

**AS AMENDED IN THE HOUSE OF
REPRESENTATIVES**

THE CHILDREN'S LIFE FUND BILL, 2010

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SCHEDULE 1

SCHEDULE 2

No. 20 of 2010

First Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

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

THE CHILDREN'S LIFE FUND BILL, 2010

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to provide for the establishment of the Children's Life Fund as a charity and for other related matters.

Clause 1 would set out the short title of the Bill.

Clause 2 would provide for the commencement of the Act by Proclamation.

Clause 3 of the Bill would provide for the definition of certain words and phrases.

Clause 4 would provide for the establishment of a charity to be known as the Children's Life Fund and a body corporate to be known as the Children's Life Fund Authority.

Clause 5 would provide for the appointment of a Board of Management to administer and manage the affairs of the Authority.

Clause 6 would provide for the publication of the names of all members of the Board in the *Gazette* and in two newspapers of daily circulation in Trinidad and Tobago.

Clause 7 would provide for the circumstances whereby the appointment of a member may be terminated.

Clause 8 would provide for the resignation of the Chairman and other members of the Board.

Clause 9 would provide for the functions of the Board.

Clause 10 would provide for the proceedings of the Board.

Clause 11 would provide for convening emergency and exceptional meetings by the Chairman.

Clause 12 would provide for the appointment and duties of a secretary.

Clause 13 would provide for the disclosure of any interest by the members of any matters being considered before the Board.

Clause 14 would provide that the Minister may submit general or special directions to the Board on its functions with any matters he considers to be in the public interest.

Clause 15 would provide for the appointment, resignation and termination of appointment of the Chief Executive Officer.

Clause 16 would provide for the manner in which the functions of the Chief Executive Officer may be exercised.

Clause 17 would provide for the establishment of a Life Unit which would be responsible for case management services of the Authority.

Clause 18 would provide for the duties of the Life Unit including receiving applications for assistance and undertaking clinical and financial assessments of applications.

Clause 19 would provide for the eligibility of applicants seeking assistance from the Children's Life Fund.

Clause 20 would set out the procedure in respect of applications for grants under the Act.

Clause 21 would provide for the Life Unit to undertake both clinical and financial assessments of applications and make relevant recommendations to the Board.

Clause 22 would provide for the appointment of an Investment Manager of the Children's Life Fund.

Clause 23 would provide for the functions of the Investment Manager.

Clause 24 would provide for the employment of staff by the Board for the proper administration of its functions.

Clause 25 would provide for the funding of the Authority and of the Children's Life Fund.

Clause 26 would provide for the investment of the assets of the Fund in specified assets set out in the Second Schedule.

Clause 27 would exempt the Authority from all taxes.

Clause 28 would provide for the establishment of the Children's Life Fund as a public account for the purpose of section 116 of the Constitution.

Clause 29 would provide for the obligation of the Board to submit reports to the Minister on the performance of the Life Unit and the Children's Life Fund.

Clause 30 would provide for the laying of the financial statements of the Children's Life Fund and the Authority in the Parliament of Trinidad and Tobago.

Clause 31 would make it an offence to disclose any information obtained in the performance of functions under the Act.

Clause 32 would give the Minister the power to amend the Schedules by Order, subject to negative resolution of Parliament.

Clause 33 would enable the Minister to make Regulations.

Schedule 1 would contain the application form for a grant under the Act.

Schedule 2 would provide for the approved investments of the assets of the Children's Life Fund.

BILL

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

[, 2010]

ENACTED by the Parliament of the Republic of Trinidad Enactment
and Tobago as 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) assist in providing specialist medical treatment to children from families who are unable to afford such treatment;
 - (c) manage the Life Unit; and
 - (d) collect and invest funds.

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

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

- (a) 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) four individuals nominated by the Minister; and
- (e) 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 and social work.

(4) The members shall elect from among its 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 international 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 adhering to prescribed policies established by the government;
- (f) 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 and make payments of all administrative costs of the Authority, with the approval of the Minister;
- (j) review and approve annual operating expenses of the Authority;
- (k) establish and develop strategic partnerships with international institutions to facilitate the execution of best care plans for beneficiaries; and
- (l) 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 at such time and places as may be necessary or expedient for the efficient performance or its functions. Proceedings of the Board

(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) or (c) 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 may at any time convene—

- (a) an emergency meeting of the Board, upon receipt of a written request relating to an emergency matter, signed by at least three members; and
- (b) an exceptional meeting of the Board, at the request of the two members appointed in accordance with section 5(2)(a) and (b).

(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.

Chief Executive
Officer

(2) The Chief Executive Officer shall be appointed for a term of 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.

(4) The Chief Executive Officer may resign by giving the required written notice to the Chairperson.

(5) The Board may terminate the appointment of the Chief Executive Officer by giving three months notice in writing or paying three months salary in lieu of notice.

16. The Chief Executive Officer shall be responsible for—

Functions of the
Chief Executive
Officer

- (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.

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,

who shall be appointed in accordance with section 24.

Duties of Life Unit

18. (1) The Life Unit shall—

- (a) receive applications from a parent or guardian for grants;
- (b) undertake clinical and financial assessment of applications;
- (c) develop a best care plan for the patient;
- (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**.

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

- (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;
- (f) belongs to a family whose income does not exceed five hundred thousand dollars; and
- (g) has medical expenses that exceed twenty-five per cent of the income referred to in paragraph (f).

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

(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 provide 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;
- (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.**

Life Unit to assess applications

21. (1) The Life Unit shall undertake the clinical and financial assessment of applications based on the 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 Board 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 the asset management profession.

24. The Board may, with the approval of the Staff 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.

25. (1) The resources of the Authority shall consist of Financial resources 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 by persons and other associated bodies to the Children's Life Fund;
- (c) sums arising from grants, covenants, donations and other receipts from person, including national and 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 is 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 by the Auditor General in writing, for that purpose.

(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.

Board to report to
Minister

29. The Board shall submit to the Minister—

- (a) quarterly investment reports;
- (b) an annual investment report; and
- (c) quarterly reports on the operations and performance by 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) No person, either directly or indirectly, shall 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.

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

33. The Minister may make Regulations, **subject to 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. Regulations

SCHEDULE 1

(Section 20)

APPLICATION FORM FOR GRANT UNDER THE CHILDREN'S LIFE FUND

- Name of Applicant:
- (Parent/Guardian):
- Address of Applicant:
- Contact No.:
- Address of Patient:
- Relationship to Applicant:
- Date of Birth:
- Nationality of Patient:
- Nature of Illness:
- *Medical Treatment Required:
- Cost of Treatment:
- Amount Requested:
- Name of Referring Specialist:
- Address:
- Contact No.:

I confirm the above.

Speaker

Passed in the Senate this day of , 2010.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 20 of 2010

FIRST SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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

Received and read the

First time.....

Second time.....

Third time.....