to completing the ongoing digitization project of all the records of which she has custody, and the next step that we take is the issue of computerized marriage certificates.

There are approximately 470,000 marriage records in the electronic database which is also another feature of the software application. Requests for copies of certificates are as frequent as these same certificates are often required to clarify uncertainties of identity and status. Mr. Speaker, these certificates are written by

hand, and must be signed by the Registrar and are available within five working days unless the applicant has an urgent need.

With the introduction of a computerized marriage certificate, the Registrar General Department can achieve greater efficiency as it is anticipated that not only will the delivery period be significantly reduced, but the records that are issued are of impeccable security and accuracy.

I am advised when this—and I imagine we will get the support of the other side for this simply but important amendment—is made law, instead of having to wait for five days, you will have an electronic marriage certificate delivered to you in five minutes.

The Registrar General will ensure that all the data contained in the database is first verified for existing and previously unknown errors or discrepancies. Now, as with birth certificates, the Registrar General will be able to record and monitor the data of applicants who apply for more than one marriage certificate. Any suspicion that a person may be guilty of bigamy can be easily investigated by that means.

Mr. Speaker, the other amendments that we seek are amendments to sections 19(A) and 20 of the said Marriage Act. The Registrar General also functions as the registrar of marriage. One of the preliminary requirements to 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 for many is an exciting alternative to a traditional wedding, and the islands of the Caribbean are popular wedding destinations for a growing number of couples from the US and other regions.

Residency requirements vary throughout this region. From Barbados and the Cayman Islands, Mr. Speaker, there is absolutely no waiting period. In Martinique there is a one month requirement for residency and in Jamaica only 24 hours. While here in Trinidad and Tobago, we require three to seven days, depending on the type of licence inclusive of weekends and public holidays.

There may be special circumstances regarding the domicile of the parties involved which the Act recognizes and makes special provision for the issue of licences. There are three licences which are the subject of the amendment and they are sections 19(A) and 20(1) of the Marriage Act.

Mr. Speaker, a President's licence is required where parties are resident in Trinidad and Tobago, a minimum residency of seven days, and if they do not wish

to post bans they may go that route. A special licence, the other one, is required where both parties are non-residents, with a minimum residency period of three days, excluding the day of the arrival and application for the licence.

A President's authority, the third, is where one party is resident and the other is not and they wish to be married. These licences, with the exception of the special licence issued to foreigners, can only be issued with the approval of the Minister of Legal Affairs and the intended marriage cannot otherwise be performed. As Minister of Legal Affairs, I must approve and sign each of these licences myself.

Due to the demands and exigencies of office, there are times when, in fact, these licences are delayed, and I have often considered to my horror, what would happen if the Minister of Legal Affairs was unable or unavailable to approve marriage licences in time for the planned wedding.

There are times when we are unable to attend to these matters as promptly as we intend. With this in mind, Mr. Speaker, I believe that a more practical and logical alternative must be had. I dare say, it is a nerve-racking procedure for many who are awaiting their licences, and I wish now by these amendments to delegate the authority of the Minister of Legal Affairs to the Registrar General.

1.45 p.m.

With this amendment those persons who have satisfied the requirements would 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. Importantly, there may be the thought that this transfer of responsibility may now further burden the RG's Department, however, in this advanced age of technology—we have now been able to use with the use of the Electronic Transactions Act—the Registrar General can now affix an electronic signature to these licences which will relieve her of manually signing, and will, ultimately, reduce the time frame for the delivery to applicants.

Mr. Speaker, it is these seemingly simple things that we in the Ministry of Legal Affairs continue to do to improve the lives of our citizens every day. [*Desk thumping*] Mr. Speaker, in the last two years we have made significant strides in making our service to our population accessible throughout Trinidad and Tobago with the creation of 15 e-registration centres. We have sent our team to overseas missions to teach and to train those personnel there, so that citizens who in the past would have had to return to Trinidad or had great difficulty in accessing basic documents can access that at our foreign missions.

Mr. Speaker, with the launch of the company's module of the Single Electronic Window and the expansion of the San Fernando and Arima sub-offices, we have now been able to produce to our citizens the facilities that were available only in Port of Spain before this People's Partnership Government came into being. [*Desk thumping*] Mr. Speaker, we next move, and intend to improve the Land Registry services by accessing new software applications to enhance the land records database: digitizing all real property records and enhancing the security of all records held by the department by implementing a state-of-the-art vault management system.

Mr. Speaker, so effectively, the two things that we wish to amend: one would be for the Registrar General to be given the authority to move from the old handwritten version of the marriage certificate to an electronic certificate. The second thing is to allow the Registrar General the authority, instead of the Minister of Legal Affairs having to sign, individually, each marriage licence, for the Registrar General to be able to do so, and we intend to do so by electronic signature. It is a very simple thing.

We appreciate that the entire Act, the Marriage Act, needs to be looked at, and, in fact, we are far advanced with the intent of modifying it in a more fundamental way; but these simple amendments we thought necessary and critical for the efficiency, not just for the Ministry, but to make the lives of our citizens much easier, and that, to me, is one of the reasons I became involved in politics. I think politics, and for all of us who intend to serve our people, is to find simple solutions to sometimes big problems, and that is what we intend to do.

As I have spoken about what the Ministry of Legal Affairs has done in the last couple of years, I am really heartened by the work of the Registrar General and all members of the Ministry for their commitment to the service of the people. It is rare in these times to get compliments, especially, in relation to governmental work. I have received many, many, compliments about the work of the Ministry where persons are now saying that they dropped someone off to get a document at the Ministry, and before they could get a car park, the person is saying, "All right, we ready to go". [*Desk thumping*]

Mr. Imbert: Self-praise is no praise.

Hon. P. Ramadhar: No. It is the praise of the citizens who work in the Ministry. [*Desk thumping*]

Hon. Member: Yes, it is a commitment.

Hon. P. Ramadhar: It is a commitment to doing things better. [*Crosstalk*] It is a commitment to making the lives of every one of us superior and better, and that is the function of Government as far as I am concerned; if others have a different view, I am sorry about that.

Hon. Member: Diego Martin North/East.

Hon. P. Ramadhar: We are all here in the little things that we do and in the big things that we do.

Hon. Member: “Their view is doh do.”

Hon. P. Ramadhar: “To doh do.” Yes. I am moved hearing the mutterings on the other side. Mr. Speaker, it is somewhere I did not really want to go, but I have to speak the truth. When I became Minister of Legal Affairs and we looked back on the horizon for the last 10 years, it was almost like the Ministry of Legal Affairs was “frozen Siberia”, nothing moved, or very little moved; and within a short period of time, with the dedicated service of the Registrar General, Ms. Bridgewater, and the Permanent Secretary and all members of staff, from the very top leadership to the very hard-working members on the floor, there is a new dedication and a new commitment of service, and for that I am extremely proud. [*Desk thumping*] Mr. Speaker, these are not the only things that we have done. We have in fact gone to Tobago—[*Interruption*]

Mr. Imbert: “Nobody ent taking dat chance.”

Hon. P. Ramadhar:—and we have been able to produce, within record time, the ability to—[*Interruption*]

Hon. Member: [*Inaudible*] seats.

Hon. P. Ramadhar: You could talk about seats but we do the work. You only care about sitting on your seats.

Mr. Indarsingh: “See if yuh could get yuh marriage certificate.”

Hon. P. Ramadhar: Mr. Speaker, we were able with the cooperation—[*Interruption*]

Mr. Indarsingh: “How long it take “yuh” to get “yuh” marriage certificate?”

Hon. P. Ramadhar:—of the Permanent Secretary to provide the resources necessary to do the surveys in Tobago. [*Crosstalk*]

Dr. Browne: I am not afraid of you.

Hon. Member: “Oh God, alyuh, please.”

Mr. Speaker: Hon. Members, please. I do not want to call names this early, but Members who are conscious of what they are doing and interrupting the stream of the Member’s contribution, I would ask you to observe Standing Order 40(a), (b) and (c), please. I do not want to call names. Members are conscious of who is interrupting the presenter of this Bill. Allow the Member to speak in silence. You would have your chance to speak but do not interrupt the Member who is presenting at this time. Continue, hon. Member.

Hon. P. Ramadhar: Mr. Speaker, I am so grateful to you, and I always make the point that we in this Parliament must set the example, not in the work that we do but how we conduct ourselves—[*Desk thumping*]*—and we must respect each other. I am here delivering what I consider to be very important work; if others wish to interrupt that work, unfortunately, they do not have the authority to stop the work. They may make noise about it but we continue to do it. [Desk thumping]*

Mr. Speaker, I was on the point that having gone to Tobago where there was a dire need for the presentation of land titles, for many, many, years others spoke about it, but our Ministry, with the cooperation of the people of Tobago, we were able to deliver land titles within the two-year period that we promised that we would have done so. [*Desk thumping*] I realize, more than anything else, that whatever challenges this nation faces, in different Ministries or at different levels, once you have the will and you have the compassion, and you have the passion, you can get anything done. Trinidad and Tobago is a great nation waiting to happen, and, slowly but surely, as we continue the work of improving the lives of our citizens, the citizens are starting to appreciate for the first time, that Government is not about looking after a government’s business, but Government is about looking after the people’s business. [*Desk thumping*]

Mr. Sharma: Well said! Well said!

Hon. P. Ramadhar: And that is why—let me take the opportunity here today—as we continue to bring new legislation, because you change a society by legislative engineering, if you may put it like that; we have spoken—and I say “we”, I am a citizen of this country since the day I was born and I have heard conversations over the many, many years, generation, maybe two generations—of the need to change the way we do business.

Mr. Speaker, there comes a very important occasion tomorrow: that occasion is the launch of constitutional reform. [*Desk thumping*] Others have spoken about it; others have made it a “pappyshow”, if you want to use that term, but this

Marriage (Amdt.) Bill, 2012
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Government, this Cabinet of Trinidad and Tobago, under the leadership of our hon. Prime Minister, Kamla Persad-Bissessar, has authorized, not just authorized but she has mandated that constitutional reform which is a manifesto promise must be delivered, and tomorrow we launch that.

In that effort, for the first time, we will see a meaningful attempt. In fact, I should not say “attempt”; a meaningful process to deliver to this nation a constitution that we have all spoken about but never have had before. [*Desk thumping*]

Mr. Sharma: What is the venue and time?

Hon. P. Ramadhar: Tomorrow it would be launched at the SPEC at the University of the West Indies for three o’clock, and consultations would begin from Monday at the Centre of Excellence from five o’clock. We will go through the length and breadth of this nation, including the east, the west, the north, the south, and, certainly, our beloved sister island, Tobago.

We believe, this Government believes that the Constitution that we want and dream about would not have come from a draft which we presented the population and said, “This is what you will consider.” We promised in the manifesto certain things as a bare minimum as to what this Government will deliver in terms of constitutional change, but we have made the decision that the Constitution, which is a bond, a covenant between the people and its Government, will be determined from what the people tell us they wish to have.

We have already received submissions on proportional representation. We have received submissions on fixed election dates, fixed terms. And you know this thing about fixed election dates, we truly believe that no citizen should ever have to undergo the humiliation of a political leader of a party who is Prime Minister, to play games and move the date to when they think it is convenient to them. And the highest authority a citizen has in democracy is the right to vote— [*Desk thumping*]—and when a Prime Minister could play games with that and put the date; where? In the back pocket. We say we take that out of the back pocket and put it up front to the heart and soul of our nation, fix it like in the United States. [*Desk thumping*]

Mr. Speaker, we have received submissions on the issue of referenda. That is really democratizing the nation so that huge issues that affect the future of our population, that the population would not have to wait for five years to vote out a government based on the ills that they have done. But that indeed, future

governments, if it is that the will of the people to have referenda, would be able to guide its Government during its term on huge matters, so that no longer would we have to face the embarrassment and humiliation of a political leader of the PNM of the past, when the issue of smelter came and when the people said, “We do not want it”, they said, “You shall have three”. When the issue of rapid rail came that they were—*[Interruption]*

Mr. Imbert: Point of Order, Mr. Speaker. Standing Order 36(1); this is, wholly irrelevant to the Marriage Act. *[Desk thumping]*

Mr. Speaker: Yes, Member. Hon. Minister, I am inclined to sustain that point and I would ask you to focus on the Marriage (Amdt.) Bill, and if you want to connect the Marriage (Amdt.) Bill to any constitutional reform effort, it must be relevant. So I would ask you to tighten up, please.

Hon. P. Ramadhar: Thank you very much, Mr. Speaker. It is so easy an analogy that the Constitution is really a bond, an agreement between the people and the State.

Mr. Sharma: That is right.

Hon. P. Ramadhar: Like a marriage, where you have sacred bond and a sacred oath. *[Desk thumping]* My friend, the Member for Arima, would tell us more, I am sure, about the sacred bond of a marriage, and I think we need to recognize that when you take an oath, whether marriage or on election day, that you must fulfil it otherwise the relationship will suffer. *[Desk thumping]* That is the relationship I speak to when a talk about constitution reform, because we really do need to reconstitute how we are as a people, not just in relation to our laws but how we live with each other and, certainly, when we marry how we honour our oath; because if you do not do these things no relationship will survive, and that is why we saw prior Governments being booted out because they broke the bond with the people.

So, Mr. Speaker, I really did not intend to speak very long on this very simple matter, and I think I have said what I needed to say, and I would hardly imagine anyone would resist these amendments, knowing full well, of course, that work continues to further look at this Act and to revamp the totality of it, but we thought these amendments were necessary now so that we could provide to our people a need, a dire need that we must—*[Interruption]*

Mr. Imbert: A dire need?

Hon. P. Ramadhar: A dire need, yes—very important. Let me tell you why. I will give you one example. *[Crosstalk]*

2.00 p.m.

When I come to my Ministry, I walk through the ground floor, so I meet with citizens who are there from time to time. Just last week a young lady came up to me, “Mr. Minister”—tears in her eyes—“I need help.” She said, “I have been here since eight o’clock this morning. I have a death in my family and we need to get a death certificate; however to get that we need a marriage certificate.” Understand what is happening here. The death certificate, if all is good, we are able to provide within a matter of minutes, but because we did not have this amendment, do you know what was told to her? You have to wait for the marriage certificate for five days so you could get a death certificate in minutes.

Of course, the dedicated staff—and the Registrar General I am grateful is in the Chamber here today, took it upon herself to expedite things, and was able to hand it to that lady. [*Desk thumping*]

Hon. Member: Good work, good work!

Hon. P. Ramadhar: But with the amount of work that is necessary and is done—we see maybe 2,000 persons a day in the Ministry—it should not be that we had to get the special favour of the RG on that. We say we have the work done already digitizing all the records, let us get the amendment so we will be able to provide it. So as soon as this becomes law, as I said, from five days we go to five minutes, and that is the sort of thing—[*Interruption*]

Hon. Member: Tell us more, Minister.

Hon. P. Ramadhar: I will tell you more. [*Crosstalk*] Some of the amendments are necessary—[*Interruption*]

Hon. Member: Oliver Twist.

Hon. P. Ramadhar:—but what I find more important than that is the will of the people to do things. I have said it before and I shall repeat it, because it signifies to me—[*Interruption*]

Hon. Member: Give us an example.

Hon. P. Ramadhar: Yes, I will give you an example. It signifies to me what government is really about.

When we enquired—when I say we, me and the advisor and so on—how long does it take to give a birth certificate in San Fernando? I was told that it takes almost a year. But in Port of Spain we could get it in a matter of days.

Mr. Seemungal: In Sangre Grande it takes six months.

Hon. P. Ramadhar: Yes. Why is it that in San Fernando it takes that long a period, but in other places you could get it in a matter of days? “Well, we do have computers there; we do not have a system there.” So I asked, “What do we need to get it done?” “We have no Internet.” They said, “Well, we need a project manager; we need computers; we need training.”

At the time I was so blessed to have as parliamentary secretary the Member for La Horquetta/Talparo. [*Desk thumping*] Absolutely! In terms of practical intelligence, where very few compare. [*Laughter*]

Hon. Member: Oh yes. [*Desk thumping*]

Mr. Indarsingh: “La Brea, yuh hear dat?”

Hon. P. Ramadhar: We said then at that meeting, “You need a project manager.” “How long will that take?” “Well we would have to put it out for ads and whatever.” I said, “No problem.” The Minister of Legal Affairs appointed himself project manager in that moment. I enquired as to what extra computers we had downstairs. I asked, “Do you know what training we need?” We were told we have people downstairs doing it, “Send one down to San Fernando with the computers.” Karen Bridgewater, the RG, oversaw things. We were able to get Internet in a matter of a couple of days, and within one week, Mr. Speaker, we were able to produce a birth certificate in two minutes, [*Desk thumping*] that took one year before.

When we saw what the “will” could do, we decided, “you know what, when hundreds of citizens come from every corner of Trinidad and Tobago, from Toco, Manzanilla, Iacos and everywhere else on a morning, Sir, they would line up outside the Ministry’s office from four o’clock, because the people who come from furthest come the earliest. Mr. Warner—anyhow, I should not call his name—the Member for Chaguanas West called me. I remember that call. He said, “Mr. Minister, you know it is raining this morning and I am seeing people lined up outside your Ministry.” We are talking four/five o’clock in the morning. [*Interruption*] No, he called me around four or five. He is the only Minister I know would be probably passing around that time. When he told me this, I made a call to the Ministry. I said, “Listen nuh, what is the problem in allowing people in?” They said, “Well, you know, they have security checks.” I asked, “Do we not have security?” “Yes.”

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[HON. P. RAMADHAR]

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Do you know what we did? Once again, through the Permanent Secretary, Mr. Bernard Sylvester, we issued an instruction that at whatever hour a citizen comes to be served by the Ministry, four, five, six, seven o'clock, in the morning, they be given access into the Ministry.” [*Desk thumping*]

Hon. Member: Humane!

Hon. P. Ramadhar: I know as a child when my father used to bring me to Port of Spain, when we had to wait for offices to open, no public facilities. So you know sometimes you reach a point “yuh really want to dead”? You need a bathroom, you need basic things, and our citizens were kept out. This Government decided that we were going to change that.

Having allowed our people in at that hour, they had access to washrooms. You know we waste, at a certain level, the kind of money you see in inefficiencies and so on—Once again, we said, you know what, the people come that hour; they have use of washroom facilities, what would it cost us to give them coffee, water and biscuits? Next to nothing. [*Desk thumping*] And we instituted, up until today, you could walk into our Ministry and get a cup of coffee, water and a safe and comfortable haven. Is that not what a government and a government office are all about? Should it not be like that? [*Crosstalk*]

Hon. Member: That is before or after you get married? [*Laughter*]

Hon. Member: Before and after.

Hon. P. Ramadhar: Mr. Speaker, it did not end there. We realized because of the concentration of authority in Port of Spain, every citizen felt that they had to come—not just felt, they had to come into Port of Spain to get basic things. We said, why is that so? From my school years we wrote essays about decentralization. This Government came into power and we said, you know what, we have the authority to do things, and we set examples for each other. Once again with the help of the Member for La Horquetta/Talparo, our Ministry was able to open 15 e-registration centres throughout Trinidad and in Tobago—[*Desk thumping*]—the first one in Tobago, so that citizens would not have to fly or “take boat” to come to Trinidad for basic documents. They get everything they need, that they had to come to Port of Spain for, now in Tobago.

Equally, we have upgraded the San Fernando office. It is a full Ministry office, so you do not have to come to Port of Spain; you could do your business in San Fernando. [*Desk thumping*] Work is well advanced in Arima, and that office is overdue for opening, and it should open very shortly. Once again, any facility

that the Ministry in Port of Spain offers would be available in Arima. We believe really that the resources of a nation must be used for the benefit of our people. These are the simple things: the amendments we bring and the changes we show, to serve the people of Trinidad and Tobago.

Mr. Speaker, having said these few things, I beg to move.

Mr. Sharma: Well done, man, well done. [*Desk thumping*]

Question proposed.

Miss Donna Cox (*Laventille East/Morvant*): Mr. Speaker, I rise to speak on the Marriage (Amdt.) Bill, 2012. This Bill seeks to amend the Marriage Act, Chap. 45:01, to transfer the powers conferred on the President, with respect to the issue of marriage licence, to the Minister.

The changes proposed by the Minister would in fact give some persons who wish to get married an easier route. For example, clause 5 of this Bill, which seeks to amend section 20 of the Act, will now enable the Minister to authorize the District Registrar the authority, in the case of a resident and non-resident, to issue his certificate to them, without the non-resident having to be in the country for as long as a week before the intended marriage date.

We have no problem with this, because recently a friend of mine who lives abroad complained that she had to come in this country for a whole week before her intended marriage date. I feel that this will help the situation.

Mr. Speaker, it is definitely inconveniencing to many persons who are interested in getting married in Trinidad and Tobago. Some persons may not have the amount of time to spend in this country before getting married. For example, in St. Lucia you are required to be in that country for only two days before the wedding ceremony, and in some islands there is no such requirement. I know the Minister also mentioned some of the requirements. If the seven-day limit is lifted, I would expect more persons coming into Trinidad and Tobago to get married, and I am sure this will benefit the tourism industry. So there is no doubt that those amendments are critical in this Bill.

Mr. Speaker, I wonder why the Minister came to this House to amend the Marriage Act without addressing many serious issues in the Marriage Act? The Minister stood and boasted about his Ministry. He spoke about rapid rail, about a former prime minister and so on, coffee and water in his Ministry, and tea. But there are some serious issues in this Marriage Act that needed to be addressed; for example, section 23.

I do not understand what kind of piecemeal amendment this is. Why were the issues pertaining to the Marriage Act not addressed at this time, at a time when there is grave concern over the spiralling divorce rate—not only in Trinidad and Tobago, but throughout the world, and children should not be allowed to marry children?

Mr. Speaker, stable marriages are formed by persons who have completed a number of developmental tasks. These include discovering one's identity, taking responsibility for one's well-being and being a person of integrity. These life tasks are usually completed in the late teens to mid-twenties. So a person younger than 18 years is neither physically nor emotionally prepared for marriage.

This brings me back to section 23 of the Marriage Act, which deals with consent to marriage of minors. Because of the seriousness of marriage, I mentioned before that children should not be allowed to marry, and marriage should be between consenting adults. The law does not allow a person under the age of 18 to enter into a contract, so why must we allow children from as early as 12 years to enter a marriage contract? The age for individuals eligible to vote and to obtain a driver's permit is 18. The rationale here is that these privileges require a measure of responsibility and maturity.

The Marriage Act, Chap. 45:01 provides for Christian and civil marriages for minors, which, under the Trinidad and Tobago Constitution, defines a minor as under 18 years. The provision for minors contradicts provisions within the Marriage Act as it provides in common law for girls to marry at 12 years and boys at 14.

The Muslim Marriage and Divorce Act makes the age of consent 12 years for girls and 16 for boys. The Hindu Marriage Act makes the age of consent at 14 for girls and 18 for boys. The Orisha Marriage Act sets the age of consent at 16 years for females and 18 for males. This is said to be the most liberal of the Acts, because it allows for the female parent to give consent to the marriage of a minor, unlike the others which require paternal consent, and the female's consent only in extreme circumstances.

Mr. Speaker, there are indeed contradictions in the laws governing marriages, age of consent to sexual relations and the legal age of 18 to enter into a contract, conflicting with each other. The age of consent for sexual relations under the Sexual Offences Act is 16 years; however, it is okay in Trinidad and Tobago for girls under the age of 16 to engage in sexual intercourse once they are married. Sexual intercourse with a minor under the age of 14 is an offence liable to a life

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sentence in prison. So on one hand it is a serious criminal offence, and on the other hand it is okay once you are married.

The Marriage Act discriminates against girls, and as a woman standing here and perusing the Act I feel very, very offended. There is indeed a negative impact on the personal and social development of girls. This is recognized by global organizations concerned with women's rights and gender equality.

2.15 p.m.

Early marriage reduces girls' opportunities for education. They are also denied their childhood and this imposes even life-threatening pregnancy-related complications.

Mr. Speaker, the Central Statistical Office Report of 2009—because that is the latest report that is on the Internet—reported that from 1997—2007, there were 104 marriages of children under the age of 15; all of them girls married to older men.

Mr. Speaker, Trinidad and Tobago is a signatory of the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women. The Marriage Act of Trinidad and Tobago violates these two United Nations Conventions.

I wish to suggest that the minimum age for persons to marry should be 18. Children should not enter into marriage whether parents approve or not. [*Desk thumping*] Some of the problems facing our society today are because children have been making children. Many of them do not understand their role as parents. Many young parents are still in need of parenting, and it is unreasonable therefore to expect these individuals to become responsible parents. Children having children may very well be one of the factors influencing the rise in crime in our beloved country. [*Desk thumping*]

Permit me to quote from an article from the Trinidad and Tobago *Mirror* dated Friday, October 05, 2012. The headline states and I quote: "Raise marriage age to 18 says Hindu women". In the article, the Hindu Women's Association organization recommends that girls are sufficiently mature at the age of 18 to give their free and full consent to marriage.

Mr. Speaker, I quote again, Ms. Renuka Kangal, public relations officer of the Hindu Women Organization, told the Trinidad and Tobago *Mirror* that a petition was being prepared to send to the Government. I would like to sign that petition.

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I wish to suggest to the Minister that there is a need to look at the Marriage Act as it relates to children in keeping with international obligations. It is important to note that there is research to show that the older a person marries, the greater the probability of success. The fact is that a teenage marriage has less than a 50 per cent chance of survival and several research studies show that when both parties are teenagers, the divorce rate can be up to four times that of marriages begun by couples after the age of 20.

Mr. Speaker, I attended a wedding recently and the bride was late. I never knew that there was a time limit in any day in which persons had to marry. It was only when I heard the pastor mention that the marriage might have been null and void because of the fact that the bride was late, that I realized well, you know, there is a time; you need to get married within that time. So while I was perusing the Marriage Act, I saw that section 28, and permit me to quote section 28:

A "...marriage shall be solemnised with open door"—I am not sure about the open doors—"between the hours of"—6.00 a.m. and 6.00 p.m. [*Crosstalk*]
6.00 a.m. to 6.00 p.m.

Mr. Speaker, why does a person have to be married by 6.00 p.m. on any chosen day? I remembered Cinderella when I saw that because, you know, I am wondering if it is the bride, you know, like Cinderella at 12 noon will get back into rags or so at 12 midnight, when the clock strikes midnight. Why is it up to 6.00 p.m.? What is the reason for that?

So, Mr. Speaker, you know, I looked at the Jamaican Marriage Act: section 27 states that a person can marry between the hours of 6.00 a.m. to 8.00 p.m.; in Barbados, from 6.00 a.m. to 9.30 p.m.

So, Mr. Minister, I urge you to examine our Act and extend the time because I see no reasons why persons have to be married by 6.00 p.m., and I feel that this would also be to the benefit of locals and tourists as well because I could imagine a wedding on the beach, starting at sunset. [*Crosstalk*]

Hon. Member: Oh, yes. [*Crosstalk*] Will you invite me [*Inaudible*]

Miss D. Cox: On March 08, we will be celebrating—[*Crosstalk*] definitely, you will be invited—[*Interruption*]

Hon. Member: You will be the groom.

Miss D. Cox: Mr. Speaker, on March 08, we will be celebrating International Women's Day and it is important that we continually seek to improve the lives of women, and it would be a good gift to the girls and women of Trinidad and

Tobago if the Government amends this Marriage Act and increases the minimum age of marriage to 18. There are four Marriage Acts which enact ages of consent that differ for both males and females according to their chosen faith.

In conclusion, I would like the Government to reconsider the country's legislative position on consent to marriage of minors in the Marriage Act in alignment with the expectations of the Convention on the Rights of the Child. How many of us know any 12-or 14-year-old who of their own volition will choose to be married at that age?

If the Government chooses not to amend this Marriage Act, by increasing the minimum age of marriage to 18 years, then we on this side wish to remind you that this is a serious violation of the right of the child. Mr. Speaker, you know, like Pontius Pilate in Matthew 27:24, I would end my contribution by saying that I am free of the blood of these innocent children, and I wash my hands. I thank you, Mr. Speaker. [*Desk thumping*] [*Crosstalk*]

The Minister of State in the Office of the Prime Minister (Hon. Rodger Samuel): Mr. Speaker, it is a privilege for me to share some views and give support to this Marriage (Amdt.) Bill, 2012. Seeing that in so many instances over the last few years as a licensed marriage officer myself, [*Crosstalk*] I have had tremendous issues with the extent of the bureaucracies experienced through the Ministry of Legal Affairs. As a matter of fact, each and every one of us that is here today would agree with the fact that we live and we operate in a land and a system of extreme bureaucracy, and if we were to put a value to it, as to what it costs this nation, as a matter of fact, we might be tremendously amazed or surprised as to the dollars and cents and what it costs Trinidad and Tobago to operate in such extreme situations.

We would agree that bureaucracy indeed costs us. It costs us time. It costs us productivity. It costs us efficiency and effectiveness, and it kills and stymies advancement and the progress of any nation. This amendment, though it be a simple amendment, would save this country lots of money, save the citizens lots of time, and begin to show that we are a nation, in simple ways, that is making some simple but effective movement forward, that as a nation we are doing that.

Mr. Speaker, when all goes well in a marriage, when a wedding and the excitement of the day comes around, many people and to those that are married for a while and those newly-weds—[*Interruption*]

Hon. Member: Member for Diego Martin Central.

Hon. R. Samuel:—and I would not dare go that way—would realize in so many instances that sometimes in order to get off the ground, it is a tedious task.

As a matter of fact, when it comes to the applying to be married and to ensure that you have your licence to be married, the process is a tedious one. Not only that, Mr. Speaker, but even after all of that is experienced and the wedding has come to pass, there is further trauma, because every one of us knows that as soon as a marriage is solemnized and it is registered with the registry, the newly-weds are excited to go through all the processes of change of names and have all of the things necessary to have their marriage certificate in hand so that they can immediately begin to make the kind of adjustments to their ID cards and driver's permits and passports. They want this in hand almost immediately.

But the system that had been in place for so long traumatizes these people and causes in so many instances the joy of their marriage and the wedding to subside so easily because of the lengthy process of acquiring all of these simple things: a marriage certificate that is so integral in having the necessary changes and adjustments to all the other personal items, and IDs, easily done.

I pray that with this as an example, Mr. Speaker, that all of the other agencies that are responsible to assist people with regard to change of names, and ID cards and driver's permits would make it as easy as the Ministry of Legal Affairs is making it now. I would hope that that would happen because it makes no sense, Mr. Speaker, that now they are able to access and have their marriage certificates and licence quickly, their certificates quickly, and then all of a sudden they have to go through another set of trauma just to change a name on an ID card, and to change a name on a driver's permit, and then here goes the trauma again because of the bureaucracies of the land. So I hope that the other agencies of Government would take example from the Ministry of Legal Affairs and ensure that the process is simplified so that the effectiveness can be experienced by the citizens of Trinidad and Tobago.

So, this amendment is well appreciated. As a matter of fact, now as licensed officers we ourselves can be relieved of the trauma of having to assist so many people who would come to us after the wedding is over, and they would have to be saying to us: "you know, I cannot access, I cannot have my marriage certificate accessed, it is so long; I need to travel; I need to do this now; I have to have a change of name, now they are asking me on my passport if I am married, I have to put married. Then they are asking me, well how come". So it is a lot of trauma. This is welcomed. It is less work for the people, the newly-weds, and it is less work us as marriage officers who continue to give service to the people and citizens of Trinidad and Tobago.

So, Mr. Speaker, this is fantastic. For someone to access or be married under a presidential licence or a special licence or through the President's authority was another situation. The situation of having to be in Trinidad for a period of time; the situation of having to wait for it to be signed personally by the Minister of Legal Affairs who may, for some apparent reason, be in or out of the country or occupied is another tedious situation, because in many instances a lot of stuff had to go to the Minister to be signed, and it had to wait. There were a lot of little tedious situations that would affect the easy running and smooth acquisition of these things. This is something that is welcomed, and the changes to allow the registrar to sign and permit him to sign is really, really vital, and it would ease the constraints and the problems that people have in really, really acquiring all of these things. The existing regulations, if they are revised, would then surely, surely be beneficial to the citizens of Trinidad and Tobago.

Indeed, Mr. Speaker, to argue against this would be arguing against what is best for a nation. To argue against it would be arguing against something that would enhance—

Hon. Member: The people.

Hon. R. Samuel:—and really, really benefit the lives of citizens of Trinidad and Tobago. Anyone that would argue against it, really, we would have to reconsider their motives—

Hon. Member: Their commitment.

Hon. R. Samuel:—and their commitment to ensuring that citizens of Trinidad and Tobago benefit and are relieved of the extreme bureaucracy that exists in Trinidad and Tobago.

2.30 p.m.

Mr. Speaker, I want to commend the Minister, because this is the first part, the first phase of the entire amendment to the Marriage Act and I commend him for the work and for this, though but a small aspect of the Act, to relieve the citizens of Trinidad and Tobago from the trauma of acquiring these simple things. Mr. Minister and Member for St. Augustine, I really thank you for this simple but effective amendment.

Thank you. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Mr. Speaker, the Minister of Legal Affairs spent most of his time congratulating himself for things that were put in place in that Ministry about eight years ago by the hon. Christine Kangeloo, [*Laughter and desk thumping*] and then improved by the hon. Peter Taylor, and in

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fact, if I go further back, by the hon. Camille Robinson-Regis, who was the first person, 10 years ago, [*Interruption*] 10 years ago to introduce computerized birth certificates in this country and to reform the system of producing documents in the Ministry of Legal Affairs.

So, the Minister quite improperly spent most of his presentation taking the credit for things done by successive Ministers of the various PNM administrations from 2001 coming up. [*Desk thumping*] But that is okay, because I have noticed that that is the Minister's style. Every time this Minister gets up to speak he praises himself for things for which he is not responsible.

Hon. Member: New politics.

Mr. C. Imbert: He praises himself for improvements that he had nothing to do with and he praises himself for advancements in the system that he is in no way connected and he does not deal with the issues. Is that what you call it, new politics?

Hon. Member: New politics, he calls it. [*Laughter*]

Mr. C. Imbert: "Where is that fella by the way? I have not seen 'new politics' for a long time."

Mr. Sharma: Comedy hour.

Mr. C. Imbert: But, Mr. Speaker, it is a tragedy that an intelligent, educated man like the hon. Member for St. Augustine, the Minister of Legal Affairs, it is such a disappointment that when he brings legislation in this House he does not even spend five seconds explaining the rationale, looking at the pros and cons, looking at the implications and consequences of what he is doing and justifying the changes that he is making.

The Minister glossed over the effect of this legislation. The hon. Member for Arima—I am sorry, Mr. Speaker—was totally clueless and [*Laughter*] had absolutely no idea what is going on. [*Interruption*] Mr. Speaker, the danger in this Bill—and let me state at the outset, Mr. Speaker, I cannot—[*Interruption*]

Mr. Samuel: I am a marriage officer.

Mr. C. Imbert:—will not and shall not support clause 8 of this Bill. I shall not! You see, Mr. Speaker, the hon. Member for Arima and the hon. Minister of Legal Affairs just swept that under the carpet; but let us go immediately to clause 8. What does clause 8 say?

“The Act is amended by inserting after section 49, the following sections:

The Registrar General may, by Order, amend any of the forms contained in the Schedules to this Act or prescribe such new forms as may be required to give effect to this Act.”

And, on the next page:

“The Minister may by Order delegate to the Registrar General any of his powers under this Act, except the power of delegation...”

Now, Mr. Speaker, I heard the Member for Arima make a point, and I forgive him because he clearly has not studied the implications of this amendment. This is not, as he puts it, to deal with a lot of tedious little things. [Laughter] Under clause 8 the Minister could delegate his entire authority to the Registrar General. Everything! The Minister can substitute the Registrar General for himself; he can completely abandon his Ministry and abdicate all of his responsibilities and his duties. This is ridiculous! I have never seen—never!—in 21 years, legislation where a Minister is going to be authorized to delegate to a subordinate all of his powers, duties and responsibilities.

Mr. Speaker, in the Westminster system there is something called “ministerial accountability”. We put questions to Ministers in this Parliament; we raise matters on the Motion for the Adjournment; we file Motions; we debate Motions, and we call upon Ministers to account. In terms of making changes to legislation, that can either be done by positive—affirmative resolution or by negative resolution. We debate these changes here. The Minister comes and he justifies his changes; except this Minister does not, he just gets up and says this is a wonderful Bill, just vote for it; he does not explain what he is doing.

I want this Minister to explain why you have a clause in this Bill where you can completely abandon every single responsibility that you have as a Minister who has taken an oath to uphold the law? I have never seen anything like this, and I ask you to remove it immediately. Take it out! It is crazy! Absolutely crazy! [Desk thumping] Who is going to supervise this Registrar General? Who? Who is going to scrutinize the new forms that are going to be required to give effect to this Act? Who is going to scrutinize the amendments to the existing forms? This clause is so badly worded, and that is why I say I am disappointed. This is an intelligent, educated Minister. He is the Chairman of the Legislative Review Committee. Who reviewed this? Who is going to determine what changes the Registrar General can make to the forms or not? It does not even say, “subject to the approval of the Minister”.

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It is so badly drafted, so clumsy, so defective, Mr. Speaker. I insist if you are going ahead with this, this must be subject to negative resolution so that the Members of this House and the Members of the other place can scrutinize what changes they intend to make to the Marriage Act. [*Desk thumping*] Absolutely ridiculous! It is laziness of the highest, Mr. Speaker.

I heard the Member for Arima say this will change a lot of little things. It will not! It will change everything. Everything! So, you are replacing the Minister of Legal Affairs with the Registrar General who is a public servant; who is not accountable to this Parliament; who is not required to answer any questions whatsoever, and cannot be dealt with in any way. Nonsense! Nonsense! [*Desk thumping*]

And, Mr. Speaker, the other thing that the Minister did not do, is look at what is in the Marriage Act at this point in time. What are in these forms that this creature, the Registrar General, can now change without parliamentary oversight, without ministerial oversight, because it is not there? There is no ministerial oversight. What can this Registrar General creature now do? Look at Schedule B for example, Mr. Speaker, Form I, "Notice to District Registrar", and this is the person who is applying to be married. I am just reading out one part of it:

"...I solemnly declare that I have for seven days, immediately preceding the date of this notice, had my usual place of abode within the above-mentioned district of...and that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said Marriage."

Now, you are giving the Registrar General the power to amend that form without your approval, without parliamentary oversight; they just have to take out that. Take out the form, because in your Bill you are allowing the Registrar General to change any form and to make new forms with nobody scrutinizing the Registrar General.

Let us go to another form, Mr. Speaker. This is the Registrar's Certificate: name and surname, condition, profession, age, dwelling place, length of residence, consent if any, by whom given; and that deals with the underage person. Your person could take out all of this, because you are now giving the registrar the power by order to amend any form in this legislation, without your approval, and I must keep repeating this, Mr. Speaker, without the Minister's approval and without parliamentary oversight, and it is just wrong. It is just wrong!

Let us look at the "Notice for Banns":

“...I solemnly declare...there is no impediment...or other lawful hindrance of the said Marriage.”

You could take that out now, because the Registrar General could change that and does not have to account to anybody. And what makes it worse, when the Registrar General changes the form the Minister cannot change it back, you know. So if this Registrar General makes an error or does something perverse, there is nothing in the law now which would allow the Minister, except he has to come to Parliament and pass a law to change the forms. “This just cyar work. It cyar work, Mr. Speaker.” You come here and you think all this Bill is doing is just taking away the presidential licence and replacing it with a ministerial licence, “well tha ent no big thing”.

All over the world, Mr. Speaker, if you go to Great Britain, you go to Australia, there is a period of notice. In England, for example, you must have resided in the district for seven days before you can apply to get married, and after having resided for seven days in that particular part of England, town, village or whatever it is, you then post a notice and you “cyar” get married for 15 days.

So there is a period in the United Kingdom of 22 days between the time that you want to get married and the time you can legally get married, and there is a reason for that. Because you want to be able to give people in the community the opportunity to object to the marriage, to say that this person is already married, that this person should not be lawfully married, there is a problem.

And you see, the Member for Arima glossed over this thing. Well, the Minister said nothing, and the Member for Arima attempted to say this is such a wonderful thing. But what does marriage lead to, Mr. Speaker? According to the hon. Member for Arima and his enthusiasm, in his solo enthusiasm, marriage leads to bliss, but that is not so. I mean, the hon. Member behind me who should not be behind me will know that marriage leads to divorce. [*Laughter*]

Hon. Member: You are not enjoying that.

Mr. C. Imbert: It leads to court; it leads to disputes over inheritance; it leads to disputes over property; it leads to disputes over children; it leads to paternity tests; it leads to maintenance orders, and therefore, you cannot trivialize the sacrament of marriage by simply saying it leads to bliss.

The reason you have to go and post that notice on the church door is because people need to be able to see it to say, “Wait nah, da fella already married and in fact he married three times already”. So that any potential situations that may

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arise—because, Mr. Speaker, there have been many situations where persons have got married to someone believing that the person was divorced from their previous wife or believing that the person was never married before. Then you have situations where one party dies and then you have a huge dispute over who is entitled to the estate, and then the legal wife appears, and according to the law the one who is in the marriage register is the one who has the first call on the assets, Mr. Speaker.

The children who are born in wedlock are the ones who have call on the assets of the estate; the children who are born out of wedlock have to come and prove all sorts of things now. So marriage is not a simple matter and it is not only bliss; it is bliss in a perfect world, but it is not bliss in this world that we live in, Mr. Speaker. Therefore the concept of just allowing a registrar to remove all of these things from these declarations, because these are all declarations: the person who is signing this form, the applicant is making declarations that there is no impediment; that they were not married before or they divorced and so on.

Mr. Ramadhar: [*Inaudible*]

Mr. C. Imbert: No, Mr. Speaker, I see the Minister is laughing about this, but he believes this is a joke.

Mr. Ramadhar: I am not laughing.

Mr. C. Imbert: But I would like the Minister to show me where in this legislation, when the Registrar General is changing the forms? Because, let me go to the Act. Let us go to clause 8:

“The Registrar...may, by Order, amend any of the forms contained in the Schedules to this Act or prescribe such new forms as may be required...”

Let the Minister—“he laughing, you know”. But let him show me where in those words the Minister’s approval is required. Show me! It is not there! And you have to come better than that, Mr. Speaker. You have to come better than that.

I heard the Minister boast about constitutional reform while he was on his adventure. What he is boasting about?

2.45 p.m.

The new Government is almost into their fourth year of Government, Mr. Speaker, they are almost in year four—in two or three months they will be into their fourth year of Government. The hon. Collin Partap, is not here, but I remember when he was in the Prime Minister’s office, he had sent letters, correspondence to the Opposition’s office, years ago, inviting the Opposition to get involved in a process of consultation for Constitution reform, and then he was

moved to the Ministry of National Security and then that thing just fell off the radar like that, “boop, went dead”, and now after three years the Government has reactivated something that should have been going on since the end of 2010.

You cannot in the last two years, in a five-year term, engage in any meaningful dialogue on constitutional reform, Mr. Speaker. You will not be able to have an appropriate period of consultation with the citizenry [*Desk thumping*] and you will not be able to sort out these matters before the next general election. It is incompetence, that is what it is. Do not boast about incompetence, the fact that you have dragged your feet for three years before you initiate a process of Constitutional Reform. As I said, the Minister has to do better than this, you must do better. If you are coming and you are making these radical changes—this legislation does not even give the Minister the power to make regulations.

One would have thought any self-respecting Minister, including a Minister who is a senior attorney, would do that, that you would recognize that this Marriage Act that has been on our books for so long is defective and that there is no power on the part of the Minister to make regulations. There is nothing in the Act that empowers the Minister to make regulations. One would have thought that you would have put in—that you are coming now to make these piecemeal changes; as the hon. Member for Laventille East/Morvant has said, these are piecemeal. There are fundamental problems with our marriage arrangements, Mr. Speaker, fundamental issues, the whole question of underage marriages and so on, and the whole question of inheritance and that sort of thing.

One would have thought, that any self-respecting Minister—remember this Minister has been in office for almost 36 months, almost three years in office, and after three years this is what we are presented with, an eight-clause Bill, seven clauses are changing “President” to “Minister” and one very offensive clause is allowing the Minister to completely abandon all his authority, all his responsibility, and removing all of the scrutiny and the oversight of this Parliament from the whole question of amending legislation. This is just wrong.

I heard the Members opposite talking about giving permission to persons to waive the period of notice in seconds. That is what they want to do. So somebody comes and applies for a waiver of the normal period of notice in order to get married and they are going to change that now so you could get your waiver in seconds. No longer you have to apply to the President, no longer you are applying to the Minister, you just go and fill out a form on South Quay and in seconds you will get a waiver.

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Well, Mr. Speaker, there are other countries that are not so irresponsible. If we have a situation—let us look at what happens in Australia. If you want to get a waiver of the period of notice—and in Australia you have to wait a month, not seven days, you have to wait a month, and if you want to get a waiver of the period of notice in Australia, listen to what you have to do. You have to make an application and it is called the:

“Application to shorten period of notice of intent to marry”

And you have to give reasons, and listen to this:

“Shortening of the statutory period of notice under the Marriage Act...can only be granted in extraordinary circumstances...”

Because in Australia they are very serious, they realize that people commit bigamy, people may have multiple marriages, people may be underage with false documents and so on, so shortening the statutory period of notice can only be granted in extraordinary circumstances. This is a developed country, this is no fly-by-night country, and you have to give reasons that fit into this:

“Employment-related or other travel commitments

Wedding or celebration arrangements, or religious considerations

Medical reasons

Legal proceedings

Error in giving notice”

And it says:

“You must attach documents as evidence of your reason for shortening, such as letters of employment, travel documents, airline tickets, receipts of payment, letters from medical practitioners, court orders or letters from authorised celebrants.”

That is what they do in Australia. But the hon. Minister wants to allow the Registrar General to come up with a blank form; you just put your name—I so and so want to waive the normal seven-day period of notice to get married, I live at so and so and I sign my name. None of these requirements here as to why do I wish to waive the period of notice, nothing. You just present that to a clerk in the Registrar General’s Office and you get your waiver in seconds, because that is what they are all about, Mr. Speaker. They are all about not doing their job, not doing their work, not scrutinizing applications that have far-reaching legal

implications and wanting to give citizens legal documents in seconds. We will deal with that later on in another matter.

This haste to remove all of the checks and balances that have been in our system for the last 100 years, “take it out and you just go down the road, you go to a government office, you fill out a form with two lines on it, the Minister have no say, the Parliament have no say and you get everything you want in a matter of minutes, in a matter of seconds”. That is not progressive, that is not developed-country status, that is not an improvement—[*Interruption*]

Dr. Moonilal: [*Inaudible*]

Mr. C. Imbert: No, no, no, this is a serious matter, I need to emphasize this, [*Desk thumping*] I reject this clause and the Government can use its majority—[*Interruption*]

Dr. Moonilal: We heard you the first time.

Mr. C. Imbert: No, I will tell you a hundred times, you can use your majority and you can bully through this legislation. Go ahead, when you get to the other place let us see how successful you will be because you do not have a majority there. But there are very good reasons why there is a period of notice to get married, very good reasons. And the very idea of a Minister delegating that responsibility of waiving notice to a registrar, and the registrar being able to change the requirements without reference to the Minister, reference to the Parliament, is abhorrent, Mr. Speaker, it is madness.

So, I call upon the Government, let good sense prevail, there have to be checks and balances with this thing. Nobody is against easing up the bureaucracy dealing with the red tape, nobody is against that. I mean if we take this to its extreme, why you do not remove the Minister and the Transport Commissioner from driver’s permit too? Just take it out and let some clerk down there, you just go and fill out a form and you get your driver’s permit. This is where this Government is carrying us. I reject this and I call upon the Government to pause and think carefully about what you are doing here. Thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Thank you, Mr. Speaker. I was recently reading—[*Interruption*]

Hon. Member: Misrepresenting.

Mr. Imbert: You could only come with “ole talk”.

Hon. P. Ramadhar:—a book on the life of Steve Jobs and they used a term

Marriage (Amdt.) Bill, 2012
[HON. P. RAMADHAR]

Friday, March 01, 2013

that I found, you know somewhat interesting, and the term was “Reality distortion field”. There is no one who is more a danger to himself than he who will distort in his own mind, logic and knowledge and come across with arguments—
[*Interruption*]

Mr. Imbert: Go ahead.

Hon. P. Ramadhar:—prepared by himself, argued to himself and having declared himself winner to the argument. [*Desk thumping*]

Mr. Speaker, “let me deal with mih friend” from Diego Martin North/East.

Hon. Member: Deal with him.

Hon. P. Ramadhar: If you are to believe the Member for Diego Martin North/East, the Registrar General of course is a creature of total insanity who has no respect for law and order or who would have no understanding of the Constitution. I will say this for “mih” friend if he is only willing to open his heart and his ears to the truth and not allow himself to use the negativity of his being, because apparently from what I have heard he does not believe in marriage, he does not believe in love—[*Interruption and laughter*]

Mr. Imbert: Mr. Speaker, point of order, 36(5).

Mr. Speaker: Yes, I did not get the impression that the Member was saying that he did not believe in marriage, so I want to sustain that point, Sir. Do not go there please.

Mr. Imbert: Apologize, withdraw.

Hon. P. Ramadhar: I apologize if it hurts—[*Interruption*]

Mr. Imbert: Withdraw!

Hon. P. Ramadhar: I withdraw it if it hurts too much. [*Laughter*]

Mr. Imbert: Mr. Speaker, 36(5).

Hon. P. Ramadhar: I apologize. [*Crosstalk*] When one looks only at the negativity in life I feel a deep sense of pity, a sense of compassion for a person who only sees the bad in everything and the good in nothing, and I am not surprised then that he belongs to that side. Because you know why, Mr. Speaker, and I do not wish to get personal, but I hear “mih” friend and in particular, this debate, becoming very personal, very “insultive” and without any merit

whatsoever, parading himself as an institution of knowledge when in fact he may have great intelligence but he uses it for the most improper means. [*Crosstalk*]

When one looks at the amendment sought by clause 8, sections 50 and 51, it is obvious to anyone that we give authority to the registrar, yes, but it is not absolute authority. Section 51 says that:

“The Minister may by Order delegate to the Registrar...any of his powers under this Act, except this power of delegation or any other power delegated to him under the Act.”

Mr. Imbert: [*Inaudible*]

Hon. P. Ramadhar: Of course you could mutter how much you wish but the reality is that it is in the past by precedent, the Registrar General already has authority to do exactly that, that was given under the PNM administration, I am advised, to do similar things. [*Crosstalk*] So, for my friend to have suggested that there is no need for ministerial oversight or so, really is to misrepresent— [*Interruption*]

Mr. Imbert: Mr. Speaker, 36(6), I never suggested, I suggested the opposite, that there must be ministerial oversight.

Dr. Gopeesingh: “On what order you stand up?” [*Crosstalk*] “What order you stand on?”

Hon. P. Ramadhar: Mr. Speaker, let me just say it is a matter of law that the authority is given to the Registrar General to deal with the forms and that is an acceptable authority given to the Registrar General.

You know I was hurt personally to hear “mih” friend say that I take credit for things done by previous Ministers. Of course they introduced electronic birth certificates, but introduced it where? Only in Port of Spain, and that is the point I was making. They used government resources, state resources, spent millions and millions of dollars to put that system in place but kept it closed to one building in Port of Spain. So, yes, you have a good system, not used to the benefit of the people in central, south and in Tobago. [*Desk thumping*] That is what I am talking about. He will avoid the fact— [*Interruption*]

Mr. De Coteau: Tell them as it is.

Hon. P. Ramadhar:—“that they take resources, spend it, but deprive the people of the benefit of it”, and that is classic.

Hon. Member: Shame, PNM Government.

Hon. P. Ramadhar: That is classic on the other side. So I am taking credit for nothing other than to use that which is available and to create new things which were never available for the benefit of the people. [*Desk thumping*]

But if you were to listen to him alone without hearing the other side you would imagine that this Government is the worst thing ever, that I am a hypocrite and a fraud in the words not used by him but that is his insinuation until you analyzed the truth. In this nation we have to return to truth because too much propaganda is going out there and passing for truth and for those who wish to see the population suffer and to return to that kind of environment where resources are abused and never put to the use and benefit they continue to do these things in the name of truth. I ask for us to pause here and I will analyze, as we proceed, the contributions—I will have to respect him. He is a Member of Parliament and he has said certain things and I will have to deal with them to make sure that they are not on the record left unattended.

Mr. De Coteau: Deal with them, deal with them.

Hon. P. Ramadhar: The delegation of power or authority is something that I am sure “mih fren” on the other side finds anathemic because they believe in holding all power and authority and that if you want to get anything done you have to go through that Minister for absolute control. We have heard in the pass, I make no allegations now, that when you have to go through the Minister himself there is a reason for it to get things done more speedily or ensure success—
[*Interruption*]

Hon. Member: The PNM only.

Dr. Rambachan: Look how disrespectful he is.

Hon. P. Ramadhar:—so that you get the favour of a Minister.

3.00 p.m.

I understand there was a former Minister of Planning—anyhow, I had better leave that alone. I think that is attending some court matter.

Hon. Member: “Yeah, doh fall into dat.”

Hon. P. Ramadhar: I shall not fall into that. You see, ultimate control—control which “mih” frens” on the other side wish to have, is not for the benefit of people, you know. This Government believes in the devolution of power and authority to the people of Trinidad and Tobago. [*Desk thumping*] And, indeed, the very consultations that we intend, in constitutional reform, to deal with, are exactly about that. But they know that this Government will succeed; it must succeed, because it is the benefit of Trinidad and Tobago that is dependent upon it.

So when we do these things and institutionalize them for the years to come, if by some freak of nature they should ever return to power, these institutions will protect the people of Trinidad and Tobago from the very sort of manner that they conducted government, and that is what they are afraid of. But we are committed because we see our duty as sacred to the people of Trinidad and Tobago, to do things always to benefit them.

He wishes to diminish the contribution of my friend from Arima, a good, decent soul who is in the practice and understands the trauma of many, for simple things like marriage certificates. “We just making it simple and he vex with that.” I cannot understand it because—anyhow, maybe I should not try to, because if you try to understand a sick mind or one that is distorted—[*Interruption*]

Hon. Member: Diseased.

Hon. P. Ramadhar:—diseased, you may very well end up becoming so. So you leave bad enough alone. .

Where was it ever suggested, Mr. Speaker, that we are intent on removing the issue of notice? He spent a long time on the waiver of notice. Who ever uttered that? Created an argument; argued it, and once again declared himself winner on his argument. I mean, this is folly; this is ridiculous, and I am sorry to have to go down to that kind of language to describe it. But that is what it is.

We have brought no amendment here other than to ask this House to support the ability of the Ministry of Legal Affairs, through the Registrar General, to create a new form, which is electronic marriage certificates for our citizens.

Dr. Gopeesingh: To make life simple and easy.

Hon. P. Ramadhar: To make it simple; to make it easy; to make it electronically available anywhere, which is why we created the 15 e-registration centres. I do not understand the hullabaloo, as they say, over something as simple as this.

Mr. De Coteau: Jurassic thinking.

Hon. P. Ramadhar: Jurassic thinking—Jurassic thinking.

Mr. Speaker, I opened and I made it very clear that this Bill needs reworking—complete reworking maybe—but because of the enormous and the very important issues that need to be dealt with, that others in the society have to give guidance on, we could not deal with those issues in this effort. The issues of the age for marriage, gender issues in relation to marriage, those are matters that

are attending the public debate, and we do not have the arrogance, Mr. Speaker, to pass law without the permission of the people, and the consultations that have begun, and will continue on those huge issues, will advise the new Marriage Act. It is as simple as that. But we get accused now of bringing piecemeal legislation.

If you cannot deal with matters until you get all of the information and consult with all of the people—and, in fact, by the constitutional reform when we speak to referenda, huge issues of that nature could very well be put to the people to give authority and consent for the change of those kinds of laws.

We take the opportunity that if there is a problem, we fix it as best as we can with whatever we have, but they describe it as piecemeal. But I ask the question: these huge questions that my friend posed—my friend from Laventille East/Morvant—did they exist only in 2013, only in 2012, 2011, 2010? Or did they not exist before then, when all this work that the Member for Diego Martin North/East speaks to in the Ministry, did they not realize then that there were issues to be dealt with and deal with them? I pause. I repeat this. Did they not know then, when they were in the position of authority, that these were huge issues that needed to be dealt with?

Hon. Member: No!

Hon. P. Ramadhar: Did they take any steps to consult with the people to find out what they wished in their new law? Did they do anything to improve these circumstances? We hear about underage marriage, and my friend—of course, very good point about children making children, but I ask the question: do you believe the issue of children making children is out of marriages? Or is it a wider societal problem, and that children who are making children had no intention to wed, nor are they? But you put it in a context that because legislation should change, that children would stop making children. That is a societal problem that needs to be dealt with, at all levels.

Indeed, earlier this week the Minister of National Security invited me to a meeting—I shall not describe all of the details of it—where we met with persons from a certain community—in fact, your constituents, Member for Laventille East/Morvant—where they spoke to the very fact of children having children and what is being done about it. What did you do about it? You think an amendment to the Marriage Act will stop that?

Miss Cox: Who is “you”?

Hon. P. Ramadhar: We are talking about your Government at the time.

Hon. Member: “Doh take it personal.”

Hon. P. Ramadhar: Do not take it personal. Where is it—[*Interruption*]

Hon. Member: “We doh want tuh lose ah next fren today.”

Hon. P. Ramadhar:—that the need for fathers—and I should not use the word, “fathers” because—[*Interruption*]

Hon. Member: Deadbeat dads.

Hon. P. Ramadhar:—deadbeat dads, where they impregnate young girls, who have their biological child but they are nowhere around to nurture that child, to give it love, to give it basic physical sustenance. Where is that?

This Government is taking on all of these matters. So do not come here and, like Pontius Pilate, wash your hand! You had their blood; you had the responsibility and the duty to act and you did not! So, please, do not come here and talk about the issue of age and so. That will be dealt with.

Hon. Member: When?

Hon. P. Ramadhar: When we consult with the people to tell us what they want, not what you feel you want.

Miss Cox: “De people say dat already.”

Hon. P. Ramadhar: Mr. Speaker, my friend took the time to talk about the time for marriage and all these things. All these are issues that we are looking at. Work is well advanced in the Ministry on these matters. But we do not believe that it is right and proper to wait for as long as it takes to get the consultation when there is a burning need now—and we could deliver on it—to deprive the people of basic things like that. So we take the opportunity to come here. But my friend from Diego Martin North/East finds every reason—he has said he shall not support. Well, that is a matter for him and his conscience, and he has given his reasons for it, which, with all due respect, amount to very little—very, very little.

Hon. Member: “Ohhh!” Sad, sad, sad.

Hon. P. Ramadhar: Mr. Speaker, you could describe things in the most negative way that you know, but we speak to the call of our people. The people’s needs are our duty to answer, and we are answering here today. [*Desk thumping*]

Mr. Speaker, I do not think I should add much more because there was very little said on the other side to really respond to.

Hon. Member: They were short on content.

Hon. P. Ramadhar: So, Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Mr. Imbert: Mr. Chairman, I would like to suggest an amendment to clause 8 as follows: that in the part dealing with the new clause 50, after the word “may”, insert the words, “subject to the approval of the Minister”, and with respect to both new sections 50 and 51, the orders referred to in those two sections be subject to negative resolution of Parliament.

So in the first case, the Registrar General must obtain the approval of the Minister, and both of the orders that flow from 50 and 51, be subject to negative resolution of Parliament. If the Government is willing to do that, we will support this legislation wholeheartedly.

Mr. Chairman, may I just say, when I say, “negative”, it means the Minister just publishes it. It is published in the *Gazette*; it is laid in Parliament, and until—it is negative, which is unlikely with an Opposition not having the—it is simply to allow people to see what is going on, so someone could raise an alarm if need be. But it gives the Parliament the oversight that—

Dr. Moonilal: We are advised that the Registrar General already has this power under the Births and Deaths Registration Act.

Mr. Imbert: Could you point me to the section of the Act where the Registrar General has this power, please?

Dr. Moonilal: Section 54. You have it available to you.

Mr. Imbert: Just give me a second. I have a copy of it.

[Short pause as Member retrieves copy]

3.15 p.m.

Mr. Speaker, I hate this you know. It is there, but turn the page “nah.” Turn the page.

Dr. Moonilal: What clause?

Mr. Imbert: “Any order made in pursuance of this section shall be laid before Parliament within 30 days after the issue of same.” “Ah doh mind dat.” If you

are going to recommend something, recommend the whole thing “nah”.
[*Crosstalk*] “Look it is there in section 54 (2).”

You see when you lay it, if the registrar knows—and we are not talking about any particular Registrar General as they will change from time to time as people have retired and so on—that this change they are about to make would be subject to parliamentary scrutiny, would be subject to public scrutiny, then that would be a check and balance, because they will be careful. But, if no one is going to have the authority or the ability to scrutinize these documents, then there is no need to be careful. If you look at the Births and Deaths Registration Act, there is a very good reason why it should be laid one month before.

Dr. Moonilal: So you are saying, as currently worded in this amendment, that the Minister loses oversight of this matter?

Mr. Imbert: Of course, because, look at what it is doing. Right now to amend the law the Minister must come to Parliament. There is no power for the Minister to make regulations to change the Schedule. That is a lacuna in this legislation. He cannot do it. But now, instead of giving the Minister power to amend the Schedule, you are giving the Registrar General the power to—

Dr. Moonilal: “Yeah”, but you are giving the Minister—

Mr. Imbert: There is no oversight by the Minister. Look at it carefully. There is none. The Registrar General does not have to seek—[*Interruption*]

Dr. Moonilal: But the Registrar General has a discretionary power.

Mr. Imbert:—the approval of the Minister. They just go ahead and do it.
[*Crosstalk*]

Hon. Member: If you want it, I do not have a problem.

Dr. Moonilal: How would you word the ministerial oversight?

Mr. Imbert: I am saying in the first one, let the order be subject to the approval of the Minister. Just put that in after the word “may”. And in the second one, you could either use the wording that is in the births and deaths, that it must be laid within 30 days, or you could say “subject to negative resolution”. “I doh mine.”

Dr. Moonilal: Okay, if we are talking, after the word “order”, “subject to approval by the Minister?”.

Mr. Imbert: Yes, in 50. And then both of them, the orders would be subject

to parliamentary scrutiny in some way, whether they are just laid or whether they are subject to negative resolution. I do not mind.

Dr. Moonilal: Where would you put in the—

Mr. Imbert: “Orders made under section 51 and 52 shall be laid in Parliament.” Let us use the exact wording from the births and deaths—if I can put my hand on that. Just give me a second. Let us use the same, exact wording from births and deaths. And it says, “any order made in pursuance of sections”—so it would be a new section—“50 and 51 shall be laid before Parliament within 30 days after the issue of same.”

If you use the exact same wording and make it a new clause, problem solved. It would be as 52—new section 52. So in 8, you could say new section 52.

Dr. Moonilal: Okay, would it help if in this instance “the Registrar General may by Order, subject to the approval of the Minister amend any of the forms contained in the Schedule”?

Mr. Imbert: Well you see, that deals with one problem. It deals with the problem with the Minister.

Dr. Moonilal: You get the ministerial oversight.

Mr. Imbert: Then, what is the problem with laying it in Parliament within 30 days, so at least people know what is going on?

Mr. Ramadhar: The forms. This is politics here, that is ancient law. Colonial thinking.

Mr. Imbert: You see, it is not, there is a good reason for this. You see, you may come into office and you may meet a Registrar General there that you had no influence—[*Interruption*]

Mr. Ramadhar: I get you.

Mr. Imbert:—whatsoever in selecting. Okay? You do not know what this Registrar General is going to do. This is not specific to any person. They may take out all these statutory declarations, that there is no impediment or hindrance to the marriage. They may delete it from the form. We are legislating for the future, you know. So what is the problem with saying that “the order shall be laid before Parliament within 30 days”?

Dr. Moonilal: All right. “Any order made in pursuance of this section shall be laid before Parliament.”

Mr. Imbert: Sections 51 and 52.

Dr. Moonilal: Okay, where do you put that in?

Mr. Imbert: New section 52.

Dr. Moonilal: New section—

Mr. Imbert:—52.

Mr. Ramadhar: By order, amended.

Mr. Imbert: Okay.

Dr. Moonilal: So in the amendment Bill under clause 8, new section 52.

Mr. Imbert: “Any Order made in pursuance of sections 50 and 51.”

Dr. Moonilal: New section 52.

Mr. Imbert:—Any order made— well in 8 you are creating new sections 50 and 51, so create new section 52: “Any order made in pursuance of sections 50 and 51 shall be laid before Parliament within 30 days after the issue of same.”
[*Crosstalk*]

Mr. Ramadhar: I really have no problem with that.

Mr. Imbert: Cool. Well, let us do it then.

Mr. Ramadhar: If it makes you happy.

Mr. Imbert: “I done.” We will support this Bill completely.

Dr. Moonilal: What he is saying is all these forms could be subject to change and Parliament is—

Mr. Ramadhar: Done.

Mr. Imbert: No, well you need to see what is going on. Because, you will not know, because nobody is asking you to approve anything.

Mr. Ramadhar: “Ah get it. Ah get it.”

Mr. Imbert: You understand the point right? Okay. Good.

Mr. Ramadhar: Draft it—“you all finish”?

Dr. Moonilal: New section 52.

Mr. Ramadhar: [*Inaudible*]—how many do you have on births and deaths?

Dr. Moonilal: You reword it?

Legal Adviser: Yes.

Mr. Imbert: Well, because you have been so good. You would not get any kind of blows you would have got at births and deaths.

Mr. Ramadhar: “You so bad mind boy.”

Dr. Moonilal: Listen to the amendment.

Mr. Imbert: [*Laughter*]

Dr. Moonilal: New section 52. New section 52 will read, Member for Diego Martin North/East: “Any order made under section 50 or 51 shall be laid in Parliament within 30 days after the issue of same.”

Mr. Imbert: The part that deals with 50 you have to amend it. “And subject to the approval of the Minister.”

Dr. Moonilal: Okay. So in 50 we do an amendment as well.

Mr. Imbert: Just add after the word “may” or put it before whatever you want to do with it.

Dr. Moonilal: Yes, amendments to clause 8.

Mr. Chairman: So the question is, if I may have the opportunity to put it, the question is that clause 8 be amended as follows:

Insert after order—no, first one. Insert after “may” in 50, the words “subject to approval by Minister.”

Hon. Members: Yes.

Mr. Imbert: “by the Minister.” Yes.

Mr. Chairman: “by the Minister.”

Mr. Imbert: Or “subject to the approval of the.”

Mr. Chairman: “subject to the approval”

Mr. Imbert:—“of the Minister.”

Mr. Chairman:—“of the Minister”.

Dr. Moonilal: Right. Comma.

Mr. Chairman: And in 50—

Dr. Moonilal: You are adding—

Mr. Chairman: We are having a new section.

Dr. Moonilal: It is an amendment that places 50 to 52.

Mr. Imbert: You add a 52 now.

Dr. Moonilal: And that reads.

Mr. Imbert: To insert 52.

Dr. Moonilal: “Any Order made under section 50 or 51—

Mr. Imbert: I think the word is pursuant, “eh.”

Dr. Moonilal: The original thing from the births and deaths: “Any order made in pursuance of section 50 or 51 shall be laid before Parliament within 30 days after the issue of same.” Correct? Let us read it again. We will do it again.

“Any order made in pursuance of section—[*Interruption*]

Mr. Imbert:—sections, 50— or you saying “or”—

Dr. Moonilal:—“of sections 50 or 51 shall be laid before Parliament within 30 days after the issue of same.”

Mr. Sharma: What happen if we have Parliament recess—[*Inaudible*]

Dr. Moonilal: They will send it to the Parliament. When the Parliament meets next they will get it. The “within” does mean the current. That is clear.

Mr. Chairman: So new section 52 will read as follows: “Any Order made in pursuance of sections 50—is it and?—

Mr. Imbert: It could be “and,” it could be “or”. Let the draftsman tell you.

Dr. Moonilal: Is it “and” or “or”?

Mr. Chairman:—“or 51.” All right, “section 50 or 51 shall be laid before Parliament within 30 days after the issue of the same.”

Dr. Moonilal: Right. That is fine?

Mr. Chairman: We have that.

Mr. Ramadhar: Very good. Thank you so much.

Dr. Moonilal: There you have it, and it is consistent with the births and deaths Act.

Marriage (Amdt.) Bill, 2012
[DR. MOONILAL]

Friday, March 01, 2013

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

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

House resumed.

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

STATEMENT BY MINISTER

Mr. Speaker: Hon. Members, as I had indicated earlier, I wish to revert to the item “Statements by Ministers”. And I did indicate to this honourable House that a statement is to be made by the hon. Minister of National Security.

Crime Fighting Measures (Defence (Amdt.) Bill, 2013)

The Minister of National Security (Hon. Jack Warner): Thank you, Mr. Speaker. Mr. Speaker, there can be no gainsaying that one of the most critical problems facing our country today is the escalation in the murder rate. [*Crosstalk*] Although, as I am advised, there is in fact a decrease in serious crimes, this can hardly offer us as a nation any cause for comfort or be anything to boast about in the face of the wanton loss of life.

Indeed, Mr. Speaker, the loss of life undermines the otherwise good work that is being done by our hard-working and dedicated police officers to bring and keep under control other areas of criminal activity.

Mr. Speaker, I will not bury my head in the sand or seek to manipulate statistics. In fact, this is no time for politicking. It is a time for problem solving. The first step in solving a problem, [*Crosstalk*] is to know that the problem exists and to have an objective understanding of its cause. its nature— [*Interruption*]

3.30 p.m.

Mr. Speaker: Hon. Minister, please. I have been getting this interruption myself. I see you have changed chairs, Member for Diego Martin North/East.

Mr. Imbert: I apologize.

Mr. Speaker: Please! Allow the Minister to speak in silence, please. Hon. Minister of National Security, continue please.

[*Crosstalk*]

Hon. J. Warner: Changing chairs does not mean change of style, Mr. Speaker. I was saying, Mr. Speaker, you must know that the problem exists and thereafter seek to have objective understanding of its cause, its nature and its extent.

Mr. Speaker, the criminal activity which engulfs us and threatens to permeate every membrane of the social fabric, can only be arrested and utterly removed by the collective will and effort of all our people. If at any time in our country's history we need to give true meaning to the maxim, "I am my brother's keeper", that time is now.

Irrespective of race, creed or political persuasion, we must now rededicate ourselves to country and take each other by the hand and band together to rescue our country from the plague of crime that has befallen upon us. The People's Partnership Government will not shirk its responsibility to be the vanguard of this march forward.

Mr. Speaker, as Minister of National Security, I have listened to the cries of the silent majority of decent, hard-working and law-abiding citizens. As a consequence, the People's Partnership Government has therefore decided to bring to this Parliament a number of legislative measures designed to tackle the demon of crime.

Mr. Speaker, as you may be aware, although the Trinidad and Tobago Police Service has an approximate strength of 7,700 officers on the establishment, I am advised, that the actual strength is in the region of 5,500. What this means is that at any given point in time over 2,500 officers are not available to protect and serve our people, and this is because of a number of factors which are being experienced today: the shift system in the service, sick leave or vacation, and suspensions as a result of pending disciplinary measures in the police service. Of course, there is clearly a need to increase the capacity of the police service, and one of the ways in which this has been done in the past is to draw on the members of the Trinidad and Tobago Defence Force. As such, therefore, joint police and army patrols have been a feature of the fight against crime for quite some time.

The absence of legislation to address this permutation has restricted the ability of our soldiers to effectively and meaningfully contribute to the fight against crime. Members of the defence force, Mr. Speaker, were not vested with the necessary legal authority to facilitate a more effective participation in law enforcement. Indeed, the soldiers possess no greater power of arrest than those

possessed by ordinary citizens. This has given rise to a number of problems as questions have been raised about the admissibility of certain evidence obtained by members of the defence force when they assist in joint operations with the police. These legal issues and queries that surround the use and reliance upon the soldiers have generated some, understandably, I should say, a great degree of discomfort, and have prevented the full and effective participation of the soldiers in the fight against crime.

Mr. Speaker, the time has therefore come for us to formally and publicly recognize the valuable, and at this moment, the indispensable role the defence force can play in the fight against crime. What I am saying, it is time for our soldiers, for the good men and women in our army, to step out of the shadows of uncertainty. It is time for us to rescue them from the unenviable predicament of being asked to perform additional duties, and to assist in the fight against crime without the necessary legal empowerment and protection.

Mr. Speaker, the upsurge in serious criminal activity has been fuelled by the development of gang warfare and gang-related violence. The current crime situation in the country is unacceptable. Gangs multiply in vast numbers, committing acts of violence and other illegal activities without remorse or fear of detection. The Anti-Gang Act came into force in 2011 to equip the police and prosecuting authorities to eliminate, outlaw and suppress gang activity, and the formation of gangs as such. Consideration has to be given that while it is recognized that the primary function of the defence force is to defend the sovereign good of the country and to guard against external threats, internal activity that threatens to undermine and to destabilize a country also impacts on that country's sovereignty, and it is also, in our case, properly within the remit of the defence force.

Mr. Speaker, a large contingent of highly skilled personnel who possess expertise and proficiency in defence operations are currently underutilized by the State. They are currently being underutilized by the State and they are an invaluable asset in the maintenance and preservation of law and order.

Legislation codifying the role and function of the army when rendering aid to the police exists in other countries. It is nothing new, Mr. Speaker. Soldiers have been given police powers similar to those of police officers in other common law countries, such as India and Northern Ireland—that part of the UK, as we know it.

Mr. Speaker, during the state of emergency in 2011, in Trinidad and Tobago, members of the defence force were conferred powers of arrest, by the President,

under the Emergency Powers Regulations, 2011, pursuant to section 7 of our Constitution. This ultimately led to an increase in the manpower of approximately 5,000 additional personnel to work in tandem with the police service. Five thousand more soldiers were able to work with the police service during the state of emergency when the President gave them that power.

Mr. Speaker, I pause to highlight a most significant fact and, that is, during that time our soldiers did not abuse or misuse the authority and legal status as soldiers with police powers when they worked during the SoE. Indeed, our soldiers then demonstrated commendable maturity, discipline and responsibility. They performed their duties in a professional and effective manner, in a way that made all of us very proud indeed.

Mr. Speaker, in this war against crime, we must strengthen our police service. It is not good enough to say because there is crime in Antigua, Bermuda, and Bahamas and Barbados that you have crime here also. We have to fight it here and we must strengthen our police service as a result. As such, therefore, the People's Partnership Government proposes to amend the Defence Act to grant members of the defence force the same powers, the same authorities and privileges given by law to members of the police service. This will ensure that members of the defence force are placed on an equal footing with police officers.

Mr. Speaker, it should be noted that these powers, authorities and privileges are to be conferred when army personnel are providing assistance to members of the police service. Let me say that again, Mr. Speaker; they are to be conferred only when army personnel are providing assistance to members of the police service.

This factor is extremely important because that is one of the checks and balances in the arrangement, and it highlights the interdependent nature of the partnership between the police and the defence force. The army is meant to enhance and to complement the efforts of the police, by providing much-needed manpower from specially selected army personnel.

The members of the defence force who assist the police and who are given those powers will be specially selected by the Chief of Defence Staff to give the police that assistance. The police service will be the dominant partner as the power, because that will mean that the police service, when they perform, the soldiers will function as police officers, but they shall provide the police with the service during the execution of their duties. Mr. Speaker, I want to repeat, they shall provide the police with the service during the execution of their duties.

I want to disabuse immediately and at the outset the notion that the army is being converted into some esoteric parallel police service or there is any threat of militarizing this country. This is simply an effort to tap and harness a much-needed resource in the fight against crime—nothing more.

Mr. Speaker, that was in fact the *modus operandi* of the previous administration, which hand-picked soldiers and civilians to lead the fight against crime under the auspices of SAUTT, the Special Anti-Crime Unit of Trinidad and Tobago. Many have argued that the involvement of soldiers in SAUTT to detect and investigate criminal activity was *ultra vires* because the law never gave them the power to function and operate as police officers. For years they did it illegally. What we are doing now, actually, is legalizing something that has been done illegally for years.

There has always been a concept and contingent of military police in the defence force. There has always been a concept, Mr. Speaker, and a contingent of military police in the defence force. You see them with their armbands and so on, marked RP. These soldiers are specially trained and perform military police duties. Even so, our Government proposes to take steps to ensure that the soldiers, who are selected for this special honour and privilege, receive adequate training on criminal law. They shall be trained on criminal law. They shall be trained on police rules, practice and procedure, the ability to arrest, to stop and question, and search and seize. These soldiers shall be trained. This training is a critical component and condition for the use of the army as a supplement to the police service. Soldiers will not be in a position to provide meaningful assistance to the police officers unless they first understand the scope and ambit of their powers.

I have no doubt, Mr. Speaker, that those soldiers selected will discharge their duties with honour and professionalism in this relationship between these two important institutions, the police and the army.

Section 5(2) of the Defence Act states and I quote:

“Every unit shall be charged with the defence of Trinidad and Tobago and with such other duties as may from time to time be defined by the”—
defence—“Council.”

These additional police duties are subsumed under the expression “such other duties”.

Mr. Speaker, in order to confer police powers on the members of the defence force, the hon. Attorney General has recommended, and Cabinet has accepted,

that the Defence Act be amended and a new subsection 5(3) be inserted which reads as follows. I quote:

“When any member of the Defence Force having been charged under subsection (2) with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing, he shall have the same powers, authorities, privileges and immunities as are given by law to the members of the Police Service.”

3.45 p.m.

Mr. Speaker, the power is clearly and specifically linked—I repeat—to the provision of assistance to the police in the maintenance of law and order. This will ensure that soldiers—that they enjoy only the powers of police officers while actually on operations with the police, and they cannot go on police exercises on their own. The soldiers, Mr. Speaker, cannot go on police exercises on their own. They have, at all times, to work in conjunction with the police service. However, they will be entitled to carry arms and ammunition, if necessary, when they are performing police duties, and that is to assist the police service in maintaining law and order.

Mr. Speaker, in performing these other duties, members of the defence force will maintain their status as soldiers. Consequently, the issue of precepts to them does not arise. It should be noted that there is ample precedence for this measure as several public officers have been granted special status in law and given similar legal protection in the execution of their duties. We behave as if it is something new. I am making the point that several public officers have been given these duties. For example, section 3 of the Customs Act, Chap. 78:01 provides as follows for customs officers; listen, I quote:

“For the purpose of carrying out the provisions of the Customs laws all Officers shall have the same powers, authorities and privileges as are given by law to members of the Police Service.”

Mr. Speaker, section 5(1) of the Motor Vehicles and Road Traffic Act, Chap. 48:50 provides, and I quote:

“In the exercise of powers and duties conferred on him by this Act and any Regulations made thereunder, every Transport Officer shall have the powers, authorities and privileges and shall be entitled to all the immunities given by any law from time to time in force to any member of the Police Service.”

So they also have it! Mr. Speaker, this amendment to the Defence Act is a creative and innovative way for us to strengthen the manpower of the police service.

However, Mr. Speaker, it is not with precedent as shown by the examples which I have just given. The legal protection given to members of the defence force, when they assist the police in carrying out their duties, is bound to have some degree of motivation, is bound to help to re-energize the police, and also, especially those soldiers who have been selected to serve. What I am saying in so many words therefore is that these soldiers will no longer be unclear or uncertain about their legal position when they perform their duties with the police officers.

Let me say quickly that this is one of a series of measures which the Government is considering to tackle crime. The Government is also considering making possession of a firearm and the commission of serious offences, misusing that firearm, a non-bailable offence. The AG has also proposed that we consider the abolition of jury trial for blood crimes or violent crimes. In other words, we are really—[*Interruption*]

Hon. Member: What [*Inaudible*]

Hon. J. Warner: Let me say it again just for your sake. We are also considering—in fact, the AG has also proposed that we consider the abolition of jury trial for blood crimes or violent crimes. No jury trial! [*Crosstalk*] This will allow judges more time and result in a quicker trial time.

Hon. Member: Please!

Hon. J. Warner: These proposals are currently engaging Cabinet's attention and you will hear more about these proposals shortly.

Mr. Speaker, at this point in time in this country, Trinidad and Tobago needs all hands on deck. We must join against the common enemy. The prevention, detection and prosecution of the criminal elements in our country will always be our top priority. [*Crosstalk*] In this House, in this Parliament, we may have differed and quarrelled in the past, and who knows, we shall differ and quarrel again in the future, but today in our country, one thing is certain, that in this country today, one bond unites us, Mr. Speaker, and I am saying that that bond is to wage war against the criminals and never to give in to them. Whatever the cost, whatever the agony shall be, we must never give in to the criminals.

I say, therefore, let us put our differences aside and put country first in ridding this nation of the atrocities of crime. Let us take each other by the hand and say, "You, listen, what love of country has put together, let no criminal rend asunder." Mr. Speaker, I thank you. [*Desk thumping*]

BIRTHS AND DEATHS REGISTRATION (AMDT.) BILL, 2012

Order for second reading read.

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Mr. Speaker, I beg to move:

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

Mr. Speaker, we come before this august House with a very simple amendment, but the simplicity of the amendment really does not indicate the enormity of the importance of this amendment. As we all know, a birth certificate is proof of citizenship. It provides the first legal recognition of an individual and protects a person's right to an identity. It is called a breeder document which proves identity 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 health programmes or apply for employment and vote to elect our representatives in Government without any difficulty whatsoever. We feel, Mr. Speaker, by the holding of a birth certificate that we have a stake in the country in which we live and even feel a sense of belonging because of it.

However, Mr. Speaker, there are citizens in this country who encounter great challenges in proving their identity and accessing rights to citizens because of the simple fact that there is no given name on the birth certificates. What this means is that a child may be registered at the time of birth or within the relevant period of time, but as the business of life takes over, parents may, for whatever reason, not include the child's name at the time of registration in hope that they will come up with a name. The bad news is that 12 months after that period of registration, when 12 months have expired, under the old law, you could not approach the Registrar General to have the child's name included.

To that end, we have a situation where, I understand, shocking as it is, that there are over 300,000 persons in our society who do not have a complete birth certificate—300,000!

Hon. Member: Wow!

Mrs. Gopee-Scoon: What is the source of that?

Hon. P. Ramadhar: The Registrar General's Department is completely computerized and its software, having digitized all of our records, tells us that 300,000 of the birth certificates of our citizens do not carry full names. Shocking as it is, but that is the truth. Therefore, Mr. Speaker, we thought it appropriate that we bring legislation to deal with this failure of laws passed. Mr. Speaker, I would not have to go through all the examples, many of us know them. Many of us, as MPs, have constituents who come to us and tell us of the difficulties they face when they apply for a visa, when they apply for basic things and there is no proper birth certificate.

Innovative as our people are, over the years a practice has developed where you have your birth certificate without your full name—you may have your surname on it—and described as a boy child or a girl child and you then attach to that birth certificate, an affidavit. *[Interruption]* “Affidavis” as they say. *[Laughter]* “You put yuh affidavit” and fortunately in the past, that has allowed some level of ease of the problem. But as we modernize and digitize further, we realize that that cannot continue because, as you are reminded and the Registrar General always makes the point to me, that when you have such a birth certificate without a full and proper name and you attach an affidavit, that process or procedure is subject to tremendous fraud because there is no control, no legislative overview, no institutional regulation of affidavits, so that persons use these birth certificates which are authentic, yes, with one surname, and they use the affidavit to create different identities. We hope now, as all birth certificates are now available in electronic form, printed, to try and ameliorate that difficulty. We know we could never get rid of fraud but we try to deal with it as best as we can.

To that end, this amendment is very simply this: to allow the parents of a child to apply to place on the birth certificate, or on our official records, the given name. We have moved it even further that the persons themselves, once they attain the age of 18, they may very well, on their own, apply to the Registrar General, and once they provide the necessary material, the Registrar General will make a decision confirming the identity and place on the official record, on the official birth certificate, for the first time, a person's full and proper name.

So, Mr. Speaker, it is as simple as that. I do not know if we will meet any resistance to this. I hope not! *[Interruption]* Oh, I see my friend from Diego Martin North/East is not here, and therefore, I imagine, we shall have a very pleasant proceeding. So I am not one to burden this House unnecessarily, and

having said what I had to say and the amendments having been put before this House, I will not say anything further and I beg to move on this matter. [*Desk thumping*]

Question proposed.

Miss Marlene Mc Donald (*Port of Spain South*): Thank you, Mr. Speaker. Before I begin, I want to grasp this opportunity to extend condolences to my constituents at Sea Lots east, particularly the mother of Miss Haydee Paul, Miss Carol Gonzales, the rest of her family, and indeed, the community of Sea Lots west.

Mr. Speaker, Miss Haydee Paul and her two children, young Akasha and Shakira, were tragically killed last Sunday. I ask that God comfort those who are alive, the grandmother, the family, the relatives; and indeed, that community is a very close-knit community, I ask God to give them the strength to withstand their grief.

4.00 p.m.

Mr. Speaker, I wish to extend a speedy recovery; I wish for a speedy recovery to the three other victims, to Abigail, Amanda and young 19-year-old Ryan, who are still hospitalized. Mr. Speaker, I wish the family the strength and the courage to assist them at this point in time.

Mr. Speaker, I thank you for the opportunity to join in this debate, an Act to amend the Births and Deaths Registration Act, Chap. 44:01. The Minister said in his presentation, it is a very simple amendment. I agree, but as simple as it is, Mr. Minister, there are so many consequences to this simple amendment you are seeking to pass here this afternoon.

I would have thought that the Minister would have given a little more information, a little more insight, because there are—we always have to be mindful that, and this has always been my cry, the national community is looking at us and wondering exactly: what are the changes being made here? What is in it for me?

I heard in the public domain and you brought it back this evening, 300 persons—[*Interruption*]

Mr. Ramadhar: Three hundred thousand.

Miss M. McDonald:—three hundred thousand persons without their names on their birth certificates. You know, on Thursday morning, “is either Wednesday

or Thursday”, I was listening to a radio programme and at least three persons called in because you had given a speech somewhere and they interpreted that as 300,000 persons without birth certificates in this country. When I heard that I took notice of it because I felt that when you came here today you would have been so clear that nobody else would make such a mistake, and I thought that you would have taken us through the legislation, explain what is the current position, explain what it is we are doing, where we are going and what is the mischief that you are trying to cure at this point in time. What is it? What is it? [*Interruption*]

Yes I am listening. I am listening Mr. Minister. But Mr. Minister—the Member for Oropouche said: “Do not be rude.” He told me: “When you stand do not be rude” and I agree with that, but what I am saying is, anyone who has listened to this presentation here this afternoon, I do not think that they would go away understanding exactly what you are doing here. Did you take us—did you tell us what model of legislation you are using? Did you tell us what is the practice internationally? Did you tell us what is the practice in the Caribbean region? No, you did not.

Mr. Speaker, sorry for turning my back on you but I am going to take this House on an excursion this afternoon and explain exactly what is in this one-page amendment. And I agree with the Minister, that a birth certificate is indeed a legal document. It is a document of a person’s birth and it is a very important document.

Mr. Speaker, before any analysis could be done, because what the Government is proposing to do is to remove this time frame that is embedded in section 22 of our Births and Deaths Registration Act, remove that time frame of 12 months, replace it with a period called “any time” and then legally empower the Registrar General to issue a birth certificate at any time, without any judicial oversight, without any judicial scrutiny, and that is where we take serious objection and we are not agreeing to this, this afternoon.

Mr. Speaker, the law is found in section 22(1) of the Births and Deaths Registration Act. What is the current position now? Mr. Speaker, for simplicity sake, let me read this section. I would read it into *Hansard*. This is section 22(1) of the Births and Deaths Registration Act, Chap. 44:01. It says:

“When the birth of any child has been registered...or if it was registered without a name,”—that is the issue—“when a name is given to it, the parent or guardian of the child, or other person procuring the name given, may, within twelve months next after the registration of the birth, deliver to the Registrar

or Superintendent Registrar the certificate as mentioned below, and the Registrar or Superintendent Registrar, upon the (very) receipt of that certificate, and on payment of the appointed fee, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child, and, having stated upon the certificate the fact of the entry having been made, shall forthwith send the certificate to the Registrar General, together with a certified copy of the entry...”

Let me simplify it. Let me tell you what it says in common language. This section is stating that where the birth of a child is recorded and registered without a name, the parent or the guardian, or some other person with authority for the child has 12 months—it has to be done within a period of 12 months—after the registration of the birth, to apply to the Registrar General to have the child’s name inserted in the register book. You have a period of 12 months. The Registrar General, after payment of the prescribed fee—upon the—and, of course, with the particular form—would cause that name to be entered in the register book and subsequent to that, a certificate, a birth certificate, will be issued. So, currently, under our law, as it exists, someone can only get his or her name on a birth certificate—if it is you were registered at birth without a name, you could only get that name there within 12 months.

And if your parent, your guardian, or someone in authority did not do what they were supposed to do within the 12 months, after the 12 months the question is: what obtains? You could never get it in there under the current law. What obtains is what the Minister would say; that you now have to walk around, you have to get, with an affidavit—someone will go, which would be a parent, the guardian or someone in authority, and swear, and that is under the Statutory Declaration Act, and state that wherever they put boy child, or girl child, whatever column, that that child has been given this name from birth. That statutory declaration is now attached to the child’s birth certificate and they walk around with that stating this is the name of the child. That is what obtains; the law as it stands right now in this country. I just want to make it known, and which the Minister did not, when we are dealing here with “name”, we are dealing the person’s Christian name. *[Interruption]*

Mr. Imbert: First name.

Miss M. Mc Donald: First name.

Mr. Imbert: Forename.

Miss M. Mc Donald:—forename. Thank you Member for Diego Martin North/East.

Mr. Speaker, the Registrar General, as we speak now, does not have, and I will stress, the legal tools to include a person's name after a period of 12 months. So what the Government now, having given that background, is seeking to do is to amend section 22(1) of the parent Act, the Births and Deaths Registration Act and, of course, remove that 12-month period and then, of course, empower the Registrar General. In other words, the Government is now proposing that under this new law, Registrar General can issue a birth certificate at any time upon a request made on the prescribed form, for the name of a person to be inserted.

Mr. Speaker, this is the first time that this will happen in the history of Trinidad and Tobago—[*Desk thumping*]*—*the first time. And whilst one may say this is progressive, it is fraught with a lot, a lot of problems and I dare say it is opening the floodgate to a lot of fraud and identity theft. That is the point. [*Desk thumping*]

The Minister did not take us through the clauses. What this Bill does, it creates four new subsections: subsections (1A), (1B), (1C) and (1D). If we look at subsection (1A), it says:

“Where the birth of a child has been registered without a name and the child has subsequently been named—”

They have now created two categories of persons who can now apply to the Registrar General. In the first instance:

“(a) the parent, guardian or other person having authority to make the request to have the name of the child inserted in the register book; or”

They have created a separate category (b) now, and this is the dangerous one. This is where the mischief is:

“the holder of the certificate of birth, if he has attained the age of eighteen years, may apply, at any time, on the prescribed form to the Registrar General for the name to be inserted in the register book.”

Mr. Speaker, I now ask this Minister: Mr. Minister, what is the mischief that you are trying to cure or remedy? What is it? When a legislator comes here and you are attempting to cure a mischief, we must all understand, collectively, what you are trying to do.

Just before this session started, prior to 1.30 this afternoon, I asked the question, there is just one, one simple amendment and you said that another time,

you are going to bring the entire Bill; you are revamping the whole Bill, what did you pick out section 22—[*Interruption*]

Hon. Member: At this point in time.

Miss. M. Mc Donald:—at this point in time? What is the mischief you are trying to cure? What is going on in society right now that would cause you, the Minister, to come with just section 22? It is an entire Bill, why have you selected, “ah tryin tuh understand”—what is the mischief that is happening now in this society that you want to cure? I want to know. You have come here today and you have said 300,000 persons walking around in Trinidad and Tobago—three hundred thousand persons walking around in Trinidad and Tobago, without their names on their birth certificate.

Mr. Imbert: But we cannot agree with this.

Miss M. Mc Donald: But you know the Minister did not tell us—if you are trying to cure a mischief, tell this honourable House, colleagues, how many applications did you get over the last three years? How many? Where is the data? Where is the data, Mr. Minister? Tell us. Tell us what you are trying to avoid. Tell us how critical it is that you can look at an entire Bill, that you say you are revamping right now, and you went selectively and pulled out this section 22 and brought it to this House—[*Interruption*]

Mr. Imbert: That is like section 34. Three hundred thousand?

Miss M. Mc Donald:—where you are giving, for the first time, the Registrar General, the authority, the legal authority to issue birth certificates without judicial scrutiny.

4.15 p.m.

How could you ask us to agree to that when we do not have the data? We do not have the data. You see, the thing about it, I will tell you why I am flagging this. You see, I do not trust you all. I do not trust. You see after section 34, “mih heart weak.” [*Desk thumping*] Every time I come here to deal with a Bill, I am weak. “Mih knees wobbling right now, [*Laughter*] because ah doh know what am in. Ah doh understand it.” [*Desk thumping and crosstalk*] And, you know, we laugh at that.

When you are giving the Registrar General this type of power—let us look at proposed section (1B), to see what are the documents that are required in order to get this certificate. What do they have to walk with?

Hon. Member: Nothing.

Miss M. Mc Donald: Mr. Speaker, the two categories of persons, and I will also tell you, let me deal with it because I will show you how you have created a lacuna in the law. Again, I have to say as—Member for Diego Martin North/East, please. Mr. Speaker, protect me [*Laughter*] from my very own, the Member for Diego Martin North/East. [*Laughter and crosstalk*]

Let me explain (1B), these are the documents which you have to walk with:

“(1B) An application made under subsection (1A)...”

And do not forget subsection (1A) tells you the two categories of persons who can apply: the parent, the guardian or someone in authority, or someone having attained the age of eighteen years and who is in possession of a certificate of birth. Those are the two categories of persons who may apply to the Registrar General.

So having applied to the Registrar General, what are the documents you present in support of your application?

“(a) a certificate in the form required under subsection (2);”

And I will tell you what is subsection (2). Subsection (2) refers you to the First Schedule of the Act, and you are looking at Forms F and G, that deal with baptismal documents. I want to just tell you that a baptismal paper is not a legal document; it is just a church record. A baptismal paper is not, is not, any legal paper or document, it is a church record.

So here you could go if you were baptized, when you were baptized, if a name was given to you, you fill out Form F, and it is signed by the minister of religion. Or, if it is when there is no baptism, what do you do? Then you fill out Form G, and that is signed by either the father, the mother or the guardian of the child or any other person. Mr. Speaker, so that is (a).

What is the second requirement? The second requirement: “a certified copy of the certificate of birth of the child”, that is the birth certificate that you will extract, that would have either a boy child or a girl child. So that is two pieces of documents.

What is the third one? The third one, Mr. Speaker, at subclause (c):

- “(c) a declaration, made under the Statutory Declarations Act, by
 the applicant, stating the relationship of the applicant to the child or
 the authority of the applicant to make the request for the insertion of
 the name; and
 (d) any other document that the Registrar General may require.”

Mr. Speaker, I looked at this and I looked at the second category of persons who can apply, and that is the holder of the certificate of birth if he has attained the age of 18. So what does this person walk with? They walk with the baptismal record, they walk with the certificate. Subclause (c) does not apply because I will tell you what, who is doing the declaration? Himself, doing the declaration for himself? Himself cannot appear at the Commissioner of Affidavits and do an affidavit for himself. So what is happening here? So, are you saying—well, you are looking at me—that means to say that you can have somebody, who is 18 years and over, effect a statutory declaration affidavit and go to the Registrar General without two independent witnesses corroborating the fact that that person is named?

Well, Sir, something is wrong here. You see, and that is the point. You have not explained this legislation to this House. You have not explained this legislation to the community outside. You have not done it. [*Crosstalk*] When you stood you should have done this, explain in no uncertain terms what the procedure is, because I am seeing where an 18-year-old—you have created a lacuna right here. I want to know who is the person who would be doing the statutory declaration for that 18-year-old? Whether it is the 18-year old doing it or whether it is a parent, a guardian, or someone in authority who knows that child, I want to know.

“(a) any other document that the Registrar General may require.”

Mr. Speaker, once the Registrar General is satisfied that he has these documents he can under subsection (1C):

“(b) alter the relevant index books of births accordingly.”

—and insert the name and under (1D) he can issue that birth certificate.

INTERRUPTION BY THE SPEAKER

Mr. Speaker: I do not like to interrupt a Member when you are in full flight, and I want to apologize to you profusely.

I was, in fact, advised earlier that the Prime Minister wishes to make a statement, and I want to apologize to the House for not bringing it to your attention. So I take full responsibility for it, but I did approve the Prime Minister making a statement this afternoon, and the Prime Minister is now ready to make that statement. So, Member for Port of Spain South, my apologies.

Hon. Prime Minister, please.

STATEMENT BY MINISTER
Flying Squad
(Reports Submitted)

The Prime Minister (Hon. Kamla Persad-Bissessar SC): [*Desk thumping*]
Thank you, hon. Speaker. Thank you, hon. Member for Port of Spain South.

Mr. Speaker, as Members of the Parliament and the national community are aware, the issue of an alleged establishment of a new or revived Flying Squad has been in the public domain, ventilated extensively in the print and electronic media. This issue has been attracting widespread public comment, including speculation and generating misleading conclusions by some.

On my return from the Caricom Summit in Haiti last week, I reported to the nation that crime in the region was one of the central topics of discussion among Caricom leaders, and that we had the opportunity to engage directly with the United States Attorney General, Mr. Eric Holder.

I also pointed out that during my absence I was kept abreast of more recent media reports. I further indicated in my news conference at the airport that as Prime Minister it was incumbent on me to obtain a full report from the Ministry of National Security on all matters involving that Ministry, and the alleged reintroduction of a Flying Squad.

Yesterday, Thursday, February 28, 2013, the National Security Council under my chairmanship met at our regular meeting, and amongst the several matters discussed was the issue of the alleged Flying Squad and the establishment of same.

The council had before it the report I had requested from the Minister of National Security, hon. Jack Warner. He also had a report from Mr. Gavin Heerah, former Strategic Advisor at the Ministry of National Security, a person whom it was alleged had provided some interface with the persons who were desirous of reintroducing a Flying Squad to help in combating crime in Trinidad and Tobago. Mr. Warner has consistently denied that he was instrumental in establishing any new Flying Squad. His report to the National Security Council reflected this.

So today, Mr. Speaker, I wish to report that after full discussion and careful deliberations, the National Security Council took the decision to refer the said reports to the Commissioner of Police, for an investigation into any alleged

Flying Squad (Reports Submitted)

Friday, March 01, 2013

wrongdoings, unlawful conduct and/or action by any or all persons purported to be involved in this matter.

As Chairman of the National Security Council, I wish to emphasize that this course of action was taken at the very first meeting of the National Security Council, upon receipt of the written reports from the relevant officials. Therefore, I again repeat that there has been no direct or implied approval ever given by the National Security Council or by the Cabinet for the establishment of any such unit.

I have no knowledge of any such alleged activity. Mr. Speaker, I want to make it very clear, these are allegations and this is why the National Security Council took the decision to refer it to the Commissioner of Police for investigation.

I also state unequivocally that, as Prime Minister, any initiative considered by my Cabinet for combating crime will always be fully and completely within the laws and Constitution of Trinidad and Tobago, and under the jurisdiction, where appropriate, of the Commissioner of Police.

I thank you very much, Mr. Speaker, and Member for Port of Spain South.

Mr. Speaker: Hon. Members, I think it is a good time for us to pause because I do not think you want to start now and at 4.30 I interrupt you; again, my apologies.

Hon. Members, I think it is a good time for us to suspend for tea. This sitting is now suspended until 5.00 p.m.

4.26 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

BIRTHS AND DEATHS REGISTRATION (AMDT.) BILL, 2012

[MADAM DEPUTY SPEAKER *in the Chair*]

Miss M. Mc Donald: Thank you, Mr. Speaker—Madam Deputy Speaker. When we closed off for tea, I was at the point where the two categories of persons are created in subsection (1A) and the one that concerns me is found in (1A)(b) where:

“the holder of the certificate of birth, if he has attained the age of eighteen...”

he himself, at any time, can apply to the Registrar General for his name to be inserted in the register book and, as a consequence, a birth certificate will be issued to him or to her.

When you look at (1B), Madam Deputy Speaker, the (c) part of it says:

“a declaration, made under the Statutory Declarations...by the applicant, stating the relationship...”

Who is this person? It is very unclear, Madam Deputy Speaker. The Minister said that it is a very simple amendment, but who is the person who is making this declaration for the person who has attained the age of 18 years and over? Is it the person making—the 18-year-old? The 18-year-old cannot do that. It has to be a parent, a guardian, someone in authority and, certainly, this is too lax. You need to have at least two independent witnesses corroborating that main declaration. So, Mr. Speaker, [*sic*] I ask the Minister. The Minister said it is very clear-cut. He spoke for three minutes and here it is, there is a problem with this second category that was created, Madam Deputy Speaker.

Madam Deputy Speaker, in order to understand—because the Minister stood up and said nothing about where he got this model from, which jurisdiction he used. Give us something to go on. Give us. So I decided to look at some foreign jurisdictions just to test the waters to see—I am trying to think ahead of him. I am not the Minister, but at least when I come here, you try to educate the honourable House and, as a consequence, the national community and my constituents.

So, Madam Deputy Speaker, I took a look at other jurisdictions to see how this issue is treated after the 12-month period has passed and I went to the United Kingdom—I started there—and section 13 of the Births and Deaths Registration Act of 1953 is the mirror image, mirror, of our Births and Deaths Registration Act, Chap. 44:01, section 22(1) where they state—I will just briefly—where before the expiration of twelve months from the date of registration of the birth, if a name has not been given, what will transpire; that the guardian has to come within a period of 12 months to have that name—make an application to have that name inserted. That is the situation in the United Kingdom.

I looked at Scotland and in Scotland the Registration of Births, Deaths and Marriages Act of 1965, and we are looking at section 43 of that Act. Again, in Scotland, Madam Deputy Speaker, it states that where, within twelve months from the date of the birth of any child, who was registered without a name and a name is given subsequent, the Registrar General, upon delivery to him within—and I will tell you what it is they did—within two years from the date of the birth of the child, he can cause the name to be inserted.

So despite the fact that there is a 12-month time frame, in Scotland, they went a bit further and said, listen, you have up to two years to come to us to ask for that

name to be inserted. So they have relaxed it a bit, but they did not do what we did by removing the time frame altogether or by empowering their Registrar General. That is the case in Scotland.

Madam Deputy Speaker, let us look at Jamaica, which is very, very interesting. I come closer to home. In Jamaica, Madam Deputy Speaker, Jamaica has the same clause like us, how they will deal with it within 12 months where you can get the name, but their law went a bit further and looked at what happened after the 12-month period. Madam Deputy Speaker, it says, and this is from the—let me just quote the Act—the Registration of Births and Deaths Act, Jamaica, section 20 we are looking at:

“Provided that after the expiration of twelve months next after the registration of the birth of any child...by which it was registered...without a name, and a name has since been given, such name shall not be added to the registration entry, except with the written authority of the Registrar-General, and the fact of such authority...” *[Interruption]*

Listen, Sir. “Yuh now hearing about it?”

“and the fact of such authority having been given shall be entered on the registration form...”

It goes on.

“Such authority shall not, however, be given by the Registrar-General after any child is ten years of age unless the Registrar-General is satisfied by evidence that there were good and sufficient reasons to account for the delay in registration.”

So, Madam Deputy Speaker, what Jamaica has done, they have put some checks and balances in the system. They did not just have an open sepulchre. They put some checks and they said, once you have attained the age of nine years, between one to nine, you can have that name inserted after the 12-month period, but once you have attained the age of ten years, no. They gave you a time frame here within which you operate. Look it here. I can give you the Act. It is here. Section 20.

Dr. Gopeesingh: That is still not good.

Miss M. Mc Donald: It is here. Section 20. Madam Deputy Speaker, I turn to Guyana. When I looked at Guyana, section 27(1) of the Registration of Births and

Deaths Act, it is, again, a mirror of our section 22(1); but hear what they are doing. It says:

“...where on registration”—of the birth of a child—“no name has been given, the parents or guardian, within twelve months after its birth has been registered, or, if after twelve months, then only with the written authority of the magistrate of the district in which the parents or the guardians reside...may deliver to the Registrar General a certificate...signed by the parents or guardians; and thereupon, and on payment of such fees...the Registrar General shall...record the name of the child by completing a new registration form showing the original particulars with the name...given for the first time,...”

Madam Deputy Speaker, in Guyana, they again showed some oversight. What could happen beyond the 12 months? It must have judicial oversight and judicial scrutiny and that is why they said only, only, with the written authority of the magistrate. And here we have in our proposed law that you have an 18-year-old, who has obtained this birth certificate, heading to the Registrar General, with what? A baptismal paper, which is not a legal document; just a church record; heading with just a certified copy—and I will say it 10 times again—of the certificate of birth, a statutory declaration signed by himself, no corroborating witnesses, and that is what is going to qualify that person to get a birth certificate.

Madam Deputy Speaker, Barbados. This is what happens in Barbados where the child was registered without a name given. They are saying that both parents, the surviving parent or the guardian of the child or the person procuring the name to be changed or given, that person may apply after attaining the age of majority, which is 18 years. That is the check and balance. Look at it—18 years—may apply to the director setting forth the particulars and they have all the documentary evidence there. That is Barbados.

So I have shown, Madam Deputy Speaker, what happens in the United Kingdom, Jamaica, Guyana, Scotland, Barbados. How can this Minister justify to this House and to the national community why, in the first instance, you are removing this 12-month time frame, which is in keeping with international standards? Why are you doing that and replacing it with “anytime” and here a person now can apply with absolutely—it is just wide; it is an open sepulchre, wide. Where is the oversight, Mr. Minister? Where is it? What model of legislation are you using? Are you using a hybrid? What is it? I have shown situations where the hybrid could be used, like in Scotland, like in Guyana, like in

Jamaica. They did not just leave it up to the Registrar General with these three little jokey documents. They did not just leave it like that at all.

Mr. Speaker—Madam Deputy Speaker, my apologies, I dare say that this is a retrograde step. It is a very dangerous move. It is very dangerous because, Madam Deputy Speaker, this could lead to identity fraud. [*Interruption*] I will say it 20 times for the national community to hear me.

Mr. Minister, I have to agree with what my colleague from Diego Martin North/East has said. Mr. Minister, you are not doing your work and you are the chairman of LRC. How could these things escape you? How could they escape you? You are my colleague and I think that standing here and pointing out these things is not as if you are being insulted or being made to look a fool. The thing about it is that we have to face this as a man. You have to do that.

5.15 p.m.

We cannot allow—I mean, you have the majority, so you could go ahead with it, but we will not be part and parcel of that. This entire Act has to be revamped, but selectively 22 came out and what was the data you gave—300,000 persons walking around in Trinidad and Tobago without their names on their birth certificates. Is that a good enough reason? Is that a good enough reason?

Madam Deputy Speaker, did the Minister take into consideration the number of fraudulent applications that are currently being investigated by the Fraud Squad? Did you come here with that data? What is the figure? Over the last three years, tell us on an annual basis, what is the data coming in. How many of these false and fraudulent practices are being investigated? Tell us so we could have an appreciation of the fact that, look, you are now trying to cure a mischief, and the mischief resides in, “Look how many people are applying, and false applications”. Tell us! We have absolutely nothing to go on, and you are asking for our cooperation to agree to this. We cannot agree to this.

Does the Minister realize also that you are legally empowering one person, the Registrar General, to issue birth certificates, to tamper with that index book where he can go and alter it—he or she can alter—and so insert a name 30, 40 years, because you have big people walking around—70-80-year-olds walking around, and you are now empowering this person to tamper with that register book and then issue a birth certificate. You know how much of identity fraud can take place there?

Madam Deputy Speaker, to prepare me for today, I met with two members of the Fraud Squad to give me an insight as to what is happening, and without calling the names—because I do not want to call the names of any particular

group. They mentioned it to me. But what I can tell you is that a couple years ago, there was a situation here in Trinidad, where a group of persons, immigrants, came into this country and they linked up—somebody had to link them up with someone at the Registrar General’s Department—and that person went in there and got some of those certificates with boy and girl with no name and gave them to this group of persons in this country; in this country. Ask the Fraud Squad. In this country!

Not only that, families: if you have a family, a whole family—five, 10 of them, and one has done very well in school, acquired two or three degrees, another one wants a job, do you know how easy it is to assume that person’s identity? Very, very, easy. Just go and get the statutory declaration. Just go and get it, and make it worse yet now, it is so legal because the Registrar General is on her own or on his own, whoever it is.

Just a couple years ago, we also saw in this country where someone, a very big person in this country, his 60 years had reached he had to retire, and what did he do? He used his brother’s birth certificate; assumed the brother’s identity—*[Interruption]*

Mr. Imbert: What?

Miss M. Mc Donald:—in order to stay longer on the job in the public service.

Mr. Imbert: What?

Miss M. Mc Donald: That is what he did. You are going to see a lot of this happening, because what we doing here, we are, in fact, opening the floodgates. That is what we are doing. The Fraud Squad people told me—they saw it—and they said to me, “Miss Mc Donald, the Registrar General does not have the required amount of investigators and whatnot to carry out these investigations and the wherewithal and it is too lax or too relaxed, if you want to say that.”

I want also to find out, what is the Minister doing about the avoidance of fraud? He said this system will minimize fraud, and I do not agree with that. It will not, and you have not demonstrated to this House and to the national community how this system that you are now putting in place will minimize fraud.

We on this bench—and let me speak on behalf of my bench—this bench here supports judicial oversight by the courts to minimize the incidence of fraud in this instance. What the Government can do is to implement a system that would be cost effective. We know going to court is expensive, but what we can do is put in place a system that will be affordable to all persons.

Madam Deputy Speaker, I am saying this to state that there is currently no provision in our law, right now, in that births and deaths registration, which allows a person to go to the High Court to have his or her name inserted on their birth certificate after that 12-month period has passed.

So, perhaps, Madam Deputy Speaker, this is the way forward, Mr. Minister, and our recommendation is that provisions be made—as you are making amendments—that is why this piecemeal approach of singling out this one little piece of section 22 and bringing it to us—why not look at it holistically? Why not do a total revamp of the Births and Deaths Registration Act? You have not made your case out at all. Why? We are going to amend just one section of this Act.

Our recommendation is that the provision be made for the High Court to issue an order, an order to the Registrar General. The rules of the High Court are stricter and much more formal, and we are saying that persons would be less inclined to tell untruths when they go to do an affidavit as opposed to your approach.

The person himself can make the application, but it must be supported—some parent or whatever—by two independent witnesses. The High Court, when it goes before a High Court judge, the High Court judge has that authority and has that power that if he is not satisfied with any of the deponents, he can say, “Listen, I want this investigated”, and so issue an order, serve notice, on the Registrar General to investigate the particular application. Why I will prefer that way—this bench will prefer that way—because now you have the opportunity to have two persons having oversight over this procedure. You now have the Registrar General and you now have the High Court judge.

Whilst I am saying going to the High Court will not stop fraud 100 per cent it will, indeed, minimize the incidence of fraud; not your approach. Your approach is widening the gate, and what we are trying to do is to close that gate. I am arguing and stating that we need to go beyond what you are doing, and I am not seeing it anywhere, because in the countries—you were beating your chest when I spoke about Guyana and Jamaica—[*Interruption*]

Madam Deputy Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Miss M. Mc Donald: Thank you, Madam Deputy Speaker and thank you to my colleagues.

Mr. Warner: Who just woke up!

Miss M. Mc Donald: Pardon me?

Mr. Warner: Who just woke up.

Miss M. Mc Donald: Madam Deputy Speaker, there are lessons that the Minister can learn from all of this. What about the importance of a national campaign for women about the importance of naming—we know we have 300,000, according to what you say. What about the importance of having a national campaign explaining to women the importance of naming a child at the time you register the child and the legal implications that will follow if this is not done, and not only the legal implications, but the possibility for someone assuming his or her identity?

What I am basically saying is that we do not agree with the approach that the Minister has stated here this afternoon. We do not agree with the removal of the time frame of the 12 months. We do not agree with the fact that the Registrar General is now empowered to grant these certificates, the issue—alter the register book and, therefore issue birth certificates.

When we look at the proposed (1B) and at the documents that are supposed to be submitted with the application, we find those documents are very weak. We look at subsection (1B) and subsection (1A) and see that a lacuna in the law is created, because a person who has attained the age of 18 and above can himself appear before the Registrar General and make that application. The question is, who is signing that statutory declaration? Is it the person? We are saying, the law, how it is crafted here is very, very, unclear and, therefore, we are requesting that the person gets—just as the child, somebody below 18 years gets their parent, the guardian or someone in authority—someone who is old and someone who knows that this child from birth carried a particular Christian name.

The Minister should withdraw this and withdraw it forthwith. This should never go forth. [*Desk thumping*] It is fraught with confusion; it is fraught with mayhem and it opens the door to fraud, identity fraud in this country.

Madam Deputy Speaker, it is 300,000 persons waiting outside there. The Minister cannot tell us here today, what is going to happen and who is going to assume whose identity, and that has in terms of—he made the point you know—voting. In order to vote, you need a birth certificate. Is that the mischief? Is that

the mischief? What is it? What is it? What is it? [*Crosstalk*] I am asking a question. Madam Deputy Speaker, I am asking a question. [*Crosstalk*] Sorry, Madam Deputy Speaker, I am asking a question.

I do not understand why people getting hot under the ear. It is a question. When I sit, they could now stand and speak. If the Minister had made himself abundantly clear when he presented this thing [*Desk thumping*] I would have never had to go through this Bill. I would have never had to do this, because I am telling you, the national community, after he—sorry, sorry, not he—the Minister was finished, nobody understood what we were doing here this afternoon. Nobody understood.

Dr. Gopeesingh: Member of Parliament for St. Augustine.

Miss M. Mc Donald: Nobody understood. So what I am saying, Madam Deputy Speaker, we cannot support the Bill in its present form. We are saying, the Minister admitted that there is a total revamping of the law, of this Act. Go back to the drawing board, revamp and return. And as I always say, there is no room for ego in this Parliament. None! None whatsoever! We are saying take it back, because there is no justification for changing and amending section 22 on its own without telling us what is the mischief. What are you trying to achieve? “So, all we doing now is just trying to siddong and try to imagine. No, no, no, we do not want to imagine, we wah facts.” When you come to this House, come with the facts, come with the data.

Madam Deputy Speaker, on those few notes, I say we cannot support and for the reasons already given. I thank you. [*Desk thumping*]

5.30 p.m.

Madam Deputy Speaker: Member for La Horquetta/Talparo, Minister of State in the Ministry of Food Production. [*Desk thumping*]

The Minister of State in the Ministry of Food Production (Hon. Jairam Seemungal): Thank you, Madam Deputy Speaker, for allowing me to contribute in this debate. Let me start by congratulating my colleague, the Member for St. Augustine and the Minister in the Ministry of Legal Affairs, on this groundbreaking and revolutionary change to the law of this country—
[*Interruption*]

Mrs. Gopee-Scoon: You have the wrong notes.

Hon. J. Seemungal:—with respect to the amendment to the Births and Deaths Registration Act, a change that impacts the lives of some 300,000 citizens of Trinidad and Tobago.

Madam Deputy Speaker, I sat here and I listened to the Member for Port of Spain South and it pained me, because, generally, this Member is so brilliant, but today it is such a sad state of affairs as to what the debates are deteriorating to.

Madam Deputy Speaker, the Member seems to put the population in a state of confusion as to what this amendment is about, but during my contribution I will clear the records and ensure that the listening population understands what this amendment is about. I just want to dwell on the last point that the Member raised, and that is applying to the High Court for an application to change, to amend the name of the Registrar General's Department with respect to birth certificates.

As the law currently stands, a person can apply for a deed poll to change their name if they so desire. A deed poll, depending on the lawyer, or the attorney's office you visit, can run you up to \$10,000 for a simple change of name. A paternity order can also be applied for, for identification of the fathers or mothers, as the case may be. Again, the cost of litigation in these matters can run you close to \$20,000, depending again on the attorney or law firm you apply to. So it would only take an attorney to come to this House to lobby for more fees for attorneys, but as an attorney myself, I beg that the cry fall on the poor people of this land: the poor people of Moruga/Tableland, the poor people of La Brea, the poor people of Toco/Sangre Grande, of Arima and Oropouche West and others, that there is no need to go to the High Court for this simple amendment of the birth registration.

Madam Deputy Speaker, let me turn my attention to what this matter is about. A birth certificate of a citizen of this country is a crucial identification document that is required throughout the lives of the individual, and this document is required to enjoy the services of both Government and private sector. At the outset of your primary school education, the first document you are required to provide is your birth certificate, and if you do not have your name on your birth certificate, your parents are burdened to go and swear an affidavit, and find other persons to swear an affidavit. It is a cost.

Madam Deputy Speaker, this is a cost on the parents for passport, for driver's licence, even for a marriage certificate, for your voter's identification card; all these require birth certificates. For government services: including houses, house grants; in the Ministry of the People and Social Development, food cards; in the Ministry of Health, the Chronic Disease Assistance Programme; in the Ministry of Food Production, subsidies; all require a presentation of a birth certificate. Also, when dealing with property settlement. These are just some of the examples of the importance of this document called a birth certificate, and it is your first

recognition as an individual residing in a particular country, a country of birth that identifies you as an individual of that country by your name, not by the name the neighbour knows you by, or a name that someone has been calling you by, but a name that is given to you by the State on a state document: a birth certificate.

Madam Deputy Speaker, the Registrar General's Department of the Ministry of Legal Affairs is statutorily responsible for the registration of all vital evidence, events, occurring in Trinidad and Tobago, and, currently, that department, the Registrar General's Department, manages a database of the birth record from 1934, your death records from 1970, and marriage records from 1950, and all the Muslim divorce and adoption.

Let me just turn to an overview of what the statistics are about as my friend from Port of Spain South has been calling on this Minister to provide some of. From the births and death registry of the Registrar General's Department, it contains over two million births and deaths records dating back from 1934. A search of the registry reveals over 300,000 births are registered without the insertion of a given name. In addition, approximately 17,000 births are recorded each year in Registrar General's Department, and over 90 per cent of these births occur in public institutions, however, some 20 per cent of these children still remain unnamed. Every single year 20 per cent of those 17,000 children still remain unnamed, and every single day, working day, at the Registrar General's Department, between five and 10 applications are made for names to be inserted on the birth certificate of citizens of this country.

Madam Deputy Speaker, the present law stands as this, and it is by virtue of the Births and Deaths Registration Act, Chap. 44:01, of the Republic of Trinidad and Tobago, and by Act No. 51 of 1980, which amended section 22 of the Act, an Act dating back to 1847. This section deals with the registration of the name of the child, or the alteration of that name. Madam Deputy Speaker, please permit me to read into *Hansard* a part of that Act that is dealt with under this amendment. Section 22(1) reads:

“When the birth of any child has been registered and the name, if any, by which it was registered is altered, or if it was registered without a name, when a name is given to it, the parent or guardian of the child, or other person procuring the name to be altered or given, may, within twelve months next after the registration of the birth, deliver to the Registrar or Superintendent Registrar the certificate as mentioned below, and the Registrar or Superintendent Registrar, upon the receipt of that certificate, and on

payment of the appointed fee, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child, and, having stated upon the certificate the fact of the entry having been made, shall forthwith send the certificate to the Registrar General, together with a certified copy of the entry of the birth with the name so added.”

In effect, what this means is that after one year of the birth you cannot record in the original registry of the Registrar General’s Department, you cannot make any entry into those records. What essentially happens—and I have a copy of a birth certificate—when your electronic birth certificate is printed, you would have the given name; it would read blank, your other name would read blank, your place of birth may be given depending on where you are, and, usually, a hospital: San Fernando hospital, Port of Spain hospital, the Arima hospital. Your date of birth would be given, as in this case, 02 October, 1964, and your sex would be given, because I am sure the gender would have been determined at the hospital; in this case: it is male, it is female. Your mother’s name is usually given because, usually, the mother’s name is entered into the hospital card which is used for the said registration.

So, Madam Deputy Speaker, when the individual takes this birth certificate and presents it, it is very difficult to determine who it belongs to. That is a fact. Let me go over what is the current practice.

Mrs. Gopee-Scoon: [*Inaudible*] [*Laughter*]

Hon. J. Seemungal: Let me, for the record, state exactly what the current practice is about. Let me make sure that individuals across there, understand what the practice is about, and I will take my time. I will take my time; we have all evening.

Hon. Member: “You have whole night.”

Hon. J. Seemungal: The practice: when a child is born in a hospital, a hospital card is issued to them, and on that hospital card the official stamp of the hospital is placed there, the date of birth of the child is placed there, as well, the weight of the child is placed there, the gender of the child is also placed there, and in most cases the mother’s name is inserted. Based on our current law, you have 12 months from the date of the child’s birth to ensure that you meet the Registrar General’s Department criteria of entering that name on the birth certificate. In many instances, you can, within the first three months, enter at the district registration office; thereafter, you have, in many cases, to attend the Register General’s Department to have the insertion.

5.45 p.m.

Madam Deputy Speaker, the law currently stands that the parent may register the child, the hospital clerk may register the child or the district registrar herself can register the child. The process is a very simple one. Let me deal with the process as it currently stands. The process is that when that card is taken an e-registration is done, “e” meaning electronic registration is currently done at various institutions throughout the country.

Madam Deputy Speaker, the Member for St. Augustine made the point that—*[Crosstalk]* I will take my time because they want to understand it.

Hon. Member: Take all the time you need. *[Crosstalk]*

Hon. J. Seemungal: At San Fernando General Hospital you can receive e-registration.

Mr. Sharma: Which section?

Hon. J. Seemungal: The Port of Spain General Hospital; the Sangre Grande General Hospital; the Penal/Debe Regional Corporation; the Rio Claro Regional Corporation; the Diego Martin Regional Corporation; Scarborough in Tobago; Mount Hope General Hospital; Chaguanas Regional Corporation; the Registrar General’s Department in Arima; the Couva facility; the Mayaro Regional Corporation; Princes Town Health facility and the Siparia Regional Corporation, these are areas, institutions, that you can register your child by way of electronics, and you can receive the birth certificate within two days of that process. *[Crosstalk]* Prior to that, it took six months to a year to receive that same birth certificate, six months to one year you cannot do anything with that birth certificate.

Madam Deputy Speaker: Allow the Member to speak in silence.

Hon. J. Seemungal: Madam Deputy Speaker, what happened in the past? One would visit the Registrar General’s Department to register this child. Usually, many moons ago, there were two locations: one in San Fernando and one in Port of Spain. The birth rate many moons ago—and my friend from Point-a-Pierre would attest based on his wisdom and age—that *[Crosstalk and laughter]* many, many, many children, parents had many children in those days.

Mrs. Gopee-Scoon: Take age, forget wisdom.

Hon. J. Seemungal: My grandmother for instance, and may God bless her soul, had 13 children.

Dr. Gopeesingh: Wow!

Hon. J. Seemungal: My mother had four and I understand my father had about 20. *[Laughter]* It is the amount of children born to the rural communities. *[Crosstalk]* I understand the cane juice in the days of the sugar cane—it is no longer there—the cane juice was mainly responsible *[Laughter]* and I understood two days ago that coconut oil was a major contributory factor to having many children as well. *[Laughter]* Coconut oil went through; cane juice went through, so today the population, the average person has about two or three children, but not as many as long time.

Madam Deputy Speaker, the point is this: in these rural communities, in Moruga/Tableland for instance; in the Ministry of Legal Affairs we encountered many instances where there are children without even a birth certificate.

Mr. Ramadhar: No registration.

Hon. J. Seemungal: Absolutely no registration in places like Moruga/Tableland, in Toco, in Matelot, Claxton Bay as well. Even without that birth certificate they definitely would encounter that same difficulty.

But, Madam Deputy Speaker, in those days especially when in those rural communities having so many children, after you registered the first child which took almost a day or two, or sometimes a week, the second one with that same burden; you think you registering anymore? The problem you would encounter is when you go to register the child for school, and that is where the problem comes in. At that age, at that stage, looking for a birth certificate created that burden. That is when, sometimes, many occasions, that the Registrar General's Department would then issue a birth certificate without any name bearing on it.

My colleague from Couva North, when I was parliamentary secretary in the Ministry of Legal Affairs, had an 87-year-old woman—*[Interruption]*

Hon. Member: Tell them about that.

Hon. J. Seemungal:—without a name on a birth certificate and she could not access a visa because of that.

Hon. Member: “Yep.”

Hon. J. Seemungal: And the burden on the documents—that is a person who wanted to see her grandchildren abroad before she, passed away and leave this world—*[Interruption]*

Dr. Gopeesingh: Explain that carefully to them. *[Crosstalk]*

Hon. J. Seemungal:—and wanting to see her grandchildren came to my—
[*Crosstalk*] this is not nonsense, Member for Diego Martin North/East.
[*Crosstalk*]

Hon. Member: “Everybody does talk nonsense for him.”

Hon. J. Seemungal: This is the reason we are trying to make this exercise simpler than it is, and not to burden these poor people of these rural communities with the escalating price in litigation and taking matters to High Court for every little thing; to burden the High Court. Right now the Ministry of Legal Affairs in collaboration with the Judiciary, is working on the ADR, and that is something that again would take the burden off the court.

So, on the one hand the court is moving to reduce the burden on itself, and here we are in the Parliament, one side lobbying to give them more work—300,000 more applications to go the High Court to “cloud” up the court system—
[*Interruption*]

Hon. Member: That is a joke.

Mr. Samuel: To clog it up more.

Hon. J. Seemungal:—to clog the court system with a simple matter that could be addressed by the Registrar General’s Department. [*Crosstalk*]

Madam Deputy Speaker, and to burden the system there were many home-born babies. My colleague from Caroni East would attest to this. There are many children being born at home, and many years ago there were many more midwives than now, and those are the persons whose names generally do not even reach the entry of the Registrar General’s Department. These are people, who are living today, who are seeking assistance by way of obtaining a birth certificate, to simplify the process for applying for their old age pension. These are poor people who again would not be able to access the court system or pay legal fees.

So, Madam Deputy Speaker, this country, Trinidad and Tobago, has an obligation with its international organizations. One such obligation is under the United Nations Convention on the Rights of the Child, and it is the first legally binding international instrument to incorporate the full range of human rights; civil rights; cultural rights; economic rights; political rights and social rights. By agreeing to undertake the obligation of this convention, the Governments have committed themselves to protecting and ensuring children’s rights and they have agreed to hold themselves accountable for this commitment before the international community.

The states parties to this convention are obliged to develop and undertake all actions and policies in light of the best interest of the child. The convention was ratified by this Government, the Government of Trinidad and Tobago, the Republic of Trinidad and Tobago on November 25, 1991.

Madam Deputy Speaker, permit me to read into the *Hansard* Articles 7 and 8 which affect the rights of the child. Under Article 7(1), it states:

A “child shall be registered immediately after birth and shall have the right from birth to a name...”

Let me read it over very slowly so that they can understand:

A “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, a right to know and be cared for by his or her parents.”

Section 2 of that same Article says 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.”

Under Article 8, Madam Deputy Speaker:

“States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view—of re-establishing speedily—“his or her identity.”

Therefore, the process, Madam Deputy Speaker, of the birth registration enables a child to have a name and acquire nationality, and so it constitutes the starting point for the protection of the child’s fundamental rights to identity and existence.

Apart from being the first legal acknowledgment of the child’s existence, birth registration is important to the realization of a number of a child’s practical needs such as enrolment in schools, for receiving health care and social assistance.

Identity document also protects the child against early marriage; child labour and prosecution as adults if accused of a crime. This amendment will propel Trinidad and Tobago to achieve its obligation under the convention.

Let me just read into *Hansard* some of the objectives of this amendment. The objectives of this amendment include:

1. to have every person registered with a given name;
2. to ensure that the child's given name or names would always be included in the legal certificates—in a legal certified copy of his or her birth;
3. to provide the first legal recognition of a child;
4. to enhance identity protection;
5. to provide permanent, official and tangible evidence of the State's legal recognition of the person's existence as a member of society, and his or her status under the law;
6. to enhance the integrity and legitimize the birth certificates that are issued by the department;
7. to resolve the challenges that are encountered by persons who are not named at birth, and to ensure the protection of those persons' fundamental rights to identity and existence;
8. to reduce the incidence of fraud.

Presently, Madam Deputy Speaker, I heard my colleague from Port of South—presently, when no name is inserted in a birth when a birth is registered, the person proposing to be the owner of the certificates walks around with an affidavit disposing his or her identity. This opens an avenue for persons to fraudulently use the birth certificate of another or to use a birth certificate that does not belong to him.

This problem exists within this country and this issue is amplified when such certificates are used outside of the jurisdiction, since it is unfortunately highly improbable that the authenticity of the record can easily be verified.

So, while we may be comforted in Trinidad and Tobago that there is protection in the Registrar General's Department by its investigation unit, out of Trinidad and Tobago without a name on the birth certificate creates an additional burden of identifying who that individual really is.

6.00 p.m.

9. to increase convenience—due to the fact that the name can now be inserted in the birth records this would eliminate the need for a person to constantly have to swear new affidavits and to annex to each new copy of his birth certificate;

10. to ensure that the person who should actually have the use of a particular birth certificate is the one who is actually using it to derive its many benefits;
11. to simplify the establishment of the person's identity to official agencies—the practical effect, Madam Deputy Speaker, of this amendment will be that thousands of people in Trinidad and Tobago whose birth certificates do not bear their given name and are constantly faced with the difficulty of having to prove their identity to officials, agencies through extraneous documentations will be able to use their reissued birth certificate that will bear their full name;
12. to streamline the application for the insertion of a given name.

Presently, the evidential document that is required is a statutory declaration from the birth certificate owner's parents. If a parent is deceased or otherwise unavailable, the applicant may submit affidavit from other relatives who are at least seven years older than the birth of that individual.

Each reissue of the birth certificate also requires a new statutory declaration. This situation is exacerbated when, as often is the case with older applicants, no suitable persons can be found to swear to the fact. That was the problem with my friend from Couva South, the 87-year-old woman could not find somebody, a relative older than her, [*Interruption*] to swear to the fact that she is the person stated in that birth certificate.

Dr. Gopeesingh: The person has to be seven years older?

Hon. J. Seemungal: You have to be seven years older so you have to be 94 years old. How many 94-year-olds we have walking around today, especially in fact that there is no coconut oil and cane juice anymore? [*Laughter*]

13. to improve the overall service of delivery of the department, of the Registrar General's Department in the Ministry of Legal Affairs; and lastly
14. to have a happier citizenry.

Some 300,000 persons are affected by this measure. Persons from La Brea, persons from Diego Martin Central, St. Ann's East, Arouca/Maloney, Point Fortin, Diego Martin North/East, Port of Spain South, and all the other constituencies are affected by this measure; especially, to my friend from Moruga/Tableland who has been bombarding us with hundreds of applications from his constituency, applicants from his constituency who are deprived of basic

amenities, basic services, under the public service that they cannot access because, for two reasons: one, they do not have a birth certificate; and two, the identity of the individual is flawed because there does not appear a name on the birth certificate.

Madam Deputy Speaker, what are the best practices? My friend from Port of Spain South mentioned that she does not know what the best practices are with respect to this.

Mr. Partap: Educate her.

Hon. J. Seemungal: Madam Deputy Speaker, several jurisdictions both within and out of the Caribbean have implemented measures which allow the insertion of a person's name after the registration of his or her birth through the process known as "late entry of names". Examples of these are in Barbados, Guyana, Jamaica and the Bahamas.

Permit me, Madam Deputy Speaker, to just read into the record section 15(1) from the Bahamas:

"When the birth of any child has been registered and the name (if any) by which it has been registered is altered, or if it was registered without a name then when a name is given to the child, the parent or guardian of such child or other person procuring such name to be altered or given may at any time after such birth apply to the Registrar General for a name to be altered, or registered, as the case may be. Such application shall be in the form of an affidavit or declaration sworn or made before a justice of the peace,"—not a High Court, Justice of the Peace—"or a notary public and the Registrar General may give effect to such application by amending without obliteration or adding to the original entry."

This is the Bahamas. The Bahamas is a bigger country than us with more citizens than us.

Mr. Imbert: What!

Hon. J. Seemungal: This is even simpler than ours. This is even simpler than our amendment.

Mr. Imbert: What! [*Laughter*]

Hon. J. Seemungal: Madam Deputy Speaker—[*Interruption*]—the proposed amendment—[*Interruption*]

Mr. Imbert: It is bigger than ours.

Hon. J. Seemungal:—here is—*[Interruption]*

Mr. Imbert: It is bigger than ours.

Madam Deputy Speaker: Members, please! You may continue, Member.

Hon. J. Seemungal: Yes. You see when the Member is speaking he wants absolute silence but when anyone is speaking he behaves as though he owns the House.

Madam Deputy Speaker, this proposed amendment, the Births and Deaths Registration (Amdt.) Bill, 2012 would allow the birth record to be corrected by the addition of a given name after the 12 months have expired, from the date of the birth, and the issuance of a new birth certificate from the Registrar General's Department. The documentary evidence, as I said, was taken from legislation within the Caribbean, the Barbados legislation, the Guyana legislation, the Jamaica, the Bahamas were examined, and all of these helped determine the documentary evidence that the Registrar General shall apply in order to support the application for the insertion of the name.

These are the person's birth certificate as it stands now, a passport, a declaration from the person affected, affecting the insertion of the name stating the person's relationship to the person and the authority to make the request of the given name. The immunization card of the person and any other document as the Registrar General may consider necessary to give effect to the request. Also, the proposed fee for the insertion of the name and the cost of the new birth certificate shall be \$25, and a copy of the proposed regulation would be \$25.

Madam Deputy Speaker, in conclusion, because this is a very simple amendment, I just wanted to outline for the record basically what it is about. And in conclusion, Madam Deputy Speaker—the rights of a child as enshrined in the United Nations Convention on Human Rights of the Child to an identity—*[Interruption]* *[Member sits]*

Madam Deputy Speaker: Please! You may continue, Member.

Hon. J. Seemungal: No, Madam Deputy Speaker, when the Member for Diego Martin North/East is on his legs the whole House must be in silence, absolute silence; when anyone else is speaking he expects—*[Interruption]*

Mr. Sharma: He wants protection always.

Hon. J. Seemungal: He wants protection. Madam Deputy Speaker, I beg your protection from the Member for Diego Martin North/East.

Madam Deputy Speaker, in conclusion, the right of the child as enshrined in the United Nations Convention on the Rights of the Child to be identified, would be made possible by this amendment of the Births and Deaths Registration Bill, Chap. 44:01.

The effect is that even after the 12-month period the Registrar General may alter the birth certificate by inserting the name of the child on the birth certificate. This measure affects some 300,000 citizens within Trinidad and Tobago, and this measure will bring a sense of relief to persons who are currently awaiting their old age pension and currently waiting on the Ministry of the People and Social Development to issue food card and to process their disability grant, and to process those grants that affect their everyday life.

Madam Deputy Speaker, with those few words, I thank you. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Thank you Madam Deputy Speaker.

Mr. Sharma: Jack of all trades, boy! [*Laughter*]

Mr. C. Imbert: You mean, of all.

[MR. SPEAKER *in the Chair*]

Mr. C. Imbert: Madam Deputy Speaker—[*Interruption*]

Hon. Member: The Speaker is now here, boy. [*Crosstalk*]

Mr. Speaker: The Speaker is now here.

Mr. C. Imbert: Mr. Speaker! Mr. Speaker, one of the distinguishing features of the presentation of the Minister of Legal Affairs and the contribution of the Member of Parliament for La Horquetta/Talparo, is the complete absence of intellectual content.

Hon. Member: Wow!

Hon. Member: “Wha?”

Mr. C. Imbert: I have never—[*Interruption*—Mr. Speaker, I have never heard speeches that are so bankrupt of thought. I just heard the hon. Member say that the Bahamas is a bigger country than Trinidad and Tobago—[*Interruption*]

Mr. Seemungal: “An da is a point?”

Mr. C. Imbert:—and the Member used this inaccuracy to justify why we must go the way of this amendment. [*Interruption*] Mr. Speaker, for the information of hon. Members opposite and especially the Member for La Horquetta/Talparo, the population of the Bahamas is 347,176 and that is one

quarter of the population of Trinidad and Tobago. So the Bahamas is not a bigger country than Trinidad and Tobago. [*Interruption and desk thumping*]

Mr. Speaker: Hon. Member! Members, Members, Members! Member for Barataria/San Juan! Members, please, you cannot be carrying on a conversation. Your voices are ricocheting and it is a whole conversation that is taking place on that side.

Hon. Member: Ricocheting.

Mr. Speaker: The Member is speaking and the Hansard reporters are being disturbed, so I ask Members to please cooperate and allow the Member to speak in silence. Continue, hon. Member.

Mr. C. Imbert: Thank you, Mr. Speaker. It is so ironical where the Member complained previously about being disturbed.

But the fact of the matter is, Mr. Speaker—[*Interruption*] whatever—the Member complained about being disturbed and yet the cacophony on the other side—it is nonsense to say that one country bigger than another country so we must follow them, when the countries—in fact, we are dealing with population. [*Interruption*] That is why I say no intellectual content. We are not dealing with land mass. We are dealing with births and deaths, we are dealing with numbers of people. So if you have a country with 347,000 people and compare it to a country—what do we have now, 1.3 million? That is what the latest census says, 1,325,000; then, certainly in the context of population, in the context of birth certificates, there are more birth certificates in Trinidad and Tobago than there are in the Bahamas. The Bahamas is certainly a much—[*Interruption*]

Mr. Samuel: Move on! Move on!

Mr. C. Imbert: Move on. Move on. “Huh”! Mr. Speaker, that was only one of the things, the illogical argument made by the last speaker.

Mr. Speaker, the Member chose to justify this badly drafted piece of legislation—and I will explain why it is badly drafted—by saying it will take away the need for persons to swear to a new affidavit every time they wish to use a new birth certificate.

6.15 p.m.

How many people have multiple new birth certificates in Trinidad and Tobago? How many times will a person go and get a copy of their birth certificate and then return for another copy, and then return for another copy, and then return—“what happen, they losing them every time they get them”?

Every time they go back for this new birth certificate, for whatever reason, they have to put a new affidavit on it. What is the occurrence of that? Why would you want—somebody who has to go back to the registrar of births over and over and over again to get a new birth certificate over and over and over again, you want to allow that person to avoid the need for statutory declarations? I mean, that is a clear-cut case of fraud.

What are you using these multiple birth certificates for? Why would you want to take that away? That is the part of the irrationality in the Member's argument. But the most ridiculous point made by the Member—when I was researching the documents, the literature, the reality, the truth and the fact in the rest of the world, with respect to the registration of births and the whole question of birth certificates, and in particular, this particular problem, because we need to be clear. This Bill deals with a situation where there is no given name, no first name or no forename on the birth certificate.

Miss Mc Donald: That is right.

Mr. C. Imbert: Nothing else—[*Interruption*]

Miss Mc Donald: Exactly! [*Desk thumping*]

Mr. C. Imbert:—nothing else, and therefore to bring in matters pertaining to late registration, alteration, correction of errors—totally irrelevant! We are dealing only with a situation where there is a birth certificate that has been issued and on that birth certificate there is no given name or first name. There is no other purpose and intent of this legislation.

Miss Mc Donald: That is right.

Mr. C. Imbert: So all these extraneous matters about registration and so on, totally irrelevant, and that is why we need to focus, since, all this Bill does, is deal with the situation where the birth certificate has been issued, but it has no first name on it, we must focus on that and that alone because that is what we are dealing with. We must look at the implications, the consequences and requirements of the change that is being proposed.

Miss Mc Donald: That is right.

Mr. C. Imbert: And I heard the hon. Member for La Horquetta/Talparo say, that there was this tale of an 87-year-old lady who applied for a visa and was unable to get the visa because the person did not have a first name on the birth certificate.

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Now, it struck me as odd, struck me as very, very peculiar, Mr. Speaker, because when I was doing my research on this matter, a lot of the hits you will get, when you look at the question of no first name on the birth certificate, a lot of the hits you will get deal specifically with that problem, the whole question of persons applying specifically to the United States to get a visa. And they explain what happens, and it is so different to what the hon. Minister told us that I need to go into it.

Mr. Speaker, I really do not want to use this iPad, but I will, I believe we have permission to use the Parliament issued iPads. So, let me go into a website that I have picked up here, and it deals specifically with “No name in Birth Certificate.” It is a website called “Immigration Help”. This is what it says, and this was confirmed by several other websites I went on to:

“It is a religious custom in India not to name the child immediately after the birth.”

That is what is happening in India. It is religious.

“Therefore, hospitals records and/or birth records may not show the name of the child, even if the birth is reported and registered. It may just say, ‘a baby boy/baby girl was born to so and so parents’. Therefore, the birth certificate may just have ‘baby boy’ or ‘baby girl’ or just a dash”—in the place for the forename or the first name.

“If it is possible, you can get the name added later in the birth certificate. As the naming ceremony usually occurs shortly after the birth, it would be best to get the name added right away...within one year of birth. If that has not happened, you can get the name added later”—by affidavit or by statutory declaration.”

Miss Mc Donald: That is right.

Mr. C. Imbert: But in terms of a visa, because there are going to be millions of people from India, millions, not one, not one 87-year-old lady, whoever she may be, it is going to be millions of people from India because of the religious practices in that country who would have applied to the US Embassy for a visa. “Nobody tell them they have to have their first name on the birth certificate.” That is not what you pick up in the US State Department. I have looked at the US Department of Homeland Security, I have looked at the State Department. What happens when a citizen from India applies for a visa and has no name—no first name—on their birth certificate, and there are millions of people like this, all you

do, what the US Government tells you to do is to submit secondary evidence.

Let me go through the list of what secondary evidence is: hospital records—
[*Interruption*]

Mr. Sharma: Stick to the point.

Mr. C. Imbert:—medical records Mr. Speaker—

Mr. Speaker: Please allow the Member to speak. Continue. You have my protection.

Mr. C. Imbert: Mr. Speaker, thank you. You know when they are being educated they get upset. Hospital records, medical records, school records, church records, ID card, driver's licences, passport, and if you do not have any of those things, that is what the US State Department asks you to do “you want a visa, you doh have a name on yuh birth certificate, bring all of these documents.” If you have none of these, all you require are two affidavits from persons who know the person. These can be the person's relatives, or if the person's relatives are not living longer or cannot be found, it can be neighbors, it can be friends. They do not have to be the same age as the person, they do not have to be older than the person, there is simply one requirement, that they are over the age of 18, that they have to be adults.

So in the case of the 87-year-old, all that was required to be done was to get two people from the village, and do not tell me that an 87-year-old person in Trinidad and Tobago could exist without anybody in the village or anybody in the whole country being aware of this person and being capable of swearing that I know this person and I know her by the name of. All the US Embassy requires is two affidavits, from persons who know the person and all—the only qualification of the declarants is that they must be adults. That is all; two independent persons who are adults will say I know so and so, and I know that she goes by this name. That is all.

So what is this fantasy about an 87-year-old woman could not get a visa because she had no name on her birth certificate? So the ten million citizens of India “who doh have names on their birth certificate and apply for visas every year, what happen to dem?” So, the US Government treats citizens of India different to how they treat citizens of Trinidad and Tobago?

The concept of secondary evidence, Mr. Speaker, is well established and it is not just the United States that will agree to secondary evidence, so will United Kingdom, so will Canada and so will virtually every country in the world,

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including all countries in the European Union. So, these explanations as to why we must do this and we must not look at it, and we must not critique it, and we must not criticize it, and we must not ask the Government to be a little more careful in the things they are doing, they have no substance, your arguments have no substance, they hold no water, they are based on nothing, on empty air.

Listen to this, the hon. gentleman, the previous speaker tells us poor people cannot get their pension without a name on their birth certificates. What country is that? What country is that? I challenge the Minister of the People and Social Development—I will sit down; get up and say that people in Trinidad and Tobago cannot get a pension because they do not have a first name on their birth certificates. Come on, because it is not true. The National Insurance Board, the Old Age Pension Department is now Senior Citizens Grant, they will accept secondary evidence. They will accept a statutory declaration, they will accept an affidavit, so all these reasons as to why we must do this, Mr. Speaker, they are baseless, they are figments of—*[Interruption]*

Miss Mc Donald: Ulterior motives.

Mr. C. Imbert:—they are figments of the Government’s imagination. The previous speaker went into a long dissertation on the rights of the child, a long dissertation about the convention, that we have obligations under the Rights of the Child Convention and read out the convention, totally irrelevant.

Miss Mc Donald: Irrelevant!

Mr. C. Imbert: What disappoints me and disturbs me is that the Members opposite are not dealing with the Bill before the House. You are not dealing with the facts, you are dealing with some esoteric creation of your mind.

Let us go to clause 2 of the Bill, and we are dealing here with the amendment to section 22(b)(1A)(b), that is the mischief. The hon. Member for Port of Spain South properly identified that as the mischief in this legislation and the part of this legislation that needs careful amendment. It needs to be fixed. It needs to be dealt with because it is too open, open ended, loose, ambiguous and it does open the door for identity fraud.

Miss Mc Donald: Open the sepulchre!

Mr. C. Imbert: It opens the door for identity fraud. The problem here is not children, the problem is in 22(b)(1A)(b)—*[Interruption]*

Miss Mc Donald: That is right.

Mr. C. Imbert:—“the holder of the certificate of birth, if he has attained the age of eighteen years”. *[Interruption]*

Miss Mc Donald: That is the mischief!

Mr. C. Imbert: Now, Mr. Speaker, once you are 18 and over, you are no longer a child. And we are dealing here—the problem with identity theft, it is relevant for adults, more than children, and this clause deals only with adults. So what on earth does the Convention on the Rights of the Child have to do with the section of this Bill that deals with adults? [*Desk thumping*] It is a rhetorical question I am asking. It has nothing to do with it, nothing, wholly irrelevant.

Let me see if I can crystalize what the problem is, and I am hoping the hon. Minister would listen because he needs to be careful about what he is doing. We are dealing with a situation where somebody is 20, 30, 40 years old, maybe 50 years old, they do not have a name on their official birth certificate but they have attached statutory declaration, affidavit, various other forms of secondary evidence and that has been accepted for the issue of driver's permits and all sorts of things, and they do not want all this paper attached to the birth certificate, they want a clean birth certificate with their first name on it. Fine, I understand what you are saying. But it is the adult who is 30 or 40 or 50 years old, who is most likely to be interested in committing identity theft, not the child, because in the case of the child, the parents have to make the declaration.

Miss Mc Donald: That is right.

Mr. C. Imbert: We are dealing with the adult making the declaration and when you look around the world, I do not know what database the hon. Member for La Horquetta/Talparo was looking at. But if you go all around the world and look at best practice, the best practice is that your first port of call is the parents.

So, if you want to get your name put on your birth certificate—there are many countries that do not allow it, they do not. In the United Kingdom you cannot do it. It does not matter. You have to go with the affidavit, you have to go with the statutory declaration. They will not allow the name to be put on the birth certificate and you know why, because, Mr. Speaker, the United Kingdom is of the view that that is called a “matter of fact”. So, what is on your birth certificate is a matter of fact and in law in the United Kingdom you cannot change a matter of fact because it is a fact that you were not given a name at birth, so as far as they are concerned that is it. You cannot change in the United Kingdom, but there are some countries that allow it. But those countries that allow it, it is a long list of procedures and requirements and it is in the law—

Hon. Member: There is a reason for that.

Mr. C. Imbert: And there is a reason for that. Because all of the reasons the Member gave about why we should do this, are actually reasons why we should not do this. Because what we are looking at is a situation where—I spoke before, previously, on another matter and the question of marriage deals with inheritance, alimony, estates, disputes over property and that sort of thing. But that is a subset of the wider problem. When you come to a birth certificate—I downloaded, Mr. Speaker, some documents from our Government service, tconnect.

6.30 p.m.

To get an ID card, the first document they ask for, all eligible applicants must bring an original birth certificate and a copy of the certificate to attach to the application. So before you can get an ID card in Trinidad and Tobago you have to walk with your birth certificate.

Passport: the first document you have to walk with is your birth certificate, Mr. Speaker, and so it goes; it goes through the system. To get a Board of Inland Revenue number; to get all sorts of licences and unique identifiers, it all starts with the birth certificate, and I am hearing the Government adopting the approach, because all of these things: driver's permit; ID card; passport and various other documents require the birth certificate, "Well, let us make it easier to change the birth certificate".

It is an upside-down argument. If you make it easier for people to change the name on their birth certificate, or put a name in where there is none, then you are making it easier for them to get a bogus ID card, a bogus passport; to create an identity, to assume—you talk about pension; I am sure the Minister of the People and Social Development has to deal with persons collecting pension after the person is dead. It happens all the time.

Hon. Member: Fraudulent.

Mr. C. Imbert: Fraudulently collecting pension, and you are going to now allow somebody who does not have a first name on the birth certificate to be able to just put it in without going—you are facilitating it without going through the checks and balances that are mandatory in other countries.

As I said, let me go back to what happens in other countries, all over the world. The first thing you have to do is produce your parents and your parents have to make the statutory declaration.

Hon. Member: Not you.

Mr. C. Imbert: Not you. You could say anything, but bring the two parents—

the mother and the father. Let them come and say, “Yes, when he or she was born, for some reason I omitted to put the name, but the name I have used for the last 20 years or 30 years for this person, is John” or “Mary”.

If the parents or the guardians are not alive or incapacitated in some way, well, the next thing, you will have to get people of integrity from the community: a senior police officer; a principal; a medical doctor; an attorney. You will have to get people of established credibility from within the community, in the absence of the parents, to make the declarations—at least two people. Mr. Speaker, even when they crucified Christ, you had to have two witnesses. I mean, this thing goes back to biblical days. The idea of using one declaration, it is not good enough. The minimum should be two, and it should start with the parents, and if you cannot get the parents, then go to a list of people within the community.

If you have to do a passport—all of us have to do, from time to time, or asked by our constituents to sign a passport form. And we are on a list: Member of Parliament; police officer above the rank of sergeant; principal, and so on. If you get a passport it has to be certified by a person of credibility, how come, in this new law, the person making the declaration does not have to be on a list and a person of credibility, Mr. Speaker?

This is how it is done all over the world. You see, Mr. Speaker, there are arguments for and against the court process. In the United States, you must go to court. Let me just read for you what happens in New York. If you live in New York City, you may bring a name change proceeding. In any county, you have to go to the civil court. But in the United States they are not like us. They have all kinds of different courts. They have traffic court; they have night court; they have petty court; they have civil court; they have a plethora of courts.

Mr. Ramadhar: Judge Judy.

Mr. C. Imbert: Pardon?

Mr. Ramadhar: Judge Judy.

Mr. C. Imbert: Judge Judy. [*Laughter*] Well, I am glad the Minister could laugh a little bit.

But they have a plethora of courts in the United States, so you just go and appear before the night court for 10 minutes and you get your thing done, but you go before a court, and there is some standard that is applied to the application, Mr. Speaker.

In several other countries, again, you have to go through the judicial system. Some countries are very strict about this. Some countries will not even entertain

the thought of allowing somebody to put in their first name on their birth certificate without a court application. Other countries allow it. My problem with this is that we are going from a hundred to zero. We are going from a situation where it cannot be done—because that is the situation in Trinidad and Tobago. We are just like the United Kingdom. Because of the way our law is worded, once the name was not put in, in the first 12 months, it cannot be put in. That is where we are. We are at a hundred. The hon. Minister wants to take us to zero, so at any time—it could be 50 years later—you could come and put the name in. And having gone that way, the Minister is not putting in the checks and balances in the law, and that is what you need to do, hon. Minister. You need to put the checks and balances into the law.

If you want to go this way—the court way is preferable. If you want to go this way, list it out as they do in other countries, that there must be statutory declarations from the parents or guardians. In the absence of parents or guardians it must be a recognized, credible—two statutory declarations from recognized, credible people in the community. I am not saying make it onerous, but make the person go through a system where, at least, other persons will be involved in terms of attesting to the person's name. Because if you have 300,000 people, that is a lot. I cannot believe that that is the number, but that is 300,000 opportunities for identity theft, Mr. Speaker.

You see, what the Minister is looking at, he is looking at one side of things: make it easy. Sure, make it easy, but you are making easy something that can have a profound effect on the way this country is organized. Somebody could assume somebody's identity because their parents are not coming to say, "This is my child". The head of—the officer in charge of the station is not coming to say, "I know that person for the last 10 years and, yes, he went by the name of John". The MP is not coming to say, "I have known so and so for seven years, and, yes, I know her as Mary". None of that! There is nothing like that in this amendment, Mr. Speaker.

That is what the Minister has to take on board. And, you see, I do not think we could fix this legislation here today, you know, Mr. Speaker. I do not. The Government could do what they want, you know. Again, I say, they could do what they want; they have their numbers, but this is too serious because the question of putting a name on a birth certificate will deal with banking, inheritance, voting.

I mean, I heard the Minister say that this is not—you know, he was horrified at the suggestion that this is intended to create problems for the voters' list and

create the opportunities for voter-fraud, voter-padding and so—horrified! But you have to deal with reality. As far as I know, the Member for Port of Spain South was not accusing you, hon. Minister, through you, Mr. Speaker, of wanting to manipulate the voters' list. But understand, if you have 300,000 people who do not have a first name on their birth certificate, that is 300,000 changes you can make to the voters' list, and you are not going to be there to check it out because, Mr. Speaker, this Minister has a habit of delegating authority to the Registrar General. This legislation is delegation again, you know.

Mr. Ramadhar: Good one. Good one.

Mr. C. Imbert: No, “ah telling yuh”. If you read what you are doing, you are leaving it up to the Registrar General to decide—[*Interruption*]

Mr. Ramadhar: [*Inaudible*]—had no politician.

Mr. C. Imbert: I am just saying, you are leaving it up to the Registrar General to decide what documents. No. We, as politicians, must decide what documents must accompany this name change. That is our responsibility as politicians. You are making fundamental change. This is a radical change and it is not just, as I said, representation. A person who is not a citizen of Trinidad and Tobago could assume the identity of somebody and come and run for Parliament and be elected and even be appointed a Minister.

Hon. Member: Or even as a Commissioner of Police.

Mr. C. Imbert: Possibly. And then this thing about \$10,000 for a deed poll, where “that come from”? The deed poll is not the only form of secondary evidence that is accepted in Trinidad and Tobago. Again, I will sit. Let the Minister of Legal Affairs; let the Minister of the People and Social Development tell me that their Ministries will only accept a deed poll and will not accept a statutory declaration, or an affidavit. I will sit.

Again, rhetorically, Mr. Speaker.

Mr. Ramadhar: Finish, man!

Mr. C. Imbert: “No, ah cyar finish here, man.” Mr. Speaker, how much does it cost to go down to St. Vincent Street or Abercromby Street and go by a commissioner of affidavits and get an affidavit done?

Hon. Member: Especially as we smaller than the Bahamas.

Mr. C. Imbert: Ten dollars! Not \$10,000.

Hon. Member: We are smaller than the Bahamas.

Mr. C. Imbert: Twenty dollars?

Hon. Member: Two hundred dollars.

Mr. C. Imbert: “Nah.” Mr. Speaker, I can tell you, it costs just a couple of dollars to get an affidavit certificated by a commissioner of affidavits and so on, not \$10,000, Mr. Speaker.

So what is all this talk about a deed poll? What is all that? You do not have to go by any lawyer to get a deed poll. Mr. Speaker, deed polls are when the person wants to change their name. “My name is John Smith and I want to change it to Jim Brown”—yes. “Ah have ah first name and a las name already and ah want tuh change it from John Smith to Jim Brown.”

Miss Mc Donald: You see, they keep missing the issue.

Mr. C. Imbert: That is when I do a deed, but not when I “doh” have a name on my birth certificate. Deed poll is not for that. It is affidavit and statutory declaration which will cost a couple of dollars, Mr. Speaker.

Miss Mc Donald: I call that mischief.

Mr. C. Imbert: That is why I, regrettably, said there is no intellectual content. Think about it! “What you bringing this red herring of a deed poll for?” Deed poll has nothing to do with what we are debating. We are debating the situation where there is no name on the birth certificate, not that there is a name and you want to change John to Jim.

Mr. Ramadhar: And therefore the fraud you are talking about.

Mr. C. Imbert: No, but that is not—a deed poll is not for this. A statutory declaration is for this. So this whole thing about \$10,000, it is irrelevant, Mr. Speaker—absolutely irrelevant, Mr. Speaker. I mean, I do not want to talk about the cane juice and the coconut oil. [*Laughter*] I mean, come on, we have to be serious in this Parliament. Because there was so much cane juice and coconut oil flowing long time, people used to have 20 children? That is not the reason.

Hon. Member: What was the reason?

Mr. C. Imbert: The reason is that people use their extended family to support the family in the family business, to help out at home—[*Interruption*] Yes. The hon. Member for Oropouche East who has—allegedly has—a doctorate in labour studies—“ah take that back”. He has a doctorate in labour studies. I am sure in his thesis—I am sure—he will find paragraphs dealing with the extended family and

the fact that the family was used to create wealth. The numbers of children were used to—[*Interruption*]

Dr. Moonilal: Used to plant cane in rural farms.

Mr. C. Imbert: Of course, on farms and rural farms and so on, to create wealth for the family, to provide a support system. That is why people had so many children in rural areas; nothing to do with coconut oil—[*Interruption*]

Dr. Moonilal: Coconut oil and cane juice.

Mr. C. Imbert:—and cane juice. [*Laughter*] Mr. Speaker, I really, really— Mr. Speaker, really, “we doh come into the Parliament to talk this nonsense”.

Miss Cox: “De man fadder have 20 children.”

Mr. C. Imbert: “Ah tell yuh.” Mr. Speaker, I am asking the Minister—if you, as I said, go all over the world, jurisdictions treat this situation very, very seriously, Mr. Speaker. [*Crosstalk*] As I said, many countries do not allow it at all and they do not allow it because people could qualify for social security, for pension. They could enter into a legal dispute over an inheritance, over an estate; they could claim property. Someone could come and put “dey” name in their birth certificate and then come and say, “I am the owner of this property”, because, you know, the real owner has died, or there is some error and the property belongs to Jim Brown and someone can get their name put in and then say, “All right, I own this house” or “I own this piece of land”, Mr. Speaker.

There are multiple reasons why you have to be very, very careful with this. So I am asking the Minister, pause, we “doh” have the time today to deal with this. The Member of Parliament read out the Jamaican requirement. And, you know, you look within the Caribbean—and what disappointed me with the contribution from the Member for La Horquetta/Talparo, he listed a set of countries: Guyana, Barbados, Jamaica, so, so, so, so, but he did not say what those countries do. Let me just reinforce what my hon. colleague from Port of Spain South said about Jamaica. Let me read the Jamaican Act—let me repeat it, and this is section—

Miss Mc Donald: Twenty.

Mr. C. Imbert: Yes, section 20(3) of the Jamaica legislation, (births and deaths):

“Provided that after the expiration of twelve months,...the name...shall not be altered on, or if it was registered without a name...such name shall not be added to the registration entry, except with the written authority of the Registrar-General...”

6.45 p.m.

Then it goes on. These are the important words, and this is what we need to have in our legislation.

“In every such case the parent or guardian...shall deliver to the Registrar-General such certificate as is required...Such authority shall not...be given by the Registrar-General after (the) child is ten years of age unless the Registrar-General is satisfied by evidence that there were good and sufficient reasons to account for the delay in registration.”

Why are we weakening our laws? Why in the interest of expediency and making things quicker and—I hate to repeat this, “to be able to give somebody a new birth certificate in seconds.” “Yuh go down dey, yuh fill out a form and in seconds yuh get a new birth certificate. Wah we doin?”

If all these years have elapsed, the parents must come and say why they did not give the child a name. Come and say why—explain!

Miss Mc Donald: You have a child at 12 years old without a name. What you will call the boy, “Boyie” and the girl, “Girlie” or “Baby”?

Mr. C. Imbert: If the parents are not around, get the superintendent of police, get the Member of Parliament, get the school principal to come and deal with this issue. It is too serious. So I am asking the Minister, take a look at the Jamaican legislation, take a look at the legislation in other countries. I will be happy to give the Minister all of my research. Take a look at what goes on in other countries, and as a first step, the parents must swear to a declaration. If not the parents, then it must be two reputable people, who must come and say that they are aware that this person—two responsible and credible and reputable people must come and say, “Yes, I know this person and they have used the name Errol for the last 40 years.”

Miss Mc Donald: Exactly.

Mr. C. Imbert: I am asking the Minister to demonstrate some good sense. Let us pause. We can come back and deal with this by a simple amendment next week or whenever they want to. I mean, it is 300,000 people for the last 50 years. One week, two weeks “eh go make no difference.”

Dr. Browne: “Doh do dat to yuh country.”

Mr. C. Imbert: I am asking the Minister “doh do the country that.” Do not open up a Pandora’s box, a hornet’s nest—[*Desk thumping*]— where all kinds of

accusations, acrimony, disputes, legal and otherwise will now explode because persons are going to try and take advantage of the situation to engage in identity fraud. Go back and spell out all of the conditions in the law if you want to make a change of this nature. I thank you, Mr. Speaker.

Miss Mc Donald: Edifying.

Miss Alicia Hospedales (*Maloney/Arouca*): Mr. Speaker, I am thankful for the opportunity to contribute to this debate on the Births and Deaths, Registration (Amdt.) Bill.

Dr. Browne: Debate now start.

Miss A. Hospedales: Mr. Speaker, according to officials from UNICEF and the European Commission failure to register a birth can have a severe negative effect in the life of a child, and we agree on that.

Legally, the child can become non-existent, as well as because of the fact that the child does not have a name on the birth certificate they may encounter problems in terms of accessing particular types of services and programmes. He or she also becomes more vulnerable to be married at an earlier age because of the fact there is not a name on the registration or proper birth registration of the child, and even so being prosecuted and sentenced as an adult in a judicial system.

At the national level, they also highlighted some problems that can occur as well with respect to the lack of proper birth registration. It says that it skews the demographic data; because of the fact that proper birth registration did not take place some individuals may not be accounted for, particularly in surveys such as the census, et cetera. As a result of that, the accurate calculation of the country's statistics may not be available. The population, the accurate number of persons in the population, et cetera, may not be available.

Planning with respect to appropriate social services may be hindered as well as the development of suitable policies, programmes, et cetera, may also be hindered because of the fact that accurate information about these individuals with no names on their birth certificates is not available. Mr. Speaker, so we all agree—I am sure Members on both sides of this House agree—that the registration of birth secures the right of a child to a name and nationality.

The piece of legislation we have before us, the Births and Deaths Registration (Amdt.) Bill, proposes to provide the opportunity for parents and guardians or

persons with authority to make the request to the Registrar General, to insert a child's name in the register at any time after the birth has been registered.

The Minister of Legal Affairs came and he told us there are approximately over 300,000 persons who do not have a complete birth certificate, that is, a birth certificate with a name. Many of those individuals have no names registered on their birth certificates.

When he was speaking I wondered what the total number of births each year was. The Member for La Horquetta/Talparo came—I was really very confused with the statistics, some of the statistics that he provided. He told us that 17,000 were recorded each year. Is it 17,000 births in total, numbering the number of births that occurred in public as well as private hospitals? He did not tell us that. He told us 19 per cent of the births occurred in the public hospitals, but what percentage occurred in the private hospitals, we were not told.

He also told us that the percentage of children without a name is 20 per cent yearly. But is 20 per cent the total of the number of children in the private as well as the public hospitals? We were not told that. We also were not given information with respect to the rural percentages as well as the urban percentages in terms of the number of children who do not have names on their birth certificates.

The Minister again—I am just going back to the fact that he provided the figure 300,000 persons without a name on their birth certificates. He could have also provided that information for us by constituency. Give us a breakdown. If you go on the Internet and you google our neighbouring island Jamaica, you would see them providing the information, their breakdown of the numbers of persons per parish. So the Minister could have provided some—I would not have expected that he would have gone through all the constituencies, but given us an example of some of the figures in some of the constituencies. This type of information would have helped us as Members of Parliament to understand the problem of birth certificate registration and children with no names on their birth certificate in constituencies, so at least we may be able to go out on an educational campaign and mobilization effort, et cetera, to get more people registered.

The amendments proposed in the legislation, we were told, also seek to remove the time limit of 12 months from the date of registration of a child's birth, for late entry of a child's name into the register book. What we understand here this evening is the fact that the 12-month limit has now been removed and there is no limit to the time when a child's name can be entered into the register book.

The justification provided—I listened to the Minister of Legal Affairs and tried to understand exactly what is the rationale for removing the limits, I heard none. He failed to tell us why the judicial oversight was removed from the procedure for insertion of a name on a birth certificate. He did not tell us that. So why were the checks and balances removed? I hope in winding up he would provide some measure of insight to us with respect to that. I am not expecting a response, but I really hope that he will.

Mrs. Gopee-Scoon: Enthused as he is.

Miss A. Hospedales: I remembered earlier on today, I went to the parliamentary website, you know, to try and get a better understanding of what are some of the points with respect to the Bill, et cetera. One of the things I noticed is that they said—I guess the information that was provided by the Ministry of Legal Affairs was the removal of the limit—one of the justifications for removing the limit of 12 months, it says that, the removal of the time limit may allow illiterate persons, parents from more rural areas the opportunity to register children since the penalty for late registration may have been a deterrent. So that is one of the justifications they are giving for the removal of the 12-month limit. Mr. Speaker, I found this to be a very weak justification.

What I felt is that the Minister of Legal Affairs could have told us “Okay, this is the problem. Apart from amending the legislation, these are the other strategies we intend to put in place to ensure that there is a reduction in the incidence of children being registered without names.”

In Jamaica, I remember—let me just go back. The Member for La Horquetta/Talparo gave a lot of examples about the rural communities and what happens with respect to the registration or the non-registration of children. In Jamaica, the Registrar General’s Department has a mobile team that actually goes into the rural communities and ensures that the children who are born are actually registered, so that it reduces the incidence of children not having a name on a birth certificate.

They also have a programme called “Bedside Registration” in both public and private hospitals, where an officer of the Registrar General’s Department goes to the hospital, and seven days a week that person is available or those persons are available. They go, they get the name of the pregnant mother, once the mother gives birth, they go to the bedside of the person with the forms already available so that the person can register the name of the child. So birth registration takes place at the bedside.

What they said is that, according to the *Jamaica Observer* reports posted by the Registrar General's Department, they said "Bedside Registration" has not only reduced the incidence of children being registered without a name, but it also has resulted in over 99 per cent registration of births occurring in hospitals. This is noteworthy since over 98 per cent of births in Jamaica occur in hospitals and birthing centres.

So the Minister of Legal Affairs could have told us, you know, apart from this proposed legislative amendment, what are some other things they intend to do. So I am just giving two suggestions, things that they could actually look at.

We were also told that the removal of the 12-month limit—well, the bit of information I received on our parliamentary website with respect to this Bill said that the removal of the 12-month limit would relax the process which may encourage larger volumes of registration of births of nameless children, and that is not entirely true. If you were to implement just those two strategies apart from the legislative amendments, I am sure you would have larger volumes of nameless children being registered.

One thing I would like to take note of is the fact that you said it would relax the process, right, and both my colleagues the Member for Port of Spain South and Diego Martin North/East indicated, in relaxing the process, what can happen. There would be an onslaught of fraud and identity theft occurring—an onslaught, because this process which would have had judicial oversight in the past would now be free to be manipulated by unsuspecting, scrupulous individuals.

Mr. Speaker, the reason provided for the removal of the 12-month time limit to anytime for the insertion of a person's name is basically unjustified. The removal of the judicial oversight is a cause for concern as well.

One of the things we would like to see on this side is that we agree that every person deserves the right to a name, but the process involved in the recommendations made in the legislation is flawed and there must be secure measures. There has to be a need to ensure that secure measures are always kept in place to prevent the onslaught of fraudulent and uncircumspect individuals, in terms of persons who may try to steal another person's identity, et cetera. I am left to wonder, really, what is the rationale behind the amendment to this particular piece of legislation. I would like the Minister, in winding up, to tell us really, what is the reasoning behind it, what is the thinking behind it.

7.00 p.m.

Mr. Speaker, I would also like to say that parents, guardians and persons in authority, who have responsibility for registering children, should be held

accountable. I heard the Member for La Horquetta/Talparo talk about, oh, how these persons are overburdened because they have now to pay sums of money, et cetera, to register the child. But whose fault was it, in that they chose not to register the children within the particular time limit?

I believe that there is need for a proper educational campaign. There is also need for the implementation, maybe, of the mobile outreach, the bedside registration, stuff like that. If after having done all of that, the parents, guardians and persons in authority continue to not register children and cause their names not to be on a birth certificate, what can happen is that these persons should be charged because it is their responsibility as adults to ensure that the children are given the best possible opportunities in life, and not having a name on a birth certificate can severely have a negative impact on the life of a child.

Mr. Speaker, the Member for La Horquetta/Talparo—[*Interruption*]

Mrs. Gopee-Scoon: The coconut oil man.

Miss Hospedales:—also said that the piece of legislation is groundbreaking and he commended the Minister of Legal Affairs, but I want to describe the legislation as flawed, and I really think that the Minister of Legal Affairs should withdraw the legislation and—[*Interruption*]

Mrs. Gopee-Scoon: Agreed.

Miss Hospedales:—reconsider—[*Desk thumping*]*—*exactly what the process should be and then return to Parliament.

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

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Thank you very much, Mr. Speaker. Mr. Speaker, I am really forced to reflect on a story I had heard many years ago, that has stuck with me, and the story is this:

A very wise old man sat outside the gates of a city, and as he sat there visitors, travellers would pass by and as they were about to enter the gates of the city they will say, “Old man, what sort of city is this? What sort of people shall we meet within the walls?” The old wise man will ask, “From where you have come? What sort of persons, what sort of people you had?” The first visitors responded, “Oh, we had wonderful, decent, honest, hard-working people.” The old wise man said, “Well then you shall find those very same people within these walls.”

The second set of travellers came by and asked the very question. “Old man, what sort of people will you find within these walls?” He said, “From where you have come, tell me, what sort of people you do have?”

“We have vagabonds, thieves, bandits and untrustworthy individuals.” He says, “Well that is exactly what you will find within the walls.” [*Laughter*]

The message in this is that it is dependent upon your mindset that you will view—please. You will view and you will assess everything that is done, and if you have a dark and nefarious predisposition, everything that is done will be seen as being dark and nefarious.

Dr. Khan: Diego Martin North/East.

Hon. P. Ramadhar: Today, what this Government and my Ministry, and I as the Minister, are attempting to do, is to right a wrong that has gone for so long. Mr. Speaker, just this week, almost by—[*Crosstalk*]

Mr. Speaker: Members, Members, Members, please, please. If Members rather want to disturb the proceedings, I would ask you to leave the Chamber and go at the back of my Chair and discuss your matters, but we cannot be having this constant interruption for the evening, constantly. I am appealing to Members to please observe Standing Order 40(a), (b) and (c), please, and do not disturb the Minister while he is on his legs, please. Continue, hon. Minister.

Hon. P. Ramadhar: Thank you, Mr. Speaker. We were on the point that we are about to right a wrong that has gone unattended for decades.

Just this week, almost by divine intervention, I had been invited by the Minister of the People and Social Development, the Member for Caroni Central, to attend at his Ministry—because we had worked in collaboration—to give to 18 men, sons of our soil who had lost their way, who were at the lowest rung of society; they lived on the streets. What we collaborated in doing was to investigate their identity and to assist them. Investigations that the Registrar General did, and when we say investigations, they were not limited to any stricture of requirements in any law, but, in fact, investigations that a common-sense approach and a [*Inaudible*] very practical was required of her and she was able to identify as best as she could—nothing in the world is perfect, but we were able because of that work, to give to 18 men who had never before birth certificates, to give them birth certificates.

Now that might sound trivial and unimportant to many. To me, it was an extraordinary experience where we were restoring men who had fallen through the cracks, almost fallen out of society—[*Interruption*] Please be quiet—to give them a re-establishment of identity within the society.

Now, I am hearing the astonishment when the number 300,000 is mentioned, but this is what the records from the Registrar General's Department showed us when we had put all of the birth certificates into a computer. Let me put it in simple terms. With the software, the software was able to tell us that out of those millions of inputs, there were 300,000 certificates that did not have a given name. What were we to do? Leave it unattended like others in the past? Avoid the hard, difficult responsibility that every Government should undertake to fix a problem, not just sweep it under the carpet and leave it because others have not—leave it alone? We have been regaled here about examples from Britain, and Scotland and other developed societies whose culture is so different.

Mr. Imbert: Jamaica.

Hon. P. Ramadhar: Indeed, if we were to leave it as it is now, we would retain the British position where, in fact, as “mih” friend from Arouca/Maloney has told us, it is a serious issue to not have registered your child, and if you have registered, to ensure that the child is properly named. Are we to go into the fiction and believe that we are British, we are Scottish or we are any other society, or do we deal with the reality of Trinidad and Tobago? The reality of Trinidad and Tobago tells us that we need to act. I think everybody agrees, now, that we have decided to take the decision, the responsibility to do something that it is a very good thing to do. It is without doubt the right thing to do.

Mr. Speaker, we hear all sorts of concerns about security. Of course, we are concerned about security, but do they believe for a moment that steps have not been taken to ensure the security. Let me explain, and if you will permit me, Sir, the section that we are dealing with at section 22 says, by the amendment—and it is important because I learnt in the criminal law as a jury trial that when “yuh doh” have an answer, just start to read something to the jury.

When “mih” friend from Port of Spain South rose, “they really have no argument, you know”, but because I chose to respect this House, the intelligence and knowledge that it should possess and the wider population—I was very, very simple because I do not believe in wasting time. Judicial then? No! In fact, parliamentary time and I put it in the simplest term: we have a problem, this is the solution, let us do it, this is how we do it, it is the law that we are presenting to you.

“Mih” friend took the time to read through the whole section 22; to what end. At the end of it, do you know what the big concern is when you boil it down like bhagi”, as they say? “Am, um, um, am yuh going to take action. There are

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security issues and we don't believe your security issues have been properly addressed." I respect that. I congratulate you for pointing out the obvious. Diego Martin North/East—[*Interruption*]

Mr. Imbert: I did not do a good job?

Hon. P. Ramadhar:—I appreciate your intervention, but let me just say this. These are not matters that we did not consider. They have a style which is to look at the problem and say, "Oh God, I not touching that." Our style is, you have a problem, we have to deal with it. We must find a solution, yes.

Since the introduction of the electronic birth certificate, that is no common document you know. It is a document that is printed on almost currency level with security—what shall I say?—inputs in it, with watermarks. You cannot counterfeit or duplicate that document. What we are doing here by the provision is to allow any person to include their names, even a child who is under the age of 18—of course, their parents are the first option. We use the age 18 not to signify this is for young people only as much, but it is the age of majority when you take responsibility to get what is necessary for you on your own behalf.

Mr. Speaker, let me take a little read here so that we can all understand where we are. Subsection (1B):

"An application made under subsection (1A) shall be accompanied by the following documents:

(a) a certificate in the form required under subsection (2);"

No problem with that.

"(b) a certified copy of the certificate of birth of the child;

(c) a declaration, made under the Statutory Declarations Act...;"

Now everybody seems, on the other side, to try and slip around the statutory declaration. Do you know what a statutory declaration is? It is not an affidavit, you know. It is a declaration which on the face of it says, that if you make a false statement there, knowing it to be false, there is a penalty and you could be prosecuted even under the Perjury Act which carries a jail term of up to seven years. Understand the significance of that.

In the old form we heard about affidavits of two other persons and everything else, who says that that is also not a document that may be required? I should read on. It says:

"(c) a declaration made under the Statutory Declarations Act, by the applicant, stating the relationship of the applicant to the child or the

authority of the applicant to make the request for the insertion of the name;”—

Sir, this is the important thing—

“(d) any other document that the Registrar General may require.”

What is, or what are those other documents that the Registrar General may require? I think that is where the crunch or the real issue at hand is.

My philosophy, and the philosophy of this Government, is to strengthen the institutions of State. The Registrar General is not a person. It is an office occupied by a person, but in everything in life, you will imagine there are discretions to be exercised. Of course! We talk about judicial intervention and so, but who do you think is in Judiciary? A judge, who at the end of the day material would be brought before, and that judge will make a determination on what is before the judge. One judge may decide something differently from another on the same matter.

7.15 p.m.

So there is no perfection, there is no binary code to this, that is as ones and zeros. No, it is a matter for the discretion. But what “mih” friends want to do is to tell the “fellas”—one of the 18, as an example, who needed help for most basic things—to go to a court if you want to get, first of all, a birth certificate, or for any other person to approach a court of law—

Hon. Member: Sad!

Hon. P. Ramadhar:—which we all know is overburdened, even in the Magistrates’ Court or in the High Court.

Dr. Gopeesingh: “It is ah joke!”

Hon. P. Ramadhar: Not to mention the cost involved to retain lawyers to do it. Not to mention the delays that you will face, because what is your priority when courts have murder cases to do, when they have high offence crimes to deal with, when they have serious property matters to deal with, lawsuits of all types—libel, slander—and all of these things. They would want this Government to put the burden of a judicial officer to make a determination that the Registrar General, who has—and I mean the office of the Registrar General—had the highest level of respect from the society because the Registrar General’s Department is the custodian of—guess what?—all deeds, property, birth certificates, yes; the civil registry, marriage certificates, yes; land as we say. It is an institution of high respect and the person who occupies that position, “yuh think dey just get there just so”. Do you know the selection process? It is a person approved by the

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Judicial and Legal Service Commission, the very authority that appoints judges appoints the Registrar General.

So let us put that behind us, that the Registrar General's Department is some inferior being. It is not! It is one of the highest authorities in the land. The courts accept the Registrar General's statements, opinions and documents without question, if I may put it like that. So, here we are. To make life simple and elegant, as far as I am concerned, is the way of the future. To keep it complicated, tied in a Gordian knot, to make it inaccessible to the people, is the way of the old and we must be rid of that.

Dr. Ramadharsingh: It must be rejected!

Hon. P. Ramadhar: It must be rejected! [*Desk thumping*] We come with a very simple approach, you think it would have cost, in terms of time, much more for the CPC's department to have drafted a compendium of requirements to state affidavit—sorry, statutory declaration from a Minister or an MP or from a judge or [*Crosstalk*] from so and so, and put a list there when indeed, the Registrar General, because of the circumstances of the applicant when they come before that office, “Sir, you see this, there is something—I am not satisfied with what you have presented before me. Your statutory declaration, yes, okay, but let us examine. You say that you are 70 years old, let us look. Do you have employment records?” [*Crosstalk*]

In anticipation of all this—and sometimes, you know, maybe I should have said more but I shall say it now. Our Ministry, I like to describe it as a swan. We move very gently above the surface but below, we paddle like hell. The amount of work that is being done by the officers of this Ministry—I am not congratulating myself, “yuh know”, I am talking about the civil servants and I say “civil servants”—servants of the people, servants of the civilians, to whom we owe so much but yet heap scorn in many cases. [*Interruption*] Sir?

Mr. Speaker: Just now. Member for Diego Martin Central, I am hearing you clearly. This is my final warning. You have been speaking throughout.

Mr. Imbert: That is not true.

Mr. Speaker: Well, I am telling you. I am asking you to just contain yourself and if you have any more utterances to make, could you go behind my chair. Okay? Just be quiet and observe Standing Order 40(a), (b) and (c). I have repeated that over and over and over and you keep sitting there and just carrying

on a conversation and the Member is on his legs, and you are disturbing the proceedings. This is my final warning for you. Okay, continue, hon. Member, please.

[Water vessels accidentally break]

Hon. P. Ramadhar: Oops! Sorry.

Hon. Member: “See wey yuh cause? Look wey yuh do.” *[Crosstalk]*

Hon. P. Ramadhar: That is quite all right.

Hon. Member: “Yuh see wey yuh do?”

Hon. P. Ramadhar: Mr. Speaker, I was making the point that the Registrar General’s Department has continued to work and work assiduously. In anticipation of all of this, our Ministry has signed MoUs—memoranda of understanding—with the Ministry of National Security, with the Board of Inland Revenue, with the EBC, so that if you come and you make your application and you have your statutory declaration, we can cross-check with those other institutions of State to confirm what you have said or to prove it otherwise.

In anticipation of the fraud—and I want to tell you this. When I came into the Ministry, there were no investigators employed. We have employed investigators, and the investigators come, not just to stay in-house but to go into the communities and confirm statements made. There have been cases where two persons used identical birth certificates. We called in one—well, the person who has the problem will come to us. When they go to immigration—and now everything is computerized—they realize, “whoa, something is wrong here”. Both have the same PIN number. How did that happen? But we take the reality in hand and we say, “You know what we will do? We will investigate.” “Yuh know how it used to work?”

The person who has the problem will come to us and tell us what it is. The Registrar General’s Department, in those days, would have to ask, try to make contact with that other person who has the same birth certificate, send letters and hope that they come in. “Buh you think they have any interest in coming in?” Of course not! So cases of investigation went on for extremely long periods without resolution, and the innocent person who is genuinely there in the Ministry saying, every week, “I want to know what is going on, what can we do?” We could say, “Well, we waiting for these people to come for us to interrogate” or, what you say, “investigate” and to make a finding as to which and then make changes as

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necessary. We have hired investigators to go into the communities to confirm things like these.

So all the fear and concern and worry that my friends have may be genuine in their hearts, but I say that there is a solution to these things. We have thought them through and we have put things in place to deal with them. I say nothing is perfect. Absolutely no! But if you were to leave the old situation as it was, where the genuine person could not have included their name, and others who hold the old-time birth certificates with the “affidavis”, as they say, and continue to use it for unhealthy purposes, what do we do? We call in the police when it comes to our attention and they investigate. That is how it must work. We are not going to allow it to remain as it is.

You know, I started off saying it is very simple, “mih friends and dem” said it is not that simple. What is it?—and I am just rounding it off here; that you need to stipulate what documents you require. Why do we need to do that? So that if for whatever reason, one cannot envisage all of the circumstances of a person, they come and there is a stipulated list, and for whatever—for good reason, they cannot fulfil any of those stipulations, are they to be denied? Or, is it to be left at the end of day to the discretion of the Register General looking at the totality of what is before her and decide, “Okay, this is a genuine case and I shall allow the insertion of that person’s name”? That is the key question here.

Hon. Member: Very simple!

Hon. P. Ramadhar: It is as simple as that. So all of the evening we spent back and forth, back and forth, right, raising serious suspicions, really comes from their heart.

Hon. Member: Smoke and mirrors.

Mr. Sharma: That is the PNM style!

Hon. P. Ramadhar: I am wondering now. I always believe in light, not in darkness. [*Interruption*] I did not believe the Leader of Government Business when he warned me when I thought, but this is a very simple thing. You warned me, he warned me, and I still want to give others a chance to say that there is purity still in the heart of men. [*Crosstalk*]

Dr. Ramadharsingh: They have revealed themselves!

Hon. P. Ramadhar: Every single thing is corrupt, devious; that says much more about those who believe that than about the circumstances that we are faced with, unfortunately.

Dr. Ramadharsingh: Terrible!

Hon. P. Ramadhar: Anything else, gentlemen?

Dr. Ramadharsingh: The terrible truth that it is!

Dr. Gopeesingh: “As ah man thinketh in his heart, so is he!”

Hon. P. Ramadhar: You know, just to put it so that we will have it clear too; some of the documents which the Registrar General has already asked for in certain cases: hospital records—Diego Martin North/East mentioned that—medical records—mentioned that—immunization card and any sort of connect you will have with your society, you leave a footprint.

Twenty years ago, you may have gotten a loan or you bought something on hire purchase from a store, bring that document for “mih”. Electricity bill showing 30 years now, this man paying under that name, “yuh think he come now to change it to become ah fraudster?” Simple thing! But, you think we would be able to burden laws of this land by stipulating all of these things? Secondary evidence, as we term it? Could we ever imagine all of the possibilities that are available and all of the probabilities that a person may not be able to achieve, any number of those things? Then, a “bad mind” Registrar General could deny a person because it did not fulfil the legal—what they call the tabulated legalism that we have put? Is this not a nation that we work for the people and not for laws? The laws are made for the people, not to restrict them alone, but to help them, to facilitate, to create an environment of belonging.

I know because I live here like many of us from different parts of Trinidad. I am out of Port of Spain, maybe even out of the environment of some who are so above it all that they do not face the reality of the problems of our citizens when you go to an office, you wait for days and then they come at the end and tell you “Yuh know, yuh eh have this”. Denied! Is that not the sort of reputation that the bureaucracy has in this country—

Hon. Member: They want that to continue!

Hon. P. Ramadhar:—not power to serve but power to deny? An environment of punishment?

Dr. Gopeesingh: Nine years and they did not even touch it!

Hon. P. Ramadhar: Who are we talking about? Three hundred thousand; out of that, you think, how many of those will attempt to fraudulently create a new identity? One is too many. But is it that if we do not have any amendment that is going to stop?

We have had a situation where just recently it was brought to your attention that one of our electronic birth certificates, somebody tampered with the date of birth. That was brought to our attention, we investigated it and sent it off to the Fraud Squad. So it is not as if we lay dead and flies are abuzz, no; we have a very active and alert environment at the Ministry of Legal Affairs now.

Hon. Member: Yes.

Hon. P. Ramadhar: I will give you an example. This is no secret. Over the years, deeds have gone missing from the vault at the Ministry of Legal Affairs. Deeds have been tampered with. Nobody did anything. You know what we have done already and continue to do? We have put cameras everywhere, so anybody who has access in, we know who you are, when “yuh” went. You have to log in and out, you have your electronic swipe, you cannot enter without that. But, more important than that—maybe I should disclose it now—we are putting electronic tags on every single document—*[Interruption]*

Dr. Gopeesingh: Well said!

Hon. P. Ramadhar:—so the moment it is moved, we know it has gone, when it has gone and who moved it.

Dr. Gopeesingh: Well done! *[Desk thumping]*

7.30 p.m.

Hon. P. Ramadhar: We have cameras. Do you know what the “ol’ time way” was? “Yuh come, yuh want tuh do ah search, yuh bring de book out, yuh leave it. Ah not making accusations against everybody but ah could tell yuh we have situations where deeds—*[Interruption]*—

Hon. Member: Tear it out.

Hon. Member: Old systems.

Hon. P. Ramadhar:—ripped too. Yes. Nobody looking to see what is happening. We have put cameras over every one of those bays, so that once you have access to a document that we have the responsibility for, brother bet your bottom dollar that you are being looked at and you are being recorded. Those who have come with legitimate care and concerns and business have no fear of that.

“Yuh know wha is de” upswing on that when we did this? I understand our photocopying bill cut by 90 per cent. All sorts of things were happening and all this care and concern about security was never attended to before. We are doing it; the People’s Partnership Government is doing it. *[Desk thumping]* I do not like to call people hypocrites, I really do not.

Mr. De Coteau: But they are.

Hon. P. Ramadhar: But what is a hypocrite? A hypocrite is a person who preaches one thing and acts another way. [*Crosstalk*] When the authority was there, to do things, to enhance security—and it is not boasting about me you know, it is not me, it is not me. I am just there, I facilitate; “it is the people in the Ministry who do these good things. They come with the ideas and I say let us go with them. It is out of an abundance of appreciation for the difficulties our citizens face and an intense desire to lift their burdens that we do these things, nothing more, nothing less; not to facilitate anything nefarious but, of course, so you think so you are. I say this, it scares me now, because I always believe in true democracy and if we should fail in the People’s Partnership, I say well whoever. “If alyuh could do better, de people want yuh”, let it be. But now I am convinced there should be no future for persons of like mind in the Government of Trinidad and Tobago. None. [*Desk thumping*]

I was making the point, I was almost distracted: growing up in this country, I used to go everywhere with my father, Seeram, and everywhere he went, I went with him. He is a businessman. I have been to the offices: Ministry of Industry and Commerce, Ministry of Legal Affairs, High Court, you name it. And do you know what my memory, as a young person, as a child was? Frustration, pain, brutalized, taken advantage of; every time they get a chance to tell you no, they tell you no.

Hon. Member: No toilets.

Hon. P. Ramadhar: No toilets. That is a fact.

Do you know what we are also doing in the Ministry of Legal Affairs, as amendments? We are bringing consumer legislation, so that if you have a business—I am just giving you a wide example of the things that were unthought of, uncared about, but which we are doing—that you accept more than 25 persons in at any time, you must provide washroom facilities.

Dr. Griffith: Exactly man.

Hon. P. Ramadhar: Basic things. I understand some of the financial institutions that have you lining up for hours, they have no interest in you.

Dr. Rambachan: Only in your money.

Hon. P. Ramadhar: They have no interest in you. [*Laughter and crosstalk*]

Dr. Gopeesingh: They have interest in your money.

Hon. Member: That is right.

Hon. P. Ramadhar: There is legislation that the Cabinet has already approved. When we talk about responsibility, what about the rent assessment boards? What about the legislation that the other side left to falter so that there is no protection for renters? We have had our consultations and we are moving very quickly to bring the necessary legislation to reinstitute the protection for those poor people, the landlords and, of course, the tenants in this country. That is a hard job but we are doing it, but I am sure we would get critics because there are certain vested interests that do not wish the protection of the small man in Trinidad and Tobago, who do not care about the pain and suffering of those who do not have the resources or people who care about them enough until this Government came in. But yet we hear all sorts of intellectual discourse and accusations of lack of it on this side. Well you could keep all the brain you want, we would keep the heart and love for our people. [*Desk thumping*]

Let it never be misunderstood that the greatest wisdom does not come from the brain alone, wisdom is a combination of heart, mind and soul. Any government or any authority that lacks compassion and lacks heart is not worthy of holding power because power in the hand of a soulless, non-compassionate body becomes a weapon rather than a tool and we are seeing that.

Mr. Indarsingh: Terrorism.

Hon. P. Ramadhar: Terrorism of the people; property tax.

Mr. Indarsingh: Tyranny.

Dr. Gopeesingh: Specify it, 2001—2010.

Hon. P. Ramadhar: Amendments to law we talk about; SAUTT—

Dr. Gopeesingh: Rapid rail.

Hon. P. Ramadhar: “Racket rail”, smelter, no voice of the people “eh”; ungoverned buildings on the hills that when the rains come the buildings themselves come. And they talk about security? What about the people’s basic security? What about the sense of belonging? What about the security that the Government cares about you? Mr. Speaker, we are speaking here about an amendment to give us, that is us, when I say us, the people of Trinidad and Tobago, the right to insert our given name that we have been known by all of our lives, but for some failure—but I am hearing now they want to penalize the old parents who “ketching”—you know—[*Interruption*]

Mr. Sharma: Difficulty.

Hon. P. Ramadhar:—difficulties to eke out a living to even feed their children. As the Member for La Horquetta/Talparo spoke to, many of them, all they had as sustenance—[*Interruption*]

Hon. Member: Cane juice.

Hon. P. Ramadhar:—was cane juice, absolutely. That happens even in some areas today; sugar water. Not long ago, Minister of the People and Social Development, you know about that, entire villages in Rio Claro, children, when you see them “they looking red head and you say “whoa, fashionable’.” No, it is not. It is mall nourishment. You understand? That is why I say so many of us on this side became involved in the politics because we saw wrong and we say “we have to fix this ting.” We have dedicated our lives to that. [*Desk thumping*]

Mr. Peters: The pain that came from there and we will not be moved. Who feels it knows it.

Hon. P. Ramadhar: The vast majority of the people of Trinidad and Tobago are working poor in a country of the greatest wealth of the region. How is that possible? How did we permit that as a people? You have a, diminishing middle-class. This Government is duty-bound to restore the wealth of the nation to the people, and I do not mean just wealth in terms of financial resources, but the spirit of who we are and who we belong to, the sense of communities,—[*Interruption*]

Dr. Gopeesingh: Values.

Hon. P. Ramadhar:—the values, when we would take as one of the first priorities to deal with the grounds, the common grounds in communities, light them up so that no longer will people run into their homes as it gets dark but have a common space where they could meet each other and get to know each other again—[*Interruption*]

Hon. Member: Building neighbourhoods.

Hon. P. Ramadhar:—building neighborhoods, reconnecting communities. [*Interruption and crosstalk*]

You know, we hear the cacophony from the other side, the prattling. And I am not one easily to go to use those terms but there is something coming up inside me that I try to suppress—[*Interruption*]

Dr. Rambachan: They have no love for people.

Hon. P. Ramadhar:—and it is an understanding of the reality of the politics of this nation, that those who deny their responsibility, whether it is given to

somebody else, have something other than to criticize, to attack, to frustrate, to demonize good and decent things.

Miss Hospedales: That is not true.

Dr. Rambachan: And to be hypocritical.

Hon. P. Ramadhar: And I will tell you what, they have powerful friends, because when “meh fren” started from, Port of Spain South, and said that there were news reports that I said that there were 300,000 persons in this country without birth certificates, I saw it on TV where they cut what I said. Where I said there were 300,000 persons with birth certificates, they cut it and then mouthed over something else. We have sent them a letter. So I ask, why was that? This confusion that “meh fren” complains about was deliberate. I made it clear then and I make it clear here. I made it clear when I started, very simply, 300,000 persons who did not have a full birth certificate with their full name in it.

The amendment was to fix that problem. I could have sat down in 30 seconds but I am criticized left, right and centre. I did not have to walk you through and read every single word that you have in front of you. I would tell you what the problem is, what the mischief is and what the fix is. We took the decision to deal with the fix, rather than to lay claim to the problems.

Mr. Indarsingh: People-centred.

Hon. P. Ramadhar: Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Mr. Speaker: Before the House goes into committee, I think it is an appropriate time to call on the Leader of the House to move a Motion for the continuation of this matter.

PROCEDURAL MOTION

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): Mr. Speaker, in accordance with Standard Order 10(11), I beg to move that the House continue to sit until we have completed the measure before us, the Births and Deaths Registration (Amdt.) Bill, Chap. 44:01 and we have taken this Bill through all its stages.

Question put and agreed to.

BIRTHS AND DEATHS REGISTRATION (AMDT.) BILL, 2012

Bill committed to a committee of the whole House.

House in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed: That clause 2 stand part of the Bill.

Mr. Imbert: Mr. Chairman.

Mr. Chairman: Yes.

Mr. Imbert: This is the problematic clause. Now, the Minister did not seem to be aware that in section 19 of the parent Act, if a person has not been registered, if a person's birth has not been registered after the expiration of 12 months of that birth, in order to register the birth you must comply with the Births and Deaths Registration (Registration of Births after Twelve Months) Regulations. Now, in these regulations, Mr. Chairman, it states the documents that are required if somebody seeks to be registered after 12 months and the documents are as follows:

1. the immunization card;
2. marriage certificate of the parents;
3. birth certificates of all siblings;
4. ID card of the mother or father;
5. letters from the schools attended;
6. baptismal certificate;
7. affidavit from the mother or father stating the reason for the non-registration;
8. letter from hospital;

And it goes to say:

an affidavit from a person from a category listed in the Schedule and the categories are: Member of Parliament, Mayor or Alderman;
 marriage officer;
 managing director of a company;
 professional;
 notary public;
 senior public servant.

So we have a situation in the parent Act, where, if you want to register somebody after 12 months, you have to produce all these documents.

7.45 p.m.

In clause 2, and this is what we are objecting to, and I am going to suggest an amendment, there is no such requirement here in clause 2, all that is required is a certificate in the form required under clause 2, a copy of the certificate of birth, a declaration and any other document. This is our problem.

The amendment that I am proposing: takes out all of the words that follow in clause 2(b)(1B), all of the words that follow the words “following documents” and insert this: an application made under subsection (1A) shall be accompanied by the documents listed in regulation 2 of the Births and Deaths Registration (Registration of Births after Twelve Months) Regulations. If you do that, you solve this problem.

Mr. Chairman, I want to put this on the record. If, for somebody who was not registered after 12 months, you have to produce these documents, why would you not want to produce them for somebody who does not have a first name? This is what we are asking for to avoid fraud.

Dr. Moonilal: Yes, thank you, Mr. Chairman. In response to my friend, we did have discussions on the matter. I indicated then one difference would be that where you have a birth certificate with one name and not two, you would already have existing information on that birth paper, such as father’s name, mother’s name, et cetera, et cetera. Whereas, where you have a situation where after 12 months there is a baby without a birth certificate, there is absolutely no information at all on the public record. This is why in the regulations they require that set, but there is a counterproposal we would like to look at. At (d), as it states here:

“any other document that the Registrar General may require.”

That is stated here. Would it comfort you somewhat, if you put: any other document found in the regulations—we will find the proper words—but list any other document in the regulations outlined there that the Registrar General may require? So, two things happen, the “any other document” must be a document or documents from that list of the regulations, but you also get the latitude that you may not require all.

Mr. Imbert: No. Well, you see, I am very encouraged by what the Leader of Government Business is saying. I think we need to craft an amendment that captures what we have proposed, what you have proposed and see if we could put

them together. We can merge. I do believe we can—

Dr. Moonilal: First to begin, what is the objective of this thing here? Your objective as I understand it, is to have more documents for verification.

Mr. Imbert: Well, no, to have credible documents.

Dr. Moonilal: Credible documents for verification.

Mr. Imbert: You see, Mr. Chairman, through you, we know Roodal Moonilal because of his first name and his last name, but there are many Moonilals and therein lies the problem. There may be a Moonilal with a blank first name, and that person may go and say, “I am Roodal Moonilal” and then you have a case of conflict. So, your first name is, in fact, your unique identifier. It is your first name, together with all of the other information: who your parents are, where you were born, your surname, that identifies you. Without the first name, you then end up in a broad category of persons with the same surname. So the question of a missing first name is very, very, very important.

What I am going to suggest, let us look at the Births and Deaths Registration (Registration of Births after Twelve Months) Regulation, regulation 3. Look at regulation 3. Okay? If you can craft something—*[Interruption]*

Mr. Ramadhar: To include that?

Mr. Imbert:—that includes all that is in regulation 2 and in regulation 3.

Mr. Ramadhar: But not exclusively to it?

Mr. Imbert: No, no, look at regulation 3:

“the Registrar General may waive any requirement set out in regulation 2.”

So, that gives you the flexibility you are talking about, but you also start with this list and if you cannot find this document and so on.

Mr. Ramadhar: Most times, because that is the directive, really.

Mr. Imbert: Right. So, if an amendment could be crafted to capture regulation 2 and regulation 3 and put that into (d), then we are easy. Okay, problem solved.

Dr. Moonilal: We are saying the same thing: any other document listed at regulation—*[Crosstalk]*

Mr. Ramadhar: We are saying the same thing. We are fixing it here.

Dr. Moonilal:—any other document listed at—what the section is in the

regulations to the parent Act?

Mr. Imbert: No. Not “may require” just say: the documents listed in the regulations, and then an (e): the Registrar General may waive any requirement.

Dr. Moonilal: The Registrar General may waive any requirement set out in (d). So, (d) should read: Any other document—

Mr. Imbert: Any document or, any other document, sorry.

Dr. Moonilal: Any other document specified—

Mr. Imbert: Any other document specified in regulation 2—

Dr. Moonilal:—in regulation 2.

Mr. Imbert:—of the registration of births specified—

Dr. Moonilal: Any other document specified—

Mr. Imbert:—in the Births and Deaths Registration, regulation—2 of the Births and Deaths Registration (Registration of Births after Twelve Months) Regulations. Okay?

Dr. Moonilal: After 12-months regulations.

Mr. Imbert: Regulations, and then put an (e): that the Registrar General may waive.

Dr. Moonilal: Well, the (e) is the easy part here.

Mr. Imbert: Okay.

Dr. Moonilal: That is waived pursuant to (d) in the amendment we are drafting?

Mr. Imbert: The requirements set out in (d).

Dr. Moonilal: Waive set out in (d).

Mr. Imbert: Well, it would be whatever this is 22(1D) “all yuh” have to fix that, whatever that means.

Mr. Ramadhar: So, we come right back.

Mr. Imbert: “Yuh eh come right back. It in the law.”

Mr. Ramadhar: It is good to see it in print.

Mr. Imbert: “It in the law.” It has to be there.

Dr. Moonilal: So, let us get closer to the end: any other document specified in regulation 2 of the Births and Deaths (Registration of Births after Twelve Months) Regulations—

Mr. Imbert: Registration twice: Births and Deaths Registration (Registration of Births after Twelve Months) Regulations. Okay?

Dr. Moonilal: Okay, we will get it now:

Mr. Ramadhar: And you could waive anyone.

Dr. Moonilal: That the Registrar General may require, the second part of that?

Mr. Imbert: No. “Doh put no ‘may’”, because the waiver—

Dr. Moonilal: The Registrar General require—

Mr. Imbert: No. “Doh put no ‘may’”, just say that they have to have these and the Registrar General could waive the requirements.

Dr. Moonilal: All right. Yes. So, let us get closer again: any other document specified in regulation 2.

Mr. Imbert: Do not say “other”, “the documents”.

Dr. Moonilal: Any document—

Mr. Imbert: No, “the documents”; specified “the documents.”

Dr. Moonilal:—specified in the Registration of Births and Deaths Registration (Registration of Births after Twelve Months) Regulations—

Mr. Imbert: In regulation 2 of that.

Dr. Moonilal: Regulations, and then you go to the—

Mr. Imbert: It is “the documents”.

Dr. Moonilal: The Registrar General may waive any requirements set out at (d).

Mr. Imbert: “Yeah.”

Mr. Ramadhar: What of a situation where because of exactly the need to be more certain to ensure that there is no theft of identity, that the Registrar General may in the circumstances of cases—we cannot anticipate what the circumstances are—may require things other than those documents?

Mr. Imbert: I will tell you why. You have this entire list for the registration of births after 12 months; this has stood the test of time. If you want to add an (f): any other documents.

Mr. Ramadhar: And that is what I want.

Mr. Imbert: No problem, if you want to add an (f).

Mr. Ramadhar: And any other documents.

Mr. Imbert: Put an (f): any other document the Registrar General may require, no problem.

Mr. Ramadhar: Photographs, things like that.

Mr. Imbert: No, no, problem. So, the documents in regulation 2, any other document and then give the Registrar General the power to waive.

Dr. Moonilal: So, let us go again, at:

- (d) the documents specified in regulation 2 of the Births and Deaths Registration (Registration of Births after Twelve Months) Regulations;
- (e) the Registrar General may waive any requirements set out at (d); and
- (f) any other document that the Registrar General may require.

No. I am first clearing it here: the Registrar General may waive any requirement set out at (d), to be followed by: any other document that the Registrar General may require.

Mr. Imbert: I am not sure “set out at (d)” is correct, set out at subsection (d) above or something like that.

Dr. Moonilal: Well, we will sort it out. As set out at—

Mr. Imbert: Would that be it or subsection (d)? [*Crosstalk*]

Dr. Moonilal:—and (e) would be any other documents.

Mr. Imbert: Then he can waive that list and then he can also require other documents.

Dr. Moonilal: “Yeah.” I understand the logic. There is a logic there. I understand the logic: (d)—if we can write—the documents specified in regulation 2 of the Births and Deaths Registration—

Mr. Imbert: Open bracket.

Dr. Moonilal: Open bracket, (Registration of Births after Twelve Months—*[Interruption]*)

Mr. Imbert: No, close bracket.

Dr. Moonilal: After 12 months?

Mr. Imbert: “Yeah.” After the word “months”, you close the bracket.

Dr. Moonilal: Regulations. Right. So: the documents specified in regulation 2 of the Registration of Births and Deaths—

Mr. Imbert: Open bracket, (Registration of Births and Deaths after Twelve Months), close bracket. I think they have it.

[Dr. Moonilal converses with his advisors]

Mr. Imbert: “Dey have it. Dey have it.”

Dr. Moonilal: And then to be followed by (e): any other document that the Registrar General may require.

Mr. Imbert: “Waive”, the Registrar General may “waive”.

Dr. Moonilal: No, they are saying, the “waive” should come at the end.

Mr. Imbert: Do you want to do it the other way? *[Crosstalk]* Okay, okay.

Dr. Moonilal: So: any other document that the Registrar General may require.

Mr. Imbert: Fine.

Dr. Moonilal: May require, that is (e). *[Crosstalk]*—there is a (1C) here already? *[Crosstalk]* So, there is a renumbering that will take place.

Mr. Imbert: No problem.

Dr. Moonilal: We will renumber. So, it will be a new (1C).

Mr. Imbert: Then you have to renumber.

Dr. Moonilal: We will renumber accordingly. So, a new (1C) will be—*[Crosstalk]*

Mr. Imbert: They do not want an (f), they want a (1C). No, no, you could put an (f), if you want.

Dr. Moonilal: It is listing.

Mr. Imbert: No, no, (1C) is okay, a new (1C).

Dr. Moonilal: A new (1C) and that will be: the Registrar General may waive

any requirement set out in—[*Crosstalk*]

Mr. Imbert: Just now, just now. Let me get it right, (d).

Dr. Moonilal: (1B)(d): The Registrar General may waive any requirement set out in subsection (1B)(d). Correct?

Mr. Imbert: You just have to change the C to D, the D to an E.

Dr. Moonilal: There is a consequential numbering that will take place.

Mr. Imbert: Change (1C) to (1D) and you change (1D) to (1E).

Dr. Moonilal: The amendments in sequential order would be: the documents specified in regulation 2, and then any other document that the Registrar General may require and finally, the waiver, good. They will do the renumbering and so on.

8.00 p.m.

Mr. Chairman: The amendment to clause 2(1B)(d) reads:

“The documents specified in regulation 2 of the Births and Deaths Registration (Registration of Births After Twelve Months) Regulations;”

Then we continue. We have (e) which reads:

“Any other document that the Registrar General may require.”

The last amendment is:

“The Registrar General may waive any requirement set out in (1B)(d)”. Is that correct?

Dr. Moonilal: Correct, yes.

Dr. Gopeesingh: Correct.

Mr. Chairman: So, we have that clear?

Mr. Imbert: Yes, but then, contained in that same clause 2, Mr. Chairman, “you have now a kind of anomalous (1C) and (1D)”. It is in this same clause. We need to change C to D where it appears as (1C) and change D to E where it appears as (1D) in the same clause.

Mr. Chairman: Could we leave the numbering to—

Mr. Imbert: No, no, I have no problem. I just want to put it on the record that it has to be done. They could clean it up; it is not a problem.

Mr. Chairman: Do I have to repeat what we have just said or do I put the question?

Mr. Imbert: No need.

Mr. Chairman: We agree, right?

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

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

House resumed.

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

ADJOURNMENT

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): I beg to move that this House do now adjourn to Friday, March 08, 2013 at 1.30 in the afternoon; and to serve notice on my friends opposite, on that day, it is the intention to debate through all its stages the Defence (Amdt.) Bill, 2013.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.04 p.m.