

Leave of Absence

Friday, January 19, 2007

HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

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 hon. Kelvin Ramnath, Member of Parliament for Couva South and the hon. Camille Robinson-Regis, Member of Parliament for Arouca South; both of whom have asked to be excused from today's sitting of the House. The leave which these Members request is granted.

PAPER LAID

The Administrative Report of the Arima Borough Corporation for the period October, 2004 to September, 2005. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

FINANCE COMMITTEE REPORT

(Presentation)

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I wish to present the First Report (2006/2007 Session) of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Variation of the 2006 Appropriation.

DEFINITE URGENT MATTER

(LEAVE)

Sexual Exploitation of Secondary School Students

Mrs. Kamla Persad-Bissessar (Siparia): In accordance with Standing Order 12 of the House, I hereby seek your leave to move the adjournment of the House of today's sitting for the purpose of discussing a definite matter of urgent public importance, namely, the rape and sexual exploitation of students at various secondary schools across the nation in the production and circulation of pornographic videos and photographs that explicitly show children in school uniforms engaging in sexual acts both willing and under force in classrooms and in public places. Mr. Speaker, I do have a copy of one of the DVDs that is circulating.

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The matter is definite as it pertains specifically to the publication over the World Wide Web through DVDs and video cassettes available on the nation's streets and cellular phone multimedia of over 50 videos and still photographs sets showing graphic sexual acts involving young girls and boys wearing the uniforms of local secondary schools.

The matter is urgent because these images demonstrate the proliferation of child pornography inside the school system as a result of institutional and other weaknesses in the system that must be immediately remedied to prevent further abuse and exploitation of the nation's children, in the light of our obligations to the members of the United Nations on our constitutional responsibility to protect minors from abuse and exploitation.

The matter is of public importance since it directly impacts on the public safety of the 400,000 minors within the public and private school system who are at risk of being subjected to or witnessing these very graphic sexual acts, which acts are themselves criminal offences punishable under the law of the land, if this situation is not brought under immediate control.

I thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, this matter does not qualify under Standing Order 12. It is worthy for discussion either under the 3-day or 12-day rule.

EQUAL OPPORTUNITY BILL

A Bill to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for other related matters. [*The Attorney General*]; read the first time.

FINANCE (VARIATION OF APPROPRIATION) (2006) BILL

An Act to vary the appropriation of the sum the issue of which was authorized by the Appropriation Act, 2006 [*The Minister of Finance*]; read the first time.

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

Question put and agreed to.

FINANCE COMMITTEE REPORT

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Speaker, I beg to move the following Motion standing in the name of the Minister of Finance.

Be it resolved that the First Report (2006/2007 Session) of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Variation of the 2006 Appropriation be adopted.

Mr. Speaker, the Finance Committee of the House of Representatives met on Wednesday, January 17, 2007 and agreed to a number of proposals with respect to the accounts for fiscal year 2006. The proposals broadly encompass the following:

1. Variation of the 2006 Appropriation;
2. Write-off of losses approved by Cabinet in fiscal year 2006;
3. Transfer of funds between Sub-heads of the same Head of Expenditure.

The Variation of the 2006 Appropriation in the sum of \$81,435,697 relates to five Heads of Expenditure:

Decrease in Head 42—Ministry of Local Government—\$81,435,697

Increases in Head 13—Office of the Prime Minister—\$32,000,000

Head 18—Ministry of Finance—\$17,561,509

Head 46—Ministry of Sport and Youth Affairs—\$21,886,434

Head 55—Ministry of Community Development, Culture and Gender Affairs—\$9,987,754

Mr. Speaker, the purpose of this variation of the 2006 Appropriation is to bring to account by way of retiring warrants issued for advances from Treasury Deposits to meet expenditure for which funds were not allocated in the 2006 Budget. These advances were made to the Office of the Prime Minister, Ministry of Finance, Ministry of Sport and Youth Affairs, and Ministry of Community Development, Culture and Gender Affairs.

The increase of \$32 million to the Office of the Prime Minister is to bring to account expenditure funded from Treasury Deposits to reward the 24 members of the national senior football team, three assistant coaches, nine members of the technical staff and 14 members of the squad who were not selected for Germany for the team's performance in the World Cup in Germany.

In the case of the Ministry of Finance, the increase of \$17,561,509 is to bring to account expenditure funded from Treasury Deposits to meet Government's

Indebtedness to the National Petroleum Company Limited for the supply of petroleum products to ministries and departments, as at September 30, 2005.

National Petroleum had decided to terminate the existing arrangements for the supply of petroleum products for Government-owned vehicles due to inefficiencies in the system, including difficulties experienced by the company in submitting bills promptly to its clients.

As a consequence, it outsourced its debt collection system to a firm called Manufacturers Credit and Information Services (MCIS). The firm, in collaboration with Scotia Bank, introduced a motor vehicle expenses and fleet management system called the Scotia Bank Fleet Card Facility using MCIS propriety software advance systems. However, as the necessary legislative amendments were not in place for the advance systems to be implemented in the Public Service, Cabinet in February 2006 agreed that as an interim measure, an advance of \$17,561,508.12 be made from Treasury Deposits to clear all arrears due to National Petroleum Marketing Company Limited as at September 30, 2005.

The \$21,886,434 increase for the Ministry of Sport and Youth Affairs is required to bring to account expenditure funded from Treasury deposits to meet expenditure incurred in the preparation of the National Senior Football Team for the World Cup in Germany 2006. This support was given in accordance with a decision taken by Cabinet in March 2006 to financially support the Trinidad and Tobago National Senior Football Team in respect of its preparation and participation in World Cup 2006 in Germany.

The increase of \$9,987,754 for the Ministry of Community Development, Culture and Gender Affairs is required to bring to account expenditure funded from Treasury Deposits to support a contingent of 129 persons to participate in cultural activities associated with the World Cup in Germany over the period June 07 to 22, 2006.

In May 2006, Cabinet agreed that a Trinidad and Tobago contingent of 129 persons, comprising of six public officials, cultural practitioners and technical support personnel, participate in cultural activities associated with the 2006 World Cup held in Dortmund, Nuremburg and Kaiserslautern, Germany, over the period June 7 to 22, 2006. The sum of \$9,987,754 which was required to cover the cost of participation of the cultural contingent was sourced from Treasury Deposits.

The Finance Committee agreed to fund the retirement of the four warrants by transferring the amount of \$81,435,697, from the Ministry of Local Government where funds are available. Savings are available under the Ministry as a result of

the non-settlement of negotiations between the Chief Personnel Officer and the National Union of Government and Federated Workers (NUGFW) for a new industrial wage agreement for daily-rated staff in the Public Service.

It should be noted that an indicative provision was made in fiscal 2006 in anticipation of a settlement of the negotiations. The Finance Committee also agreed to the write-off of the sum of \$183,845.43. This sum represents:

- (i) overpayment of salary to a former Principal II and former Assistant teacher of the Ministry of Education; and
- (ii) balance outstanding by a retired Public Health Nurse on the sale of Government quarters located in Siparia.

Mr. Speaker, I now refer to: Transfer of Funds between Sub-heads of the same Head of Expenditure. With effect from August 01, 1988 Cabinet delegated its authority to approve transfers between Sub-heads to the Minister of Finance when it agreed, among other things, as follows: Request for transfer of funds between separate Sub-heads under the same Head of Expenditure should no longer be submitted for the Cabinet but can be decided by the Minister of Finance on the advice of the Budget Division.

Consequently, in fiscal year 2006 the hon. Minister of Finance approved the transfer of funds in the sum of \$466,210,912 between Sub-heads under the same Head of Expenditure. It should be noted that the transfers were approved by the Minister of Finance based on notes from the respective Ministers requesting the transfer. It should also be noted that these transfers are requested to reflect changed circumstances in ministries and departments and a consequential reordering of priorities. They do not increase the total Appropriation in any way. A statement showing the transfers approved by the Minister of Finance and explanations for some of the more significant transfers were attached as Appendices of the Agenda which was provided to the hon. Members of this House.

Mr. Speaker, hon. Members are also asked to note that in September 2006, the Ministry of Finance revised the revenue projection for fiscal 2006 to \$38,687.6 million. Correspondingly, expenditure was forecasted at \$38,107.5 million, resulting in an anticipated surplus of \$580.1 million. This position was communicated to Parliament at the time of the presentation of the 2006 Budget on October 04, 2006.

Based on the Ministry of Finance's data on the provisional fiscal outturn for 2006, overall spending was \$37,231.7 million and total revenue was \$38,759.7 million, yielding an overall fiscal surplus of \$1,528 million. This surplus is \$947.9 million greater than that projected at the time of the preparation of the 2007 Budget. Revenue exceeded the revised provision by \$72.1 million while actual expenditure was \$875.8 million lower than the revised allocation.

As indicated in the foregoing summary of fiscal operations for the 2006 fiscal year, total revenue collected was \$38,759.7 million, which was \$72.1 million above the revised projection. The positive variance was due mainly to higher than anticipated receipts from:

- (i) Green Fund to the tune of \$62.1 million;
- (ii) Taxes on Goods and Services in the amount of \$312.9 million; and
- (iii) Taxes on International Trade in the amount of \$101.6 million.

The improved collections were partially offset, among other things, by lower than projected collection with respect to Unemployment Levy of some \$39.0 million, other companies of \$30.5 million and non-tax revenue in the amount of \$367.3 million. The improved collections in the Green Fund have been attributed to the growth in the gross revenue of companies in the energy sector as a group, and more so with the oil exploration and production companies.

In the case of Taxes on Goods and Services, the positive variance of \$312.9 million or 6.4 per cent was attributed primarily to the higher than projected receipts, net of refunds, from Value Added Tax of \$275.4 million, occasioned by buoyant demand conditions especially in the energy and construction sectors. These companies have been making significant investment in plant and equipment. Taxes on International Trade exceeded projections by \$101.6 million. This again, was attributed to the increased activity in the construction industry, which resulted in higher than anticipated importation of heavy equipment and construction materials.

However, there was a lower level of collections from Other Companies, where there was some slippage in timely payment of taxes which may have been caused because the last day of the fiscal year fell on a Saturday. Non-tax revenue was lower than projected by \$367.3 million, mainly as a result of Government's share of profits from oil companies operating under production sharing contracts, for the fourth quarter of 2006.

As indicated earlier, the revised expenditure for fiscal 2006 was projected at \$38,107.5 million, whereas the actual amount spent was \$37,231.7 million, which reflected a shortfall of \$875.8 million or 2.3 per cent—[*Interruption*] shortfall and expenditure, which goes into surplus—which is disaggregated as follows:—this is where the shortfall or the difference between allocation and actual existed:

- Recurrent Expenditure \$407.8 million or 46.6 per cent of variance
- Capital Expenditure \$468 million or 53.4 per cent.

In terms of Recurrent Expenditure, the primary areas of lower than projected expenditure were in Personnel Expenditure in the sum of \$69.8 million; other Goods and Services to the tune of \$140.6 million; Current Transfers in the amount of \$165.3 million; Acquisition of Physical Capital Assets of \$41.6 million and the Tobago House of Assembly to the tune of \$81.2 million.

In the case of Personnel Expenditure, lower levels of expenditure were recorded because: vacant posts were not filled; increments not paid, and administrative delays in the finalization of acting arrangements and settlement of arrears to public servants. Expenditure under Other Goods and Services were lower than projected by \$140.6 million.

The main reasons for the shortfall in expenditure within Other Goods and Services were:

- the late submission of claims to the Ministry of National Security and the Ministry of Public Administration for the Rent/Lease—vehicles and equipment;
- the non-materialization of the payment of fees for legal services by the Ministry of the Attorney General and the Ministry of Public Administration and Information;
- the late submission of claims by MTS for the security of schools to the Ministry of Education;
- funds allocated to the Ministry of Tourism for publicity, promotions and printing in relation to the hosting of the Tourism Park Exhibition at Macoya were not used; additionally
- lower than anticipated expenditure on minor equipment, which was due mainly to continued delays with the implementation of the computerization of primary schools by the Ministry of Education.

With respect to Current Transfers, there were areas in which actual expenditure exceeded the revised projection and others in which expenditure was lower, yielding an overall lower level of expenditure in this subhead of \$165.4 million.

In the case of Other Transfers, a higher than projected transfer was made to the Regional Health Authorities. The areas in which expenditure was lower than projected were households and educational institutions. Within households, lower than projected expenditure was recorded with respect to public officers' pensions and gratuities, old age pensions and social assistance. In addition, administrative delays in awarding contracts under the Textbook Rental Loan Programme and the finalization of the operational procedures for the Higher Education Loan Programme resulted in lower than anticipated expenditure.

The Acquisition of Physical Capital Assets was below the projected level by \$41.6 million because the proposed purchase of a property in the United States of America was postponed. Transfers to Statutory Boards and similar bodies were below the projected level by \$42.4 million. For example, the transfer to the Tobago House of Assembly was lower than projected by some \$81.3 million because of delays in the settlement of new salary agreement for the period 2002—2007 and the establishment of the daily-paid pension plan. This was partially offset by higher levels of expenditure in a wide cross section of statutory boards.

The spending under Development Programme was below the projected level by some \$468 million or 8.9 per cent and is disaggregated as follows:

- Consolidated Fund \$300.5 million;
- Infrastructure Development Fund \$167.5 million

The lower than projected expenditure was mainly as a result of delays by contractors to submit invoices for verification and contracts not being finalized.

The fiscal outcome for 2006 clearly demonstrates that the Government prudently managed the nation's resources. We deposited \$5.75 billion into the Infrastructure Development Fund of which \$3 billion was expended. We deposited approximately \$3.2 billion into the Revenue Stabilization Fund, and, we registered an overall surplus on the Fiscal Account of over \$1.5 billion.

I beg to move.

Mr. Speaker: Before I propose the question for debate, may have I remind Members in your contribution on the Motion you may, if you so wish, speaker on the

Bill. May I further remind Members to use their great debating skill in adhering to Standing Orders 69 and 70, which may I take the opportunity to remind you:

"'That the Report of the Finance Committee be adopted', Members may raise points as to specific details of Heads of Expenditure in the report but may not raise any matters of general principle."

And on the Bill:

"...debate on the second reading of the said Bill shall be strictly confined to the matter for which additional expenditures is required..."

Now in doing that, obviously you would also have to respond to the Minister's presentation. The hon. Member for Siparia.

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you, Mr. Speaker. Forewarned is forearmed, Mr. Speaker. I contribute in this debate on both the Bill and the Finance report presented by the hon. Minister in the Ministry of Finance. The report on the Finance Committee is very instructive because within it are contained the transfers the Minister mentioned between subheads under the same head of expenditure.

Mr. Speaker: I am sorry, in my anxiety to tell you about the Standing Orders, I forgot to propose the question.

Question proposed.

Mr. Speaker: Yes, please continue hon. Member.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker. The hon. Minister has presented to this House the report of the Finance Committee, as well as the Finance (Variation of Appropriation) Bill. The Variation of Appropriation Bill seeks to really show increases or decreases with respect to main heads, that is to say the ministries themselves to various heads. Whilst the explanations have been given my colleagues will speak on that. I am more interested in pursuing the report on the Finance Committee, where it is that approvals have been given by the Minister of Finance for transfers within a head, from one sub-head to the other.

We will note that that report deals with a number of expenditures totalling \$466.21 million, which various Ministers of Government have made application on the Cabinet Note of 1988- think the Minister said it was 1988—going to the Minister of Finance directly and asking for approval for the transfers to take place. Basically what we are doing is approving ex post facto, expenditure that has already taken place. within fiscal

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2006. [*Interruption*] Yes, Cabinet gives you the approval by Cabinet Note of 1988. I have not yet said it is in breach of the law, but I will come to that.

So it is that the Minister of Finance has come to ask us to basically rubber-stamp these expenditures. We cannot object because the expenditure has already taken place. We are going to give legitimacy to the actions of Government Ministers to prove—

2.00 p.m.

Mr. Valley: Let me put that out of the way. Those are here for noting, you do not have to give approval for it. Parliament is not required to give approval for that set.

Mr. K. Persad-Bissessar: Mr. Speaker, that makes it even worse, so we are not even asked to approve. The discretion lies solely within the Minister of Finance's ambit, within his jurisdiction. This is a very serious matter because we have to then decide what is to be done; where explanations come to us, we are being told that they come to us—for noting, when in fact, something else totally, has occurred with the moneys of the taxpayers. It has become a very common practice, since 1988, involving settlement of the nation's accounts, closing the books as it were for last year. The practice has become the norm because we are expected to trust that when the Minister of Finance says he moved funds from one subhead for use to another, and for the various reasons that is exactly what he has done.

Member for Diego Martin Central, through you Sir, do not jump the gun. The point has not yet been made. When the point is made you can then decide what you want to say. [*Interruption*] If we believe that the Minister is not being truthful in his statement of the allocation of funds then we will run the risk of losing faith in the whole parliamentary system, the basis of our democracy. In fact, Mr. Speaker, the Privileges Committee was established to guard against abuse of power by members. I do not raise this issue frivolously. I do so with a very heavy heart, but in terms of what has come to light in the report of the Auditor General on CEPEP, I must raise it today, and it is connected to what we are doing—noting the report and passing this Bill.

Mr. Speaker, in 2003, three years ago, the Minister of Finance brought to this House a variation of appropriation for the 2002/2003 financial year and asked us to approve it. The Parliament followed the established norm and did so. Mr. Speaker, I want to refer this honourable House to clause 4.22 and 4.23 of the Report of the Auditor General on a special audit of CEPEP. Under the section

captioned “Financing” the Auditor General reveals that the sum of \$6 million was released to SWMCOL (Solid Waste Management Company Limited) from the Ministry of Public Utilities and the Environment under the heading “Current Transfers and Subsidies—“Solid Waste Management Company Limited.” The explanation contained in the 2003 Details of Recurrent Expenditure was that provisions under this item: Current Transfers and Subsidies, were for the management of landfill sites by SWMCOL. That is the explanation we were given and we had to note. There was a transfer of \$6 million and that was for the management of landfill sites by SWMCOL.

The truth however, Mr. Speaker, is contained in section 4.23 of the Auditor General’s Report which states:

“According to an Executive File Note signed by the Executive Chairman dated June 28, 2002, it was seen that the \$6 million released was to be used as seed funding for the CEPEP.”

So here it is, it has come to Parliament and we are told that that transfer was for the management of landfill sites, but when we get the Auditor General’s Report, the true use of the fund of that money is revealed and it was for CEPEP.

Mr. Speaker, I have looked through the Finance Committee Reports for those years and I have not found anything that has ever come to this Parliament to note, to explain or to account for, in any way, that this \$6 million was taken out from management of landfill sites and actually utilized for CEPEP in 2002. Absolutely no accounting to the Parliament and in that case—[*Interruption*] First of all, there was no budgeting for CEPEP at all; the late 2001 budget is what served for the year 2002. In May 2002, Cabinet approved to set up the CEPEP programme; nothing came to the Parliament. Fine; they say they can make policy. Thereafter, in June 2002, they launched something in Moruga, and then from September 2002, utilized all of it without Parliament, because we had no Parliament sitting and that is what we said in that 18/18 situation. There was no accountability and no transparency and the \$6 million was taken out from management of landfill sites and used for CEPEP and no oversight by the Parliament, no record of it.

Mr. Speaker, you should also note that this was not contained in any variations of appropriations brought and approved in the House for that period, 2002/2003; therefore our concerns are very predictable. Did the Minister of Finance intentionally mislead and deceive this House when he came with the variations to say that the \$6 million was for management of landfill sites, when in

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fact, it had already been used for CEPEP funding as contained in the Auditor General's Report. [*Desk thumping*]

If he did mislead this House, why? We have been saying that this CEPEP funding that was coming up—it was September—they were taking the money out and using it because election was in October, that it was a slush fund that was used for the election. How many more instances of this nature have happened in the past? [*Interruption*] I am asking this because, again, we are here with the Finance Committee Report [*Interruption*] dealing with transfers within heads. Within the same head, Mr. Speaker, asking to note it, and when we go a little further down I will talk about them—there are transfers happening with the Ministry of Public Utilities and the Environment; there is a note that we must note of moneys with respect to CEPEP. But the point I am making here is that when the Minister comes and says, this is what the money is being utilized for, then all we can do is to trust him.

Mr. Imbert: It has been utilized already.

Mr. K. Persad-Bissessar: And says that it has been utilized—ex post facto—which is exactly what is happening in the report before us, when indeed, it was only because of this report that we discovered that the money was used for something else completely and nobody in the world knows.

If this report had not come forward, Mr. Speaker, we would never have known that management landfill sites' funding was taken for this. So I am asking, in which other ministries and what other programmes is this happening, because we will never see it coming to us in the Parliament. And so this Government is using our money; using the money of this nation in all kinds of fashions, in all kinds of ways to fund themselves, to run such programmes without any transparency and without any accountability to the nation, Mr. Speaker. [*Desk thumping*] It is a very serious thing. [*Desk thumping*]

Mr. Panday: NEDCO.

Mrs. K. Persad-Bissessar: URP, NEDCO, all of them; there should be an audit on every one of these make-work programmes, because things are happening there that there is no accountability and transparency for.

Mr. Speaker, this report, if there are any such inconsistencies within it we would not know, since you have done it once, you can do it twice and you can do it three times.

Mr. Panday: You cannot trust them!

Mrs. K. Persad-Bissessar: We cannot trust what the Minister brings; so to tell me you are doing it within the law; yes! But what you are doing is outside of the law. It is outside of the law! Therefore, who must pay for that? Who is accountable? It is already known that CEPEP was not budgeted for in the first year of its operations. It had to be financed through loans, in this case, and also discrete and secretive allocation—that \$6 million that was siphoned out! *[Interruption]*

Mr. Speaker, this is a very serious matter and I think we need to be guided in some way—and certainly we will do the research—whether there is a breach of parliamentary privilege where the Minister of Finance comes to Parliament to say this is what the \$6 million was spent on, when in fact—but it is not just misleading! *[Interruption]*

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: It has to be some kind of offence. The normal people will say, “lie”. I would not say, “lie”, but he lied. It is a deception. It is misleading.

Mr. Panday: Stranger to the truth.

Mrs. K. Persad-Bissessar: How can you come and tell this Parliament you spent the money for landfill sites when in fact you spent it on something else? I am very concerned and therefore, I am asking whether, if a Minister comes to this Parliament and makes a statement that is totally untrue, as proven by this auditor report; what do we do? Apart from standing here and expressing concern, there must be something where someone tells something to the Parliament, that is not true, Mr. Speaker. And it is even worse when it comes to utilization of the moneys of the people of this nation and so there maybe a breach of parliamentary privilege, so we will have to take the Minister of Finance, who is the Prime Minister, before the Privileges Committee—misleading this House. *[Desk thumping]*

Secondly, we will have to ask whether that is misconduct in public office. We will have to get the DPP and the Commissioner of Police to do an investigation as to whether this is misconduct in public office. Where you have a public office; you have a duty to come here, be honest, give the details and be transparent; you come and tell us something that is untrue. That is the first point, Mr. Speaker. When we have this report before us with \$466.21 million being transferred within the same head, then I am very concerned whether those things are true or not; whether the money was in fact utilized for the items that are placed within there. When we look at these transfers further, we see that there are too many vacant

posts. There is a common thread throughout this report of the Finance Committee throughout the various transfers, Mr. Speaker.

Mr. Panday: They put the Prime Minister to sleep.

Mrs. K. Persad-Bissessar: There are a vast number—looking at the transfers—of vacant positions for which funds were assigned and for some reason or the other, these positions were never filled, so that is what they say, we have a savings now. Because in all of them, when you look at all the heads here, all the ministries where the moneys is being juggled from left to right, a common thread is where the money was first budgeted when we came here for budget 2006; we passed and appropriated for certain positions; those positions remained vacant and so you say you saved money because you did not fill the positions. You are taking these savings now to put them elsewhere.

Mr. Speaker, we have seen, even in this report in this very Parliament there are several posts including that of Human Resource Officers, Parliamentary Clerk II and Assistant Marshal for which moneys have been allocated but the posts were never filled. A quick calculation reveals that \$55.4 million or 12 per cent of that total \$466 million being shifted around came from posts which have never been filled. So why is this, Mr. Speaker? It was revealed that in their revised Specialized (Military) Youth programme the Ministry of National Security was unable to locate a suitable candidate for the post of Outreach Manager. *[Interruption]* As a result what was described as “core administrative duties”—this is at page 6 of the Note to the Finance Committee—were not being performed which resulted in significant delays in the implementation of the programmes. The ministry was unable to attract a suitable candidate for the post of Executive Director for the Penal Reform and Transformation Secretariat. This is obviously a very vital position, dealing with a very critical issue, bearing in mind the runaway tsunami of crime that is threatening us in this country.

When we come to the Ministry of Labour and Small and Micro Enterprise Development, the positions of 38 Health and Safety Officers had not yet been filled. *[Interruption]* It was instructive that the money which was allocated to pay these persons in the 2006 budget was used to provide subventions. So that saving by not getting these 38 health and safety people, they gave it to NATUC and FITUN; none of that was catered for in budget '06. Government continues to pay lip service to the trade unions and to workers in this country. Are we waiting for scaffolding to collapse somewhere or for some industrial action to claim the lives of people, Mr. Speaker, of one of our workers before we get serious about the

implementation of OSHA? I am saying there is no regard for the workers of this country.

Government needs to make a serious and concerted effort to have the myriad of positions filled expeditiously. Many of these posts are in fields providing services which are in short supply or otherwise needed. I do not know if this is a confession on the part of Government that its rabid construction programme has starved the public service of potential employees. Is it saying that there is an absence of qualified persons for these jobs? *[Interruption]* Having said that, it is axiomatic that every year a substantial amount of the moneys which are transferred within and between heads come from this item; “vacant post”. As such it is tempting to wonder out loud why it is in the first place you come here, you get approval to create these positions to put the moneys in for these positions and then you never fill them. *[Interruption]* It leaves one to consider whether it will constitute a slush fund, so you could always not hire people and you have money there now.

You are putting a few millions into each ministry and saying you will fill all these positions, when in fact, you have no plans so to do and therefore, the money will come like a saving. During the year, I have not filled the positions; I can now take it and do something else with it. Is that what it is? Is that the kind of planning that goes into the budgeting exercise? And so you get a slush vote which Government puts in place, budgets for and then you transfer to cater for unplanned expenses. So we come here and that budgeting exercise it becomes—there are so many things we put into that budget that we come here several times. This is not the first variation, we have been here twice already with respect to varying and supplementing the '06 budget appropriation Bill, so planning and budgeting, Mr. Speaker, but that is one item that is always never used. I know in several finance committees I keep asking the question *[Interruption]* with respect to these vacant posts.

Mr. Speaker, there are several matters which are predictable in this, which should have been catered for in the national budget. To have them appear under variations is either sloppy budgeting or even worse planning. For example, a need for a further \$19 million in expenditure, under the Ministry of Health—under that head in the finance report, \$19 million—for drugs and other supplies, consequent to increased numbers of persons using the public health institutions and the introduction of new services should have been in the annual budget, because the Minister announced very grand plans with giving out medications and so on. In 2006—that was for budget '06—an estimated \$2.3 billion was spent by this Minister of Health. A total of eight and a half billion dollars was spent in the last

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five years with a further \$3 billion for 2007 now allocated. Eleven and a half billion dollars since 2002 and patients still have to sleep on benches or share beds. Citizens prepped for operations had to buy their own pain killers or have their operations postponed and be sent home all because the hospital did not have the medication.

Yesterday in the newspaper Justice Gafoor and her commissioners discovered—a report carried in yesterday’s paper—that after five years in government certain aspects of cancer treatment are still very outdated. I speak of this because we are seeing the transfers here in the finance report with respect to this. Mr. Speaker, this Bill seeks to justify an increased expenditure on drugs and testing services for cancer, yet we are being told by Anesa Ahamad, “much of the cancer treatment options were ‘pre – 1930’s’.” In fact Ms. Ahamad cited to the commission, several cases of [Interruption] misdiagnosis whilst recommending changes and systems for improving the service.

Minister Rahael last year remarked that the problem with the Ministry of Health was not money, it was poor management. I fully agree and this ineptitude by the Minister of Health was recently revealed for all to see in Faith Williams; the tragic death of Faith Williams [Desk thumping] and the attempts to cover it up. [Interruption] It is not about money! It is true it is not about money and the transfers you are seeking here and so on. It is about management and this Minister of Health has failed miserably, miserably, [Desk thumping] miserably to deal with the health care in this country. [Interruption] The Minister of Health is fully responsible in the disaster which caused this incident. [Interruption]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The fast-track programme was designed to deal with the easiest cases first and in rapid fashion, so that the Minister could boast that he has done so well in his PR campaign because he speeded it up, they have done so many cases [Interruption] not caring for life or death. Political expediency has now cost the life of Faith and I am certain that several other lives have been lost or irretrievably damaged by this need for his speed. I repeat what we have called for before, Mr. Speaker, for this scandal in the health sector; the Minister of Health should resign now! [Desk thumping] The Minister of Health should resign. [Desk thumping]

But it is not only in health, Mr. Speaker. We see under Head 26: The Ministry of Education as well. We see transfers within the Ministry of Education— [Interruption]

Mr. Panday: You wake him up with that one.

Mr. Speaker: Hon. Member for Princes Town, I am listening attentively to the hon. Member for Siparia and if you do not want to listen to her—*[Interruption]* No, no, do not let anybody provoke you. Please, let us hear the Member.

Mr. Hinds: Show him the door.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker. *[Interruption]* The scandal that is the Ministry of Education—I have woken the Prime Minister.

Dr. Rafeeq: He went back to sleep.

Mrs. K. Persad-Bissessar: Mr. Speaker, without doubt one of the biggest scandal and shame in this country, is the intransigence of the Minister of Education, her resolute inability to deal with the problems confronting her and the schools. *[Interruption]* In fact, the impotency of the Prime Minister—*[Desk thumping]* *[Crosstalk]*—as it relates to dismiss her.

Dr. Rafeeq: You mean the impotency to deal with his wife. *[Laughter]*

Mrs. K. Persad-Bissessar: Fourteen million—to dismiss her—

Mr. Manning: I am talking after you.

Mrs. K. Persad-Bissessar: Sure. *[Laughter]* But if you have to speak after me, through you, Mr. Speaker, if the hon. Prime Minister speaks after me he will want to stay awake during the contribution.

Hon. Member: How do you know? *[Crosstalk]*

Mr. Speaker: Order!

Mr. K. Persad-Bissessar: Fourteen million dollars, within the finance report, was transferred from the vacant posts under the head “General Administration of the Ministry of Education”. The reason given was that the pace of recruitment and selection of suitable personnel for the filling of vacancies was very slow. As a result, only a few positions of heads of department and deans were filled. As a further result, the education system is collapsing. Our nation’s schools are breeding criminals.

Mr. Speaker, the heads and deans that have been around since we were in office, where it was proposed that we would put heads in the schools; heads of departments and deans. The heads would be responsible for the academic work and the deans would look after the moral and spiritual guidance. *[Interruption]* So we went to Cabinet; we created the positions for the heads and deans; we met

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with the various unions and created these. History has it when they stole the election from us in 2001—

Mr. Imbert: Yes.

Mrs. K. Persad-Bissessar:—when they stole it again in 2002; [*Desk thumping*] that is what we left there, the creation of an entire structure, and now five years later you are saying you are saving money because the recruitment and selection of suitable personnel was too slow; the pace was too slow.

Mr. Speaker, there are schools with 1,000 children in them; you have one principal and one vice-principal, no wonder there is so much chaos in the schools. You will have head of the math department; head of the English department; head of the Geography department and then have a team of teachers; the Geography teachers, the math teachers, as it were, and they would have a common thread, a way of dealing as a department with a head to be able to deal with the 500 or the 1,000 children in the schools. [*Interruption*] They would deal with the academic nature of the work and the deans were to deal with what you called the discipline and the guidance; whether moral, spiritual or otherwise. But discipline! Because again, you have one principal, one vice-principal, 1,000 children.

If you have several deans the proposal we had taken to Cabinet and it was approved that for “X” number of children you would have one dean. So the larger the school you would have more deans; in that way you would have a personal school dean who would have a one on one contact with children. You have a principal and a vice-principal in charge of the administration of the school to deal with 1,000 children. How can they do it? But if you had a dean in charge of that discipline and several deans, depending on the number of students in the school then you would still be able—you could pick up problems before they even happen because you would have a closer connection with the children. [*Interruption*] As soon as a problem presents itself the dean calls you in, you speak with that person and you can start to deal with the problems in the school.

Mr. Speaker, earlier this week I received two emails from concerned citizens who were very shocked, horrified and outraged by the revelations made during a morning radio talk show on Power 102 FM. This radio station, as you may know has national reach through the domestic airwaves and international listenership through the Internet. It takes their broadcast in the homes and offices of thousands of people around the world. So the whole world knows of what I am about to speak and they are also watching us. They have heard the protests of this young girl as she resisted the demands on her to perform oral sex. They have heard the

deafening silence from the Commissioner of Police, from the Ministry of Education, from the Minister of Education and from the entire Government; every institution responsible for the safe and healthy upbringing of our nation's children. Absolutely no one cares. Total deafening silence!

Mr. Imbert: What is she talking about?

Mrs. K. Persad-Bissessar: They do not care what is taking place in our communities and in our schools. They are too busy siphoning off the Treasury into pockets of friends and family party hacks. [*Desk thumping*]

Mr. Speaker, it is said that only one-tenth of an iceberg is visible above the water; only one tenth of it, and that where there is smoke there is sure to be fire. These maxims are so applicable today because, firstly, it is an established fact that only a small percentage of sexual offences are reported to the police because of the shame and stigma that many victims fear, not to mention the lack of sympathy with which they are greeted by some of those whose jobs are to care for these victims after being ravaged and brutalized both mentally and physically.

Secondly, the fact that about 50 pornographic video clips and photograph series are making the rounds across the globe on cell phones, via email, on international websites and DVDs—I mentioned to you before, Mr. Speaker, someone put this in my mailbox as well, one of the CDs that are being peddled in video clubs and on the streets—this is just the tip of the iceberg. [*Interruption*] This is just the smoke from the fire that is sweeping through the education system. The fire that is consuming thousands of our young people; they are turning them into prostitutes, into drug mules, into kidnappers and into murderers even before they hit puberty. [*Interruption*]

We have not seen nor heard from the Minister of Education at all on this matter. We have not heard a word, and when you look at this, it identifies secondary schools in our country; you could see the school uniforms. I have here, as I said this—

[*Mrs. Persad-Bissessar holds up CD*]

Mr. Speaker, I do not know your protocol with this, but I would like to lay this on the Parliament Table because I think the Member for San Fernando East, since the Minister is not here, could surely alert the Minister with respect to what is happening.

Mr. Speaker: I do not think you can lay on the Table pornographic material. [*Laughter*] [*Crosstalk*]

Mrs. K. Persad-Bissessar: I probably cannot lay it on the Table but it is available to people on the Internet; it is available on persons' cell phones and so on. *[Laughter]*

Mr. Panday: It is not a joke!

Mrs. K. Persad-Bissessar: And it is not a joke, and I would like the Minister of Education to have a look at this! You can block out the faces, you can block out what you do not want to see, but this is a very, very serious matter. *[Interruption]* On the CD that was sent to me there are three video clips. The first shows a young female—*[Interruption]*

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar:—in a school uniform performing oral sex on a male individual wearing a purple/brown trouser that is the same colour as the girl's skirt. The second shows two high school students, a girl, bent over a desk and a male student—*[Interruption]* There is a book bag lying on another desk in the foreground of the classroom. The third is the most disturbing of all; it is set in the outdoors near a spring or a river. The young girl is clearly of school age. *[Interruption]*

Mr. Speaker: Order, Member for Laventille East!

Mrs. K. Persad-Bissessar: At this time where there is universal primary and secondary school education, so she should be in school during the day. The video clip has captured the voices of more than one male begging the girl to perform oral sex on one of the males present. She makes an attempt and stops, protesting that she does not want to do so. The male voices plead with her and after several unsuccessful attempts they grow more demanding. The girl continues to protest and the males get more demanding. They hold her by the face and force her, Mr. Speaker. Her cries are muffled; she is forced to give in.

The sound-track of this clip was aired on Gladiator's morning show on Wednesday of this week and among the members of the public who called the radio programme was a woman who claimed to be the child's mother. What she had to say was even more frightening and disturbing. From what the woman said, that video clip was a trailer to the matinee. She said the incident occurred in June of last year; the girl was in Form One at a secondary school located along the East-West Corridor and was only 12 years old. There were four young men, at least one of whom was from the same school. Their average ages, I am told, was 14 years at the time of the recording. They each made the child perform oral sex

on them and took turns repeatedly raping her, Mr. Speaker. Up to today, nothing has been done! At several intervals, they recorded their sordid acts. To add insult to injury, these beasts in human form are now boasting of their conquest. They are circulating the videos to friends, putting it on the Net. The matter has been reported to the San Juan police; the mother says nothing has come out of it.

Hon. Member: Shame!

Mrs. K. Persad-Bissessar: That child—that victim—remains in the same school. They have just put her in another class so she does not have to sit in the same room with her attacker. That is the extent of the torment that she endures and will have to endure every day for the rest of her life. She has tried to commit suicide three times.

Hon. Member: Oh my God!

Mrs. K. Persad-Bissessar: The sins of these boys and the tears of this child fall on the head of this Government! [*Desk thumping*]

This is not the former PNM candidate for St. Joseph making statements that you can brush aside lightly and sweep under the carpet. You have your own internal problems with Dr. Mc Nichols and so on. [*Interruption*] This is not her. You are saying one of your own and she is just making it up. This is irrefutable recorded video and audio! This is hard evidence talking! I have received many calls and letters from concerned citizens on the matter. One gentleman wrote, and I would read it for you, Mr. Speaker:

“Sexual molestation has become quite prevalent in schools located on the East-West Corridor. These animalistic acts are being video recorded using cell phones by students and are circulated to other cell phones which have the capability to receive video.

I am told there are about 50 of these school pornography clips circulated to the public domain and also abroad. This matter has been taken to the Ministry of Education but they deny knowledge of these videos and molestations of school children.

The ministry officials went on to say that if these incidents are true, it is the responsibility of the school principal to deal with it, which would give the impression that the Ministry of Education does not want to investigate, to get involved or to deal with this matter.

I am deeply saddened and shocked that such things (are happening and going unchecked).

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If I am correct, this could be a case of statutory rape, a criminal offence if the victim is under 16 years of age.”

This victim was 12 years old.

Another person who listened to Gladiator's programme said:

“Members of the public expressed outrage and disgust on the morning programme, they are crying out for the incident to be investigated and for justice to be served.”

This is one of the letters I received, Mr. Speaker.

“A caller indicated he is aware of other incidents of very young children being raped on a daily basis on the school compound; he was referring to a primary school located in north.

A lady called in and said rapes in schools were happening for quite a while, and she had been a victim.

To personalize it:

“This is the very first letter I have written to a Member of Parliament. I consider this issue to be of utmost importance and it needs urgent attention.

There is nothing I can do directly. I am not a police officer; I am no school principal or a Ministry of Education official.

I have no avenue in which to help, I can only give you whatever information I have, and appeal to you to take this up with the ministry and whoever else can assist in the eradication of this problem.”

I raise it here today, Mr. Speaker, so that Government will take note and act on it.

2.30 p.m.

Another young mother wrote:

“We have to protect our children at all cost. They are the future of our nation. A child's innocence being taken away like that would affect his/her future in an extremely negative way. I hope you give this matter urgent attention.”

Mr. Speaker, through you, I hope that the hon. Member for San Fernando East has heard that. That was the voice of the people on the ground. It is a voice that he has lost touch with; he does not listen to anymore. He has lost touch with the

people of this country. I doubt and sometimes I wonder if he was ever in touch with them in the first place. Hear the cries of the people; this is a serious matter. Crime is on the rise and you wonder where it is coming from. Young men are learning it; they are practising it and perfecting it in the schools when they are supposed to be learning how to become doctors, engineers, pilots and so on.

That is the future we are supposed to be giving them, not a career in CEPEP, URP, HYPE, MUST and all these things where certain futures are a bullet to the brain, when you do not pay the royalties to the dons and to the gang leaders. Students in schools are sharpening, not their pencils, but the art and techniques on how to commit rape, and no one in this House is ashamed by what we are seeing happening today. Why are these children unsupervised during school time? Do they not have classes to attend? Where are the teachers, deans and security guards? That is why I come back to the heads and deans. Where are they?

Mr. Speaker, there are two issues in this, one has to do with criminal offences of rape, abuse and assault, the other has to do with the cellphones in the schools. The issue of cellphones in schools did not pop up yesterday. It is months now that the newspapers, radio and television stations have been reporting children are recording themselves in sexual acts in schools and sharing pornographic materials through their cellphones. The whole country and thanks to the Net, the world knows about this, the Ministry says it knows nothing. A cell phone porn ring was exposed in secondary schools in Tobago and immediately the THA put measures in place to deal with the use of cell phones in those schools. Immediately, they have a policy, but in Trinidad up to now we cannot have a policy on the use of cell phones in schools in the nation. Why?

Is it really so difficult to pass a circular or a directive that says no cell phones with multimedia and camera features would be allowed in schools? That is one way. Bring a cell phone because you need to be in contact with your families given the crime and kidnapping situation in the country, but say you cannot bring one with the multimedia recording facilities and so on. What is so difficult? You can limit students to phones that only send and receive text messages and phone calls so their parents can reach them and know that they are safe; that they have not been kidnapped and so on.

Mr. Speaker, we really would like to know what the priorities of the Ministry of Education are. They are talking about de-shifting schools. Last year, out of 10 schools proposed to be de-shifted, only three were de-shifted. Look at the report again here, so money is transferred again. My information is that in some instances where junior secondary schools were de-shifted—that is where the

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system of having two shifts was done away with—students went to school for the whole day, but they went every other day, that is one day at home and one day at school. You have a whole day.

Hon. Member: [*Inaudible*]

Mrs. K. Persad-Bissessar: Sangre Grande, yes, where you put people to school every other day. In this nation; in this century; the Third Millennium of mankind that we are in now with money no problem; and you are sending children to school every other day.

Hon. Member: Shame!

Mrs. K. Persad-Bissessar: Shameless, yes! It is totally unacceptable!

Miss Lucky: That is the future generation.

Mrs. K. Persad-Bissessar: What else do we expect to happen? You have not built a single school to put those children and this exploitation of children is not just taking place in the secondary schools. People are calling in to talk's shows and they are saying it is happening in the primary schools as well. Pornography is a big thing at the UWI as well, I understand, but they are over 18. We are talking about school children, secondary and primary school children.

There is a website called triniporn.net.tc and there is a yahoo group called triniswingers that have very explicit photographs. They claimed that the women and girls are local and some of them are UWI students. I wonder if the principal is aware of what is going on under his watch. This is not just a poor people junior secondary and senior secondary thing. There are photographs in circulation on the Net purportedly of a young lady from a so-called prestige school in North Trinidad engaged in sexual intercourse. We do not need to think back too far too remember what happened at the children's home in Claxton Bay where boys and girls were being molested and abused. The Minister of Social Development is sleeping on the job.

Hon. Member: He still is.

Mrs. K. Persad-Bissessar: Still sleeping. No regulation, no scrutiny, no supervision of these homes. Ask those street children of Port of Spain, right outside this House. Ask them why they run away from some of those homes when they are put there. They run away and come on the street because they do not want to stay there. They will tell you it is because they are abused and exploited when they go to these homes.

Mr. Speaker, is this how our Government is using oil and gas windfall to better the lives of our children? What about Faith Williams? Is her life better today because of this energy boom? Faith Williams is dead. She is dead because the rampage of the policy, a publicity stunt by the Minister of Health to make it look like he is dealing with the surgery backlog. Trying to rush through surgeries to make up numbers; sacrificing quality for quantity. My information is that Faith—as I said before—was a victim of that fast-track programme. She was administered, as it was reported, 14 times the normal adult dosage of anaesthetics via a machine that was not working. This is the real information and that is why they are hiding the reports and would not give them to us. Today's *Express* Newspaper tells another story. Their PR specialists are trying to figure out how to spin the report and they cannot spin it. They cannot spin this one because we will not let them get off the hook.

Mr. Speaker, we cannot forget; the public must not forget; Faith's parents will never forget. I am told that when one doctor realized the machine was not reading properly, another doctor said "Ent you know the machine don't read correct!" Quality health care! Vision 2020! The doctors are not the only ones to blame; they are accustomed to using faulty, non-functioning equipment. What is broken, faulty equipment doing in the operating theatre in this Third Millennium of mankind; in this oil and energy boom?

The machine was sitting there looking like it was working. Broken equipment should not be there, and on the one hand, the Minister is pressuring them to make the quotas, to make the figures look good. There is a steady trend. The Director of Public Prosecutions, the person constitutionally empowered to investigate any criminal matter that draws his interest sits down at Henry Street waiting for the report. Why is he waiting? The medical board does not have to send him the report; he has the power to demand the report. If they cannot produce it fast enough, he has the power under the Constitution to initiate his own investigation. What are you waiting for? The Police Commissioner and every single member of the police service have the power to launch their own investigations, so if the people want to hide the report and they do not want to give you, go in and do your job. Someone has died, go in and do your job. Just like each of them has the power to investigate the gang rape of this 12-year-old that I spoke of.

Every police office has that power to go in and investigate and every other one of these video clips and photographs that is circulating out of these schools, you have faces on them. You are seeing people's faces on them, so you know the victim and the perpetrator. Why have they not picked up anyone? Why? The girl

and her mother made the complaint to the San Juan Police Station as I have said. The Ministers of National Security, both of them and the Attorney General, they all have the powers to cause this matter to be investigated so that necessary action can take its course.

Mr. Speaker, you know the saying, "Evil prevails when good men do nothing". Maybe I am expecting too much, but I do hope and trust that some Member on the other side will feel for these children and will make sure that action is taken to investigate and to bring the perpetrators to justice. These are our children we are talking about. You know what they say, "for your own self, you can deal with things, Mr. Speaker. For your own self you can take all the blows; you will get up there, they will call you names and tell you whatever; when you finish this, they want to kill the messenger rather than deal with the message. That is all right, but you see when it comes to the children, I think there is no apology, there is nothing anyone can do. But when it comes to your children, there is nothing too much you can do and so I make this very special plea that something be done as soon as possible. And when I said, "Evil prevails when good men do nothing" I heard the hon. Prime Minister mumbling, I too believe he is a good man, therefore, I expect him to do something. I expect him to take immediate and urgent steps to deal with this problem in our schools.

Mr. Speaker, I also call today once again, to have legislation to protect our children, proclaimed, brought on the statute books, implement them. [*Desk thumping*] For six years now we have passed legislation in this Parliament to protect all children. Little Amy Annamunthodo would have been alive today if Government had proclaimed and implemented the Children Act of 2000. There is a whole package of legislation we passed in 2000. That Act which the Parliament of Trinidad and Tobago passed and made law remains sitting on a shelf somewhere, gathering dust while innocent children suffer.

That Act mandates any person whether parent, grandparent, neighbour, uncle, aunt, teacher, anybody who knows of an act of abuse against a child to go to the police. So right through the system you would have a statutory obligation. If a child goes abused to a doctor, the parents say, I do not want this reported; the doctor will then have a statutory duty, mandatory duty to report it. We have seen this happening in the United States. If a child is brought into a hospital, do not care what the parents say, I want to cover it up because of shame and glory—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Siparia has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Dr. H. Rafeeq]

Question put and agreed to.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker and my colleagues. I am saying the legislation is there, it is on the statute books. It is six years, proclaim the legislation. What is the problem? What is it? We passed it in the Parliament, you and us. We passed it together, and that Act I am saying, all these things that are happening; if the legislation were in place, as a child goes to a doctor or a hospital and so on, there is a mandatory statutory duty to report it to the police. You see it in the United States all the time. You look at the movies, you see all these things with children missing and abused of children and any authority that comes in contact with such an abuse child has a statutory duty to report and they will be penalized if they do not. So you can force that investigation to start taking place.

For example, with little Amy, everybody knew what was happening to Amy but nobody said anything until she was savaged. But they say, "God do sleep, He is awake and he is watching." He knows who is good at heart, who is pretending, who comes to him with genuine, clean hearts and those who are hypocrites. And those who do not pay in this life will get their just desserts in the next one; they will get it in the next. Just like nobody helped Amy, nobody is helping the girl shown here. Everybody is turning a blind eye. They are sweeping it under the carpet. There is evidence. This is statutory rape! I repeat: the police do not need the consent of anyone to intervene. They have the report from the girl and her mother, what are they waiting for?

I am told the mother has kept the child's blouse, the one that she wore on the day she was raped. But the PNM has sat down for six years on the DNA Act.

Dr. Moonilal: Nothing!

Mrs. K. Persad-Bissessar: And nothing! Again from that DNA on that blouse, we would have been able to identify the perpetrators and nail them. You would not have to be afraid to give evidence; you afraid to come to forward and give it; DNA has its own line; it is scientific evidence and you could nail the perpetrator on the basis of that.

Mr. Speaker, that blouse is evidence. It may have stains from bodily fluids on it that you would be able to identify who was the offender. The child is afraid to pursue the matter. The police and the ministry have a job to boost her confidence;

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they have a responsibility to do so. And so, I say this is a very grave situation and I really hope that those on the other side will take immediate steps to deal with this matter. I am demanding that the Attorney General, the DPP and the Commissioner of Police take immediate steps through their respective offices to investigate this matter and to bring to justice those who have clearly committed a criminal act. I am also calling upon Government to immediately proclaim the Children's Authority Act, the Foster Homes Act, the package of Children legislation, so we can protect our children.

With respect to education, I notice in the Ministry of Finance report as well, that there is a \$2 million transfer from CEPEP to pay for serious projects which should have easily been in the annual budget if Government knew what it was doing. I saw on page 12 of the finance committee notes that we got, we are told here that the Ministry of Public Utilities and the Environment got some savings and one way in which they got savings was the planned extension of the CEPEP programme in 2006 was postponed because all the details of the plan were not finalized making \$2 million available for transfer. So you save money because you did not expand the CEPEP programme as you planned to do.

That CEPEP programme is one of the most corrupt institutions created by the PNM. We have long established that there is political bias in the allocation of contracts under this Government. The figures show a blatant bias in favour of the marginal constituencies. Imagine 11 contractors in Barataria/San Juan received \$14.4 million in contracts in 2004/2005. Since the programme has started not a single project has been undertaken in the constituency of Siparia and in the constituency of Naparima.

Mr. Singh: Caroni East too.

Mrs. K. Persad-Bissessar: Caroni East got nothing. From 2002 to 2005, these two constituencies have been discriminated against by this Government. PNM-controlled Ortoire/Mayaro got \$15 million in CEPEP contracts; Toco/Manzanilla received \$14 million; San Fernando East and West got \$10 million for East and \$11 million for West; Laventille East/Morvant got \$8 million in contracts in 2004/2005. When you compare that with Oropouche, \$3.5 million; Chaguanas \$1.3 million; Naparima, I am sorry, \$2 million; Siparia, zero; Caroni East, zero—

Mr. Singh: They are against me?

Mrs. K. Persad-Bissessar: These are the figures and the Auditor General's report was clear that there was no transparency, no accountability whatsoever in the selection of contractors. No criteria for selecting the contractors. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: Mr. Speaker, it is not only \$378 million we are talking about; \$378 million in corruption and in graft, it was not only \$378 million, that was only for the period up to 2004. Thereafter, 2005, they continued to run the programme with the same practices, the same procedure; 2006 they ran it, with the same things happening. So by the time you add those allocations, it is \$1.06 billion; and then for this year, 2007, an additional \$350 million. So you are looking at \$1.35 well, \$1.4 billion when you look at the estimates, an actual expenditure. The Member for Caroni East is correct. The \$1.6 billion that they are speaking of, that is what it cost to build the airport. But we can see an airport, we can use an airport; it is something that is tangible. [*Desk thumping*] So you are spending \$1.6 billion, you cannot see anything. There is nothing to be seen, except corruption. Except corruption, Mr. Speaker. The \$2 million that this reported here is talking about, removed from CEPEP was due to the postponing of the proposed expansion of CEPEP.

Mr. Speaker, that programme should never be expanded under the present conditions at all. There must be some way in which you could deal with it. Indeed, the CEPEP workers are the most abused and exploited workers in this country. They do not have any terms and conditions of service.

Mr. Sharma: Underpaid.

Mrs. K. Persad-Bissessar: Underpaid, and on top of that, they are utilized by the PNM to—[*Interruption*]

Hon. Member: To wave flags.

Mrs. K. Persad-Bissessar:--to wave flags and to go to flag rallies. We saw it here. One of the Investment Club expenditure was a flag rally. Investment Club flag rally. And so we saw for example, the last time some people came up in front of the Prime Minister's house to say they want smelter; they agree with smelter. An investigation launched by a young man from the area who works with Power 102, Akiel, in his investigation, he interviewed people and he discovered that the CEPEP workers were abused and they were told, "Come, we are giving you jerseys; we are taking you and if you do not come you lose your job. You have to go up there."

Hon. Member: Under duress.

Mrs. K. Persad-Bissessar: Under duress. And tomorrow with the big thing down in Vessigny, I am told all 120 contractors have been told to bring your

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5,000 CEPEP workers. “We are going to give you a red jersey; we are providing the maxis” and come down there to Vessigny; and if you do not come, you loss your job.” So the workers are being abused and exploited. So when we speak of this programme, it is not the CEPEP workers we are talking about, we are talking about the administration, the PNM officials who are stealing. [*Desk thumping*] Those are the people we are talking about. And whilst these people are getting million dollar contracts, the ordinary workers get a few hundred dollars.

Mr. Panday: They abused them.

Mrs. K. Persad-Bissessar: Now, why it is in the Auditor's report there was absolutely nothing. The Auditor said there was nothing with respect to the selection procedure for contractors. What are the criteria? How did you identify these persons? Yes, the Auditor said there was an advertisement, they put out an advertisement. When I read it carefully, you know what the Auditor is saying, “an advertisement is put out on June 26 in 2002 for applications to the CEPEP programme and the deadline date 30th”, and the 29th and 30th Saturday and Sunday. So 28th and 29th, two days a window of opportunity for a person to apply to be CEPEP contractor. How did they have all their documents? How did they have everything to be able to make that application in time, because when you look at the people getting the contracts, every man jack—I have a complete report here—in this, all the contractors, you know what, is a company limited.

Mr. Speaker, as a lawyer yourself, I do not wish to draw you in the debate; but as a lawyer you do not set up a company overnight. You have to get documents prepared by your lawyer or someone assisting you. You have to go and register it down at the Companies Registry. But an advertisement for inviting applications for this job comes out on June 26, 2002 that is Wednesday. Okay, I want to apply for this thing, so you go the next day, 27th, that is Thursday and you have Friday.

Mr. Panday: [*Inaudible*]

Mrs. K. Persad-Bissessar: You form a company in one day, boy. It does not happen and in those days it was not happening at all. You go to the Ministry of Legal Affairs to form a company; they first have to run a name search, a check to make sure there is not another company. So there is no way that you could have formed a company legally within two days to satisfy requirements for CEPEP unless you had insider information; [*Desk thumping*] unless you were selected beforehand. Up front, insider information! And let me tell you of some of the people who have inside information. I will give you some more names today. I am saying this Government is running this country as though it is a family business. It

is a family affair. From the top of the Prime Minister hires his wife, family business. Minister Dr. Lenny Saith hires his brother, Prakash Saith, family business. Minister Robinson-Regis hires her husband, family business. Minister Breaux, I am so sorry, but I read something in the Sunday newspaper about your son being hired in some programme that it should not happen and so on [*Desk thumping*] family business, Mr. Speaker. Our investigations revealed that in 2003/2004—

Mr. Breaux: Ma'am, my son does not involve himself in anything—

Hon. Member: He did not apply.

Mrs. K. Persad-Bissessar: Mr. Speaker, we will allow him to give his personal explanation. I read it in the newspaper report; you probably need to get your son to tell them that report is inaccurate because no one has answered it. It is reported and has not been denied. So I am saying that, I am saying what I read. I read it, if it is wrong let him write them and sue them and do all those things. [*Desk thumping*] No one has corrected it.

Mr. Partap: No interview.

Mrs. K. Persad-Bissessar: So I am saying our investigations revealed—I am saying it is a family business in this. There is a serious, serious question whether breaches of Integrity in Public Life Act have been committed in the CEPEP programme? Because the Act says very clearly that, you must not use your office, your public office for private gain, for the benefit of yourself or your family. You should not do it. And so CEPEP should never be run as a family business.

Mr. Speaker, in 2002/2003, two companies received contracts to the tune of, I will read each one. Beckles Company Limited, 7 Sorzano Street, Arima, labour contract of \$190,000, and other, which is what goes to the contractor himself—I am told based on the report I have—administrative fees for the contractor himself, labour \$140,000 just over, and \$59,000 for the contractor himself or administrative. That is Beckles Company Limited, Mr. Speaker.

I am advised that Beckles Company Limited, the director of that company is none other than Lionel Beckles, the father the father of the Minister of Public Utilities and the Environment. There is Beckles Environmental Services Limited which also received a contract—19 Cantaro Extension, Cantaro Village, Santa Cruz, \$1,218,902 for the contract for labour and for administrative service which they said they gave to the contractor, \$573,891, so we are talking here of a CEPEP contract to the tune of \$1.8 million. This is to Beckles Environmental Services

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Limited 2002/2003, and I am being told that Beckles Environmental Services, the director is someone by the name of Brian Beckles. My information is that Brian Beckles is the brother of the Minister of Public Utilities and the Environment. Now is only for—

Miss Beckles: On a point, can I please?

Mrs. K. Persad-Bissessar: Sure.

Miss Beckles: I think it is public knowledge, it has been said more than once in this House, Lionel Beckles is my father. Brian Beckles is no relations to me, please. Absolutely!

Hon. Member: Take that back.

Mrs. K. Persad-Bissessar: Okay, well we have not finished yet, Mr. Speaker. Well I am glad the Minister has cleared up that the Beckles Environmental Services Limited, where Brian Beckles is not related. But Beckles Company Limited, Lionel Beckles she has acknowledged and admitted; he is her father and for those contracts I read the amounts, but it does not end there.

Mr. Speaker, in 2002/2003, same year, there is another contract that was granted with another company and this one is called New Image Contract and Maintenance Company Limited. Same year 2002/2003, New Image Contract and Maintenance Company Limited, address, 7, Sorzano Street, Arima. Same address and this one is for \$1.261 million with an additional \$596,000, so we are looking at \$1.8 million in addition to the first contract. My information is that the director of this company is also Lionel Beckles, the father of the Minister. Those are the contract for 2002/2003.

When we come to 2004/2005, we see here the same company, New Image Contract and Maintenance Company Limited of 7, Sorzano Street, Arima. \$1.57 million together with another \$709,000, so, this is over \$2 million. My information is that the director of that company is Lionel Beckles, the father of the Minister.

Then we come to 2005/2006. New Image—now the Minister has said Brian Beckles is not her relative, that company has been getting throughout so that is clear, so I am sticking only with the other one. New Image Contract and Maintenance Company Limited, 2005/2006, 7, Sorzano Street, Arima, contract \$768,000 plus \$366,000, so almost \$1 million in contracts to Lionel Beckles, director, father of the Minister of Public Utilities and the Environment.

Mr. Panday: The line Minister.

Mrs. K. Persad-Bissessar: Of the line Minister. The Auditor General says there is absolutely no criterion; none was given with respect to the selection of contractors. Mr. Speaker, there are more names, I will name more of them which will show—I will not do that at this time because time is running out—but I have the list here of all the contractors and we will call the names to show that this is a family business for friends and family of the PNM. Friends and family, that CEPEP programme was created—not \$378,000, \$1.6 billion. Yes, \$378,000 was only for that first period. When we take it down to date—because they never corrected the procedures. And so you are telling me that you did not, when we come back to the finance report, you had \$2 million in savings because we did not expand the CEPEP programme, you decided to postpone it. Why? Mr. Speaker, why? Because the Auditor General had started to ask questions. In August 2006, the Cabinet took a decision to remove SWMCOL and set up a new state enterprise company. Now, we have about 15 of these. That is even more frightening because I was looking at the Parliament Channel last Wednesday when the House was sitting and I recalled the Member for Diego Martin East very conveniently had a copy of the Integrity in Public Life Act and he read for us the persons in public life who fall within the ambit of that Act. You know it does not include these new state companies that they are forming. So these people—I know you read it, but you could read it again—it does not include them.

Since that Act was passed these are new entities that have been created on a daily basis. New entities are being created. I am saying you form a private company now, that is going to be even worse because if you had not changed the procedures, changed the practice, put criteria, change of name is not going to help you. SWMCOL is a whole company by itself, one set of people. So you take it away from one set of people or you change the name because next thing they set up a new company and you know what, the directors of the new company are the same corrupt people inside SWMCOL. [*Desk thumping*] Changing the name, that is all you are doing, you are just changing the name. And so we have very serious concerns about this CEPEP programme. Now, I am very concerned for the workers, but I am of the view that this Government has to stop that programme. And in fact, I will be taking procedures to court to get an injunction with respect to this. [*Desk thumping*]

There has been too much corruption and the question is, when the Auditor General comes and says, “makes recommendation,” that is not enough. The Auditor comes and says “put systems in place,” that is not enough; \$1.6 billion,

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thief, gone, and you are saying change system. No. Somebody has to get locked up. The wrong doers in SWMCOL; the wrong doers in the Ministry of Public Utilities, they have to pay for this; they cannot get out with just change their name and give a new company. Mr. Speaker, somebody has to pay. And so I am saying that they should stop all CEPEP contracts now. [*Desk thumping*] Stop them now!

3.00 p.m.

Do not take any more taxpayers' money. When you do that, take some money and provide for the workers. [*Desk thumping*] I do not want the workers jeopardized. I want them to be taken care of, but I do not want the squandermania and "tiefing" of the people's money. That is scandal of the highest order. [*Desk thumping*] If there ever was a feeding frenzy, that was it. [*Desk thumping*]

I have spoken with respect to the Finance Report. I talked about the scandal in health, education, CEPEP; there is also scandal in agriculture. We all know in this country, the economists have been saying it time and time again and the Central Bank has also been saying that because of the blanket refusal of this Government to tackle growing food prices and runaway inflation with anything other than wishful thinking and public relations gimmickry, we need to deal with what is becoming the assassination of the agricultural sector by the Prime Minister's administration.

This Bill seeks to transfer \$29 million from Agricultural Incentive Programme and Sugarcane Research Extension and Support Services and put it elsewhere. As a matter of fact, not seek to; it has done that. It is done; it is spent; \$29 million was taken out from these subheads within the Ministry. On September 06, 2006 under the headline, "Last chance for farming" the *Express* reported:

"Over 19,000 local farmers are concerned that they are being edged out of existence, to make way for heavy industrialization.

Mr. Norris Deonarine, President of the National Food Crop Farmers Association has lambasted the government for 'frustrating farmers out of the business'...He said that the mostly middle-aged traditional farmers have stayed in the industry and they are turned off by a complete lack of support and a negative attitude towards their trade. 'Most of them are ready to give up agriculture as a livelihood.' Deonarine said. 'They are the ones with the most knowledge about growing anything in this country.'

Simply put, Government's policy has driven farmers out of the industry. There is no incentive for farmers to persist and they are leaving the industry in droves. The

fact is that fewer farmers applied for the incentives, because there are fewer farmers now and they are getting less as we speak each day.

Where are the super farms that you promised? What has happened to the great super farms you were going to set out? [*Crosstalk*] Not super pharmacies at all. [*Laughter*]

Mr. Narine: You do not wave a magic wand and get that.

Mrs. K. Persad-Bissessar: I am speaking about farms where you have agricultural produce. [*Laughter*] You said that you were going to make them super farms. Where are the farms designed to train our farmers in the application of new technologies in food production? [*Interruption*]

Mr. Narine: Will you give way?

Hon. Members: No!

Mr. Narine: You are misleading the population.

Mrs. K. Persad-Bissessar: I have three minutes, so you could speak after me. These were the things you all preached in your budget.

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The sugar industry is almost an exact replica. Government has over the past three years, since the execution of Caroni (1975) Limited, the assassination of Caroni, been slowly but deliberately winding down the industry through one form of sabotage or another. Even the former Caroni workers continue to feel the effects of this discrimination. The Minister would say that the money went to the provision of access roads, but that only heightens the point that there is no serious attempt to deal with the problems of the agricultural sector.

The Minister should respond to the allegations that, like CEPEP, these access roads are being paved in specific PNM areas and [*Desk thumping*] party friends and supporters of the PNM. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The stage of the agricultural sector in Trinidad and Tobago is the responsibility of that Minister. [*Crosstalk*] There is a systematic sabotage of the industry. When the UNC forms the next government, we will have a re-energized, revitalized Caroni that will deal with food production and food security.

Mr. Valley: Are you going back to sugarcane?

Mrs. K. Persad-Bissessar: I said food production, food security and agriculture production. Some of it will be sugar; we need sugar; some of it will be citrus; some of it will be livestock, dairy and so on. [*Desk thumping*] We need food security in this nation, because our people right now cannot live at the high cost of living we are facing.

These are just some of the scandals that we uncovered as we looked at the transfers within this. I really hope that those who have committed criminal offences with respect to CEPEP will be brought to justice. Those who have committed statutory rape with respect to the abuse of these children, I hope they will be brought to justice.

As we go through this exercise that does not need our vote, transferring money from one Head to another, the money has already been spent. What will happen whereas the Prime Minister, as Minister of Finance, has come to mislead this Parliament when he told us that moneys were being spent for landfill sites when, in fact, it was ploughed into the CEPEP on a previous occasion. Mr. Speaker, CEPEP workers are nailing Balisier to the light posts and TSTT poles, as we speak, in preparation for tomorrow's PNM Convention in Vessigny. People have been calling our offices to say that this is in place right now, from Cochrane Village, Guapo to Point Fortin. [*Crosstalk*] The workers are identifiable by their CEPEP overalls with the logos on the back. This programme must stop now. [*Desk thumping*] Give the workers some assurance, some food security; stop it now.

Mr. Speaker, I thank you.

Mr. Ganga Singh (Caroni East): Mr. Speaker, I rise to make a brief intervention on this Bill and on the Finance Committee Report. As I rise to speak this afternoon, I am haunted by the image of Vindra Naipaul-Coolman who has been missing for 32 days. I am haunted by that image, because you had an outstanding citizen of this country who should be celebrated as almost an ideal Trinbagonian, but you have this image of her every day in the newspapers looking at you and telling the citizenry, "You have to do something about crime and kidnapping in Trinidad and Tobago." [*Desk thumping*]

When I look at the variation of appropriation, there is a miniscule amount of variation with respect to the Ministry of National Security for MILAT and MYPART. So, effectively, that Ministry has all the money it requires in order to do the job at hand. It worries me and is of concern to the national community that you have this ineffective response to the criminal activity in the country. I had

indicated that because of the value system allocation coming from the head of the Government, the hon. Member for San Fernando East—

Mr. Panday: Corporation Sole!

Mr. G. Singh: The Prime Minister in his meetings with the criminal elements, the so-called community leaders, in his nexus with that criminal element and intimate association in the campaign of 2001 and 2002, you have had that level of criminal activity being almost mandated, getting the stamp of approval from the Government to unleash criminal activity against the citizenry.

That kind of predatory behaviour on the part of the criminals against the business community and professional citizenry in this country—*[Interruption]*

Mr. Achong: Talk to Sadiq Baksh! *[Crosstalk]*

Mr. G. Singh: "You doh talk." Vernon Paul fingered you.

It is that kind of intimate connection between politicians and the criminal elements in society that sends them a value system in which, because of the power linkage with the Government and the criminal elements, the citizenry lives in fear and is under siege. That level of predatory behaviour is now finding itself in other areas of the population. This Government with all the resources available, including the technological resources available, cannot convince me or the population of this country that they could not have utilized the resources to solve the criminal activity of kidnapping.

On a previous occasion, I listed the 11 intelligence agencies which we are funding. The Prime Minister in response got up and said that it was an act of irresponsibility to list those agencies and the head of those agencies. My response was: "It was an act of irresponsibility on the part of the Prime Minister, as head of national security not to utilize those agencies and the equipment and personnel available to solve the crimes of kidnapping."

I know that there exists equipment in which every cell phone can be traced. So if you have a cell phone and it is on and I am having a conversation with you, whatever the location, there exists technology that can locate us. It is my understanding that when Vindra Naipaul-Coolman was kidnapped, the intelligence agencies traced the direction in which her cell phone was being transported.

Mr. Manning: That is irresponsibility.

Mr. G. Singh: What is that? No; do not tell me about irresponsibility and you cannot after 32 days locate her. They traced the direction the vehicle was moving in which that cell phone was located. It would not be able to be traced now,

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because it was powered down. They powered down the cell phone in the vicinity of Aranguez. So that very evening, the intelligence agencies knew at least one of the areas. It was coming into Aranguez heading west; that is what the intelligence agencies knew. And you want to tell me that is an act of irresponsibility? Thirty-two days and the image haunts me. [*Crosstalk*]

The Strategic Services Agency, headed by former Col. Lynne Anne Williams, has the capacity to trace, but we cannot solve these crimes. Why? It is because of the value system allocation. We have \$466 million in variations; you have the equipment. What is Lynne Anne Williams and the Strategic Services Agency doing under the jurisdiction of the hon. Member for San Fernando East, the Chairman of the National Security Council, when there is so much insecurity in this country?

In my constituency of Caroni East, the pond that they drained is located. In that pond they have already found on previous occasions two dead bodies; one was a state witness in a critical matter associated with kidnapping. It is clear to me that there is a lack of political will in this country to deal with the crime of kidnapping. [*Desk thumping*] You cannot have \$13 billion being spent in National Security and you have one vehicle in the Cunupia Police Station; one vehicle in the Caroni Police Station; one vehicle in the Freeport Police Station and in a complement that is required of 35 constables for the Cunupia Police Station, you have only 18; a complement of five corporals and five sergeants. You have depleted personnel; they cannot respond. We are spending billions of dollars.

When I read in the newspaper yesterday that the Blimp is making headway in the solution to the Vindra Naipaul kidnapping, I held my head, because notwithstanding the significant allocation to intelligence and the Israeli equipment and technology involvement, we are now depending on the Blimp which is removed and we do not have the very vehicles which could have intercepted the kidnappers as they were on their way to wherever.

So as we deal with this variation, it seems to me that we are removed from the reality of what is happening with crime in our society. There is fear; people are getting up and cannot go back to sleep, as they seek to provide security for their families.

On Tuesday evening, the hon. Member for Chaguanas and I, together with the Ag. Asst. Superintendent, Mr. Clark, Ag. Insp. Bidaissie and others, held a community meeting to set up a regional police body in the Central area in order for the linkage between the police and the community. When the police began to

give us an appreciation that they simply do not have the resources to deliver the quality of service to the community, then you realize that we were spinning “top in mud”. If you do not have the personnel and you do not have the equipment, cars and police officers to respond, then how can you improve the quality of service offered to the people in the community?

The Minister spoke of crime displacement and said that as they attack crime on the corridor, criminals move toward Central Trinidad, but you do not have, in the context of the management of the police service, that level of deployment of human personnel and supporting resources to deal with that. I have said time and time again that the primary purpose of a government, its primary duty, was to provide safety and security to its citizenry. It protects its borders and it also protects internally its citizenry. This Government is failing and has failed so to do. This Bill demonstrates, in a sense, the value system allocated by the hon. Prime Minister.

When the hon. Prime Minister indicated to this country that kidnapping was bogus, that it was collateral damage, that it was family business, he indicated that there was a measure of immunity, almost a denial of reality of what was taking place. I know that the Prime Minister in his delusions for 2020 may be in a state of denial, but we are dealing with the insecurity of our people on a daily basis. That insecurity is only heightened by the lack of planning on the part of the Government. In the public utilities setup, there is need for generation planning. If you do not plan with a sufficient timeline, then you reach the stage where you are going to have blackouts and outages throughout the country.

When you look at the statements of transfers in the public utilities sector, you would see that there is a production and delivery of bulk power of some 33,700,000. This Government has failed to indicate to the population that it did not plan properly, because based on what the hon. Member for Siparia said this Government has failed to plan for the electricity requirements of Trinidad and Tobago. So while they talk about growth in the sector, growth in the gross domestic product (GDP) and the competitiveness of Trinidad and Tobago, you have the General Manager of T&TEC telling the nation, "Brace for blackouts."

Power generation requires at least a three-year timeline from decision to implementation. This Government ought to have made a decision by 2003 for additional generation capacity to come on stream by 2006. But this Government, with its head in the clouds, did not make that decision. So you have a growing economy: There was 6.5 per cent growth in 2004; 7 per cent growth in 2005; I think 10 per cent growth in 2006 and further projected growth in 2007, but there

is an industry benchmark. Every percentage growth in GDP ought to be matched by a percentage growth in the demand for power, so you have to have that additional generation capacity available. If there is a 6 per cent growth, then there is an additional demand for 6 per cent in the electricity sector.

This Government has exhausted itself; in 2004, no decision; 2005, no decision. Keep in mind that decision ought to have been made in 2003 to allow for a timeline; but the Energy Subcommittee of the Cabinet, headed by the hon. Member for San Fernando East—he is a Prime Minister extraordinaire. He heads the National Security; he heads the Energy Subcommittee. He heads everything, but yet performance is lacking on his part. That Energy Subcommittee, in February 2006 signed a 30-year power purchase agreement with PowerGen for a 208 megawatts expansion. What are the terms and conditions of this power purchase agreement? Is Government investing taxpayers' money in this power expansion? There is no indication of that, but that would be a significant sum of money.

I know that the justification that they come with all the time is that PowerGen is 51 per cent owned by the Government of Trinidad and Tobago and the other 49 per cent is owned by Southern Energy, Mirant and bpTT. What is the capital investment of the Government in this power generation expansion of 208 megawatts in PowerGen? This Government ought to tell us. There is no indication of that.

Secondly, based on the documentation, having established that signing of the power purchase agreement, it is interesting to note that T&TEC had gone into the public domain with a request for proposals for power generation expansion, but it is clear that the Cabinet gave a directive that the open competitive process ought not to be engaged in and, therefore, T&TEC was mandated to sign with PowerGen for this expansion of 208 megawatts. On behalf of my constituents and the country, I would like to know the terms and conditions of that agreement.

PowerGen came into this country in 1994 under the guise of significant investment in the two turbines. These turbines are today tripping and bringing the country into jeopardy. Crazy Horse and Sitting Bull, I think a Member of the other place referred to them as. Over the years PowerGen has invested and attempted to tweak and refurbish those two turbines, but their lifespan has been virtually exhausted. What is the Government's position with respect to the PowerGen power purchase agreement which comes to an end in 2009? What is the status? What is the status of this tranche of gas which, at the end of the Train

4 ALNG negotiations, the Prime Minister indicated that it was meant for T&TEC? He has now changed his position on that matter. Electricity is a social commodity, but in the industrial sector it is used as a fuel, whether for steel, ammonia or methanol production. It is a significant part of that process. We have a deficit in generating capacity. Whenever one of the turbines trips, there is a shutdown of electricity in the country.

The Government is proceeding in a fashion where it is virtually clueless in that area. The finest minds in the Energy Subcommittee of Cabinet have placed us in this position; another demonstration of the incompetence and lack of planning in the provision of proper infrastructure for the growth and development of this country. In the context of criminal activity, certainly, power generation is critical. The maintenance of a proper electricity supply is critical and once again this Government is making this country subject to power outages.

The hon. Member for Siparia raised the issue of the exploitation of young children in the school system and in the larger society and she also spoke about the necessity for bringing back the various pieces of legislation which my hon. colleague for Chaguanas had, in fact, piloted as Minister of Social Development. One of the things that a Minister of Education has to do on a daily basis is sign suspension notices for students. In the same way the Minister of Public Utilities and the Environment has to sign generating licences. When I acted as Minister of Education over a two- or three-month period, I made a note of the offences that came up. This was in the period August to October 2001. I made a note of the offences that recurred: assault and battery among students; sexual assault and narcotics. Those three offences, in that period, and I guess subsequent to that, has no doubt since exacerbated. Sexual assault, assault and battery and the presence of narcotics in the school bags of children recur all the time.

I took a decision to request from the senior personnel at the Ministry of Education whether, in fact, they had done an analysis of the recurrence of these offences and in what locations these offences took place. What schools were they recurring in and what were the hot spots, so to speak, in the education system with sexual assault, assault and battery and the presence of narcotics among school children? I take it that process continued with the new Government. What is required now is that on the basis of empirical data, to manage the situation. That kind of predatory behaviour is another indication of the kind of value system we have.

If we cannot protect our children; if they are going to be sexually exploited and abused in the school system, then we need a dedicated plan to deal with this. I

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want to indicate to the hon. Minister of Education, "You cannot come and talk about abstinence and expect the reality to go away." It is taking place; the empirical basis is there; no doubt, the management of the data is there; you need to implement action on the matter.

In this society it appears that this exploitative mode is taking place; exploitative in every sense of the word. We are exploiting everything. When you hear about the video clips and the nature of the pornography we must recognize that there are other areas of life in which this predatory, exploitative behaviour is taking place. It all has to do with the value system allocation taking place among institutions in this country.

I read an article which I considered to be of substance written by Attila Springer entitled, "Panty politics". This is what Miss Springer had to say:

"Sexy women selling everything from cars to half-limp political parties are not fecund. It is feculent. Stinker than the smell of smelting and corrupt officials circling like well-dressed corbeaux. Dutty wine politics is taking over."

Hon. Members: UNC! [*Crosstalk*]

Mr. G. Singh: It is a must read for all politicians. It is hypocrisy not to deal with the political emasculation of people and to treat party politics and party politicians as political eunuchs, because that value system allocation eventually leads to all kinds of predatory and exploitative behaviour. [*Desk thumping*] I say no more on that for the time being.

The hon. Member for St. Augustine made the point that persons are silent in this society because they have become clients of the State. So the silence of the institutions has been bought, because they have now become clients of the State and in that clientelistic role you have silence to speak out against the ills as persons see it. In this society there is a handful of people who are willing to stand up for what they think is the right value allocation. [*Interruption*]

Mr. Imbert: Who are they?

Mr. G. Singh: That is my point. The hon. Member for Diego Martin East asked, "Who are those people?" They are getting fewer and fewer, because of the vindictive and malicious role of the Government.

Hon. C. Imbert: Name one. [*Laughter*]

Mr. G. Singh: Ganga Singh!

This Government brooked no regard; malicious; I will give you an example. The Constitution of this country guarantees freedom of speech on the philosophical basis that I may disagree with what you have to say, but I will defend to the death your right to say it. In this society if you speak out, there are moves by the Government to silence you. I want to bring to the attention of the hon. Prime Minister that people have reached tipping point; they are taking matters into their own hands. A good example of this is that there is a broad-based coalition of groups and persons who are saying to shut down this country on the 25th and 26th of this month in order—[*Interruption*]

Mr. Imbert: Is it a long weekend?

Mr. G. Singh:—to bring to the attention of this Government the issue of criminal activity and crime taking place. [*Crosstalk*] What is the response of this Government to the call by civic-minded citizens who want to bring to the attention of the country the fact that they are not safe in their homes and businesses and they are taking civic action by seeking to call for a closure of businesses and other institutions on the 25th and 26th.

Mr. Speaker, one of the principal initiators of this call is a young man by the name of Inshan Ishmael who has a programme called “Breaking Barriers” on the IBN network which is carried on cable television.

Hon. Members: He is a fraud!

Mr. Rahael: Talk about racist.

Mr. G. Singh: I am told by Market Facts and Opinion and other data collecting persons that his programme is one of the most looked at programmes in this country; so you have a voice in the society outspoken, consistent with his constitutional right of freedom of speech, calling and supporting other organizations for civic action on the part of the citizenry to deal with the issue of crime.

Mr. Rahael: He said that all women should stay home and cover their faces and toes.

Mr. G. Singh: What is the response of the Government? The response was to put pressure on the Telecom Authority to put pressure on the cable channel network FLOW to put pressure on Inshan. So what is the outcome? IBN can no longer have a live programme; Breaking Barriers is no longer a live programme; this insidious attempt at censorship. [*Crosstalk*] My colleague from Chaguanas just reminded me of the days of old when “General Rock Jaw”, Jim Bain, used to

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shut down and blank out certain persons from appearing on TTT which was the only television station. But this censorship is totally unacceptable, because freedom of speech entitles you to differ with the Government; to have a different point of view from what is the prevailing notion of the Government. That is why Voltaire said: "I may disagree with what you have to say, but I will defend to the death your right to say it." Fundamental philosophy. That is why [*Crosstalk*] you want to shut down people who have a different point of view from you. What is the next step you are going to take to shut down a person's voice from being heard? And we adhere to all these democratic notions. [*Crosstalk*]

It is my view, and I am certain it is a view shared by Inshan Ishmael and those who support him, that it is seditious to be silent in this country today. People are fed up. When I read Debbie Ali's husband's report, you could see that young man had reached the tipping point. He has lost everything; dignity, and he knows that he cannot go to the State for recourse.

Look at the kind of censorship in the context that this is a society that embraces technology. The hon. Member for Siparia spoke about where the video clip material reached; entering all kinds of websites all over the place. Why are the civic-minded groups calling for a shutdown in society? It is because they know and feel on a daily basis that there is no cogent response to crime; they know that the society has virtually collapsed and they want to retrieve it from the brink, so they are taking action. But what is the response of the Government? Shut you down; censor you. [*Interruption*]

Mr. Speaker: While I could understand that what you are saying is extremely important and must be said, I remind you to relate it to a Head of expenditure. [*Crosstalk*]

Mr. G. Singh: It is clear that in this society you need to locate yourself in the democratic notion of the society and that those who are for democracy, whether we participate here in this variation, whether we participate in the Finance Committee or whether we participate in that aspect of technology, there is a procedure and there are checks and balances in that procedure. Whether the Ministry under whose technology falls has gotten an allocation or transfer on this variation, there is a procedure. That procedure allows the concessionaire to take certain steps, but what you have instead is that they have to write to him indicating that there were complaints.

No one has written complaining about Breaking Barriers; at least, it was not in the public domain, but, certainly, he has not been informed. But because he is

calling for a shutdown of civil society, you want to deal with that. You want to show that might is right. [*Prime Minister exits Chamber*]

It is a pity the Prime Minister is leaving now, because only this week he attempted to silence one of his Ministers. [*Crosstalk*]

Hon. Members: Who?

Mr. G. Singh: The allocation for that Ministry is not very large. The Prime Minister, as in his manner, reached late for a programme, because it is the wont of those with imperial ambitious to arrive while the court has settled, so you can have the fawning courtiers come to greet you. [*Crosstalk*]

[*The Prime Minister reenters the Chamber*]

The Prime Minister, on reaching late, acknowledged that there were certain choice words said about his late arrival by the Minister and, therefore, there were attempts later in the week to discipline that Minister, to remove part of his portfolio; but that is for another occasion. I am certain that my good friend, the Member for Diego Martin Central, would demonstrate that he is not a political eunuch, but would stand by his word. [*Crosstalk*] [*Desk thumping*] [*Laughter*]

Mr. Valley: Mr. Speaker, let the Member speak his talk, because I do not know what he is talking about. How did I get involved in this? [*Laughter*]

Mr. Speaker: If you are attempting to answer the Member, I must ask you, please, relate it to a Head of expenditure.

Mr. G. Singh: In dealing with the whole question of transfers to Ministries, it is a critical role of the Minister of Finance. If he is late in providing those transfers, Government crumbles. [*Desk thumping*] The substantive Minister of Finance has a capacity for being late, whether it is in generation planning as Chairman of the Energy Subcommittee or whether as Chairman of the National Security Council. He was being pulled up and hoisted in his own petard by one of his colleagues. [*Laughing*] But that will play out itself. [*Crosstalk*]

This allocation of moneys and the internal reallocation demonstrates that those who have power, in a sense—it was said by Lord Acton that power corrupts and absolute power corrupts absolutely. So the attempts to belittle the Minister by seeking to remove part of his portfolio, that was a demonstration of that kind of power.

Mr. Manning: Remove part of his portfolio?

Mr. G. Singh: You know of what I speak.

Mr. Manning: Mr. Speaker, it is quite clear that the very distinguished Member is having a good time.

Mr. Panday: At whose expense?

Mr. Manning: It does not matter. I would like to know that what he says also bears some relation to the truth. What does he mean by removing part of the portfolio? Of which Minister and who has done that? I would like to know. [*Crosstalk*]

Mr. G. Singh: The Prime Minister wants me to fall into his trap of belittling the Minister on national television.

Mr. Panday: Ooh!

Mr. G. Singh: I will not fall into that trap. If you want to remove his portfolio, you do it yourself. You have the power to do that. Do not let me tell the country which Minister it was. [*Laughter*]

Mr. Manning: You understand, Mr. Speaker? [*Mr. Manning rises laughing*] I will just let the hon. Member enjoy himself. [*Desk thumping*] Enjoy yourself.

Mr. G. Singh: If you need any corroboration, you can ask the hon. Minister from Ireland.

Mr. Manning: For a Member's portfolio? The only person authorized to do that is the Prime Minister and I have removed nobody's portfolio. It is clear.

Mr. G. Singh: If you want corroboration of the choice language meted out to you in your absence—

There is a need for persons to speak up. The press itself must recognize that they are, indeed, critical to the maintenance of freedom in this country; the critical role they play as the Fourth Estate. Therefore, when you have a Prime Minister that is, in a sense, steamrolling his way, not only as Prime Minister, but as the Minister of Finance responsible for the allocations, variations and transfers to sign; if the Prime Minister, as Minister of Finance, does not sign the warrant for variations, no such thing takes place. [*Interruption*] I acted in that capacity, so I know.

Mr. Manning: Mr. Speaker, I want to ask the distinguished Member for Caroni East: How often does the Minister of Finance refuse to sign a warrant and when last did the Minister not sign a warrant that was presented to him for signature? Would he be kind enough to answer? [*Crosstalk*] He does not know. How often?

Mr. Panday: You tell us.

Mr. G. Singh: How often depends on what side of the bed you get up on. [Laughter]

Mr. Manning: Whose bed?

Mr. G. Singh: For the simple reason that I cannot see him not signing any warrants for the Ministry of Education. Every warrant for variation for transfers to that Ministry will be signed. [Laughter] Tell me: Have you not signed a warrant for transfers of variation for the Ministry of Education? [Crosstalk] I will give way. [Laughter]

Mr. Manning: Go along.

Mr. Speaker: The speaking time of the hon. Member for Caroni East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. S. Panday]

Question put and agreed to.

Mr. G. Singh: If the allegations of Vernon Paul are true, then this Government will do anything to silent people. [Desk thumping] When you look at the allocations and transfers to the Ministry of National Security and you understand the powers of the police state, when you understand the role of the Prime Minister in value allocation in this society and you understand, at times, the impotency of power, then you begin to appreciate how easily it is to become repressive in a society. President Chavez has shut down a radio station, one of the multimedia enterprises over 50-something years old, simply because that station did not support his party and him. I see certain parallels with the attempt by the Telecom Authority to shut down the Breaking Barriers programme.

So repression is real in this society; the attempt to silence people is real. We cannot use state resources, through the Ministry of National Security, to repress thought and action in this society taking place within the ambit of the Constitution. This Government, in breach of the Constitution, breaching the right to privacy, has engaged in wiretapping against politicians and other law-abiding citizens in this society. It has engaged in wiretapping in the absence of an Act empowering. This is what law is about. What we are doing here by virtue of the Act of Parliament, the Appropriation Bill, which will become the Variation of Appropriation Act, is law. On the basis of law, you act as a government and as a society. That is the basic tenet of the rule of law.

But this Government, headed by the hon. Member for San Fernando East, as one of its tools of repression, engages in wiretapping of political personnel. [*Crosstalk*] I warn hon. Members: Do not think it is only those on this side of the Benches opposite whose phones are wiretapped. When you look at the allocation to National Security and you know that millions of dollars are spent on equipment that engages in illegal activity, what do you do? Do you stay quiet?

In the American society when George Bush, faced with the 9/11 threat, breached the Constitution of the United States and intruded into the privacy of corporations, businesses and individuals, the Supreme Court of the United States told the hon. President: “Even in the face of that national security threat, you could not justify the invasion of privacy of citizens and persons in the United States.” But this hon. Prime Minister, as Chairman of the National Security Council, is and continues to breach the Constitution of this country.

Mr. Panday: We have a kangaroo court.

Mr. G. Singh: I will demonstrate to you how this allocation on the Bill for National Security tells you about MILAT, MYPART and households. The Prime Minister receives reports from the intelligence community directly. The head of Special Branch reports to the Prime Minister directly. The Strategic Services Agency, headed by former Colonel Lynne Anne Williams, reports to the Prime Minister directly. The Prime Minister ought to be accountable to the Parliament and to tell this Parliament: Who have you directed the Strategic Services Agency to wiretap and what were those compelling reasons of national security?

And whether or not—the Strategic Services Agency, which is funded from the budget, the variation, other transfers, and by taxpayers’ money—that agency is engaged in illegal activity against the citizenry of this country. [*Desk thumping*]

4.00 p.m.

Prime Minister, you have gone silent, but I want to tell you that the wiretapping that you currently direct against your political opponents and colleagues is illegal and in breach of the Constitution of Trinidad and Tobago.

So you want to know why the picture of Vindra Naipaul-Coolman haunts me. It is because we ought to be celebrating a citizen of that nature. You read all that is said about this young woman, she is a celebrated Trinbagonian but you have a misdirection of the resources of the State, not to solve crime, but directed against political opponents in an act of repression by the Prime Minister.

Mr. Speaker, this Prime Minister has clearly been engaged in activity to curtail the civil liberties guaranteed by our Constitution and when you breach the law then what is the value system you are sending out? When you engage in all kinds of amoral activity as the Atilla Springer article speaks about, what is the value system you engage? You reap it down the road in rampant crime.

So where is your moral position when you are in breach of the Constitution to talk about the rule of law and that the ordinary citizen should follow the law? Where is your moral authority? When a Prime Minister loses his moral authority he loses everything.

Mr. Speaker, I thank you.

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I would like to make a very short intervention, as I am known for.

Mr. Speaker, when I saw the report of the Finance Committee I started to think about ANR Robinson for some strange reason. I started to think that Mr. ANR Robinson, that beacon of virtue must be rolling in his bed not being able to sleep, praying a lot—because I usually see him in front of the church.

I felt sad that a former President may have been reduced to possibly callus on his knees from praying for what has happened. When you throw your mind back to the 18/18 scenario, the thing that propelled the UNC government out of office other than the signing of the contract at the Crowne Plaza, was the utilization of the preamble to the Constitution where morality, spirituality and the rule of law were able to give the PNM and the hon. Member for San Fernando East the mantle of Prime Ministership. By thinking that our former President was making the correct decision based on the allegations that had occurred against the UNC prior to that—

Mr. Imbert: It was correct.

Dr. F. Khan: Mr. Speaker, after my colleague, the Member for Pointe-a-Pierre was able last day to give us the salient points of the Auditor General's CEPEP contract in the Report of the Auditor General—and she had a fantastic article—I decided to start looking at the problem that the senior anaesthetist has at present.

I looked at what the Medical Board was saying, I saw a clip after my colleague, the Member for Pointe-a-Pierre spoke about the Minister of Health and the Chief Medical Officer with about 100 microphones in front of them giving evidence of what occurred in the report and thank God, the Member for Chaguanas—I noticed they said he laid the document in Parliament and it is the

first time a Member of the Opposition can lay a document in Parliament. I always thought it was a Member of the Government.

You see I started to realize something when he looked at it on a surgical/medical perspective and you realize whenever there are illnesses, one looks for the epidemiology of the illnesses, for constant trend, and then you can find a cure. So first you diagnose, then you find a cure and then I realized that the CEPEP movement and the waiting list initiative were like brothers and sisters, the same thing.

Mr. Rahael: You benefited from it.

Dr. F. Khan: Of course I benefited, that is why I can speak. I was part of it and I will go into certain aspects of the system, I am not ashamed. You see the CEPEP contract and the Auditor General's Report which has been spoken of at length has to be taken into consideration because of the transfer of funds, \$129 million to the Ministry of Public Utilities and the Environment.

Mr. Speaker, although they removed \$200 million from CEPEP and transferred it across, the amount of money that was spent as the Member for Siparia indicated—\$1.5 billion so far—and when I added the amount of contractors there were approximately 110 so if you divide \$1.5 billion into 110, you will see the amount of money given to each contractor.

I also took the opportunity to search a question that was posed in 2004 by the Member of Parliament for Baratania/San Juan and the question detailed to list the names of the contractors by company names, director names, the net monthly salary, et cetera, and when you go through the names it shows exactly what the Member for Siparia said, a multitude of possible PNM party card holders. I saw one or two names and when I looked at the amount of money they are getting per month it is approximately anywhere between \$37,000 and \$51,000 per month.

Mr. Speaker, what was further intriguing, I went back to the report of the Auditor General on the selection of contracts on page X and No. 16 says:

“Documentary evidence relating to the award of contracts to equipment, uniform...were not produced...”

It went on to say in 17 which is very surprising:

“An agreement between a consultancy firm and SWMCOL dated 2002 June 28 for the provision of consultancy services was seen. However the decision of the Board of Directors of SWMCOL authorizing the award of

the contract to the consultancy firm was not seen documented in the Board Minutes in respect of the year...

Contracts between SWMCOL and CEPEP Contractors, stipulated that the CEPEP Contractors were required to employ the services of the selected consultancy firm to provide 'Administrative and Accounting Services.' An Outsourcing Services Contract' between the consultancy firm and one of the contractors indicated that the Service Provider...would provide services in the following areas:

- (1) Business Setup
- (2) Business Operations..
- (3) Training.

19. Source documents to verify payments to the consultancy firm were not presented. Unaudited schedule provided by the CEPEP Project Unit indicated that total payments made to the consultancy firm (was in the region for one year) 2002 June to 2003 December amounted to approximately \$1,938,094.39..."

This was a consultancy firm that was chosen by sole selective tender and there were documents not seen. That consultancy firm set up accounting practices making up payrolls, and the contractors had to use that firm and it was paid for the stipulations that the sole selective tender provided to that consultancy firm. The sole selective consultancy firm got that for the supply of uniforms to CEPEP, the person was chosen by sole selective tendering, the contractors were obviously by sole selective tendering because there was absolutely no evidence to show how the contractors were picked and it is surprising that they were picked and, as the Member for Siparia said, within two days the company was formed which is almost impossible.

It goes on that financial management—and I would not read it but evidence for everything was not seen and this continued onwards and kept going and that is why I started to think that the CEPEP contracts and contractors were similar to what is occurring in the waiting list initiative.

One has to ask: what is the procedure for the waiting list initiative that is used to choose providers? Is it a sole selective tendering procedure? Is it a procedure used on cost? Is it on quality of service? Is the procedure used on performance measures? What is the procedure that is used? Is the procedure used based on a similar type of protocol and arrangement that is similar to the CEPEP?

Mr. Speaker, on page 9 conclusions of one aspect of this document shows that the specific roles and responsibilities of the implementing and executing agency for CEPEP were not defined and documented.

It says:

“2.22 SWMCOL was not in compliance with clause 80(c) of its Articles of Association since decisions taken concerning activities stated at 2.14 were not documented in its Board Minutes.

Mr. Panday: Take them to court!

Dr. F. Khan: The CEPEP Project Unit had no formal administrative system to execute the CEPEP. It continues: Selection of contractors and the consultancy service which I just read, 2.22, the \$1.9 billion “There appeared to be a lack of transparency and accountability in the selection of contractors and service providers in the CEPEP in that:

- documented procedures existed prior to the selection process for contractors and other service providers;
- there was a lack of established policies...
at the commencement of the programme and recommendations.

Mr. Speaker, tender procedures in this country have gone crazy. If you throw your mind back to certain questions we had asked about tender procedures for the blimp; the eye in the sky; and for the use of buildings to rent, NEDCO and other companies, they are all based on sole selective tendering.

I remember in 2000 when the then Minister John Humphrey indicated that the Central Tenders Board delayed the movement of anything and he wanted to use the fast track method, it was said of the UNC government that it wanted to thief, it wanted to do this, it wanted to do that, and today there are a number of companies outside the Central Tenders Board like NEDCO, et cetera and the same thing is happening because of the Central Tenders Board non-movement, they need to fast track things now.

I am asking what is the difference between what occurred previously and what is occurring today. When we look at the tender procedure, the mechanism of tendering is where corruption lies. I took the liberty of looking at the definition of corruption and it means: “the utilization of public funds for private gain”. No one will fault a government that is there for trying to stay there. It is only one government I know that was there and did its best to get out of there, but nobody

would fault a government for staying but utilizing inequalities to stay, then I think that is basically a subtle form of corruption.

If you are put there on a matter of morality, spirituality, and the rule of law, one has to follow that example and continue in all regards because the rule of law, morality and spirituality should not just be for UNC people and not for PNM people.

Mr. Speaker, the waiting list initiative has been getting a lot of negative comments, but it is a good idea and I commend the Minister of Health for it. I searched on the Internet for waiting list initiatives and I found that Ireland, England, and many other places had it for a very long time but they have found that by funding the waiting list initiative intra hospital and intra private they have found that the waiting list in the hospitals do not get cut down because they keep feeding it and the doctors do not cut down the waiting list in the hospital. I will read what it says from the British Medical Journal October 17, 1998.

“Ireland’s waiting list initiative is failing

And despite new promises from the minister of health to address the problem, a government panel of experts has recently questioned the value of government injections of more than £1r70m (£64m; \$100m) during the past five years to tackle the waiting lists problem. ‘If economic and industrial policy had been handled with the same approach over the past decade,’ added the president of the Irish Hospital Consultants Association, ‘the so called Celtic tiger would be heading for veterinary intensive care.’

The government has already committed £1r2m this year on its waiting list initiative, but more than 34000 patients are still awaiting treatment. And sustained investment has not had a substantial impact on the problem, according to the minister’s own expert panel. ”

It goes on:

“The review group also suggested that the waiting list initiative may be acting as a disincentive to improving lists as the basis for allocating funds ‘might send inappropriate signals to hospitals, who might fear that an improvement in their waiting list performance would lead to a reduction in waiting list initiative funding.’”

So it is causing a negative ricocheting of what it is supposed to do.

In Trinidad and Tobago, the waiting list initiative is done intra hospital and many minor cases are done and more serious cases are not done, so allocating

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\$19 million in drugs and other related materials and supplies would just serve to foster a larger waiting list in the hospitals, the reduction of minor procedures and increase of more major serious conditions.

Another article indicated that the waiting list initiative caused a reduction in minor varicose veins and hernia surgery and serious problems were not done because the money given to do these operations was insufficient so they were left behind. This is what is happening in Trinidad and Tobago today.

Mr. Speaker, the waiting list initiative has been brought to light by the Faith Williams death. Reading from the *Daily Express* of Tuesday, January 16, 2007, it says:

“Dr. Rohit Doon, confirmed the contents of the report, which was laid in Parliament by Chaguanas MP, Manohar Ramsaran, last Friday.

Doon claimed the report had been referred to the board on December 12, 2006, as they ‘are the only legally constituted body which is charged with the responsibility of regulating the medical profession.’”

It goes on:

“Doon admitted an independent panel had found two areas of great concern, which included the supportive services necessary for surgery at the Eric Williams Medical Sciences Complex (EWMSC), and the clinical management of the patient conduct, relative to anaesthesia.”

So there were two problems. Which came first; the chicken or the egg?

Was it the anaesthetist who has been named responsible, or was it the machine? We have to ask ourselves which came first; the chicken or the egg? The investigation by the ministry would have detailed the variant pressures if any on the anaesthetic machine. Was the anaesthetist supposed to check it or not? Who was supposed to check? Was it insisted that things must occur? I have heard different pronouncements such as 10,000 surgeries were done in a year and if three died our odds are good. I find it a bit abhorrent when one thinks like that. Our health system definitely needs to be more focused.

I have been in this Parliament for the last couple years calling for surgical and medical audit systems of performance. This is done in England, Canada, the United States of America, even Barbados where you have surgical and medical audits. It is something like a financial audit, but this is done in a department in a hospital where the area closes for that day from 8.00 a.m. to 4.00 p.m.—unless

emergencies have to take place—and people go through the necessary complications, deaths, morbidity and mortality rates that occurred for the last month or three months whatever. Examination is done by the senior consultant, even the junior consultants and the method of approach of surgery and medicine, and the complications which had occurred would be documented and systems put in place to see that it does not happen again.

The Minister of Health is on record as saying that the buck stops with you. It does, and it is an unfortunate position to be in, but I must say that you handle it well. What I am saying, Mr. Minister, the buck stops with you to start putting systems in place for medical and surgical audit systems in both private and public hospitals.

Miss Lucky: That is a very good point.

Dr. F. Khan: Mr. Speaker, I believe that all deaths that occur in the hospital system, public and private, health centres, and even at homes should be documented and sent to a specialist department in the Ministry of Health so they could look at it and see whether it was a sick person, was there any other unnecessary thing happening, could it have been prevented and so forth? In doing so, the standard of medicine could be raised. You can also go into complications and have systems in place. It is quality health service.

I saw the health brochure which I read through. As a document it did not say much except give kudos to some people. If you have a document like that indicating the number of deaths, causes of deaths, and action taken, and also the complications that occur, you do not have to name anybody, because many complications both medical, surgical, paediatric, and as they say cardiac, people just die and no investigations take place, they are buried, the pathology report is not seen and that is it, business as usual.

If there were a medical and surgical audit system that would have been looked at and mechanisms put in place where it will not occur again. It is unfortunate that this has to be brought up because a young child died as a result of a hernia operation.

A hernia operation in a small child sometimes seems as not a necessary surgery unless there are complications or problems. Some people do it, some do not, and it depends on the size of the hernia. I cannot make pronouncements whether it was necessary or unnecessary but what I must say, based on the amount and quantum of money utilized on the waiting list initiative, a lot of people and practitioners are guilty of doing unnecessary procedures as a result of

that in order to increase volume. I am saying so because as the Minister pointed out, I have seen it, and as a result of that a lot of preoperative investigations are not done because investigations are supposed to come from the hospitals from which the patients come. They do not come from hospitals, they go straight to the ministry and straight outside with a small quantum of money and preoperative investigations are curtailed because of the quantum of money given.

The patients do not come with hospital notes which they had for the past year, two years, or 10 years so you cannot see exactly what investigations were being done. So the person who is doing the waiting list initiative has the onus on him or her to determine what were the preoperative investigations if any, and not to undertake surgery unless he/she is satisfied this will go properly. It is one thing doing volume and another thing when people are dying as a result of you wanting to do volume. So you need to get surgical and medical audit systems in place and one has to look at the method of approach to the selection of providers.

I ask the Minister to look into it and how it is approached. Is it a tendering procedure, or is it an approach made on the cost available to the ministry? Is it because a person gives a cheaper service that you take that person or institution? Is it based solely on cost? Because if it is, somewhere along the line you are going to curtail your preoperative and post operative management and as a result of preoperative management curtailing you end up with complications and possible death intra operatively, and in curtailing of post operative management, you end up with complications that could have been prevented.

Mr. Speaker, it needs to be revamped. It is a good system and it is being done in a manner that is synonymous with a business arrangement where one can obtain the maximum amount of volume for the least amount of money and the more money you pump into the system you hope to get the larger volume.

I want the Minister to take note of what I have said, and I want him to understand that you have to look at the quality if there is any mechanism to assess the quality of what is done; any mechanism to assess the performance; the complications that occur and where they go to; any mechanism that could lead to the death of the individual or complications.

Faith Williams' death is unfortunate but things happen. I apologize for what has occurred on behalf of my colleagues but the system of approach to medicine in this country is not about finance, it is not about selling cars, cloth, or different things; the system is such that what you do in the beginning you could end up with problems in-between so it has to be done properly and the Minister and the

ministry should hope that people do it properly. Because of the cost factor and the need for volume one does not have that facility.

Mr. Speaker, I enquired into the waiting list initiative and how it was run. I understand that there is a “fella” called Brian Lushington who does it.

Mr. Rahael: He coordinated it.

Dr. F. Khan: Brian Lushington is a “fella” from Missions International and what surprised me when I did a search on the Internet, the first thing that came up was where he did not pay for his mortgage. [*Laughter*] He refused to pay it, he was a bank employee in March 1982 and he ended up taking a loan from the bank where he worked, refused to pay it, went to England two months afterwards and in November paid no money. The first defendant wrote the bank indicating that he would arrange to make monthly payments through a third party, it never took place and it kept going. It is a very long judgment; I will give you the number if you want. It is CvA. No. 92 of 2003 in the Court of Appeal.

I am saying when you have this kind of person in charge of a system; one has to wonder what the system is about.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Dr. F. Khan: Mr. Speaker, when we broke for tea, I was on the matter of a possible Court of Appeal action which I would just say—the reason I read this statement is for the hon. Minister to understand that hopefully, the person involved in running such a programme would have atoned for whatever negative behaviour occurred there, and he should at least, like the good Minister, keep a watchful eye on everything that is going on around him.

Mr. Speaker, I have been speaking about the Waiting List Initiative because I have had the privilege of being part of it. In the early days what occurred, and I will tell the Minister, I insisted in proper pre-operating management and I went out of my way to do the pre-op management. I undertook surgeries that were not being done by the other members of the Waiting List Initiatives, some of them taking four hours and otherwise, and also I insisted in proper post-op management.

If the Minister looks into my records he will see that my complication rate was almost zero as a result of the previous pre-op and post-op management. [*Desk*

thumping] As a result of asking for proper medical management, I have not been privy to continue in the Waiting List Initiative. But what I would like to say, in case it be taken in the wrong light is that the Waiting List Initiative is a very good programme. I have always complimented the Minister for introducing it. I have done that, and I will do it again. It is a good programme and Minister Rahael did a very good job of introducing it. Like all programmes, I am quite certain the Member for San Fernando East, when he thought up CEPEP programme and came with it, he was thinking on a certain level of making sure that the dispossessed in our society could get something on their table because he walked the walk when he was in Opposition.

However, the Member for San Fernando East made a statement to me a long time ago, and I remember it. We were sitting in the tea room while he was in Opposition. I was the Deputy-Speaker and I used to go for tea around 4. 00 p.m.—4.10 p.m. We used to sit and speak sometimes. He said when you put somebody into a position that person takes a life of his or her own and you cannot dictate what he or she does as a result of you putting the in that position. You only have to hope that the person would do the correct thing. Our job as Opposition Members is—we are supposed as good Opposition Members—to indicate where faults lie and hope that they are corrected, and this is the basis of this contribution.

The Waiting List Initiative has done a lot on volume, but it has sacrificed pre-op/post-op management, performance criteria, quality criteria and different criteria, and people's lives are not, as I said, like fixing inanimate objects. The end result of the moving effect because there is to be an election this year—I do not fault the Government for trying to do its best to look good in the eyes of the population, that is what a government is supposed to do, but sometimes one gets carried away and does things in order to achieve that objective. So the Waiting List Initiative is a good idea to achieve whatever objective. And the Minister is approaching it in a correct manner but, Faith Williams' death brought to light certain negative consequences of a rushed action and nobody, I think, should be totally blamed for a system like that.

Mr. Speaker, I would like the Minister to re-enter that system although it is working, and put certain performance criteria in place, certain pre-operative and post-operative investigative criteria; make sure that patients that are coming from the hospitals come with their notes so one can have ample time to look at all the investigations that were done, to make sure that you do not have to repeat investigations, and then curtail investigations based on the quantum of money being paid for the total procedure. Also make sure that the level of unnecessary

easy surgeries are not taken on board and difficult surgeries which would take a very long time for the same quantum of money, are not done and sent back to the hospital.

I will read a part of it. This is from the National Library of Medicine, and the National Institute of Health Pub Med www.Pub Med.gov from the Annals of the Royal Colleges of Surgeons of England, January 1994. The Heading is:

“Impact of a waiting list initiative on a general surgical waiting list.

The surgical departments of the Royal Berkshire and Battle Hospitals, Reading and Newbury District Hospital.

PATIENTS. Those patients on general surgical waiting lists between 1979 and 1993; those patients who had operations under the Waiting List Initiative...”

But, the main aspect of it.

“The proportion of patients with low priority varicose veins fell from 65 per cent to 40 per cent, whilst the proportion of patients with potentially more serious inguinal hernias.”

And other surgeries—

“...rose from 10 per cent to 15 per cent.

Conclusion: These results demonstrate the relationship between the increase in the size of the waiting list and the decrease in the facilities available in beds and operating session. While the Waiting List Initiative has resulted in a reduction in the number of patients waiting more than one year, there has been no reduction in the numbers waiting more than one year. The reduction has been achieved at the expense of those patients with potentially more serious clinical conditions.”

In other words, the Waiting List Initiative is saying two things. The easier surgeries and the easier things are done because they are cost-effective, rapid and do not need much investigation and the more serious life threatening surgeries and so forth are not done because they take too much effort. This is what happens. This is from the journals.

Mr. Speaker, I will try to tie in that the level of CEPEP movement, Waiting List Initiative and so forth, that the Minister and the various ministries need to take cognition of the fact, and it is just one small aspect I would like to speak about.

The Medical Board of Trinidad and Tobago has been given the ultimate responsibility to deal with a problem. I was once vice-president of the Medical Board of Trinidad and Tobago. We used the Medical Board Act of 1961 to do whatever discipline and there are many flaws in that Act. There are so many flaws in that Act that a doctor on the medical board will find it extremely difficult, believe it or not, to discipline any doctor unless a court of law has indicted a doctor and then the medical board could take actions. That was in the case of certain doctors and certain cases and the magistrate directed the medical board to take action. We tried to take action against doctors for different methods of unnecessary or negligent behaviour and so forth, and as a result the medical board had to pay a lot of money on legal fees to defend itself because these errant doctors, for want of a better word, came with high-powered lawyers. The medical board did not get funding from the State; had to create its own funding from registration of doctors which is \$120 a year per doctor, and that funding was obtained to fight cases and as a result of that, it was impossible to do much disciplining.

When I heard my good friend and colleague Prof. Bartholomew—I made a small statement about activities during the medical fraternity; seeing patients, not seeing patients and so forth, and after reading these articles the honourable professor—I said he was never seen. [*Interruption*] One of us did not see each other. Mr. Speaker, as the Member for Diego Martin East said—I have to relate the story because he has brought it up.

Recently, one of my friends said that he used to work for the honourable professor, and he used to talk to him via phone line during on-call days. He said when he saw the professor—I would not go there. The honourable professor indicated it is also truism that once a staff member—[*Crosstalk*] Do you want me to apologize to the professor? I apologize to the professor in public.

Mr. Speaker: May I please suggest that you move on to another point.

Dr. F. Khan: Mr. Speaker, I apologize to the honourable professor of medicine. I am trying to keep the standard of the House at a high level as I have kept it for the last 40 minutes.

As a conclusion, as the Member for Siparia has also indicated that I think if the Member for San Fernando East and the Member for Arima, the Minister of Public Utilities and the Environment would show the level of transparency and accountability for the CEPEP programme, we would like to see that contractors, the programme be stopped and proper systems put in place where these

contractors who benefited for the last six years would have to reapply under systems of accountability and transparency.

I am very glad and I commend the Government, especially the Member for Diego Martin Central, that when I opened my envelope today, I saw the Equal Opportunity Legislation. [*Desk thumping*] I would say the Member for Diego Martin Central is a man of his word, he promised me that before.

Mr. Speaker, once we can pass this Act, and make it law as soon as possible, then and only then tender procedures and people who did not get people to question things—I myself, Mr. Speaker, could question the discrimination that has been given to me as a result of being a UNC Minister who took steps to change the RHA and now at the same time being discriminated against in trying to get my own job back as a senior consultant. I would be able to do that.

Thank you, Mr. Speaker.

The Minister of Health (Hon. John Rahael): Mr. Speaker, as I enter this debate, I find it necessary to respond to the contributions of the hon. Member from Barataria/San Juan and the hon. Member from Siparia.

When this Government came into office in 2002, what did it meet? It met a health sector that was really in shambles. We saw the number of persons who were waiting for surgery for almost 10 years, and the number according to the estimates at that time, were some 15,000 citizens of Trinidad and Tobago.

Mr. Speaker, we found theatres in hospitals that were shut down, we found theatres that were never commissioned. In the Port of Spain General Hospital there was a bank of five theatres and only two or three were operating. In the Eric Williams Medical Sciences Complex with a bank of eight theatres, only three were operating. We found the Radiology Department lacking equipment such as modern CT scans, MRI machines and many other pieces of equipment that are required to provide the proper diagnosis for patients who are in need.

Mr. Speaker, in addition to that we found a system of—and it was there before the UNC came in—it started in 1994, this dual employment of personnel/health care providers in the public health system. No organization, no institution can really perform to its maximum if there are two separate employers managing that system. There were the public health employees and the regional health authority employees.

At one time there was the supervisor of a particular department, being an RHA employee, and there were those working in that department, public health

employees, and RHA employees. The line of reporting for the RHA will be to the Chief Executive Officer and for clinical, the Medical Chief of Staff and the public health employees will report to the Permanent Secretary. There are times when one set of employees will just not carry out the instruction of the supervisor that is from the other organization.

Having recognized that, we started to put in motion the options to regulate that. The RHA Act calls for persons who wished to be transferred from the public health sector into the RHAs that they will be able to do so. We then went on a drive to get many of the public health officers to transfer to the RHAs. The success was limited. Of course, at that time, and we still have challenges with respect to the union that represent the public officers because obviously, the union is not in favour of the motion that the employees in the public health sector will go across to the RHAs and that they will not continue to have the union recognition of those employees.

But, we persisted and it was in 2005 that the Cabinet agreed that VSEP should be offered. We engaged the union, a year went by and we were not in a position to get the support of the union with respect to the VSEP without basically endorsing that they should represent the workers. As a matter of fact, we came to the Parliament to try to initiate that transfer. I remember the doctors objecting to that transfer of the workers going across to the RHA with the union. So, of course, it was a challenge and it still is. We have gone ahead and we have now offered VSEP to the employees in the public health sector so that they will no longer be employees in the public health system but employees under the RHA, once they accept their VSEP. And they will be able to access their new job under new terms and conditions under the RHAs.

Our first group of workers that we have sent out the VSEP offer to is the nurses because they make up the largest number of health care providers in our system. We expect that by June of 2007, hopefully we will complete the entire exercise so by July/August there will be one employer really managing the employees. So this dual system will be a thing of the past so that the RHAs management will be able to perform a lot more efficiently and deliver health care that is required.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I move at this time that the current debate be adjourned to Monday, January 22, 2007 at 130 p.m. and that we

proceed with the Bill we were debating when we adjourned on Wednesday, January 17, 2007, that is, the amendment to the Airports Authority Act.

Question put and agreed to.

AIRPORTS AUTHORITY (AMDT.) BILL

Order read fro resuming debate on question [*January 17, 2007*]:

That the Bill be read a second time.

Question again proposed.

Hon. C. Imbert: Thank you Mr. Speaker. I do not quite understand what hon. Members opposite, in particular the Member for Chaguanas, are fussing about. The fact is that all Opposition Members who wished to contribute to the Airports Authority (Amdt.) Bill did so, and I was in the process of completing my winding up on the last day when we adjourned. He will have his opportunity to speak on the previous matter in due course.

Mr. Speaker, a number of issues were raised in the debate by hon. Members opposite with a number of misconceptions, in particular the Member for Chaguanas, who is woefully misinformed, hopelessly out of date and completely out of touch with developments in the rest of the world as they relate to the composition of airport authorities all over the world.

Mr. Speaker, the Member for Chaguanas was at pains to tell us that it is essential and mandatory that we maintain the old structure, where this was done elsewhere in the world and so forth. Mr. Speaker, I refer to the Airports Authority Act of India 1994, 13 years ago. In the Airports Authority Act of India the authority shall consist of the following. I am quoting: Chapter II, section 3, constitution and incorporation of the Authority:

“The Authority shall consist of—

- (a) a Chairperson to be appointed by the Central Government;
- (b) the Director General of Civil Aviation...
- (c) not less than eight and not more than fourteen members to be appointed by the Central Government.”

No Comptroller of Customs, no Commissioner of Police, no Chief Immigration Officer—I know that in another life the Member for Chaguanas was a junior customs officer; customs guard I am told and, therefore, he obviously has this feeling of *tabanca*, he does not want to let go. But the world has progressed way beyond that.

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Let me give some other examples. In Jamaica, I am going to the Caribbean. The Airports Authority of Jamaica established under the Airports Authority Act of 1974. The Airports Authority based on current trends is a commercial operation and the board is comprised as follows:

“There shall be a Board of Directors of the Authority...”

This is the Airports Authority Act of Jamaica, Act No. 36 of 1974.

“ It shall consist of such number of directors, not being less than five nor more than nine, as the Minister, may appoint from time to time from persons appearing to the Minister to have ability and experience in matters relating to air transportation, finance, economics, engineering, accountancy, law, industrial relations or commerce”. [*Interruption*]

One thing I can say for sure is you did not know about it on Friday.

Let me go now to the Barbados Airports Authority. The Barbados Airports Authority has actually put out a statement.

“Why do we need a commercially run airport? Commercially run airport authorities are becoming more and more common around the world. The British Airports Authority, the Greater Toronto Airports Authority, the Puerto Balata Airport in Mexico the Airports Authority in India, and many others, are members of a growing number of commercially run airports. One of the main benefits will be that revenue generated by the airport will pay for the running and improvement of the airport facilities. Another advantage is that the airport should have more flexibility to make quick decisions as may be required by the commercial markets”.

And when one looks at the composition of the airports authority, the only public officer is the permanent secretary in the Ministry of International Transport who was put on that board by the Minister of International Transport in Barbados.

You now have the British Airports Authority, completely commercial. It is actually a company, because what they have realized in England is that matters such as security, customs immigration, are matters for the relevant authorities in Britain: the Customs Authority of Britain, the Immigration Department, and so forth. The airport is viewed as a commercial facility and when one looks at the directors of the Airports Authority in Great Britain, there are a number of private sector businessmen, all with vast experience. When one looks at their curriculum vitae, one will see that they all had vast experience in the corporate world and in the private sector. I would not give you all the shock.

5.30 p.m.

Mr. Singh: I thank the hon. Minister for giving way. I did not participate because I was not here. I would have raised the matter of the porters at the Piarco International Airport where, in travelling to and fro, they indicated to me that there is a move on to remove them from where they currently congregate and ply their trade at the exit from customs. There are 39 porters. They work for an average of \$3,000 a month and they provide a service that is absolutely necessary, having regard to our own culture of travelling with a lot of bags from the north.

I would like the Minister to ensure that this level of personnel be retained within the confines to continue their jobs. They have been told they have to go outside of the airport perimeter and ply their trade only at arrival and not at departure. Certainly, having regard to your focus of the airport being a commercial entity, they perform an excellent service, and that is done worldwide.

Hon. C. Imbert: Thank you for bringing that information to my attention. I will look into it and take the appropriate action.

Mr. Ramsaran: I remember during my contribution that I asked you to justify what you are doing. I know that if you had had that information, you would have done it in your presentation. Now that you have done some research, you are answering my question. I believe that the board we had before was doing an excellent job and that you need to justify changing them wholesale.

Hon. C. Imbert: That is not what happened at all. You just did not know. When I introduced the Bill, I made the point that I would answer all questions in my winding up. The Member for Tabaquite is nodding. The point is that the Civil Aviation Authority of Singapore states that their authority shall consist of a chairman and not less than six nor more than 10 other members as their minister may from time to time determine. I have examples from the Far East, the United States, Europe, the Caribbean and from South and Central America. All these countries have recognized for years that the boards of these authorities should be specialists in management. We see that no more than in the British Airports Authority. When you look at the experience of the persons on the British Airports Authority, they are all distinguished businessmen, leaders in their own right in the private sector; all captains of industry and managers of large companies. *[Interruption]* I will look at that.

The Member for Caroni East, who is obviously far more knowledgeable than the Member for Chaguanas, is pointing out that the British Airports Authority has a contract to manage the Beijing Airport in China. All this demonstrates to me is

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that some hon. Members opposite just do not do their homework. They come to this House and talk nonsense; they talk out of a hat. What we are seeking is the approval of this House to do what has been done in almost every other country in the world. In fact, we are behind time. Every other country in the world has recognized that commercially-run airport authorities are becoming more and more common around the world and it is time for Trinidad and Tobago to get in step. We do not want to be mired in some kind of colonial backwater that the Member for Chaguanas would like us to be in.

There are some other issues that I would like to address. One of the Members opposite complained about the recruitment procedure at the Airports Authority of Trinidad and Tobago and made a number of unsubstantiated allegations. I want to put into the record that the Airports Authority has advised me that its recruitment and selection practices are as follows:

- where a vacancy or new position exists, the authority will first conduct an internal search to determine whether the position can be filled by current employees, thereby creating opportunities for employees to grow and advance;
- if after publication of the vacancy no suitable candidates are identified from within the organization, the authority will then review its database for relevant and suitable candidates;
- if this proves unsuccessful, the position is advertised externally in the daily newspapers and, on receipt of applications, candidates are shortlisted, invited to interviews conducted by a panel the members of which are professionals based on the level of vacancy, and then the collective evaluation of the candidates determine the rank of the applicant.

That is basic procedure. There is no favouritism, nepotism and all of that nonsense that was put into the *Hansard* by Members opposite.

With regard to the contract for grass cutting, it is amazing the kind of misinformation that Members opposite love to bring to this House and they feel people would not answer them. That is why we adjourned—to deal with you. There was an allegation of some sort of skullduggery with the landscaping contract at the airport. Mr. Speaker, let me tell you the facts.

In 2002, it was identified that a particular company, Expert Landscaping Maintenance Limited, was carrying out grass cutting services at the Airports

Authority, but the authority was not in possession and did not have sight of the contract. Repeated requests to the provider proved unsuccessful in obtaining information on the services he was providing. Eventually, in September 2002, on learning that the Airports Authority was reviewing all month-to-month contracts, the provider produced a copy, which obviously could not be found before, purportedly between the authority and the company. The contract was dated November 27, 2001—How many days before the general election was that?—and was granted for a term of two years, effective November 2001 to October 2003. The authority could find no documentation or information to support this contract but, in the interest of fairness, agreed to honour the terms and conditions of the said contract.

In August 2003, the authority notified contractors of its pre-qualification process and invited applications. The authority also advertised, by public tender, for persons to provide grass cutting services at Piarco as the contract was due to expire. Bids were received and an award was given to a new company, Highroads Maintenance, at a cost less than half that which was previously being paid to Expert Landscaping Maintenance Limited.

It must be noted—and this is the information I have been given by the authority—that with the new contractor the cost was less than half that of the old contractor. It must be noted that, in addition to the cost being significantly less, the service received from the new company has been significantly better. That is the information I have. So they advertised, they went through all the normal procedures, awarded a new contract at less than half the old price, with better service. That deals with that.

Reports have been received from time to time that escalators have been defective. It is noted, however, that a company called Calmaquip was responsible for the maintenance of the escalators and since the Airports Authority terminated the contract and took over direct maintenance of the escalators, the performance of the escalators has improved significantly.

Mr. Singh: When was that?

Hon. C. Imbert: The termination of the Calmaquip contract was in May or April last year, as far as I can recall.

Complaints were made about the police station—that the old station was torn down. What the hon. Members did not say was that a mobile police post was established at the south terminal almost immediately after the old station was discontinued and, in January 2006, a mobile post was stationed at the entrance to

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the north terminal. This has been and continues to be there and, at the present time, the Airports Authority has completed discussions with the Commissioner of Police to provide further accommodation in an existing building which is to be modified. This will take place this year and an adequate presence for the police will be established in an existing building at Piarco until the new station is constructed. That deals with this police thing at the airport.

With regard to stolen cars at the Piarco International Airport, again, one of the Members opposite has a habit of putting inaccuracies into the record. He gave us a litany of woes about all the cars stolen at Piarco. A check of the records at the Airports Authority reveals no evidence of any vehicle being stolen from the car park. However, there was evidence of vehicles being tampered with and, in response, the Airports Authority has instituted patrols in all car parks, with significant success. *[Interruption]*

I am glad you all gave me the work. You all say all kinds of things in here and you feel people will not check. When you look at the improvements—I have a table here; I will not read it into the records—there is information on the incidents of tampering, under “stolen”. I would show you if you could have seen it from there—zero, zero, zero; total, zero. No cars were stolen at the Airports Authority car park. When you look at the incidents of tampering, they have been reduced significantly since the Airports Authority has instituted mobile patrols.

Now we go to the joke of the year from the hon. Member for Fyzabad that it was because of the wonderful facility constructed at Piarco by the former administration that, in 2006, the Airports Authority won the World Travel Award. For the record, the criteria on which an airport is judged in order to win the World Travel Award are as follows:

- customer service;
- technology;
- operational efficiency;
- product offering; and
- style.

The Airports Authority has proudly reported to me that significant improvements are being made in all of these areas since the new PNM administration came into office in 2001. The winning of this award is not attributable to the physical facilities, but to the tremendous improvement in service and organization over the period

2002—2006, including the introduction of continuous customer service training for all staff and stakeholders at the airport; improvement in flight information; improvements in the concessionaire offerings in the terminal; improvements in the car park, and all of those soft areas of performance on the part of the Airports Authority. That is why in 2006 because of the improvements in customer service, et cetera, the Piarco Airport was judged the best airport and won the World Travel Award. It had nothing to do with the physical construction done by the former administration. It is absurd anyway.

The hon. Members opposite boasted about what the former administration did. They should hang their heads in shame. How could they boast about the Piarco International Airport project? They should put their heads between their legs and crawl out. The hon. Member opposite indicated that as part of this fantastic project, the former administration built a cargo handling complex. This is categorically untrue. The only reference there is of a cargo handling complex is in the Project Pride documents. It does not exist.

The Member opposite said that the former administration built an aircraft maintenance centre. Again, this is completely untrue. The only reference to an aircraft maintenance centre is in the Project Pride documents. It does not exist.

The hon. Member opposite stated as a fact that the former administration had built a parallel runway. Again, this is completely untrue. Anybody who has ever—*[Interruption]* Not you! Mr. Speaker, the hon. Member for Chaguanas is looking a little edgy. It is not he. He was just confused about the composition of boards of airports authorities. That is all. You did not make these outlandish, ridiculous, absurd and incorrect allegations.

Hon. Members: Who did?

Hon. C. Imbert: The Member for Fyzabad.

Hon. Members: No-o-o-o!

Hon. C. Imbert: The hon. Member opposite indicated that the former administration built a parallel runway. Not true! What was built was a high-speed taxiway. I am ashamed of the hon. Member for Fyzabad. He spent a number of years in the Ministry of Works and Transport and anybody who has ever travelled on a plane and landed at an airport would know the difference between a runway and a taxiway. A runway is where planes take off and touch down. A taxiway is where they go after they touch down or before they take off. There is only one runway at Piarco. There has always been only one. This preposterous allegation that the former administration built a parallel runway is simply not true.

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I think I have dealt with all the points. Let me just summarize. I want to give the hon. Member for Chaguanas the assurance that, setting all jokes aside, I considered very carefully the issues raised by him. I thought they were important and that we really need to take a second look, and we did. When one looks at the experience and the practice all over the world, airport authority boards are comprised of technical people—people trained in management. They are not comprised of functionaries or public officials such as commissioners of police and so on. That was an old model that applied in the 1960s and the 1970s, but in the last 20 years airport authorities all over the world—when you look at the list of airport authorities that have moved to the management model, they have sought to put experienced people from the private sector and so on. When you look at the British Airports Authority, the Greater Toronto Airports Authority, Puerto Vallarta Airports Authority in Mexico, the airports authority of India, Jamaica and Barbados, in our region and all over the world, I am now satisfied that what we are doing makes sense. I reassure the Member opposite that the Comptroller of Customs and Excise will still be master of his own domain. He will still be responsible and in charge of all customs matters, as will the Chief Immigration Officer, as will the Commissioner of Police, so I do not see any danger there.

With these very few words, 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 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Imbert: Mr. Chairman, I beg to move the following amendment:

In the last paragraph, at (c), delete 10(4) and substitute the numbers 12A(2).

Mr. Sharma: The Minister promised to advise, at the conclusion of the debate, on clause 3(a)(i), the composition of board members. On a previous occasion, on another board, I believe it is the Central Bank board, there was the question of how to measure qualifications. Would you like to tell us about this on this occasion?

Mr. Imbert: The practice is that you examine academic qualifications and work experience and one would assume that when you look at someone suitably qualified in engineering, that person would be a professional engineer; a person in aviation would be someone who has been a former pilot; law, obviously an attorney-at-law; accounting and finance, you would be looking for a chartered accountant, but there would be some persons who, because of their vast experience, you might forego the formal academic qualifications. However, that would be the principle to be applied in determining if someone is suitably qualified. You would look for academic qualifications in the discipline first, but if you have an experienced candidate—

Mr. Sharma: Agreed! There has been some concern that there has not been a gender balance on a number of boards that you have appointed within your Government.

Mr. Imbert: What does that have to do with this clause?

Mr. Sharma: Present gender balance.

Mr. Imbert: Are you suggesting an amendment?

Mr. Valley: We deal with meritocracy.

Mr. Imbert: Member for Fyzabad, we are on clause 3 of the Bill. I am sure that is for another place.

Dr. Rafeeq: Mr. Chairman, in the Regional Health Authorities Act, the construction of this clause 3(c)(4) is a little more elegant. I would like one change to “in accordance with any special or general directions”. The other Acts have them as “any specific or general directions”.

Mr. Imbert: Let me consult with the Chief Parliamentary Counsel. [*Consults*] I will accept that change.

Mrs. Persad-Bissessar: [*Inaudible*]

Mr. Imbert: The Speaker will so move. The amendment is coming from the Member for Caroni Central.

Mr. Speaker: The question is that clause 3 be amended as follows:

Delete the words 10(4) and substitute 12A(2) and in clause 3(c)(4) delete the word “special” in the third line and substitute the word “specific” in place thereof.

Question put and agreed to.

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Clause 3, 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.

MISCELLANEOUS PROVISIONS (MINIMUM AGE FOR ADMISSION TO EMPLOYMENT) BILL

Order for second reading read.

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Mr. Speaker, I beg to move,

That a Bill to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago, be now read a second time.

This Bill seeks to raise the minimum age for employment to 16 by declaring a minimum age for work and by amending several pieces of existing legislation that all relate to the matter.

Cabinet, on May 13, 1993, agreed that the Minister of Foreign Affairs should prepare and issue the appropriate instrument to ratify, among others but more especially, the ILO Convention 138 concerning the minimum age for admission to employment. The decision was based on a recommendation of Convention No. 144 Tripartite Committee, which is a committee responsible for considering ILO conventions and recommending appropriate action.

It was noted at the time that although the Republic had ratified several pieces of human rights conventions, Convention 138 was outstanding. The Convention provides, in Article 2 as follows:

“(1) Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work...subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.”

Article 2 of the Convention goes on to provide that the minimum age for employment is to be specified by a member that ratifies the Convention and shall not in any case be less than 15 years. The Convention is supplemented by recommendation 146, which was adopted along with the Convention in 1973.

This provides that members should take as their objective the progressive raising to 16 years as the minimum age for employment or work.

Following the Cabinet decision of 1993 to ratify the Convention, the Government, in 1999, sought to do this. However, the ILO did not register the ratification when submitted in May 1999 as the then government had failed to declare a minimum age for employment in accordance with the Convention.

6.00 p.m.

At that time the Children Act, Chap. 46:01, section 91 provided that children under the age of 14 should not be employed or work in any public or private undertaking. In other words, a child of 14 was allowed to work.

Subsequent to the 1999 attempt to ratify the convention, the Government passed an Act to amend the Children Act in 2000. This Act changed the definition of "child" from being a person under the age of 14 to being a person under the age of 18. However section 91 of the Act was not amended by the 2000 Act nor was section 91 affected by the change in the definition of "child". Therefore the Government undertook and agreed, as recorded in the minute of May 27, 2004, that the minimum age for admission to employment in Trinidad and Tobago should be 16 and instructed the Attorney General to prepare the necessary legislation to give effect to that decision. Several provisions in existing legislation concerning employment of children have to be rationalized.

In November of 2002, the office of the Attorney General undertook a review of the various pieces of legislation that would need to be rationalized and prepared an opinion entitled, "Opinion on the legal implication of the minimum age of 16 years for admission to employment on the domestic statutes of Trinidad and Tobago".

Consequently the office of the Chief Parliamentary Counsel began drafting this Bill in keeping with the opinion of the Attorney General's office and finalized it in conjunction with our legal unit. Allow me to carry you through the various provisions of the Bill including the amendments made in the other place in December, 2006.

Clause 2 seeks to establish and declare the minimum age for admission to employment to be 16. This is consistent with Cabinet directive in Minute No. 144 of May 27, 2004. Secondly, as I stated earlier, the ILO minimum age recommendation 146 of 1973 recommends that members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work, specified in pursuance of Article 2 of the convention.

Subsection (2) of the clause makes this requirement applicable to any past or present law unless the contrary stated. The Factories Ordinance, section 1(14), would also have been in breach of the convention because of the upper limit for admission to employment. Therefore clause 3 of the Bill seeks to delete the word "fourteen" in the interpretation section and replace it with the word "sixteen". Secondly, the Occupational Safety and Health Act which replaces the Factories Ordinance in August 2007 was amended a year ago to address the minimum age requirement as it provides for the conditions of work for young persons, which is defined as a child of 16 and under the age of 18, thereby, in fact, it anticipated the minimum age for work as being 16. Since the Factories Ordinance remains in force until August of this year, it is necessary to make it consistent until it is repealed.

Clause 4(a) seeks to introduce the meaning of the words "court" and "inspector" as reference is made to them in the new sections introduced to the Children Act.

Clause 4(b) seeks to repeal and replace section 91. Section 91 permits children to engage in certain industrial undertakings which fall under the categories named in Article 5(3) of the Convention to which the minimum age should apply. Therefore the new section 91 raises the age to 16 years and provides that no child under the age of sixteen should be employed in any private or public undertaking unless it is with family. It is an offence if this section is breached.

The section goes further to provide that the section would not apply if the child were working in furtherance of vocational or technical training in a school or for an occupation with conditions prescribed by the Minister responsible for education.

Section 92 of the Children Act made it mandatory for employers who employ children under the age of 16 years to keep a register and give the police service the power of inspection.

Clause 4(c) of the Bill repeals and replaces this section in an attempt to make its provision clearer and less cumbersome. It breaks the provision into subsections and provides that an employer is to maintain a register for every person under the age of 18 years and maintain the details about their name, address and date of birth.

Mr. Speaker, the House will recall that the Children (Amdt.) Act, No. 16 of 2000, in its amendment to the definition of a child and young person substituted the word "fourteen" with the word "eighteen". Therefore, for consistency the Bill

did not interfere with that provision, as its intention is just to ensure that every young person is maintained on a register.

The new section, however, shifts the power of inspection to an inspector, appointed by the Minister who is responsible for labour. Another significant improvement is the shift in the penalty on summary conviction for breach of the section from \$1,000 to \$2,500 and imprisonment for six months.

New section 92A and 92B is being introduced in the Children's Act. As is commonplace in other legislation, the Minister is given the power of designation to suitably qualified public officers to perform certain statutory duties. Therefore section 92A gives the Minister the power to appoint an inspector in his Ministry. This inspector has the authority to require a parent, guardian, employer or his agent to give him information with respect to persons employed under the age of 18 years and the power to be able to inspect any record, pay sheet or certificate showing age.

Section 92B goes further and gives the inspector power of entry at a reasonable time and with permission of the owner. If there appears to be a breach of the Act, he may require the relevant person to answer questions, seize and take away any relevant document and produce it in any proceeding. However, if the documents are needed for the day-to-day operation of the business he must be given reasonable access.

The section emphasizes the Government's cognizance of the citizens' rights and puts safeguards against abuse of the right of access granted to the inspector. Therefore an inspector cannot use forced entry to obtain the relevant documents, but he is to first obtain a warrant from a judge; in this context, the president or vice-president of the Industrial Court. The judge however, is to be guided that the warrant should not be issued unless the occupier was given notice by the inspector of his intention to apply. The warrant continues in force until the purpose for which it was issued is achieved. It is also an offence to obstruct an inspector.

Section 93 of the Act spoke to persons under 14 years not to be employed on vessels. Clause 4(d) repeals section 93 since specifying the requirement for the keeping of a register on a vessel is redundant in the light of the requirement for all employers to maintain a register. Clause 4(e) continues to make the Act clearer by itemizing the various offences under section 94. It therefore seeks to repeal and replace section 94 and to create new sections.

The new section 94 removes the prohibition for a child under 12 years to be employed since the new age is now 16 years. A parent who is found to have

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conducted a child, who is under the age of 16 years, to work commits an offence. Secondly, Section 94A extends the liability to an agent or workman of an employer who permits a child under the age of 16 years to work. Thirdly, section 94B further provides that a parent who falsifies a certificate representing the age of a child commits an offence.

Clause 4(f) simply amends section 95 by making it consistent by referring to the new minimum age. Clause 4(g) recognizes the need to maintain a general offences section and removes the reference to section 92 and 93(2) since they are repealed. Secondly, because of the seriousness of these offences it was felt that the penalty needed to be increased. Therefore the penalty on summary conviction is a fine of \$12,000 and to imprisonment for 12 months.

Clause 5 repeals section 5 of the Recruiting of Workers Act. This was necessary to be consistent with the convention, although this section provided that persons under the age of 18 years could not be recruited. It provided an exception and allowed persons under the age of 18 years but above the age of 14 years to be recruited with consent of their parents. With the minimum age being 16 years, this section is now obsolete.

Finally, clause 6 inserts a new section into the Shipping Act and provides that children under the age of 16 years are not to be allowed to work on ships unless it is an integral part of their training and is consistent with Article 6 of the Convention.

Mr. Speaker, this shows the commitment of the Government to conform with our international obligations and to the safety and health of our children.

I beg to move.

Question proposed.

Dr. Roodal Moonilal (*Oropouche*): Thank you very much, Mr. Speaker. The matter before us today is a very critical and heart-breaking piece of legislation, which as the Minister indicated had been the subject of attention for several administrations and over several decades.

I want to begin by indicating that on matters such as these involving critical social policy matters, it is really a pity that the Minister chose not to give us some type of indication of this matter in a social context of telling us something about the work of his Ministry; whether or not his Ministry is prepared to monitor and implement this legislation. But the Minister came before the House and took us through point by point of the Bill, which is before us and which has been

circulated. There was absolutely no discussion, no presentation of the capacity of his Ministry—

Mr. Singh: Or lack of.

Dr. R. Moonilal:—or lack of. There was no attempt to put this issue in a regional or international perspective, as a very critical issue of labour policy and social policy that it is. It is left for the Opposition to do that.

The Member for Diego Martin East is complaining, weekly and weekly, that Members will not research and prepare themselves with solid research material and intelligent statistics and data. And as if to support his point in a most dramatic fashion, the Minister of Labour, Small and Micro Business came this evening and gave us a point by point reading of a Bill that was circulated without the analysis and discussion. It must pain the Member for Diego Martin East, researcher of note that this type of dry, bland presentation came.

Mr. Speaker, I would have suggested that it was done this way because at 6.15 p.m. on a Friday, one did not necessarily want to get a global and philosophical perspective on social policy. But I want to admit that having read the presentation of the Minister in the other place, the quality here was not higher than in the other place. Quite clearly, it is the pattern of presenting legislation. It is the style, to use the term for judging airports; it is the style.

So it is left really to the Opposition to put this matter in some context to discuss some of the critical issues emanating and of course, to look at the Bill. Acknowledging that there are several important points of amendment made between our first draft and our second draft arising, I imagine out of the debate in the other place, where there are certainly two important matters in terms of amendment. There are also several important questions that can be raised in the context of this measure.

The Minister also failed us on another count in that there exists very solid and up-to-date literature on this matter, and the Minister really robbed us of the opportunity to get some insights and some information that I am sure would be at his command had the Minister had an interest in discussing this matter in a serious way.

Mr. Speaker, I will begin by saying that this matter is not just of employment of children. It will be advanced as a matter simply to raise the minimum age to admission to employment and therefore, it is in a sense an employment policy matter. This is a much more heart-breaking social policy issue. The children have concerned the social policy makers for time immemorial. There was time in the

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aftermath of the industrial revolution when leading industrial nations took action to limit the involvement of children in work, because it is felt universally that children must be prepared for the world of work, so that they can make a more productive, enriched contribution to society, and therefore nothing should be done to deny children education which will bring opportunity.

It was in 1981 that the United Nations dealt with this issue and adopted an instrument to provide for the rights of children. Many years later, by 1988, the International Labour Organization, an arm of the United Nations, also addressed this matter at their annual convention in Geneva; leading eventually to the passage of a convention—and the Minister took note of Convention 138.

It is also instructive that there is another convention—it is ILO Convention 182—that deals with child labour in the context of the exploitation of child labour in the workplace. Convention 138—which we are dealing with—addresses minimum age to employment. Convention 182 deals with exploitation and child labour; so they are very much related. Generally you speak of both Convention 138 and 182; but 138 certainly is the matter before us.

Just to put the business into context; it is estimated that by 2003, that as many as 182 million children between the ages of five to 14—repeat that; 182 million children between the ages of five to 14—were involved in employment in what is called hazardous work as opposed to light work, and I will talk about that later. So, it is indeed a global phenomenon that we are dealing with. It is a matter that has serious policy implications, not only the denial of education, but an increasing cost on your health sector and increasing cost on your social programmes, provisions, services and so on.

It is a matter that you can actually put an economic cost as well, to child labour and to the exploitation of children, but of course, we are more concerned with the economics. The matter has a moral and ethical dimension, in that we should not subject children to exploitation in the labour market and we should not have children working at the formative age, when they should be in an education institution getting the skills and training so that their life opportunities could be enhanced; that is social policy dimension.

The government of the United National Congress (UNC) and the Minister acknowledged, took steps, as we were doing, concerning all conventions of the ILO. I want to indicate that the UNC took steps to ratify, to implement and to have operational all the core standards of the ILO, including child labour. Mr. Speaker, you would be aware that the ILO complimented and commended the Government

of Trinidad and Tobago by 2001, for the actions taken to implement equal opportunity legislation; the ILO was on record. The ILO expressed regret that that legislation could not be implemented and it required further parliamentary work; this was in 2001. In 2007, six years later, we do have an Equal Opportunity Bill on the table in Parliament. So it took six years before we got to this stage.

As the Minister indicated, by 1999 under the UNC, the UNC administration journeyed to Geneva to present our commitment on this matter of minimum age to employment. Because there was another legal problem involving the synchronization of all the legislation, we indeed had to come back to Port of Spain to look at that.

Again, from 1999 to 2007 we have reached this point of synchronization; trying to get all the legislation to work together, because it is a difficult thing. I might add as well, that in this matter of child labour and the minimum age to employment, when one reviews the laws that are needed to discuss this matter and the revision that was needed, I cannot read all, but about 25 to 30 Acts of Parliament had to be looked at and reviewed to ensure that there was synchronization and harmony with the age of children. I can say it in a general way that people can understand.

What happens in the society is that for every different area of Government, you may have a different limit to participation. For example, you can now go to work lawfully at the age of 16 years; you can get your driver's permit at the age of 17 years, and you could purchase liquor at the age of 18 years.

Hon. Member: You could vote.

Dr. R. Moonilal: And you could vote. It is interesting how the two synchronize; the purchase of liquor and the right to vote. The point I am making is that we have these different steps where there is no synchronization. There are also issues involving criminal liability of young persons—and we have to use the term young persons, here—which can change depending on the age and the particular offence that one has in mind.

What I am saying is that it is a very delicate issue involving several pieces of legislation and several areas. The international community as well—I just want to make a couple points about this and then come back to the local scene—has also been shifting in its view on children, in that children were viewed initially as the objects of policy. You make law for children because we want them to do well, but today, children are viewed as the subject of rights. So that in the domain of human rights, children now feature, this is relatively new in the evolution of

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society. Children now feature as the recipients of rights, not just the objects of policy; so that one has to take into consideration their rights. Given the nature of work, the employment and the industrialization of society, that age has been increasing.

There was a time in industrial society when you could work at age seven, lawfully; that moved to age nine, then to 13; today it is 16. In some countries—there are a couple countries—that minimum age to employment is indeed 18 years; but generally they are synchronizing at 16 years. Sixteen years is indeed higher and the Government of the UNC could take some pride in the fact that 16 years is not the lowest age you can get. There is an option for developing countries to drop that to 15 years; so it is very commendable that 16 is the age that we are trying to put into law.

Mr. Manning: To enact into law.

Dr. R. Moonilal: To enact into law.

Mr. Manning: [*Inaudible*]

Dr. R. Moonilal: I will come to some of that elegance in a few minutes. Mr. Speaker, what do we have on the local scene to look at in terms of our domestic research and so on? Over the years, this matter dealing with child labour and employment of children has received the attention of the International Labour Organization with global studies and there are many, so we do not want to quote extensively from all types of global studies with data and so on.

Let us look just at Trinidad and Tobago. A study done in June 2005, ILO Regional Child Labour Project—it was published in 2006, so it is quite recent—by Clive Pegus, sought to put into context the issue of child labour in terms of reviewing the laws and policy in Trinidad and Tobago. There is an important point made here that I just want to develop; that issue of tying admission to employment with education. There is a link between admission to employment and education. If it is that you can be admitted to employment at 16 years, but your compulsory age of education is to 12 years, then what happens between 12 and 16 years?

You have a zone where children can be outside of an education system, training institutes and the children at that age are not required by law to be in an education or training institute, only until 12 years. I believe—and those of us on this side believe—that we shall now move to change that compulsory age of education to 16 years, so that we can synchronize education and job, and we will

not leave a huge majority of young people outside of training and education. They may be there now but we need to pass the necessary laws to ensure that parents, guardians and so on are under a legal obligation to ensure that children are in education and training institutes in Trinidad and Tobago.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Oropouche for giving way. Are you suggesting that in the event that the parent does not conform to such a law that there ought to be penalties associated with it?

Dr. R. Moonilal: I was wondering what took you so long to interrupt. Mr. Speaker, I am suggesting that the compulsory age for education should be 16 years and I am further suggesting that parents and guardians be under a legal obligation to keep their children in school, training institute, education and the State shall provide the social support structure to ensure that every children can go to school.

Hon. Members: Every child!

Dr. R. Moonilal: Every child can go to school. [*Interruption*] Because I am so passionate on this issue sometimes I get carried away. I am so passionate; it is like my passion on CEPEP and corruption and so on; I am so eager to condemn it.

Mr. Manning: Sound like your children. [*Laughter*]

Dr. R. Moonilal: Mr. Speaker, not to be distracted in any form or fashion. The point I am making is we need to have the same age for education and employment quite clearly, and to respond to the Prime Minister by giving an example. In my constituency with many poor people there; a constituent complained to me that her male child could not get onto a school bus to go to school; the bus was full, of course and there was no more place. But that child cannot afford to pay privately for transport so the child had to remain at home.

Now something is fundamentally wrong with that, in the sense that surely we must ensure that we have enough buses or transportation infrastructure in place. You cannot penalize a parent in the circumstance that the child cannot access transportation. But where parents or guardians wilfully keep their children at home or use the children to get into small trade, vending and doing business when they should be in school, the law should intervene to punish in some form or fashion, parents or guardians. Parents and guardians should be responsible, but I am saying that there must be exceptions as well, because if you simply do not have the money and you cannot access transport, it is clear.

We also have another phenomenon in this country—when you look at the research—where sometimes someone may be the guardian of a child but not

intentionally; they never asked; they do not request. The child's father is killed in a murder; the child's father is in jail; the mother is elsewhere doing something else and the child lands up by an aunt, who will not say no, will not turn the child out, but that guardian did not request to maintain and upkeep the child.

There are circumstances when you need to look at the situation, but as a general principle, parents and the guardian should be responsible in law and face certain penalties if they do not keep their children in school or in the training institutes that are being provided. That is the point, Mr. Speaker, I wish to make.

In Trinidad and Tobago, we have children involved in both light work—light work includes work that does not place the child in a hazardous environment involving chemicals, minerals, loading or offloading any heavy burden and so on; work that may be less eight hours in duration.

6.30 p.m.

Mr. Speaker, I want to indicate that in terms of the worst forms of child labour Trinidad and Tobago needs to move in a direction to put onto our law books specific offences and laws dealing with child labour and the exploitation of children. Child trafficking is another issue prevalent in the region.

The trafficking of children across borders, it happens particularly involving our Caricom neighbour Guyana. Because of where Guyana is located you find that children cross the border from Brazil and other places, come into Guyana and they are involved there, they could be adopted, go into homes to work and so on. Many are involved in the sex trade, in prostitution and so on, but I will come to some of these matters in a while.

Mr. Speaker, staying on Trinidad, another study dealt with the issue of child labour. "The Situation of Children in Landfill Sites"—this is December 2002—and other forms of child labour by Desmond Hoyte and Cheryl Lewis, published by the ILO as well, and this paper concluded that there is a significant number of children working in Trinidad and Tobago in landfill sites, vending and selling on the highways and byways. The age group that we are talking about is in and around 13 ½ years old. Mr. Speaker, children are also working as domestics at a very early age; by 13 years of age children in Trinidad and Tobago could be working as domestics.

The result of this survey—I am quoting here—suggests that the four worst forms of child labour are "scavenging, work in agriculture, domestic work, prostitution and pornography". This finding in 2002: "Prostitution and pornography" and today we saw a headline in the *Trinidad Express* Friday, January 19, 2006; "Students in phone sex videos". The Government needs to outline a clear policy position as it

relates to child labour and the exploitation of children, to the protection of children involved in work and also, what specific programmes and policies they have in place to address this matter of prostitution and pornography involving children.

I am not trained in psychology, social work and so on, but I imagine those people who are trained in that area would give us a good analysis of the psychological damage, of the hurt, of the scars, that are left with the child who participates at an early age in prostitution, pornography, the sex trade and so on, and we need to address that. There are also health related issues, many of the children involved in that area will also go on to contract HIV/AIDS and other sexually transmitted diseases, face physical and sexual abuse. It is very interesting in a study done on Trinidad on child labour when the researchers asked the children what they would like later in life, they all said they would like to lead more fruitful lives and they dream of nice houses and better jobs, which is a dream of many children, in fact. But they were involved in child labour in several areas as quoted.

Mr. Speaker, the issue of children in agricultural farm work is also another interesting one to look at. Many persons would know that farm labour historically, was built upon family labour; you would have your family members and extended family working with you, outside of labour codes, payment structures and so on; you maintained your business by way of employment of friends of relatives and so on in the context of allowing opportunity but working part-time in the gardens or on the fields. In fact, I must say, and we must record again and again, that it was the former Prime Minister, when he served as trade union leader who, indeed, initiated plans and fought long battles to ensure that many children left the sugarcane fields and went into the classroom. They were removed from labour in the cane field into the classroom and indeed that opened up a new window of opportunity that led to the upward mobility of entire communities throughout Trinidad.

Mr. Speaker, this is Trinidad, but I just wanted to speak a bit about Tobago. We also have a study by L. Dunn on “The Situation of Children in the Worst Forms of Child Labour in the Tourism Economy and this is dated November 2002. What is of interest here immediately, is that the writer notes that when you look at Trinidad and Tobago, relatively high on the list of human development index; prosperous if you look at the indicators and so on, certainly not the poorest country in the region; among the upper, middle income nations, you would think that child labour should not be a feature here, but the writer notes that Tobago,

because of its dependency on tourism as well, lends itself to the exploitation of children. The study undertook to look at children in Tobago to and assess the extent to which we have child labour in Tobago. The main findings—and I want to get to the findings quickly, it makes no sense looking at methodology and so on—are that there are legal loopholes—and we are trying to block one now—and inadequate monitoring of existing laws to deal with child labour in Trinidad and Tobago.

Mr. Speaker, the report notes that significant numbers of children were involved in vending, trades and prostitution; as much as 44 per cent of all children working were sexually exploited; 28 per cent were in child labour activities; 22 per cent in illicit activities, and 6 per cent in hazardous activities. Characteristics of working children: socioeconomic and cultural background, age and education. Generally you will find children involved in the worst form of child labour and working would come from the lower social classes, children with very low levels of education, and that is the link between child education and education, of course, and children who are dropping out of the schools and were in economic need, had behavioural problems, inability to cope with curriculum, school environment and indeed, some children are involved in sexual activities.

Mr. Speaker the working conditions of children involved in Tobago in the tourism sector; they were working long hours, over nine hours per day; non-cash remuneration, meaning children would receive vegetables or clothes, whether it is food or drink in exchange for their labour; irregular payments; low remuneration sometimes below the minimum wage then of \$7 an hour. Young people involved in sex tourism and trafficking between Tobago and Europe appeared to have little power or control over their business or income. In fact, Mr. Speaker, the report suggests that in Tobago as well, there is some type of organized sex industry where the children are recruited and become involved in the sex trade and they may also travel abroad and return.

A minority of those children working regarded their work as fun, while the majority accepted the reality that they were required and expected to work to support themselves and their family. Report from stakeholders indicated that some schoolgirls involved in sexual relationships with older men were open about their source of income. Mr. Speaker, the causes of child labour involved poverty clearly; poor education, and there is, of course, that sustained link between education and employment; poor parenting and lack of awareness of children's rights—I do not want to speak and explain too long on each of these issues—poor

moral values and materialism; the economy on tourism, poor policy coordination and inadequate resources.

Mr. Speaker, it is clear that there is a link between child labour, poverty, education, parenting the value system of a country, and it expresses itself in this exploitation of young children. Having established that child labour is a very serious, prominent and dark element in our labour market, the question that is left to be asked is, what are we doing? What are we doing to deal with this? And I have not spoken as yet about children involved in criminal activities.

I recall an article in the newspapers with a catchy headline, Sunday, November 28, 2004; the *Trinidad Guardian*, Gizelle Morris wrote, the headline was entitled: “Gang bosses lead children astray” and the article suggests, without reading the entire article that:

“Street children are being trained by criminal gangs to commit crimes on Charlotte Street and other parts of Port-of-Spain.

Men calling themselves community leaders have these youths working for them, knowing that no one is looking out for this them...”

Mr. Speaker, clearly, young children are also involved in criminal activity. Just recently at the court a 12-year-old child was committed to stand trial for murder—12-year-old—and that is one, there may be more. Earlier today we heard about the illicit activities and unlawful activities taking place at school where students, allegedly in uniform, are engaging themselves in pornography and at this moment, we understand, circulating on the Internet through mobile video clips. The next step is to start selling those video clips and make a market and sell it. If you understand what is happening here and you follow trends in other countries and so on, you can start to imagine what will happen if we do not get a hand on the problem; if we do not take this problem and deal with it frontally. Because today, those video clips may be circulated as fun; tomorrow, that could be a market and business, not only in Trinidad and Tobago, but there are sick people throughout the world.

Some of us who regularly look at CSI, criminal minds and some of these movies would understand that the international trade over the Internet business involving pornography, child molesters and others is a rampant multimillion-dollar, probably billion-dollar industry and given technology, it will not be long before, if this is not dealt with, children will be making video clips in the nation’s schools and marketing them on the Internet—

Mrs. Persad-Bissessar: They are doing it already.

Dr. R. Moonilal:—for the entire world. It is probably happening already; where you stay in Russia and use your credit card to purchase video clips from a school in Trinidad. This is, Mr. Speaker, the diabolical and dark side of what is happening. I am aware that there are others on this side who are eager to get into this debate. I just wanted to place or record the incidence of child labour in Trinidad and in Tobago and to indicate that there are several recommendations coming out of the review of child labour in Trinidad and Tobago.

There are recommendations coming out that one has to look at. Before I get to that and end I wanted to raise a few questions on specific clauses in the Bill. As I said before, we took note of the amendments emanating from the other place. One issue I wanted to raise with the Minister and invite the Minister at a later stage to consider and reply involves fines. It is a belief long held by many persons in the national community, particularly social workers—those in the social and voluntary sectors—that we do not have stiff penalties for those who violate the laws, but outside of the criminal law strictly speaking. So that those who violate labour law and those who violate health and safety law, we do not have stiff penalties that will act as a deterrent.

So, Mr. Speaker, while I compliment the Minister for moving from \$1,000—I think it was in the earlier draft—to \$2,500, I am still suggesting that \$2,500 to charge an employer—in many places and we have to think in practical terms when we are dealing with this matter, because child labour is not an academic matter, this is a practical matter. You think of a restaurant somewhere in the city and they will have in the kitchen some young children working exposed to heat, exposed to chemicals and exposed to all sorts of health and safety risks—children.

You think, Mr. Speaker, of a factory, a sawmill, a furniture factory, a chemical factory or a paint factory where you may have children. The point I am making is that this is not happening in every industry, clearly not; health and safety; if you look at all the people who have died from health and safety accidents over the last five years you can profile it. It will not happen in a formal business place; it will hardly happen at a bank or it will hardly happen in a regular formal business place. It will happen on construction sites; it will happen at an industrial estate. I was shocked how many people died as a result of a crane that was not properly functioning.

Mr. Imbert: How many?

Dr. R. Moonilal: It looked like a crane should be designated, “how many have died from a crane that is not functioning”. It happens in the construction sector and it happens in many projects under the watch of the Minister of Works, where workers on a scaffolding, and it could be a bit higher than the Minister of Works, in an industrial accident—

Mr. Sharma: When he stands up.

Dr. R. Moonilal: He is standing; he is not standing. Mr. Speaker, on an industrial site persons are exposed to danger at construction sites, particularly likewise, when you are dealing with child labour, I think by now people should know where to look. You have to look at the clubs, at the entertainment centres, in the hospitality and tourism sector; global research tells you where you are likely to have child labour. It is hardly likely in a government building, at the Ministry of Finance, in the Prime Minister’s office or somewhere you would have children working that way; it will be in the tourism sector, hospitality, beverage and food, the entertainment sector in particular and so on.

So the Minister can designate inspectors to keep an eye on that area. In those areas, I want to make the point, coming back to this Bill you are running a restaurant—whether it is a Chinese restaurant or not, although there is a proliferation of Chinese restaurants throughout Trinidad and Tobago now. Mr. Speaker, or you are running an entertainment club your profit for a month could be more than \$50,000/\$60,000, much more, I am just using that. You tell an employer that if he is not keeping a register of persons under the age of 18 years he will have to get \$2,500 an imprisonment of six months; now that is and imprisonment, it is not and/or, it is and.

Mr. Imbert: But it means or.

Dr. R. Moonilal: But it means or; and/or. The point is that an employer with a profit of over \$50,000/\$60,000 per month will not be too bothered with \$2,500 in case he is caught. In fact, the other problem that we have here is that the Minister did not give us some privileged information as to the number of inspectors existing, as to his intention to increase the complement of labour inspectors. We under the legislation say, “the Minister will designate” or something, but we know that that will come through the system and the Minister will do the formality, but the problem in Trinidad and Tobago is that we do not have the institutional strength to chase down and to bring to book the delinquent employers; [*Interruption*] the manpower, the human resources. What we are saying is why, if we have the financial resources, why could we not have the human resources?

I actively monitored the daily news here for the last five/six years. I cannot recall—it may have slipped me—one incident of labour inspectors moving on to specific businesses and so on and imposing fines and sanctions. It may have happened and I missed it, but the fact that it may have happened once or so, I am talking about the frequency with which you inspect an enterprise and the frequency with which you bring employers to book because there are criminal employers out there; certainly not all, but there are criminal employers out there who exploit workers and children. There are nightclubs where children are working as waitresses and they have an understanding that they can collect tips in cash or in kind, and you can make your private arrangements while working at a nightclub; that is outside of the purview, the formal oversight of the employer and his agents. There are nightclubs that operate like this and they go under the glow, they advertise parties and fêtes and so on and they have young underage children working there.

Mr. Imbert: How do you know that?

Dr. R. Moonilal: Will labour inspectors, Mr. Speaker, be going to those nightclubs?

Mr. Imbert: How do you know that?

Dr. Rahael: Ask him again.

Mr. Imbert: What evidence do you have?

Mr. R. Moonilal: Would they go in the night when they work because child labour in that case is not daylight; it is really in the evening, late hours and so on and are labour inspectors doing this type of work?

Mr. Imbert: Are you giving personal evidence?

Dr. R. Moonilal: Or would you want me to do that as well?

Mr. Imbert: Are you giving firsthand evidence?

Dr. R. Moonilal: Mr. Speaker, the issue, of course, is the parenting and we have already admitted that in this country we have almost collapsed. The institution of the family has almost collapsed now, but, the State has to move in to protect the rights of children and I am saying that this \$2,500 fine is inadequate to say the least and we should review that.

Mr. Speaker, I want to take the Minister through another part of this Bill, as a walk-me-through an interesting point for me. We are saying now that if you run a

business you can still have someone under the age of 16 working, so long as that child is involved in some type of education or vocational programme that is approved by the Minister of Education. That is what the Bill says. So you can still have someone working for you if they are involved in an approved programme of apprenticeship or OJT or whatever, that child under the age of 16 can still work, but that may lead to several other problems.

Mr. Speaker, sometimes you have a case when the holidays—we say summer here—the July/August period children go to work, they may be in secondary schools and so on; they go to work because, initially, they want to have a few dollars in their pocket; they want the experience of going to work to adjust to the labour market and the world of work. They would go in a bookshop or some supermarket somewhere to work, but that, Mr. Speaker, is not part of any government programme; it is not approved by the Minister of Education; it is not under the Ministry of Science, Technology and Tertiary Education or anything like that. But you have a lot of that happening in Trinidad and Tobago where children in the secondary school system would use their holidays to work; is that now illegal with this Bill? Is that now illegal, in that, if you are an employer you cannot have someone working for you under the age of 16 unless they are part of some approved Ministry of Education programme?

So someone is running a bookshop on High Street—the Member for San Fernando West could now picture this—during the holiday period, you want to have five or six secondary school students because they are helping you as well; they get the exposure, they make a few dollars and so on. Unless that is part of an approved programme of the Ministry of Education that is unlawful and I need to just put that in because it happens a lot. When I was in secondary school I worked in these types of holiday jobs for a few months. We do not have a provision that seeks to deal with the reality of that type of work.

Mr. Speaker, there is a provision in this Bill that addresses the family enterprise, the place of work and it says that—unless this has been amended as well and I did not hear anything about an amendment—you can work in your family business so long as only members of the family are working there. So if you are running a bar or a restaurant and it is only members of the family working there you can work. But in many cases, we will have a situation where you will have an employer running a business but it will be a mixture of both family members and non family members, what happens there?

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Oropouche has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

Question put and agreed to.

Dr. R. Moonilal: Thank you very much, Mr. Speaker. I was raising that matter of the family business and making the point that we need to look at that again, because in any business that you run in this country it is hardly likely that you can say that every single person working in the business is a member of the family. What is the family? I am not sure that there is a definition here, but there may be a link to another definition in another law. Because do we mean the extended family? The immediate family, who is the family? Is it a half brother, half sister? Exactly what do we mean by “family” in this measure? Clearly, we cannot establish in law a situation where you must have a business where only family members are working to permit the child under the age of 16 to work.

Mr. Speaker, when I was growing up we ran a small parlour to get by and after school or on Saturday and Sunday all the children would eventually work; selling and doing what we had to, to help as parents get by, and this was quite normal. We were never denied education and so on but we worked part-time and we took shifts and we took our turn, but that was only the family members. In many cases you have a business that is a family business where you have other people working in the business as well, and I think we need to address that matter.

7.00 p.m.

Mr. Speaker, another clarification deals with a particular offence. As it stands here in the measure, if you go to an employer—and the Minister can correct us if we are wrong in interpretation—and the employer says, “I do not permit you, Mr. Inspector, to come onto my premises to inspect or take any record”, at that moment you have to tell the employer, okay, and you go to a judge, meaning the Industrial Court, President or Vice-President to get a warrant to go back. Now clearly, the employer has therefore, a right in the law to tell the inspector, I am not permitting you to come into my premises. Is that an offence? If it is an offence, what is the punishment? Because if there is no punishment for that, then what motivates any employer to invite a labour inspector to come on his premises?

As I read it here, it works out to a situation where I am the labour inspector, I go to the place of work, and I say I am here to come on your premises to look at your register. The employer says no, I am not permitting you. I said okay. I go back to Port of Spain to get a warrant from the Industrial Court. I then go back to the employer who then is obliged under the law to permit me. But, did the

employer commit an offence in the first place? If he did, what is the offence and what is the punishment? It seems to me to be a waste of time to just leave it to employers to either permit or not to permit, because by the time the labour inspector goes away—you wanted to participate in the hospitality sector the inspector—to Port of Spain to get a warrant, the employer has all the time and opportunity in the world to falsify documents, to create a new register, to go and fire the children and send them home, to threaten the parents and the child. It just seems to me to be a waste of time, that process. It can be simplified to compel employers to allow a labour inspector to come onto your premises to inspect your register. Simply put.

Mr. Speaker, I know that other Members on this side are very eager to speak and to fully utilize their time to speak, so I do not want to continue for much longer, but to end by indicating that one of the main problems facing all of this, beautiful good social policy legislation, wonderful labour law legislation. Wonderful! We support this, it is good news. You know what, this will never be implemented; it will never be monitored; this will mean nothing. The review of child labour laws in Trinidad and Tobago concluded that there is a weakness with administrative and institutional mechanisms for the cohesive and coordinated monitoring and enforcement of laws relating to child labour.

Hon. Member: All laws.

Dr. R. Moonilal: All laws. This review dealt with child labour and the study is June 2005, published 2006. So the writer is indicating—[*Interruption*] please. You want; listen!

Mr. Hinds: [*Inaudible*]

Mrs. Persad-Bissessar: Are you serious?

Dr. R. Moonilal: I mean, if you want to raise a substantive matter, get up, do not be sitting and talking like that.

Hon. Member: Grumbling.

Dr. R. Moonilal: Grumbling. Well, anyway, all his friends are on this side of House, he has no friends on the other side. Mr. Speaker, the point I am making is that this important study on a review of child labour in Trinidad and Tobago concluded that monitoring and enforcement of laws, that process is extremely weak, underdeveloped. There are little administrative and institutional mechanisms that need to be developed. The point is that, there is no political will to implement social and labour laws in Trinidad and Tobago. [*Desk*

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thumping] That is the point, there is no political will and the Member for Siparia is very clear in saying that there is no will to implement any law. Any law; not just social policy and labour law; not just this matter of child labour.

So, we are convinced on this side of the House that passage of this piece of legislation, as noble as it may be, will be as irrelevant as any other progressive law that is already on the books in Trinidad and Tobago, [*Desk thumping*] and the Minister of Labour, Small and Micro Enterprise Development by his failure to indicate to us in this House, what is his in-house capacity; what is the capacity of the Ministry; of the inspectorate and of its monitoring and enforcement machinery, suggests to us that nothing will change, as noble as this measure may be.

Mr. Speaker, I thank you.

Mr. Manohar Ramsaran (*Chaguanas*): Thank you very much, Mr. Speaker. I would like to start where the Member for Oropouche ended. This Parliament passed—in my opinion and in many people's opinion—a progressive package of legislation to deal with children issues and we are waiting, and waiting and waiting for these laws to be proclaimed. I have heard the Minister of Social Development for the last six years promising to come forward and proclaim these pieces of legislation. We hear the Member grumbling on the other side as usual, but the fact is, these pieces of children's legislation, of course, were brought forward by the government of the day, but they were also inspired by work done by the United Nations, various agencies that deal with children and that government ratified or they signed the UN Declaration of the right of the child that we ratified. So, Mr. Speaker, it is not to blame anybody—but sorry, I want to apologize; it was signed by the NAR in 1989. It sat there until the UNC came into office in the 90s to finally be ratified. So it appears as if they do not even listen to the United Nations. Despite the fact that would inspire the hon. Ministers opposite to come forward with legislation, I am now convinced that this is just a talk shop.

Mr. Speaker, as I was preparing for the earlier debate and you go through the PSIP of 2005/2006; you go through the budget presentation of the hon. Prime Minister, it is a fairy tale. Good language! People talk! Good language and plenty money and what do we get for it? Nothing! If I may just read what the hon. Prime Minister said in his budget presentation of 2006. And I quote:

“The Ministry of Social Development is a key player in the process of strengthening the institution of the family (of course where the child will start) having as its mandate social sector planning, development and

monitoring, social research, social impact and review and social services delivery. In the upcoming fiscal year (2006) the priority of the Ministry will include:

- (i) the formulation of a national family policy through a collaborative process...”

It went on to talk about strengthening individual families and so on.

When I listened to the Prime Minister making this budget presentation, I would listen with bated breath to see what is happening in the social sector. And when I hear these promises, I want to tell you honestly, whoever, whichever Government would do anything to improve the quality of life of our people and including children, I applaud. Look at Trinidad and Tobago today. Yes, we are talking about employment and what is happening and when you look at the ILO Convention, these are worthy suggestions. But look at what is taking place, look at our society and I want to tell you that the hon. Member for Siparia mentioned this whole question of sexual activities on the Internet and what have you.

Mr. Speaker, a couple days ago before this story broke, I was speaking to some school teachers and when they told me what was happening in these schools, if you have any conscience, you shiver. It is dangerous and what is the Minister of Education doing? Propaganda, public relations as if nothing is wrong and I asked the teachers, “why have you not told somebody what is taking place?” They are scared and I am glad this story broke. Not that it is something that we should be proud of, but now the teachers could feel at least somebody broke it and they could come forward and tell us.

When I asked these teachers to put something in writing and I would come to the Parliament and raise the issues, they are scared because they could be traced back and somebody could deal with them. Also, in addition to what was said today, I do not want to go into the details, but I think something should be done. Something should be done now. But the facts point to prostitution in our secondary school system and I do not want to describe it, but just let me give you a brief thing: to show maybe your breast is a little sandwich and more private parts, the fees were raised. Then, of course, to go into further details it gets worst. This is happening in our schools and nobody in Trinidad and Tobago could deny that. Who is responsible? Who is it to blame? *[Interruption]* You like to do the blame game. I want you to take responsibility for that.

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It is something that is destroying us and I keep saying every time that I come to this Parliament, no wonder we have all this crime in our country. It has started in the secondary schools and for some reasons, maybe the teachers who are employed by the Government are scared to talk and they would not come forward and say anything. So our society continues on the downward trend and I fear and wonder what would happen tomorrow. When we go on the streets and we see street children growing and what they are capable of doing—what has been told to me recently by the YMCA, the NGO that works with children on the streets, it is becoming sometimes unmanageable, what is happening on the streets of Trinidad and Tobago. It has reached Chaguanas; it has gone across the board, street children or children on the streets, however you want to call it and this is becoming over—When the Minister comes with this legislation, as I said I want to agree with the Member for Oropouche that it is all talk and no action. I could bet—and I would like to use the word “bet”—anything that we will not see the proclamation of this Bill before maybe the next three or four years; maybe under another administration, but not by this one.

I want to put on record various issues because it is something I do not like to think about. It makes me become very emotional, what is happening to our children in Trinidad and Tobago, the issue with Faith Williams and other children who have died while in the custody of our health institutions. We have the whole question of neglect and I want to just touch briefly on a few of these points.

I attended a seminar that dealt with the sexual exploitation of children and when I participated in that particular convention, I thought this could never happen to Trinidad and Tobago. I thought that what was happening there could never happen, it would not. Not that I bury my head in the sand, but the extent of exploitation of our children especially in the Philippines and other places, I thought that could not happen here until when you return home and we see over the last few years what is coming forward, shows clearly that we are reaching that stage. We are becoming so careless with our children, people do not care. Children might be found straying, they might be found about the place. Police officers who are responsible would not, maybe they do not have the will to do anything about it because if the police—and they tell me this—find a child loitering, a child on the streets and they take that child into custody, it is now the police’s problem what to do with that child. Then the supporting institutions are not there, so they allow the children to be on the streets. So we must understand.

Mr. Speaker, this whole question, when we look at children in our society, where do they learn deviant behaviour from? Is it by accident that they experiment? I do

not believe so. The whole question of opening up the television world, so to speak, that exposes our children to have qualities instilled in them that normally would not occur. I am not saying that we should ban cable and all the other fancy network, but they should be monitored. Maybe the Government cannot enact that, but if we talk about it, that children should not be looking at certain shows, that will help. We could talk about it. We cannot legislate against that, but we could talk about the censorship, maybe certain shows should not be shown between 6.00 and 8.00 p.m. because I am sure that we still have a board that deals with censoring our shows. So there are various reasons I can go in for what might be causing the deviant behaviour in our children, but we have to be there as protectors and we have to be there as role models. There is so much that we could do as a Parliament, as leaders, but to sit here and do nothing is to me leading us where we would not want to come back.

Before I examine the Bill, I want to continue talking a bit about children in our society. When you look at the whole question of public assistance and disability allowances, I want to make a recommendation that this should not just be a handout for political reasons or for any other reasons, but we are reaching a position now that we should examine the living conditions of the people who receive it especially children, and the children should be monitored. I remember families receiving subventions for children; the officers would go and visit these homes and the children would be on the street begging for alms and their parents would take their money and do alcohol and drugs and so on and the children would still be neglected. I am saying that this is something we have to look at.

I do not want to blame people, I want to recommend that the whole social services sector should now be geared towards results to make our children better people. I have seen it and we all experienced that where the parents of the children will receive that money and spend it not on the welfare of the child. It is something we have to look at, maybe not the Minister of Labour, Small and Micro Enterprise Development, maybe the Government or all of us to see how we could improve the quality of our children.

Children now go to school at the primary level and they will not be in classrooms. The parents would believe that their children are in class; the teachers would believe the children are at home and they are somewhere else. These people are out there somewhere. So who is responsible? To ask the police to do that is stretching it too far because the police are understaffed and have so much to do. But I think really we have to look at a system. I have been hearing for a long time of improving the social delivery system and I am not seeing much happening.

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As I go on, we look at the underprivileged and vulnerable and I will just look at—maybe you would have been one.

Mr. Speaker, I want to look at children who are underprivileged and vulnerable and as I said before, we have glossy books, we have promises made and I want to just read another one:

“The sum of \$18.4 million has been allocated for the continuation of projects to improve facilities and homes for the underprivileged and vulnerable, including:

- continuation of refurbishment works at the St. Catherine building of the St. Dominic’s Home;
- renovations to the dormitories of the Salvation Army;
- commencement of the construction of the Social Displacement Centre in Laventille, at an estimated cost of \$23 million;
- commencement of construction of dormitories at the St. Michael’s School for Boys in Diego Martin, estimated to cost of \$4.1 million, and at the Substance Abuse Rehabilitation facility in Piparo, estimated to cost \$3.1 million; and
- preparation of designs for the construction of Remand Home for young female offenders in Aripo at an estimated cost of \$24.8 million.”

Mr. Speaker, this was supposed to have been done in fiscal 2005/2006. Of course, this Parliament was not told if these projects have started. And these are projects to me that are excellent to help the children who fall through the cracks. Not that we should only have institutions have been mentioned here, but you have to look at children on a whole. And if I remember—I should remember—the whole question of child protection, of foster homes, foster care, having nurseries regularized and so on, these are part of our package of legislation. If that was done, maybe today I would have applauded the hon. Minister for coming now with another initiative to deal with children, but I cannot applaud, as we go on.

Another question, early childhood centres, this is another area that we talk about all the time. But, again when you look at this Government and its promises, page 57 of the PSIP 2005/2006.

“A major programme of construction of early childhood centres will commence in Trinidad and Tobago. Each centre with a capacity of 50

students is estimated to cost \$1.2 million and be completed over a period of 5 months...”

Mr. Hinds: Right.

Mr. M. Ramsaran: But they did not say when the five months will start. It continues:

“Approximately 15 centres are expected to commence early in 2006 fiscal year, for which a total of \$21.7 million is provided.”

Mr. Speaker, so when we promise our children that we are going to protect them and we are going to deal with the issues, we are fooling somebody. I want to end that preamble.

Mr. Speaker, just to examine the Bill quickly and to look at what the ILO Convention said, minimum age for admission to employment; ILO Convention 138 which of course the Minister spoke about. But there are certain areas here that I would like to be considered because if this is what we based our legislation on and we examine it closely and we look at Article 1:

“Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.”

Now this to me is a very important article. It is recommending that we have a national policy and this policy should examine maybe on a yearly basis or every two years how we could increase the age of child labour and so on and we will be guided effectively by Article 1.

Article 2(1):

“Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and means of transport registered in its territory...”

That again is putting things in a proper perspective and so on and each member must look at the age carefully from year to year. This ILO 138 does not specify the age, but indeed it could vary from country to country.

Article 3(1):

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“The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.”

So to come and have it across the board that 16, the ILO Convention disagrees. There is certain employment to which we should not expose children 18 years and under. This is something I hope the Minister will look at.

Mr. Hinds: Say that again.

Mr. M. Ramsaran: The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years. In other words, there are certain jobs that somebody 16 and under should not be exposed to because of health and moral reasons. As I said before, the ILO Convention 138 does not say specifically that it should be 16 years. I think when we are presenting legislation we should understand this; may be this will protect the child. If I may remind this House when—

Mr. Hinds: [*Inaudible*]

Mr. M. Ramsaran: Yes, one is morals. I am sure you are quite aware of those; I think you are quite knowledgeable in that area. But the fact is that I remembered putting the ceiling in line with the UN Convention on the Rights of the Child and the age of a child to be 18 and that was explained in a different convention, different place and different time. But of course, I know in Trinidad and Tobago to be a public servant you could start at 17 years, so that is an exception we have to look at. I continue:

“The types of employment or work in paragraph 1 ... applies shall be determined by national laws or regulations or by the competent authority, after consultation with organizations of employers and workers concerned, where such exists.”

So this continues your point. I thought that I would read a couple of the Articles so that we could understand that when we say we are ratifying 138 and we are following the dictates of 138, there could be exceptions.

Mr. Speaker, Article 6:

“This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, and is in integral part of—

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.”

Mr. Speaker, I know for example, in North America and some developed countries, children are employed in the school setting during the vacation and even during Monday to Friday they work in the library and so on. This is another area we have to look at so that we would not outlaw children. Maybe it does not happen in Trinidad and Tobago at this time, but I am sure that in future and when you make legislation, you make it for all the times that children whose parents might be challenged and so on; their children could work from the age of 14 in these schools, school setting and so on and we should not outlaw them so they would be able to assist their parents. Again we have to look at this one very carefully.

Those are some of the Articles I wanted to bring to the fore and to let us see that we could make them work because I do not think the intention here is to—if I remember, section 91 talks about children in a family working and that provision is made where in a family setting children could work with their parents. Because in Trinidad and Tobago we know children who will work with their parents, help out in the farms and gardens, what have you and I am sure my friend from Arouca North will appreciate that and those on this side who will assist their parents in their old days of working, whether it is planting rice or harvesting or planting sugar cane or whatever it is. I have been part of that as early as 10 or 11 years, and I am sure that we will not want to discourage that and it is there so just in passing I wanted to mention that because when children are brought into the line of work, they understand responsibility from early and they might not turn to deviant

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behaviour because sometimes if we have something for the children to do that is constructive, it could encourage them to be better citizens. So I do not expect that this Bill to do that, to legislate it in such a manner that it could discourage children from leading better lives.

Mr. Speaker, the website is becoming more popular, but I went on to the site this morning—

7.30 p.m.

In the United States Department of Labour there is something on youth and labour. They have the Fair Labour Standards Act; I am sure the Minister might be aware of this. They set the wage, hours, work and safety requirement for minors in line with the United Nations (UN) Convention on the Rights of the Child, 18 years and under, working in jobs covered by the statute—hopefully that is what we are doing today. The rules may vary depending on a particular age and job involved. As a general rule, the Fair Labour Standards Act sets 14 years of age as a minimum age for employment and limits the number of hours worked by minors under the age of 16. It is clear that the minimum age for work is not fixed at 16 years. I do not know if this covers it does not.

The Fair Labour Standards Act also generally prohibits the employment of a minor in work declared hazardous in section 4, for example, work involving excavation, driving and, of course, the operation of many types of power equipment. It also contains a number of requirements that apply only to computer type jobs, for example, agriculture, the operation of motor vehicles and many exceptions to the general rules. Each State also has its own laws relating to employment; including the employment of minors. The law which is more protective of minors would apply.

We do not have to reinvent the wheel. We have to look at the various pieces of legislation. We have to look at the International Labour Organization (ILO) Convention that would apply to the children in Trinidad and Tobago.

I want to make an appeal to the Government. I do not want to join the debate on this, but recently one Ms. Sharon Gopaul had a story that was aired on television; it was also on the newspapers. If we are to believe what she said, that people in authority in this country were guilty of pedophilia—to use a big term—it is a dangerous development. I just wanted to say that in passing. I say very regularly in this Parliament that as leaders we must set that example. We are now under scrutiny. We cannot fool too much people much longer. We have to have that moral and spiritual part of us exposed, so that if we are guilty of child

molestation, or pedophilia as it is called, we should stop now and apologize to the nation and let the children be. I am sure that the United Nations would scoff at us for doing such things. [*Crosstalk*]

Mr. Speaker: Order.

Mr. M. Ramsaran: Another popular thought, as I share with this Parliament, is the question of incest. I repeat it once more, as we talk about children, as I close. We all know what incest is; we all know the age of consent to have sexual intercourse; this is clearly in our statute. But yet with the people who police our laws or who protect our children, as if we cannot solve the problem of incest, I believe something should be done about that.

Mr. Hinds: What?

Mr. M. Ramsaran: I spent 10 days in New York recently. In talking to my nephews and nieces, who are very young, they told me what happens in their schools. If, for example, a father or mother touches a child in certain parts inappropriately and that child tells another child and the news reaches the teacher, in no time the social workers would visit the parents. When they mentioned that, it was as if laws are in effect and people are monitoring them. While we talk about Vision 2020, we cannot introduce these things in our society.

My whole understanding of children and abuse is that it is a vicious cycle. When a child who has been abused becomes an adult, he or she also continues that vicious cycle of abuse. I want to congratulate the Minister for bringing this Bill to, at least, treat our children and protect them. I know out there, even in the underworld, children are being used to rob people; they are the ones who are sent to do the dangerous jobs, and this is no secret. Of course, when they are held, they are incarcerated and are lost for life. I want to return to that point of incest and child molestation. We should take our children seriously.

Recently, there was a debate on whether we should believe a 7-year-old or an adult. I believe we must first listen to the 7-year-old and understand what he or she is saying, before we believe an adult, because an adult is experienced and could say what he wants to escape what is taking place. The Junior Minister of National Security asked me what to do about incest. Besides having a strong system to deal with social workers and so on, I recommend that when a child under 14—does carnal knowledge remain at 14 years?

Hon. Montano: In the Children Act it is now 18.

Mr. M. Ramsaran: I think carnal knowledge remains at 14. We have to check that. Let us say it is 14 for argument sake. We go to the hospital and we see

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that a child 14 years and under has a baby of her own—[*Interruption*—16 is carnal knowledge. I am guided by the hon. Minister. If that is true, I thank him for guiding us, at least, once in his life here in the Parliament. If the age for carnal knowledge is 16 and under and these same children make children in Port of Spain—[*Interruption*]

Mr. Hinds: Only in Port of Spain?

Mr. M. Ramsaran: Anywhere; Port of Spain, Laventille, Chaguanas, San Fernando; it does not matter; in Trinidad and Tobago. To me, children are children; I do not discriminate whether they live in Port of Spain, Chaguanas or Tobago. I was speaking specifically about hospitals. All hospitals have doctors and there are social workers attached to these hospitals. There are medical social workers. The Minister of Social Development has disappeared. We can have these social workers visit these children and have the police arrest the fathers.

Mr. Hinds: They do. [*Crosstalk*]

Mr. M. Ramsaran: I would like to hear one case. I want to bet that if they make an example of one father—

Mr. Speaker: Order!

Mr. M. Ramsaran:—who fathers a child with a child under 16 and he is arrested and put before the court, we could be well on the road to ending incest. [*Crosstalk*] [*Interruption*]

Mr. Hinds: Hon. Member for Chaguanas, there are many, many instances of charges and conviction for what we call statutory rape, as you have just described. The difficulty is often the fact that when the investigation is pursued, it is discovered that the offender, so to speak, is also a juvenile. I will like you to treat with that. [*Crosstalk*]

Mr. Speaker: Order!

Mr. M. Ramsaran: If you were listening to me, I was talking about incest in particular. Statutory rape and all that, okay, but I was talking about incest, wherever it is found; whether it is a parent, brother or whoever. I am not talking about statutory rape only; I am talking about incest at this time.

Mr. F. Hinds: The same could be said. There are many cases that have been prosecuted successfully for incest in Trinidad and Tobago.

Hon. Member: How many? [*Crosstalk*]

Mr. M. Ramsaran: I am guided. I would like to see even one newspaper report that. I thought you were going to say that it could not be proved, so that is why we have to think about the DNA legislation.

Mr. Hinds: Tell us what could be done that is not now being done.

Mr. M. Ramsaran: You said it, but I do not believe you too much. I will like to see the evidence of that; maybe if you promise to bring the evidence, Mr. Minister, on the next occasion, that these were the people who have been charged and found guilty, I would accept that.

I end by saying that children of our country must be protected. I call once more for these pieces of legislation to be enacted as quickly as possible. I understand that there is a new package coming. We must do that with urgency; lest, Friday after Friday, in this Parliament, we have to read to you what is taking place in our schools and on the streets of Trinidad and Tobago regarding our children.

Thank you.

Mr. Harry Partap (Nariva): Mr. Speaker, I enter this debate this evening to make a brief contribution on an important issue that should be of interest to all of us, particularly at this time when our people, generally, are distinctly at risk.

This Bill will regularize several pieces of legislation to give effect to establishing a minimum of 16 years for admission to employment. I am glad that the Minister has brought this Bill; it was long overdue. It is something we will support on this side. [Crosstalk] By the very act of legislating for a specific minimum age for admission to employment, means that several pieces of legislation will have to be amended. These were already outlined by the hon. Minister this afternoon in presenting the Bill.

Let me say at the onset, that we have no fundamental objection to the Bill. Our only problem is, as the Leader of the Opposition said, we are not sure that they are serious about implementing the legislation. Any legislation that would protect our children from exploitation of one kind or another, will always have our support, but we will also insist that the Government implement it; put it into action.

I am a bit curious to know why the hon. Minister took two years and three months to bring this Bill to us today that would have amended some of the legislation to give effect to ILO Convention 138. [Crosstalk] The hon. Minister did not say it here this afternoon, but I think he said it outside of this House that the Convention was ratified on September 03, 2004. Today is January 19, 2007.

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As with all ILO conventions, governments must put the infrastructure and the process in place to ensure compliance with their provisions. The Government has to report annually on its preparedness to implement conventions of the International Labour Organization and they do this to the Committee of Experts. It would be interesting to note what the hon. Minister would have reported to the Committee of Experts in 2005 and 2006 when the supporting legislation for the Convention had not been amended. However, I am happy that the Minister is taking an interest in the Bill so that he could bring it here for us to ratify.

As was mentioned throughout this debate, legislation alone will not be as effective in protecting our children unless there is the political will by the Government to enforce the law. We have made that point over and over again. We have not seen this commitment for the protection of our children by this PNM Government. I just want to read three small excerpts from an editorial of the *Newsday* of Sunday, October 29, 2006. The editorial is entitled:

“Children no priority

Social Development Minister Anthony Roberts announced on Friday that the Children's Authority Act will be returning to Parliament before year's end.”

It is now 2007; he said that it would come before Parliament before the end of the last year, 2006.

“That return has taken six years, and that is hardly a timeframe the Government should be proud of.

But even more shameful is the fact that the Government has taken so long to bring these laws back to the Parliament...So the Act should help ensure that fewer children fall through the cracks in our social system and should help provide better protection for all disadvantaged children.”

This is why we will support all legislation in relation to children. We are really sad that the Government has taken so long to bring back the Children's Authority Act. Even though they said that it was not drafted properly, they made that assertion six years ago. Why not bring it now and let us fix it? We will give you the support, but you ought to fix it.

Whenever I hear persons speak about the protection of children, I always believe that the Ministry of Education in the country has a tremendous responsibility to ensure that; not so much the Minister of Labour, Small and Micro Enterprise Development. It is at this level that we could inculcate some

sense of responsibility and put children in the mood to learn and be better citizens. I feel this is where it starts. I know that if I say so, the hon. Minister of Education, who is not in this House, would respond elsewhere and tell us everything that the Government is doing about education, but nothing is implemented. Everything they plan to do, but nothing implemented. [*Interruption*]

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that this House continue to sit until the completion of the matter before it.

Question put and agreed to.

MISCELLANEOUS PROVISIONS MINIMUM AGE FOR ADMISSION TO EMPLOYMENT (AMDT.) BILL

Mr. H. Partap: Mr. Speaker, I feel that the Ministry of Education has a tremendous responsibility to protect children. The Minister of Education puts a lot of full page ads in the newspapers, publishing all the things she did and, ideally the things that she did not do. It is there for everybody to see; even this week I saw a 16-page supplemental on what she said that she did. The same newspapers that she used to put these ads are the ones that are pointing to a collapse in the education system. There are lots of things happening in our country, in our schools, that tell us our children are not being protected.

My view is that the very Ministry of Education is undermining the innocence of our children; so too the Ministry of Social Development, the Ministry of National Security and the Ministry of Health. While these Ministries are brutalizing the psychological make up of our children, the Ministry of Labour, Small and Micro Enterprise Development remains unconcerned as a spectator, it cannot do anything to help our children. [*Crosstalk*]

The minister was correct when he said that Convention 138 was submitted for ratification in May 1999. The ILO could not register ratification, because we did not declare a minimum age for employment; that is a fact. There had been some confusion in the minds of people with regard to the determination as to what would be the proper age when one could be considered a child and when an individual could be admitted to employment. The ILO Convention 138 itself did not specify an age. [*Crosstalk*] It gave general guidelines that it should not be less than the age of compulsory attendance at school and, in any case, not less than 13 years of age.

Mr. Imbert: We are at 16 years, so you are satisfied? You can beg to move. [Laughter] [Crosstalk]

Mr. H. Partap: You are right; the Minister is correct. The Convention has been ratified and now we have to ensure that all the other legislation, like what you are doing now, would be amended and can reflect what the Convention says.

There are some things that affect children which we cannot and must not tolerate. [Inaudible] One is child labour and the other is the use of children in pornography and prostitution. These are two critical things that we must ensure that our children are never part of that. The ILO recognized that child labour was a complex problem rooted in poverty and the lack of equal educational opportunities. It said so in its book *The Decent Workers*. We have to work together to ensure that decent work becomes part of the psyche of Trinidad and Tobago.

The minimum age for admission presupposes that all children below the age of 16 years would be accommodated in some form of educational or training programme. This is alluded to by the distinguished Member for Oropouche. He said that the Education Act kept children in school at 12 years and that we were moving to 16; so there is an interval there. We need to increase the compulsory age. He made a serious point on that; we should do it.

Under the current PNM Government, our schools have been converted into battlegrounds where gangs are ruling the roost. Our schools are no longer the protective province of children, to protect that innocence in our children; that is no longer there. The curse of violence, sex and drugs has crept into the education system and the Minister of Education seems powerless to do anything about it. She always gives a public relation response; I think she is not facing the facts. The Minister of Education should face the facts and accept that there is a problem.

Mr. Speaker, if ever you have to get into Alcoholics Anonymous because of drinking problems, the first thing you have to do is admit, "I am a drunkard", then you move on. Full page ads will not help us. [Interruption]

Mr. Speaker: I must compliment the hon. Member for Oropouche; he has set a very high standard in this debate. As a former Minister of Labour, I will like to see you emulate him. [Desk thumping] [Crosstalk]

Mr. P. Partap: Thank you for your advice, Mr. Speaker. I too will like to congratulate the Member for Oropouche; I think he did a wonderful job. Remember that he was my junior; he trained under me. [Crosstalk]

The Leader of the Opposition had indicated the plight of a 12-year-old child who was forced into sexual acts—rape—that she did not want to get into. Neither the education system or the school system or the police service came to her aid. Last year March in a school not far from where I live, it was discovered that a child was the victim of incest and was badly damaged in terms of her psychology. The school worked with the child to get her out of this environment and that child is now at a special school. The matter was reported to the police; the police investigated; they spoke to all and sundry in relation to it, but up to today no action has been taken. It is coming close to a year and not a single action has been taken. My understanding is that the Ministry told the school that the principal and staff would have to look after that. So our children, even though we have the laws to protect them, the system does not protect them; that is very, very critical.

If you say that you are going to put the minimum age of employment to 16 years and your compulsory age ends at 12 years, it means you have a period of time there. If you extended the time for children in the secondary schools, right now we have situations where children are going to school for two weeks and staying home for two weeks. What do you expect? How can we protect our children? How is the system protecting the children? If you know you have to make an adjustment to the school, do it during the vacation so that the children would be able to get a full education. That is what we need to do.

We are obligated by the ILO Convention to put the mechanisms in place, the structure in place, to ensure that we carry out the terms of the Convention. We must do that. We have to protect our children from exploitation. Are we really serious about protecting our children? I do not think we are serious. If we were serious, one of the first things we were going to do was get the Minister to ensure that the compulsory age for children to be in school would be up from 12 years to 16 years. [*Crosstalk*] We should start with that.

Somebody asked whether this should include a penalty; in the days when I used to go to school we had what we used to call “the school police”. If you stayed home, he would come for you. If we are going to move the minimum age for employment up to 16 years, we must find a way to ensure that all the other legislation the Minister mentioned, even those he forgot, and the ILO Convention could be implemented.

Could the Minister tell us how many children below 16 years are currently in full employment?

Hon. Montano: Three hundred.

Mr. H. Partap: Okay, he has a figure. I thought he was not monitoring the situation in the country. [*Crosstalk*]

We are very cautious on this side. The Prime Minister earlier this week said that they are working towards full employment in this country. There are 300 children under 16 years who are going to be taken out of the labour force, so I do not know if that is going to bring us to full employment, but I suspect he was hoping it would have been more. I do not know if the Minister could tell us whether the Prime Minister is aware that it is only 300, because he would not have made that statement if he had known that 300 would be taken out of the system. I cannot see what the Government is doing to create jobs. If we are taking these children out, we must ensure that they do not slip back into the system, but that they would be taken care of, perhaps, in training or something else. [*Crosstalk*]

I think I still have a couple minutes; I am staying within the rules. [*Interruption*]

Mr. Speaker: Not quite, but you are repeating some of what that hon. Member for Oropouche has so eloquently put forward this afternoon, so let us hear you. [*Crosstalk*]

Mr. H. Partap: I said earlier that the Ministry of National Security was one of those ministries that I felt should do more work in terms of trying to assist children. Mr. Speaker, I do not know if you are aware of this. It was in the newspapers; they talked about the slaughtering of innocence. In 2006, 26 children below the age of 16 years were slaughtered, killed, because this Government could not provide security for our people? That was 26 children too much. We hope that the Minister would be very serious and do something about national security. [*Crosstalk*]

I want to go to the Bill. I will start from the first clause and move on. I have a lot to say on each.

Mr. Imbert: Your own Members hurting too.

Mr. H. Partap: Clause 92B(1)—[*Interruption*]

Mr. Valley: “Yuh find yuh looking good on television? [*Laughter*]

Mr. H. Partap: I would not read the entire thing, because I hear the groaning on that side. [*Crosstalk*] It says:

“An inspector may at a reasonable time and with the permission of the owner...”

I know the Member for Oropouche had mentioned this, but this is another aspect of it.

“...or occupier of any premises, enter the premises where a person under the age of eighteen years is employed or where there is any book, record or other document relating to a person under the age of eighteen years which may afford evidence as to the contravention of any provision of this Act and—

- (a) if necessary, with the assistance of any person, search the premises for any book, record, certificate...”

I am a little worried about that part of the Bill. I am worried about the part which says, “With the assistance of any person”. How would the Government define “with the assistance of any person”?

At this time, you are entering a person’s premises; the state of the country now, if you are calling for the assistance of any person, it means you could take any thug, hooligan; you could carry anybody, just to force the employer to search his books. I am wondering whether, if after you get all your necessary things, instead of putting “with the assistance of any person”, you could specify “with the assistance of another inspector” or “with the assistance of a police officer in uniform” or “with the assistance of a security officer in uniform”? [*Crosstalk*]

Understand that you are going into people's property. If you say, “with the assistance of” anybody, we know what the PNM has been doing; how they have sent the police to break down people’s houses, to break down people’s doors. We do not want that. We do not want you to put your thugs and hooligans to go in there, as you did with the former Leader of the Opposition, Mr. B. Panday. [*Crosstalk*] Let us be a little more specific with it: You get your order which means that you have to go to court, but instead of the words “with the assistance of any other person”, you could put directly, “another inspector”, “a police officer in uniform”, or “a security officer in uniform”. That is the only thing I would like to raise. My colleague has raised other matters, so I would not want to repeat them.

Thank you.

Mr. Chandresh Sharma (Fyzabad): Mr. Speaker, one of the difficulties we have on this side is that when a minister comes to present a Bill and to negotiate the support of the Opposition, it is only fair that the Minister provide some valuable information. This afternoon we observed that the hon. Minister of

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Labour, Small and Micro Enterprise Development came and presented very little. He did say in the other place that this was intended to treat with 300 children. He did not tell us today what, if any, provisions have been made to treat with these 300 children.

What obtains now is that the legislation is intended to attend to these 300 children who are working in different places. I will deal with that in a few minutes. We would like the Minister to tell us what will happen to these 300 children? [*Crosstalk*] One Minister is suggesting that they are going to school. What about the economic factor? They are earning money, rightfully or wrongfully, to take care of their families.

Mr. Valley: We will send the fathers to work. [*Crosstalk*]

Mr. C. Sharma: But many of these children their fathers cannot be found. Again, you see a mix up in ideas and policies. A senior Minister said that they would send the fathers to work; the other one said that they cannot find the fathers; they really have to make up their minds. I will deal with that in two or three minutes; I do not intend to be long.

The Government is aware of a report by Dr. Lee Dan Ph.D. [*Crosstalk*] He did his study sometime ago, which identified a number of areas. One of them was that in many instances these children were from single parent homes and they had no work. So the Government must demonstrate clearly how it is going to treat with employment, in the first instance. [*Crosstalk*]

There were other findings from Dr. Dan. I read from the report, “The Socioeconomic and Cultural Background”. He talked about children who were left alone quite often or left in the care of guardians who could not take care of them. He said that the age profile of the children was between the ages of 10 and 13. Everyday these 10- to 13-year-old kids are all over the place; they are seen by government officials and absolutely nothing is done about it.

He talked about sex and gender, saying that gender emerged as a major factor affecting the type of work, with boys representing the majority of children working in public areas. The Government is very much aware that these kids are out there. They do not need this legislation to deal with them. They do not need this legislation to take them out and put them into safe homes or to find schooling for them.

Education emerged as a major factor, as 80 per cent of the working children interviewed for the study had low levels of education. So when the kids were in

school, the Ministry put no responsibility in following up why these kids were not coming back to school. Working conditions were also identified. Working children were economically exploited. A review of children's earnings pointed to long working hours; between eight and nine hours per day:

“non-cash, irregular payments, something below the minimum wage. Young people involved in sex tourism and trafficking between Tobago and Europe.”

This was a case in Tobago. Is the Government saying that it was not aware of this?

Mr. Imbert: Dr. Moonilal read that.

Mr. C. Sharma: They took no notice of this? In addition to this, two of my colleagues from this Parliament were in front the courts. I want to make no reference to it in any other way, but simply to make the point that they are obtaining the attention of the courts because of allegations right or wrong, I do not know, made by another person. In both the print and electronic media there have been allegations made by a professional in this country about the misconduct or conduct of high-ranking PNM officials, including Ministers, against children. *[Interruption]*

Mr. Speaker: Hon. Member, I think that matter was referred to earlier on by some Member on the other side. I am not sure whether it was the Member for Chaguanas, so do not fall into the trap of repetition.

Mr. C. Sharma: I am guided, hon. Speaker. Only to make the point that if we are dealing with the abuse of children, we would be failing as an Opposition and failing as a Parliament if this information comes and there is no investigation. I would be failing in my duty if I do not call upon the Minister to tell us this House what he knows about that report. *[Interruption]*

Mr. Valley: Mr. Speaker, I am aware that the Minister of National Security informed the Commissioner of Police to investigate the matter. As far as I know, the police have asked Dr. McNicolls to state categorically what the charge is. My information is that up to now she has not done so to the police. That is the situation, as I am aware.

Mr. Speaker: All of which, again, is irrelevant. It was mentioned before; let us go on.

Mrs. Job-Davis: You have nothing to add.

Mr. C. Sharma: Whenever we fail to take action, whenever we pretend that something that exists does not exist, we pay a tremendous price down the road. In fact, it is said that the crime situation this country is facing and the exploitation of children today, is as a result of us not having taken action earlier. As a responsible Opposition, we have brought it to the attention of the House and I hope action would be taken.

Poverty emerged as an important factor contributing to child labour. We have said on numerous occasions that training is a very important element. We have spoken about the handouts through the various programmes and today we saw the same kind of approach. When we talked about CEPEP, the Government accused us of playing the race card and today we see where for CEPEP there was \$378 million, \$1.6 billion, and nothing to show; yet 20-plus per cent of our population is under the poverty line. Once that poverty continues, child labour would continue, so the legislation will not help. The Government needs to tell this House it is going to treat with poverty and training. As I indicated earlier, many persons are single parents, so when they cannot earn income, the kids have to go out and earn their own. In some cases we found a parent with three or four children unable to pick up the cost of the kids' needs.

Mr. Speaker, poor moral values also resulted in children working to acquire things they wanted, but that parents or guardians could not provide. This is a cry for the Government to take meaningful and measurable action. Poor policy coordination and inadequate resources and insufficient coordination among the social service agencies also emerged as an important factor. We keep making that point. The Government agencies are not doing what is required to be done. Every time you ask the Government, every Minister wants to get up and boast, "We are giving \$1.2 billion in social welfare handouts."

Look at what we are facing today. The Government must become very serious. It must tell this House that it is prepared to take meaningful action; not to play politics with young children. This has been with us for too long. All this information has been in the hands of the Government and it has taken no action. Let us hope when the Minister responds, he will give a meaningful and measurable response.

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Mr. Speaker, I will try to be as brief as I can, under the circumstances. Let me start with the last speaker and work backward. I thank all the Members on the other side who did speak. Perhaps, with the exception of

the last speaker, they were reasonably useful contributions. The last speaker said very little that had anything to do with this Bill at all. I was trying to follow the thread of the logic.

He started off by talking about the 300 children that are presently in the labour force legitimately who will be displaced. I share his concern, but the fact of the matter is that I did not know whether he was trying to propagate a minimum age of 15 or whether he was in agreement with the Bill. It seems that the rest of the speakers were in agreement that it should be, in fact, 16.

Once you say that it is going to be 16, there are going to be certain consequences that flow as a result of that. This Government is very mindful of its obligation to all its citizens. There are myriad programmes that these children can come into and they will not have to lose their income; programmes such as YTEPP, HYPE, MuST and a whole bunch of them. They can come into the programmes and receive a stipend that is equivalent, at least, to a minimum wage; so they do not lose an income. [*Crosstalk*]

Mr. Sharma: What nonsense! Can a 10-year-old child earn an income?

Sen. The Hon. D. Montano: The McNicolls matter has been dealt with. I was being advised by the Minister of Works and Transport that a Member was chastising me for how long it took to bring this Bill to Parliament, some two years and three months; when, in fact, during his six years in government, he was not able to pass a single piece of legislation in this House. [*Desk thumping*] [*Laughter*]

Mr. Partap: Go back and check your records!

Mr. Imbert: Not a single bill in six years. [*Crosstalk*]

Sen. The Hon. D. Montano: The fact of matter is, I have been the Minister of Labour, Small and Micro Enterprise Development for just about 19 months and I have been able to bring two pieces of legislation to the Parliament and have them both passed. [*Crosstalk*]

Mr. Speaker: Order!

Sen. The Hon. D. Montano: The fact of the matter is that we have done it. We barely reached and we did it. [*Crosstalk*]

Mr. Speaker: Order!

Sen. The Hon. D. Montano: Most of his contributions dealt with the Ministry of Education. I do not know what that has to do with this Bill, since it has to do

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with the minimum age for work. There are many issues that deal with the matter of children, their care and upbringing and all that sort of business, but this Bill confines itself to one matter only and that is employment.

Other Members spoke about a whole bunch of other issues: the sexual exploitation of children and those sorts of things; this Bill does not seek to deal with any of that. It seeks only to deal with the minimum age for work. Very shortly the bundle of children's legislation will be brought to this House and I dare say that would be the proper place to discuss all those issues. [*Crosstalk*] I really do not want to go there.

He spoke about the fact that in 1999 the UNC government had attempted to ratify the Convention, but their attempt was rejected by the ILO, because they had some confusion about what the age should be. Mr. Speaker, we had no confusion as to what our obligations were in this matter. [*Crosstalk*] We very quickly settled on the issue of 16. [*Crosstalk*]

Mr. Speaker: Order!

Sen. The Hon. D. Montano: We are now doing what we are required to do. The Member spoke about the new section 92B and he was concerned about the words “with the assistance of any person”. It has to be as broad as it is. Because we are talking about documents, it may be necessary to go with a locksmith and different skills may be needed in different circumstances, so we pretty well have to leave it as broadly as possible.

Mr. Imbert: You see how easy that was? [*Crosstalk*]

Sen. The Hon. D. Montano: The Member for Chaguanas talked about the improper use of subventions, but I think he was really talking about the conditions of the cash transfer system that we implemented last year to assist low income families in purchasing food items. I suspect that was what he was talking about. Let me assure the Member that those transfers are very closely monitored, at this point, by the Ministry of Social Development. I think the system they have in place is fairly good and is working fairly well.

Mr. Partap: It is worse now!

Sen. The Hon. D. Montano: He also went on to talk about many things that dealt with the Ministry of Education and early childhood centres, which, again, has nothing to do with this Bill. He asked whether there was a national policy. There is a draft national policy which we are still trying to tidy up. The policy was, in fact, prepared and drafted by the National Steering Committee on the

Prevention and Elimination of Child Labour. Notwithstanding the fact that it has not been approved by the Cabinet, the Ministry of Labour, Small and Micro Enterprise Development is using it as a blueprint for action as we go forward. It sets out specific strategies that we must follow and we are doing that. [*Crosstalk*]

Mr. Sharma: It is a good time to beg to move.

Sen. The Hon. D. Montano: He seemed a little confused about what the Convention did and did not do. He asked whether work was being done in schools and cited passages from the Convention. I was very clear, I thought, when I presented the Bill that we had, in fact, taken up all those situations, allowing for the circumstances where children under 16 can do work in schools and do other programmes under the supervision of the Ministry of Education.

He also raised the issue of children working for families. He talked about the definition of family. It was necessary to have such a provision. I do not think that there were any objections to it, but it has to be fairly narrow; it must be fairly narrow. If we do not make it narrow and confine it only to families, then at what point do we stop it? The issue is that there should not be any child labour below the age of 16; therefore, we are confining it to families, if it is just a strict family business with no outsiders in it.

Mr. Sharma: “All ah we is family.”

Sen. The Hon. D. Montano: The Member for Oropouche spoke quite wisely about a parlour that his parents had and he worked in. That is precisely the type of situation; it is a cultural thing too, where we understand that there are many businesses like that. There is a certain necessity for that to take place and the Bill, as it is now, makes allowance for that type of thing to continue. [*Crosstalk*]

To deal specifically with the Member for Oropouche—he spoke at length. He demonstrated his knowledge of the subject and went through all the literature I have, as well as what he had; not specifically making any criticisms, but just demonstrating his own knowledge of the subject matter, which is good. One of the things he needs to know though is that I did not come here to talk about what the Ministry is necessarily doing in all these issues. I came here to talk specifically about the Bill and to pass the Bill to make the minimum age for work to be 16. [*Crosstalk*]

The issue of child labour is very difficult. One of the challenges the Ministry has had over the past few years is trying to identify exactly where it exists. One speaker had suggested that we send labour inspectors out to the different clubs

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and so on and so forth. This, in fact, has been done. We have been unable to catch anybody in the act, as it were. We are doing our best with the resources that we have to look in all the nooks and crannies to find it. It is not easy to find.

One of the challenges we are facing, and I put this issue squarely to the steering committee, is to come up with a strategy to help us determine how we can better find out how and where this is taking place. It is not that easy. The ILO commissioned the YMCA to do a study at the Beetham Estate to determine who these children were and to try to see if we could do something about that; as soon as the YMCA went into that dump, they met a barrage of protests and were threatened and intimidated. [*Interruption*]

Mrs. Persad-Bissessar: Minister, you indicated to us that there were 300 children who would be caught between this 14 to 16 age group. How were you able to identify that there were 300 children working in that age group?

Sen. The Hon. D. Montano: From the CSO. [*Crosstalk*] The YMCA went in and had an extremely hostile reception. Basically, they were forced to withdraw and were never able to complete the assessment study as it was commissioned. Eventually, the project, such as it was, came to an end by the end of February 2006. [*Crosstalk*]

Mr. Speaker: Order.

Sen. The Hon. D. Montano: So we are trying to find out where the pockets of child labour, as we define it, exists. Following from what I said earlier, we do have a draft policy on child labour and my Ministry is working very closely with the policy as it is presently drafted. There are still some issues that we want to include and some things that we want to change slightly, so it is not in its final form just yet. I expect that well before the middle of this year, I will be in a position to take this to Cabinet.

Notwithstanding that, there are specific goals, objectives and strategies that are set out in the policy document and we are working very closely toward these policy objectives. Were it not for the lateness of the hour and the comments from both sides—everybody would like me to wind up quickly—I will not detail it, because that would take me some time, but it is there. There is a plan of action, as it were.

8.30 p.m.

The Member for Oropouche asked about the issue of fines. The fine of \$1,000 that was raised to \$2,500 with six months in prison. That was changed, that is the

penalty for the failure to maintain a register. All other infractions under the Act have a penalty of \$12,000 or 12 months in prison which are very different things. So I do not think he quite understood that.

He asked about the number of inspectors. The Labour Inspectorate at present is 17; it was probably the same when the Member for Nariva was there. However, I have obtained Cabinet approval for the hiring of a further 12 inspectors, 12 posts have in fact been created, and I am now at the mercy of the Service Commission Department which is the responsible agency to hire them.

I am aware that the advertisements have been placed in the newspapers several months ago; at this point, I do not know what the state of interviews are but I do know that the process has started. So that would take us up to a complement of 29.

The Member for Oropouche asked if summer jobs are now illegal. As it now stands, yes, they are. One of the reasons we have not dealt with that issue separately is because in dealing with it, and in doing the research to find out what the sentiments are out there: there is a very strong sentiment among workers in the country that legitimate workers should be given the first opportunity for a job as opposed to children and, therefore, we backed away from trying to make any kind of provision for that.

Another Member, I think it was the Member for Oropouche, spoke about the question of making a provision for children working in certain areas that a child of 16 should not be working in. The Ministry of Labour, Small and Micro Enterprise Development is very aware of that situation and I have in my hands a document which was completed in September and came to me at the end of November, not in time for us to manipulate it into this Bill. It is a draft hazardous list of occupations and what is intended here is when this list is finalized, we would have a draft list of specific jobs—it is quite a long list—that would be excluded for the work of children between the ages of 16 and 18, but that would take us a little longer to get going, and rather than delay this legislation, we felt it was better to go with this as we have it and make this change later on.

The Member for Oropouche asked what the offence for refusing to allow an inspector is—there is no specific offence, if he does not allow the inspector, he goes and gets a warrant. The feeling was we should not be simply marching into a man's house or business to inspect his records, and we felt that was not necessary in the circumstances, the incidence was not so widespread so we did not go there.

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[SEN. THE HON. D. MONTANO]

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Mr. Speaker, he said that this Bill will never be implemented, that we lacked the political will to do so. Let me just remind you that it is this administration that brought this legislation finally. We are the ones who succeeded in complying with the ILO Convention and we have done so without having to be rebuffed by the ILO in trying to do things in a haphazard manner.

Mr. Speaker, child labour has certain basic root causes and the fundamental root cause is poverty. There are other issues as well that were mentioned by the Member for Oropouche, but the primary issue is poverty. No government in the history of this country has ever done more for those who are poor in the society than this administration. [*Desk thumping*] All the data that have been presented this evening are years out of date when you consider the efforts that this administration has made and the successes it has achieved in reducing the level of unemployment and raising the standard of living of those who are poor and indigent in the society. That fact alone will go most of the way in reducing the incident of child labour. There is no way on the face of the planet that either the Minister of Labour—

Mr. Sharma: On a point of order 43(1). The Minister is repeating himself, “oh gawd, leh we get serious man.”

Sen. The Hon. D. Montano: Mr. Speaker, there is no way on the face of the planet that the Minister of Labour, Small and Micro Enterprise Development could ever have enough inspectors to police every single business in this country of which there are some 40,000. We cannot do that. What we have done is attack the root cause of it which is poverty and we are succeeding, and I proudly stand here to challenge all of you we are succeeding and the comments on the other side indicate the mere fact that they know—[*Interruption*]

Mr. Speaker: Please, hon. Member for Nariva.

Mr. Partap: He is repeating himself.

Mr. Speaker: If he is, the door is right there. Please continue.

Sen. The Hon. D. Montano: Mr. Speaker, the Members on the other side know exactly what I am talking about and they are envious of the fact that we are succeeding at what we are doing where they have failed.

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 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Speaker, the Member for Oropouche raised a very interesting question which I would really like to have answered to determine if we should really keep the section as is.

Firstly, it speaks about a child working in a family business of members of the same family and the question was asked whether there was any definition of the word “family”. I do not know if the Chief Parliamentary Counsel can tell us if the word “family” is defined in the parent Act so we know what is meant in this amending Bill.

If it is not included in the parent Act, then it needs to be in this amending Bill if you intend to keep that provision.

Dr. Moonilal: In clause 4(b) I raise the issue of a young person working in a family establishment where the legislation says: “other than an undertaking in which only members of the same family are employed;”.

Mrs. Persad-Bissessar: To give support to this suggestion, take for example a family who owns a shop or pharmacy and they have people working there during the vacation time, the children may help out with the business, but once you have other workers, you may preclude that child from being there with their parents learning the family’s business. I think it is too restrictive.

Dr. Moonilal: Can I read the amendment in its entirety?

“A child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only...” the majority of workers employed are members of the same family.

Mr. Bereaux: You see in that instance, if a child who is not a member of the family can work once the majority of the persons in the family in the business are members of the family.

Miss Lucky: Mr. Chairman, could I just make the point on this particular section giving full endorsement to what the Member for Oropouche and the

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Member for Siparia said? Before I even do that I was listening to the point made by the Member for La Brea, but Member for La Brea, even if you read it in its present formation, the point you raised is a very valid one, because in the present formation as it stands now, even without amendment that is a problem that arises.

It says:

“A child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed;”

So if I understand the Member for La Brea correctly, and I think I do, is that the way it is worded, it means you have a family business run by one family and a child under the age of 16 years can work in that business even though the child is not related in any way to the family member.

Mr. Imbert: No, I do not see it like that at all. By definition you would have to be a member of the family.

Miss Lucky: Where does it say that in the section?

Mr. Imbert: If you read the latter part of the section.

Miss Lucky: Could you please indicate to me where it starts because the Member for La Brea has made the point.

Mr. Bereaux: May I just deal with that please? If we have only members of one family there, it follows that the child would be a member of the family.

Miss Lucky: Member, I invite you to look at the very point you made—

Mr. Bereaux: My point is if you allow other persons in—

Miss Lucky: Member for La Brea, I am taking your point, but if we could go back to the clause as it stands.

Sen. Montano: Mr. Chairman, if I could try to shed some light on it, it seems to me once you have members of the same family by definition, he has to be a member of that family because it is not members of the same family any longer, because if he is employed there he—

Mrs. Persad-Bissessar: One moment, we can say members of his same family so it carries you back to a child under the age of 16 years, but I think the Member for La Brea has a point and also the Member for Pointe-a-Pierre.

It can be read in two ways, it is ambiguous in that sense. It could either mean that the business is run by members of the same family and, therefore, somebody else can come in, the 16 year old can come in, or it could mean a 16-year old must work in a business run by his family.

Sen. Montano: Mr. Chairman, I take the point of the Member for Siparia, but I am not sure it is necessary but it does make it clearer, and in the interest of clarity, in fact, we do not need the word “same” at all just substitute the word “his” for the word “same” and we will be all right.

Mrs. Persad-Bissessar: Correct.

Sen. Montano: We are going with the word “only” for the time being because we feel that it is safer. We need to start at this point, or else we would not know where to put the boundary.

Mrs. Persad-Bissessar: I know of Members sitting here who run family businesses where the children help out during the vacation and it is not the help, it is if I am running a family business, it is a way of having my child incorporated in it.

When the child is not there for the year, I may have one employee, a cashier. I know a Member right now who has expressed this to me. There is one employee there and their two children would come in to help during the summer vacation, so you are going to prevent that from happening, these children are prevented from learning their family's business because they are seeking an education. I would respectfully ask the Minister if we can use the word majority.

Sen. Montano: I understand where you are headed. I think I would like to leave it as it is for now. As I indicated, we still have to come back and deal with the issue of those jobs that children between the ages of 16 and 18 would not be eligible to work on. So we still have more work to do.

When we are doing that we would look at the issue you are talking about and see how best we could get that to fit in, because once we start to make exemptions it would start to become a bit untidy. At this point we have drawn some very strict lines, but in a very short space of time we need to come back with the hazardous list so we have to make some exemptions and we would look at your suggestions then.

Mrs. Persad-Bissessar: With due respect, I have no reason you will come back, but my question is when because we have heard so many promises to come back with legislation that takes a year or two years to come. Secondly, in the

meantime, these children would have been deprived of a year or two years from working with their parents and helping them out.

Miss Lucky: Hon. Minister, I understand that there are two policies and I must say that I agree with the Members on this side, bearing in mind the issue that has arisen, but in the proposed clause 4(2) where it talks about the section not applying, there are certain exceptions. I am asking whether consideration could not be given for just including a clause that would give some level of latitude or exercise of discretion to the hon. Minister if there is a child under the age of 16 who would want to work in an establishment.

It means if we have not gotten the legislation right, or there is a family business, it means the Government can stay with its policy. Let us say with the family business where the Government is saying clearly it wants to stay with the word “only” but there may be a circumstance in which a child under the age of 16—because we are talking in this legislation commendably so about having registers.

We are getting to the stage of keeping proper records. So let us say there is a child under the age of 16 and there is a circumstance in which that child wants to work, but it would be in violation of the section that you have a clause that allows the Minister to exercise discretion, and if approval is given for such a child under the age of 16, it means that you immediately have a record and certain conditions can be placed.

Sen. Montano: I take your point, but there is one thing I think you need to understand and that is one of the reasons the lines were drawn so narrowly. As I said in my winding up, there was a very strong sentiment on the ground that ordinary workers do feel that on occasion jobs are taken away from them because children are working or family members are working. So we have that issue to deal with as well, and that has an impact on the policy. So with the greatest of respect, I gave an undertaking, and I would like you to accept that we would look at it specifically again. When we come back with the issue of the hazardous list, we would look at the issue of exemptions, but there was a good reason why we left it as narrow as it is and I would be really hesitant to go against the policy as it was drawn because it was not done without a certain amount of forethought.

Miss Lucky: Hon. Minister, with the greatest respect, I take what you have stated. All I am saying to you, it does not change your policy, in fact it endorses it. I am agreeing if you want to be that restrictive because you have a policy

position, but what I am doing is giving the Minister at the end of the day an exercise of discretion.

Let us take the point—please bear with me—you made the point that the feeling out there is that workers over the age of 16 felt they were being deprived of an opportunity to work because it was being given to family members and/or persons under the age of 16, but there may be a business being run hypothetically, where the person, employer, the owner has tried to get people but cannot get anybody and, therefore, has to resort to a very eager beaver responsible person of 16 years or younger and I am saying if in that instance the application is made—it is a suggestion—it means you will not be changing your policy Minister, but you would want to be satisfied first of all that there was no other person available to work and they had tried.

I am just saying at least give yourself that level of latitude, so just in case hon. Minister, you do not come back in the timely fashion that you would want to, or that there are instances that have arisen that we have not contemplated here or in the other place, you would have had your latitude and you are not going to exercise your discretion against your policy.

Sen. Montano: What you say does make a certain amount of sense, however, while I am sympathetic towards it, again, even with the drafting, I would rather deal with it when we have time to make sure that we word it and get it right. I give you an undertaking that I will come back as quickly as I can, hopefully within the next six months.

Dr. Rafeeq: Mr. Chairman, the Minister mentioned that one of the things that govern the policy was the fact that family members may be taking the jobs from other people, but it works in the reverse as well. If I have a business and I have one non-family member working there, holidays are coming up and my child wants to get some experience, the only way my child can come in there is if I fire that person.

Mr. Valley: You just cannot fire a person to do that.

Mrs. Persad-Bissessar: Yes.

Dr. Rafeeq: Yes, you can give them notice to go. So it works that way as well. But you do not want to do that, you want to incorporate your child in the business, but because of that one person you cannot do that.

Mrs. Persad-Bissessar: That is right.

Sen. Montano: I think the way we have it would work in the better interest of the majority of persons.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Sharma: Minister, where it talks about the child, does this give a licence for people to keep their children away from school? It seems to suggest that.

Sen. Montano: Where?

Mr. Sharma: In the presentation when you say the child under the age of 16—**Mr. Valley:** It cannot work.

Mr. Sharma: Yes, but I am saying in the family business he could. Does this mean that he does not have to be in school? You seem to suggest that.

Sen. Montano: It does not suggest that at all. As the status of the law is now, and I think it is in the Education Act, the mandatory age for schooling is presently at 12.

There is a committee looking at that situation and their thinking right now is 18 years. I do not want to prejudice what they will do, whether it will be 16 years or 18 years. I am aware that the United Kingdom has only this month or a year ago made it 18 years, so I do not know whether we would go to 16 or 18, but for the time being it is 12 years and I understand that would be changed very shortly.

Mr. Sharma: The other matter in clause 4(2)(a) the words “or in other training institutions” how do you determine what is this?

Mr. Valley: The *ejusdem generis*.

[MR. SPEAKER *in the Chair*]

Mr. Sharma: What?

Mr. Valley: Ask Kamla about the *ejusdem generis* rule.

Mr. Sharma: Say that again. How are you determining that?

Mr. Valley: “Tell him nah Kamla.”

Mr. Breaux: *Ejusdem generis* is of the same kind.

Mr. Sharma: Yes but we want to be certain.

Mr. Valley: Of the like kind. They are speaking here of vocational or technical education or other training institutions, suggesting that the other training institutions should be similar to a vocational or technical. It is limiting, it is not really expansive.

Can we do clauses 5 and 6 and return to clause 4?

Sen. Montano: Do you have any other issue?

Dr. Moonilal: Minister, page 8, (3), the fine of \$2,500. Would the Minister indicate whether or not he is prepared to look at this again to increase the fine?

Sen. Montano: We felt that this was just for the register, this is not the penalty for a breach of this act, it is only for this section and part of this section is only for a register. If in fact he has any other breach, he can still be caught under clause 6 of the Bill which is \$12,000 or 12 months imprisonment.

Dr. Moonilal: I do not want to over stay the point but again this principle that you are soft at the beginning and you want persons to desist from employing young persons under the age of 16, but you are weak on the entry point which is to maintain a register and present it.

Sen. Montano: In the original legislation it did not have a term of imprisonment, we have added that, and we feel that is a very powerful tool to discipline just for the failure to keep a document.

9.00 p.m.

Miss Lucky: Hon. Minister, before we move on, on page 13—we are still on clause 4, are we not? Clause 4 has all of these and they relate to the point—I will give way to the Member for Fyzabad and then I will come back.

Mr. Sharma: Section 92(2). Why is this being limited to inspectors only? The reason I am asking this is you said there are 12 inspectors. What happens if a police officer goes and makes an observation or, it is drawn to his attention or a social worker?

Sen. Montano: We took a decision we would have inspectors appointed specifically for this task, an inspector appointed by the Minister of Labour. We want an organized way of doing business and we feel that this strengthens the administration of the Act rather than making it haphazard. If anybody wants to start an investigation then they should report it to an inspector.

Mr. Hinds: Mr. Chairman, I suspect that would be a person with the attributes of skill and experience and specialist knowledge about the particular problem.

Mrs. Persad-Bissessar: You have more issues on clause 4 or do you want to leave all of clause 4? The Member for Pointe-a-Pierre has an issue. I have another issue.

Mr. Chairman: You want to air all the issues and then come back to it?

Mrs. Persad-Bissessar: Sure. I do not see the CPC here, but I think we would need—I mean in the Chamber here.

Mr. Valley: The CPC is here.

Mrs. Persad-Bissessar: Section 92. I am looking at these things and I am becoming concerned. I must admit that I did not read it as carefully as I am reading it now. I see in 92A, on page 8; the Minister will appoint these officers, the inspector shall have the authority to require a parent, a guardian, an employer or any other person authorized by an employer except the person engaged in confidential relationship and so forth to give him information with respect to remuneration paid to, terms and conditions of service. All these things—permit him to inspect any record—I am beginning to be very concerned because private property is private property and as the only time that you can give the power of search or the power to inspect, or to see or to disclose, is by constitutional—you are breaching a person's rights by saying you must give me this and, therefore, we are looking here at civil liberties. Once you say this is my private business—we are not talking about the State—this is a private business I am running and you are going to send a man to ask me to produce documents or to produce information to you, I do not have to do that.

Mr. Valley: But then he gets a warrant here. [*Crosstalk*]

Mrs. Persad-Bissessar: It does not say that here. The other one, 92B says an inspector may at a reasonable time, with the permission of the owner, search and if you do not want him to search then he goes for the warrant. This is not about that. This is about getting the person to give him information about your pay and about other things. Section 92B is where he has permission to go in the place. We are not talking about search here. You have the due process with the warrant and so forth, but in this first one you are asking that they must give this information.

Sen. Montano: But it rather follows naturally that he cannot require anybody to give him the information unless he has access to the premises. In order to demand access, he either gets the permission of the owner or he gets a warrant.

Mrs. Persad-Bissessar: I am not speaking about that. I am speaking about 92A, with due respect. “An inspector shall have the authority to require a parent, a guardian, an employer or any other authorized person to give him information”. You cannot go and disclose my personal information to somebody unless I give you permission so to do. To give him information in respect of remuneration paid,

terms and condition. You are in public office, I can force you to give it but can you go into any private place, go into a law firm, for example, and say, you have to give me this young lady's terms and condition and how much money she is paid and so forth? That is confidential. You are breaching private and personal information.

Mr. Valley: My understanding in section 92 the authority is being given to the inspector and in 92B the process—but she can exercise—

Mrs. Persad-Bissessar: Clause 92B with due respect deals with, you go with the permission of the owner and you go to search people's premises. If you do not get the permission you go for a warrant. 92B does not speak about searching. It says I am calling you and I want you to tell me how much money Kamla is being paid on that job. Tell me what are her terms and conditions?

Sen. Montano: I do not see the logic at all.

Mrs. Persad-Bissessar: You do not? I am afraid I do not.

Sen. Montano: The way I see it is that 92B, gives the inspector the power to go in to ask these questions.

Mrs. Persad-Bissessar: No, the power to search. He does not have to go in. He can pick up the phone.

Mr. Valley: Let us look at page 10, subsection (3):

“An inspector shall not demand entry to any premises under subsection (1), except on the warrant of a Court”.

Mrs. Persad-Bissessar: That is 92B. There are two points. Firstly, the search and all this refers to searching and there is the due process clause about the warrant, but the first one is you are seeking disclosure of personal information without due process. And I am saying the person does not have to enter the premises. They can pick up a phone or they can write a letter.

Sen. Montano: And if the information is refused then what logically has to happen is he has to go in.

Mr. Valley: I am being advised that all 92B attempts to do is to provide the inspector with the authority and he exercises—

Mrs. Persad-Bissessar: If that is what it is then you can say, subject to the provisions set out hereinafter in 92B. I will be comfortable with that if that is the intention.

Mr. Valley: The Chief Parliamentary Counsel says there is no need for that. I am guided.

Mrs. Persad-Bissessar: If an inspector writes a letter, what would happen?

Sen. Montano: I see what your concern is.

Mrs. Persad-Bissessar: But one only has that authority in X circumstances. First, it is with permission and if not permission the warrant. There is a process. I am saying it will establish the authority but that authority will be subject to a process which is first permission and if you do not get it—

Sen. Montano: Mr. Chairman, I understand what the Member is saying but I do not think we would do any harm by putting in the words “subject to” next to (b). If that is the comfort you are looking for then I do not have a problem with it.

Mr. Chairman: Do we have an agreement with an amendment?

Sen. Montano: Yes.

Mr. Chairman: Where is it?

Sen. Montano: In clause 92A (2) to start with the words, “Subject to section 92B an inspector shall have...”

Mr. Sharma: Can I raise 92B (1)?

Sen. Montano: One is saying that in order to fix the problem with the definition of family it would be a little bit rushed, but what the Member would like is if we come back on Monday and finish it.

Miss Lucky: May I make a suggestion, Mr. Chairman, that is, if there are any other issues we could probably just raise them?

Mr. Chairman: What I think the House ought to consider is to go through the Bill and all the issues could be addressed on Monday, but go through it now.

Mr. Sharma: Mr. Chairman, section 92B(1). What happens where the books are not held at the premises, and they might be with the accountant, for instance? In many of these small businesses there would an accountant who may have a central office where he keeps the books and records.

Sen. Montano: He would ask for them.

Mr. Sharma: What you are saying there is at the premises, to enter the premises.

Sen. Montano: He may enter with the permission of the owner or with the occupier of the premises to pick up the records and so forth, or where there are any books or records. So he can go wherever the books and records are with the permission of the occupier. If it is at the accountant's office he has to get the permission of the accountant. It is quite clear.

Mr. Chairman: Do you have any other questions?

Miss Lucky: Yes, I do. Clause 4, hon. Minister, at page 8, section 92(3) that imposes the fine of \$2,500 and imprisonment for six months. On page 13 what would be new section 96, a person who commits an offence under this part is liable on summary conviction. I think you would have to exclude, because you already have a fine here in 92(3). When you say a person who commits an offence under this part you will have to follow what was in the old legislation. Any person committing an offence under this part other than an offence under section 92.

Sen. Montano: I hear you. That is a drafting issue. We will have to defer that too.

Miss Lucky: Could I give my justification then for consideration?

Mr. Valley: But that amendment would have to be done in clause 6.

Miss Lucky: No, we are still on clause 4. Section 96 talks about a person who commits an offence under this part, but you have already provided with respect to 92(3) you have already indicated what the fine would be, so you have to say in my respectful view, other than an offence because you have already provided the sentence would be. That is not just a matter of style of construction, with the greatest respect, because it keeps coming up in the House and we keep having problems in the court when we do not correct it, if there is a section in the same part for one offence, two different penalties—

Sen. Montano: I was not saying it was a matter of style. I was saying that is a drafting issue for which I have no expertise. I have accepted your point.

Miss Lucky: If you have accepted, that is fine.

Sen. Montano: The CPC has suggested these words, after the word "Part for which there is not already a penalty".

Miss Lucky: That is even better just in case something is left out.

Mr. Chairman: Any thing else.

Mr. Sharma: Page 11, clause 4. What opportunities does the owner of a business have to appeal this before the information goes to the judge? [*Crosstalk*]

Sen. Montano: That is ex-parte. Do you have any other issues on clause 4?

Mrs. Persad-Bissessar: The Member for Nariva identified an inspector could go and any other person. I am not sure. Member, can you recall which clause. “if necessary with the assistance of any person.

Sen. Montano: I dealt with that in my wind-up and I think that the Member for Nariva seemed to accept my explanation. It could be pretty broad. He might need to go with a locksmith, for instance. There could be different disciplines that we could not possibly define. It should work as it is.

Mrs. Persad-Bissessar: Can we ask the CPC to look at it again?

Sen. Montano: We will look at it over the weekend.

Mrs. Persad-Bissessar: We need to qualify “any person” in some way. For example, where we are giving authority in the police service to an officer to do X or Y, you say above the rank of something, it is too, too wide. [*Crosstalk*]

Sen. Montano: Can we finalize clauses 5 and 6?

Mrs. Persad-Bissessar: I have nothing else on clause 4. Anybody else?

Mr. Chairman: Shall we move on to clauses 5 and 6 hon. Members? We are going to come back to clause 4.

Mr. Valley: We have a definition of family from the Equal Opportunity Bill. “family” means parent, brothers, sister and other lineal antecedents and descendants, uncles, aunts and cousins. [*Crosstalk*]

Mr. Chairman: Check the Succession Act, there might be a definition of family. We are going to postpone the consideration of clause 4.

Mr. Sharma: Mr. Chairman, will there be any harm if we leave it as it is and come back on Monday?

Mr. Chairman: No, no.

Question put and agreed to.

Clauses 4 deferred.

Clauses 5 and 6 ordered to stand part of the Bill.

Mrs. Persad-Bissessar: Would the Minister still give further consideration to

the issue we raised? I know you had said thus far on the policy issue since you have the weekend and would be coming on Monday?

Mr. Valley: The floor is open.

Mrs. Persad-Bissessar: I know, but on that point he had said no. So I really would ask you if you have one or two employees who are not members of the family.

Miss Lucky: Mr. Chairman, through you, could I ask the hon. Minister in as much as he is giving consideration, following on what the Member for Siparia said, to the suggestion made that a paragraph be included to give the Minister that level of latitude to exercise discretion. So if these matters do arise, the Minister can exercise some discretion consistent with his policy, in the exceptions.

Mr. Valley: It is noted.

Miss Lucky: We would be grateful.

House resumed.

ARRANGEMENT OF BUSINESS

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Mr. Speaker, I wish to report that a Bill entitled an Act to amend the law relating to the minimum wage age for admission to employment in Trinidad and Tobago was considered in Committee, and there is progress with respect to its review. We will return on Monday to complete the considerations of the Committee.

Agreed to.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the House be now adjourned to Monday, January 22, 2007 at 1.30 p.m.

I inform Members that the agenda for Monday would be a continuation of the debate on the report of the Finance Committee to be followed by the Committee stage of this Bill, and we will complete the evening with Bill No. 2 on the Order Paper, an Act to amend the Accreditation Council of Trinidad and Tobago Act, 2004.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.22 p.m.

Miscellaneous Provisions Bill

Friday, January 19, 2007