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First Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 12 of 2010

[L.S.]

AN ACT to establish the Children's Life Fund as a charity
and for related matters

[Assented to 13th December, 2010]

ENACTED by the Parliament the Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Children's Life Fund Short title
Act, 2010.

Commencement

2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Interpretation

3. In this Act—

“Authority” means the Children’s Life Fund Authority established under section 4;

“beneficiary” means an unmarried person under the age of eighteen who is eligible to receive a grant to access medical treatment under this Act;

“Board” means the Board of management appointed under section 5;

“Chairman” means the member elected under section 5(4);

“Children’s Life Fund” means the charity established under section 4;

“family” means the beneficiary’s parent or legal guardian, as the case may be, who is legally responsible for the medical expenses of the beneficiary;

“income” means gross annual income received by a family;

“Life Unit” means the unit established under section 17;

“member” means a member of the Board appointed under section 5;

“Minister” means the minister with responsibility for health;

“senior public officer” means a public officer employed at range 54 or above.

Establishment and function of Children’s Life Fund and Authority

4. (1) There is hereby established—

(a) a charity to be known as the Children’s Life Fund; and

(b) a body corporate to be known as the Children’s Life Fund Authority.

- (2) The functions of the Authority are to—
- (a) operate, manage and administer the Children's Life Fund;
 - (b) facilitate the provision of specialist medical treatment to children suffering from life threatening illnesses for which the required treatment is unavailable at a local medical institution;
 - (c) manage the Life Unit; and
 - (d) collect and invest funds.

5. (1) The President shall appoint a Board of Management for the purposes of general administration and management of the affairs of the Authority. Appointment of Board of Management

(2) The Board shall comprise nine members as follows:

- (a) a medical practitioner who is a senior public officer nominated by the Minister;
- (b) a senior public officer nominated by the minister with responsibility for finance;
- (c) a senior public officer nominated by the minister with responsibility for Tobago affairs;
- (d) a senior public officer nominated by the Tobago House of Assembly;
- (e) four individuals who are not public officers nominated by the Minister; and
- (f) the Chief Executive Officer of the Authority, who shall be an *ex officio* member.

(3) The members shall be selected from among persons with qualifications and proven competence in varying fields of expertise including health, finance, investment, business management, law and social work.

(4) The members shall elect from among their number a Chairman, who shall serve for no longer than four years in aggregate.

(5) A member shall be appointed for a term of three years and shall be eligible for re-appointment.

(6) No member shall serve for more than two consecutive terms.

Publication of names
of members in the
Gazette

6. The names of the members of the Board as first constituted and every change in the membership thereafter, shall be published in the *Gazette* and in two newspapers in daily circulation in Trinidad and Tobago.

Termination of
appointment

7. The President may terminate the appointment of a member where the member—

- (a) becomes of unsound mind;
- (b) is unable to carry out his duties;
- (c) becomes bankrupt or compounds with his creditors;
- (d) is convicted of a criminal offence;
- (e) fails to carry out any of the duties or functions conferred or imposed on him under this Act; or
- (f) is absent, except on leave granted by the Board, from three consecutive meetings of the Board.

Resignation of
members

8. The Chairman may resign his office by letter addressed to the President and a member may resign his office by letter addressed to the Chairman.

Functions of the
Board

9. The Board shall—

- (a) authorize the payment of medical and related expenses of beneficiaries;
- (b) ensure that the Children's Life Fund is prudentially managed based on best practices used for investments of a similar nature;
- (c) review from time to time, the performance of the Children's Life Fund and make appropriate recommendations;
- (d) establish procedures for applying to the Children's Life Fund, determining the eligibility for the payment or reimbursement of medical expenses for beneficiaries and processing claim disputes;

- (e) set and administer rules for qualification of beneficiaries in accordance with prescribed policies established by the government;
- (f) review and where appropriate, approve applications processed by the Life Unit;
- (g) make payments from the Children's Life Fund on behalf of the beneficiaries;
- (h) disseminate information on the Children's Life Fund and the programme to the public;
- (i) authorize the annual operating expenses including the administrative costs of the Authority, with the approval of the Minister;
- (j) establish and develop strategic partnerships with local and foreign institutions to facilitate the execution of best care plans for beneficiaries; and
- (k) perform such other related duties as may be necessary to achieve the purposes of the Authority.

10. (1) The Board shall meet at least six times annually Proceedings of the Board at such time and places as may be necessary or expedient for the efficient performance of its functions.

(2) The Chairman shall preside over meetings of the Board, but where the Chairman is unable to preside, the members present and forming a quorum may appoint a member to preside over that meeting.

(3) A meeting shall not be held without at least two members appointed in accordance with section 5(2)(a), (b), (c) or (d) being present.

(4) The quorum for a meeting shall be five members.

(5) The decisions of the Board shall be by a majority of votes of members present.

(6) The Board may, subject to the approval of the Minister, make Rules to regulate its own procedure for the conduct of its business.

Emergency meetings **11.** (1) The Chairman, or in his absence, the Secretary may at any time convene an emergency meeting of the Board, upon receipt of a written request relating to an emergency matter, signed by at least three members.

(2) All meetings under this section may be held with the use of teleconferencing or such other electronic means of communication.

(3) The minutes of meetings held under this section shall be prepared and confirmed at the next ordinary meeting.

Secretary **12.** The Board shall appoint an employee of the Authority to be its Secretary, who shall—

- (a) make preparations for and attend meetings of the Board;
- (b) prepare minutes of the proceedings of the Board; and
- (c) carry out such other secretarial duties as may be assigned by the Board.

Disclosure of interest **13.** A member shall disclose any direct or indirect interest in any matter being considered or about to be considered, by the Authority, by writing to the Chairman or by requesting to have entered in the minutes of the meeting of the Board the nature and extent of the interest.

The Minister may give direction **14.** (1) The Minister may give the Board, in writing, general directions in respect of the performance of its functions.

(2) The Minister may give the Board, in writing, specific directions in respect of its functions in relation to any matter which the Minister considers to be in the public interest.

15. (1) The Board shall appoint a Chief Executive Officer on such terms and conditions as are determined by the Board with the approval of the Minister.

(2) The Chief Executive Officer shall be appointed for a term not exceeding three years and is eligible for re-appointment.

(3) Where the Chief Executive Officer is temporarily absent from Trinidad and Tobago or temporarily incapacitated by reason of illness or for any other reason temporarily unable to perform his duties, the Board may appoint a suitably qualified person to act in his stead during the period of such absence or incapacity.

16. The Chief Executive Officer shall be responsible for—

- (a) the daily management and direction of administration of the Authority;
- (b) the daily management and direction of the functions of the Authority as specified in section 4;
- (c) giving effect to the decisions of the Board; and
- (d) recommending to the Board the payments to be made on behalf of beneficiaries based on the recommendations made by the Life Unit.

17. (1) There is hereby established a Life Unit which shall provide the case management services of the Authority in respect of applications for grants for medical treatment under this Act.

- (2) The Life Unit shall comprise—
- (a) a manager;
 - (b) an administrative officer;
 - (c) medical volunteers; and
 - (d) non-medical volunteers.

Duties of Life Unit

18. (1) The Life Unit shall—

- (a) receive applications for grants from a parent, legal guardian or medical social worker;
- (b) undertake clinical and financial assessment of applications;
- (c) develop a best care plan for the beneficiary;
- (d) provide logistical support for the beneficiary where feasible; and
- (e) report to the Chief Executive Officer on its functions and operations.

(2) In this section, “best care plan” means a plan which identifies the best treatment option from accredited health institutions, capable of providing quality care with beneficial health outcomes, consistent with international best practices including—

- (a) the diagnosis;
- (b) the best treatment option;
- (c) the accredited health care institution capable of providing the relevant care and beneficial outcomes consistent with international best practices;
- (d) expected beneficial outcomes;
- (e) quality of life impact; and
- (f) best price.

Eligibility of beneficiaries

19. A person is eligible for a grant under this Act where he—

- (a) is a citizen of Trinidad and Tobago and is ordinarily resident in Trinidad and Tobago;
- (b) is unmarried and under the age of eighteen years at the time of the application;
- (c) has been referred by a medical specialist in the particular field of treatment required;
- (d) requires treatment that is unavailable at a local medical institution;

- (e) has been diagnosed with a life-threatening illness; and
- (f) has medical expenses that exceed twenty-five per cent of the income of his family.

20. (1) Subject to subsection (3), a person who is ^{Application} eligible under section 19 may apply to the Life Unit for a grant through his parent, legal guardian or a medical social worker.

(2) An application shall be in the Form set out in Schedule 1 and shall include the following documents: ^{Schedule 1}

- (a) an income and expenditure statement which provides the monthly family income and expenditure;
- (b) receipts of all sources of revenue received or pending to address the medical expenses relating to the application;
- (c) a medical report from the referring medical specialist indicating that the treatment is not available locally; and
- (d) a statement of medical insurance coverage of the beneficiary where such coverage exists.

(3) Where a beneficiary has received a grant under this Act, no further application shall be made on his behalf in respect of the same medical condition, for a period of two years from the date of the grant, save in exceptional circumstances.

21. (1) The Life Unit shall undertake the clinical and financial assessment of applications based on the ^{Life Unit to assess applications} following criteria:

- (a) the chances of survival of the applicant without treatment;
- (b) the best care plan;

(c) the expected improvement in the quality of life and overall prognosis; and

(d) assessment of the income and expenditure statement.

(2) The recommendations of the Life Unit shall be submitted to the Chief Executive Officer.

(3) The Board may approve, reject or vary the recommendations of the Life Unit.

(4) No grant shall exceed one million dollars.

Investment Manager **22.** (1) The Authority shall appoint an investment manager on such terms and conditions as are determined by the Board in consultation with the Minister.

(2) A person who is qualified and has proven competence in the fields of finance, investment, business management or accounting is eligible to be appointed as the investment manager of the Children's Life Fund.

Functions of the Investment Manager **23.** The investment manager shall, with the approval of the Board, manage the assets and resources of the Children's Life Fund in accordance with the prudent investment standard of an investment manager engaged in asset management.

Staff **24.** The Authority may, with the approval of the Minister—

(a) employ such staff as required by the Authority for the proper administration of its functions; and

(b) fix the terms and conditions of service and salaries for its employees.

Financial resources **25.** (1) The resources of the Authority shall consist of moneys appropriated by Parliament.

(2) The resources of the Children's Life Fund shall be—

- (a) Government subventions made to the Children's Life Fund;
- (b) private contributions to the Children's Life Fund;
- (c) sums arising from grants, covenants, donations and other receipts from persons, including national, foreign or international bodies; and
- (d) income earned from investments.

26. The assets of the Children's Life Fund shall not be Investment of assets invested except in assets specified in Schedule 2. Schedule 2

27. Notwithstanding any law to the contrary, the Taxation Authority and the Children's Life Fund are not subject to any tax.

28. (1) The Children's Life Fund is a public account Children's Life Fund to be a public account for the purposes of section 116 of the Constitution and shall be audited annually by the Auditor General or by an auditor authorized in writing, for that purpose by the Auditor General.

(2) On completion of any audit of the Children's Life Fund, the Auditor General shall immediately draw to the attention of the Minister and the Board any irregularity disclosed by the audit which, in the opinion of the Auditor General is of sufficient importance to justify doing so.

(3) The Auditor General shall send a copy of the audited financial statements and a report on its audit to the Minister and the Board immediately following the completion of the audit.

29. The Board shall submit to the Minister—

- (a) quarterly investment reports;

Board to report to Minister

- (b) an annual investment report; and
- (c) quarterly reports on the operations and performance of the Life Unit and Children's Life Fund.

Financial statement
to be laid in
Parliament

30. (1) Within four months of the end of the financial year, the Minister shall cause—

- (a) the audited financial statements in respect of the Children's Life Fund; and
- (b) an annual report of the operations of the Authority including contributions made to the Children's Life Fund, sums awarded and the rate of success of medical treatment received by beneficiaries of the Children's Life Fund,

to be laid in Parliament.

(2) Financial statements shall be prepared in accordance with generally accepted accounting practices and international accounting standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago.

Non-disclosure of
information

31. (1) Save as authorized by this Act, it is an offence for any person to disclose any information obtained by him in the performance of his duties, powers and functions under this Act.

(2) Notwithstanding subsection (1), a person may disclose information where he is so required by order of the Court or under any written law.

(3) A person who commits an offence under this section is liable on summary conviction to a fine of fifteen thousand dollars.

Minister may amend
Schedules

32. The Minister may, by Order subject to negative resolution of Parliament, amend the Schedules to this Act.

33. The Minister may make Regulations, subject to ^{Regulations} negative resolution of Parliament, for giving effect to the purposes of this Act and for prescribing anything required or authorized by this Act to be prescribed.

SCHEDULE 1

(Section 20)

APPLICATION FORM FOR GRANT UNDER THE CHILDREN'S LIFE FUND

Name of Applicant:

Parent/Legal Guardian/Medical Social Worker:

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Address of Applicant:

Contact details:

Name of Patient:

Address of Patient:

Relationship to Applicant:

Date of Birth of Patient:

Nationality of Patient:

Nature of Illness:

*Medical Treatment Required:

Cost of Treatment:

Amount Requested:

Name of Referring Specialist:

Address:

Contact details:

Country and Health Institution of Proposed Treatment:

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Gross Income of Family:

Signature of Parent/Legal Guardian/Medical Social Worker

Date

* A copy of the detailed medical report must be submitted.

SCHEDULE 2

(Section 26)

APPROVED INVESTMENTS OF THE CHILDREN'S LIFE FUND

The Board may invest the assets of the Children's Life Fund in the following classes:

- (a) the bonds, debentures, stocks, or other evidence of indebtedness of or guaranteed by the Government of—
 - (i) Trinidad and Tobago;
 - (ii) any Commonwealth country;
 - (iii) any member country of the Organization of Economic Co-operation and Development;
 - (iv) the United States of America or a State thereof approved by the Central Bank; or
 - (v) any country approved by the Central Bank, provided any such investment shall be of investment grade or better; and
- (b) cash balances deposited with any bank or other financial institution licensed under the Financial Institutions Act.

Act No. 26 of 2008

Passed in the House of Representatives this 12th day of November, 2010.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 23rd day of November, 2010.

N. JAGGASSAR

Clerk of the Senate

Senate amendments were agreed to by the House of Representatives this 10th day of December, 2010.

J. SAMPSON-MEIGUEL

Clerk of the House