

Gloria Thomasos-Pollard

Friday, January 14, 2000

HOUSE OF REPRESENTATIVES

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The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

**GLORIA THOMASOS-POLLARD
(DEATH OF)**

Mr. Speaker: Hon. Members, since the last sitting of this honourable House, it has come to my notice that a former Member of this House has died, and this person is Gloria Thomasos-Pollard. She had served in this House for a five-year period and her father had been the former longest serving Speaker in this Parliament. I thought that I should just bring this to the notice of hon. Members who may care to express condolences.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, anyone who has been in political life for as long as I have been would have known Arnold Thomasos when he was Speaker of this House. Those who, in fact, were in this House when he presided as Speaker would have known that he did not tolerate nonsense; he was a very strict Speaker. We could only judge that, as a parent, he would have been as strict and added to the strictness would have been the principle of love for his child.

I had the advantage of knowing the late Gloria Thomasos-Pollard because I served for a while in the government in which she was involved. I must say that my knowledge of her late father and herself confirm, in fact, what I started saying that Gloria did manifest discipline, friendliness, and strictness, but she was a delightful person and all of us have fond memories of our association with her and also with her late father.

I want to just express condolences, Mr. Speaker, to those she has left behind. I think, perhaps, she left this phase of life a little early, but the memories she has left behind I think are a good legacy for someone who has lived her life usefully and has given honourable service to the people of Trinidad and Tobago and to this Parliament.

With those words I would like the sentiments of the Government of Trinidad and Tobago to be extended to her bereaved family and to assure them that our memory of the late Gloria Thomasos-Pollard is very positive indeed.

Gloria Thomasos-Pollard

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Mr. Gordon Draper (*Port of Spain North/St. Ann's West*): Mr. Speaker, I rise to express the condolences of those Members on this side of the House on the death of Mrs. Gloria Thomasos-Pollard.

I guess one of my memories, not just of Mrs. Thomasos-Pollard but of her father, comes from the fact that I too lived in Arima, therefore, I am very aware of the involvement of both herself and her father in the community; the service that she rendered in various capacities including as a representative; her service as teacher, community leader, and a member of varying organizations in the Arima community, certainly following in the footsteps of her father. Her contributions, therefore, to the national life as a Member of Parliament and to the community of Arima from which she hailed, would long be remembered.

We on this side, therefore, would like to join with the Government in extending to the family which she has left behind, our condolences and best wishes.

Mr. Speaker: Hon. Members, I wish to be associated with the comments made by both sides in respect of the late Mrs. Gloria Thomasos-Pollard. I would ask that the Clerk direct a suitable letter of condolences to her relatives, expressing the wishes and the thoughts of all the Members of this House. I ask that we stand for a minute's silence in her memory.

The House stood.

Mr. Speaker: Thank you, Hon. Members. I also wish to advise that on January 13, which was yesterday, the Clerk of the House received communication from the Tobago House of Assembly (THA) which I saw today. It indicated that the House of Assembly at its plenary sitting, its 51st meeting, on Tuesday, December 21, 1999, resolved and directed that the season's greetings for a blessed Christmas and a happy New Year be extended to Members of this House and their families.

TOURISM DEVELOPMENT BILL

Bill to facilitate the development of the Tourism Industry by providing to investors incentives and concessions and to make provision for matters incidental thereto, brought from the Senate [*The Minister of Tourism*]; read the first time.

MOTOR VEHICLES AND ROAD TRAFFIC (ENFORCEMENT AND ADMINISTRATION) (AMDT.) BILL

Bill to amend the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52, brought from the Senate. [*The Minister of Works and Transport*]; read the first time.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) (No. 2) BILL

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, brought from the Senate [*The Minister of Works and Transport*]; read the first time.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) (No. 3) BILL

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, brought from the Senate [*The Minister of Works and Transport*]; read the first time.

MINIMUM WAGES (AMDT.) BILL

Bill to amend the Minimum Wages Act, Chap. 88:04, brought from the Senate [*The Minister of Labour and Cooperatives*]; read the first time.

ENVIRONMENTAL MANAGEMENT BILL

Bill to repeal and re-enact the Environmental Management Act, 1995 and to validate all acts or things done or omitted to be done thereunder, brought from the Senate [*The Minister of the Environment*]; read the first time.

PETITION**Ashtang Yoga Association**

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I wish to present a petition on behalf of the Ashtown Yoga Association of Trinidad and Tobago of No. 19 Bownath Trace in Penal.

This association is located in the constituency of Oropouche which I have the honour to represent in this House. The members and the tutors of this association, which has been in existence for a number of years, are very committed people; committed to assisting those who want to participate in yoga exercises. As you know, Mr. Speaker, yoga is a discipline of the mind and the body. My own view is that, perhaps, more people should be associated with these exercises in order to enhance both their mental and physical health. [*Laughter*] In Trinidad and Tobago I wish, in fact, all the population should be so engaged.

This association has been carrying out voluntary work for all these years through the commitment of its members and I wish to ask that the Clerk be allowed to read the petition.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Naparima Bowl Board for the year ended December 31, 1996. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Naparima Bowl Board for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Naparima Bowl Board for the nine-month period ended September 30, 1998. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the Agricultural Development Bank of Trinidad and Tobago for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]

Papers 1 to 4 to be referred to the Public Accounts (Enterprises) Committee.

5. The Cremation (Amdt.) Regulations, 1999. [*The Minister of Local Government (Hon. Dhanraj Singh)*]

1.45 p.m.

ORAL ANSWERS TO QUESTIONS

**Stadia Contracts
(Award to FIFA)**

4. Mr. Martin Joseph (*St. Ann's East*) asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs

- (a) Would the Minister advise the House whether Cabinet awarded to FIFA a contract to project manage the construction of four (4) new stadia for the 2001 FIFA World Cup Youth Football Championship?
- (b) Would the Minister indicate whether such an award is in keeping with the Central Tenders Board Act and whether FIFA has engaged the firm PW Partnership to undertake the construction management of the project?
- (c) Would the Minister also indicate the criteria to be used by FIFA and PW Partnership to hire contractors to undertake the construction of the four stadia?

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Thank you, Mr. Speaker. No, Cabinet has not awarded a contract to FIFA; however Cabinet has agreed that

FIFA be appointed Project Manager for the construction of four stadia as well as the renovation of the Hasely Crawford Stadium at no cost to the Government of Trinidad and Tobago.

As previously indicated, no award has been made to FIFA given that the project is being undertaken under Build or Owner Lease Transfer (BOLT) arrangement. The matter of construction and management of the project is to be determined by the financier.

The Minister is unable to indicate the criteria to be used in hiring contractors. It is anticipated that such an arrangement should be subject to normal tendering procedures and any specific requirements of the financier.

Dr. Rowley: Can the Minister confirm that the Government is raising no funds for this project. Am I to understand that the Government is raising no money, from any source towards the construction of the stadia?

Hon. M. Ramsaran: At this stage it is under the BOLT arrangement and when the project is finished, the normal procedures would apply where we lease and so forth.

Mr. Valley: Another supplemental, Mr. Speaker. Could the Minister indicate the lease arrangement under the BOLT operation? What would the Government be paying, and over what period of time under that lease arrangement? One assumes that if one enters into that arrangement—

Hon. Member: That is another question.

Mr. Valley: No, that is not another question.

Hon. M. Ramsaran: Mr. Speaker, at this time, I am not too sure of the figures, but if the question is asked, I will answer it.

Winsure Insurance Portfolio (Report on)

5. **Mr. Kenneth Valley** (*Diego Martin Central*) asked the Minister of Finance:
- (a) Will the Minister inform this House whether the Supervisor of Insurance has caused an independent actuary to do a report on the Scheme of Transfer of the Winsure Insurance portfolio to Maritime Life, in accordance with section 86 (1)(f) of the Insurance Act?
 - (b) If the answer is in the affirmative, will he state whether the independent actuary has determined the shortfall in the statutory fund as at December 31, 1995 taking into consideration the provisions of the Scheme of Transfer sanctioned by the Court?

- (c) Will the Minister also inform the House of the specific issues on which the independent actuary was requested to advise?
- (d) Will the Minister lay a copy of the independent actuary's Report in Parliament?

The Minister of Tobago Affairs and Minister in the Ministry of Finance, and Acting Minister of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, the Member for Diego Martin Central has posed a four-part question regarding the independent actuarial determination of the shortfall of assets to liabilities calculated as at December 31, 1995. He also wishes to be informed of any specific disuse which the actuary was requested to advise. In addition, he wishes to ascertain whether the report submitted by the actuary was in keeping with the Insurance Act and the Scheme of Transfer sanctioned by the court. He has also requested that a copy of the actuary's report be laid in Parliament.

Mr. Speaker, before answering the question, permit me to provide this honourable House with a brief background on this matter. This would not only add clarity to the issue, but would hopefully provide ready appreciation of Government's attempts to relieve losses to the Winsure policyholders. I wish to indicate that Government's effort to soften the plight of policyholders is not unusual in other parts of the world. The Winsure Companies failed to meet their statutory obligations under the Insurance Act and the Supervisor of Insurance, after due process of intervention under the said Act, placed the companies under judicial management in February, 1988. An approach was made to the industry for assistance, but only Maritime Life (Caribbean) Limited heralded the call in a meaningful way.

In 1990, Maritime Life agreed to accept \$35.7 million for assuming the long-term obligations of the Winsure companies. The independent actuary was from Bacon and Woodrow of London.

The succeeding Government did not support the decision to allow Maritime to assume the Winsure obligations and the companies were placed under liquidation. Notwithstanding this action, it is possible under the Act to transfer the life portfolio of an insurance company to an interested party on the recommendation of the liquidator and by the Order of the Court. The terms and conditions of the transfer are usually set out in a Scheme or Agreement.

The development of certain events prompted this Government to support the bail-out effort of Maritime as indeed it was an attempt to relieve losses to

policyholders. The court sanctioned the transfer subject to the approval of the Supervisor of Insurance.

The proposed payment to Maritime Life was the subject of an investigation by the Public Accounts Committee (PAC). I wish to state, Mr. Speaker, that no payment has been made to Maritime because the portfolio has not been transferred.

I shall now answer the questions posed by the Member for Diego Martin Central.

Mr. Speaker, the previous independent actuary, Mr. Graham Farren from Bacon and Woodrow of London, was unfortunately replaced by Watson Wyatt Partners of the United Kingdom in July 1998 because of alleged impropriety regarding his independence at the hearing of the PAC, by the Chairman, Mr. Kenneth Valley. More particularly, the decision to replace Mr. Farren is two-fold:—

- (i) demonstrate and maintain full transparency in this matter; and
- (ii) to stem the possibility of any further allegations against the dear gentleman's character.

Mr. Speaker, Mr. Farren is a senior partner at Bacon and Woodrow, an actuarial firm of international repute. Notwithstanding his replacement in this matter, he continues to be the consulting actuary to the Ministry for which I have responsibility and, by extension, the country. He has served Trinidad and Tobago faithfully for over 20 years giving sound professional advice over that period. I earnestly hope, Mr. Speaker, that berating and denuding people of their good name could be resisted.

Watson Wyatt Partners is a global consulting firm. Its services include actuarial and financial management. It is headquartered in England, with offices in 34 countries. In its history of operations, it has provided advice to various governments, including the United Kingdom, United States of America and several European, African and Caribbean governments. According to an independent study conducted by the *Wall Street Journal*, Watson Wyatt ranks number one in the consulting industry when it comes to delivering value to clients. In addition, I wish to underscore the fact that it does not provide actuarial services for Maritime Life. The firm, Mr. Speaker, is accordingly professionally and globally renown and is independent of this matter.

The new actuaries submitted their draft report on the review of the scheme in May 1999. That report was a review of the shortfall of assets to the long-term policyholders' liabilities as at December 31, 1995. The review was conducted in a manner consistent with the Scheme of Transfer sanctioned by the court. The report was reviewed by the liquidator, the corporate actuary from Maritime Life (Caribbean) Limited, the chief actuary and the Supervisor of Insurance in the Ministry of Finance, Planning and Development.

Mr. Speaker, I am advised that following the review of the report, the Supervisor of Insurance requested the actuaries to expand the report to include certain observations/concerns of the Public Accounts Committee relative to the treatment of lapsable policies and the verification of the policy liabilities were properly checked.

In answer to part (c) of the question, I wish to inform that the actuaries were requested to do the following:

- undertake an independent review of the calculation of the shortfall in assets to liabilities of the Winsure Group as at December 31, 1995 carried out by Maritime Life, taking into account the provisions of the Scheme of Transfer;
- specify in the report the checks and/or precautions undertaken by them to assess the quality of the data provided by the liquidator as at December 31, 1995; and
- clearly indicate or highlight in the report the work done in verifying the liabilities, particularly since the Public Accounts Committee's report envisages that they should take responsibility for the results.

Mr. Speaker, the treatment of lapsable policies or policies on which there are outstanding premiums is very critical in this matter. It could affect the ultimate liabilities depending on how those policies are treated, that is whether the policies are treated as being in force or to be taken off the books of the company. It is important to point out to this House that under the Insurance Act there are clear procedures for lapsing of insurance policies. Mr. Speaker, these procedures were not followed by the liquidator because the understanding behind the portfolio transfer was to bail out policyholders.

The Solicitor General was requested to rule on the law affecting this matter, and I quote her opinion:

- “(i) the policies on which there were outstanding premiums ought to be still treated as being ‘in force’;

- (ii) these policies would ordinarily be forfeited or cancelled for non payment of premium, however the policies were never terminated by either the Judicial Manager or the Liquidator of the Winsure companies as required by section 136(4) of the Insurance Act. Therefore the policies on which there were outstanding premiums remained in force as a matter of law.”

Mr. Speaker, in answering part (d) of the question, I wish to inform this honourable House that the independent actuaries took the above into consideration in determining the shortfall in the statutory fund as at December 31, 1995. This is clearly stated in his final report, a copy of which will be laid shortly in this House.

When the report is read, it would confirm to this House that the actuarial valuation was conducted by the corporate actuary of Maritime Life. I wish to point out, however, that it is not unusual for a company’s actuary to conduct these valuations, such is the integrity and esoteric nature of the actuarial profession. What is important, Mr. Speaker, is the independence of the review. I also wish to point out that the Winsure liabilities will become progressively larger unless payment of claims are made as early as possible. In addition, one must bear in mind that policyholders have been waiting for more than 10 years for some measure of relief.

Thank you, Mr. Speaker.

Mr. Valley: Mr. Speaker, the first supplemental. I wonder whether the hon. Minister of Finance would provide the evidence which suggests that the Chairman of the Public Accounts Committee—what did you say?—made accusations or berated the independent actuary? Would the Minister answer that supplemental? I have two other supplementals, Mr. Speaker.

Dr. The Hon. M. Job: Mr. Speaker, I do not consider the suggestion that I answer the supplemental in the context of the question that was asked.

Mr. Valley: Mr. Speaker, for the benefit of the House and the national community, may I say that at no time did I suggest that the Independent Actuary acted out—

Mr. Speaker: It is perfectly legitimate for a Member to ask a follow-up question based on an answer which is given. A Minister does not necessarily have to answer a question, but the question that was posed related to something that was said by the Minister which was something to the effect that, based on

something that was said by the Chairman of the Public Accounts Committee, someone was forced to give it up.

The Member for Diego Martin Central is perfectly entitled to ask a supplementary question on that, and I gather that the answer to that is that you do not think that it arises. I think it arises and this is why I allowed him to ask it. If I did not think so—you may not answer it, you may ask for time to answer it, but, take it from me, I have ruled that it is a legitimate question based on your answer. Furthermore, it is not proper for the Member to make a statement, you could ask questions.

2.00 p.m.

Dr. The Hon. M. Job: The substantive matter raised in the supplemental question will be provided at a later date.

Mr. Valley: Mr. Speaker, thank you and I am so guided. My second supplemental, the Minister in ending his reply mentioned the fact that the actual valuation was, in fact, done by Maritime Life, the corporate actuary of Maritime. We have heard a lot of Watson and so forth but could the Minister inform this honourable House really, when was the firm of Watson appointed? Why the independent actuary who has been dealing with the office of the supervisor for some twenty-years—the Government said—why in fact was he removed? Thirdly, why did the Government think it fit to have him do the actual report on himself?

Dr. The Hon. M. Job: Mr. Speaker, those matters that are raised there derived from the Public Accounts Committee Report and I presume that the answers that are sought are contained therein.

Mr. Valley: Mr. Speaker, I do not know how the Minister could say that and, perhaps, I should re-phrase the question. I am asking, why did the Government find it necessary to have Maritime Life corporate actuary do an actuarial report on the Winsure portfolio when it was Maritime Life who stood to benefit from that actuarial report? I am asking, secondly, what was the true role of Watson and Associate and from whence they came?

Dr. The Hon. M. Job: Mr. Speaker, I repeat that if the Public Accounts Committee Report is studied carefully, the answers to those matters are there and I did in fact say that the reason—and if I may re-read what I have said:

“When the report is read, Mr. Speaker, it would confirm to this House that the actuarial valuation was conducted by the corporate actuary of Maritime Life.”

And the following sentence said:

“I wish to point out however that it is not unusual for company’s actuary to conduct...”

these kinds of valuations because of the nature of the actuarial profession and the scarcity of the kinds of human resources that one uses.

Mr. Valley: Mr. Speaker, perhaps, we should move on from that because I am sure—and another question, please, Mr. Speaker: would the Minister inform this House whether he is aware that the scheme of transfer approved by the court implied treating lapsed policies as lapsed policies?

Dr. The Hon. M. Job: Mr. Speaker, perhaps, I should re-read the section which is giving rise to that question and I did say that the Solicitor General was requested to rule on the law affecting the matter and I quoted her opinion which I shall repeat:

- “(i) the policies on which there were outstanding premiums ought to be still treated as being “in force”;
- (ii) these policies would ordinarily be forfeited or cancelled for non payment of premiums, however the policies were never terminated by either the Judicial Manager or the Liquidator of the Winsure companies as required by Section 136(4) of the Insurance Act. Therefore the policies on which there were outstanding premiums remained in force as a matter of law.”

Mr. Valley: Mr. Speaker, I heard the Minister the first time when he read what the Solicitor General said. The point I am making and the question I am asking, I am saying that there was a scheme and it goes back to part (b) of the question. The court approved the scheme of transfer and the question asked specifically, whether the actuary valued the portfolio as at December 31, 1995, taking into consideration the provisions of the scheme of transfer approved by the court. The court approved a scheme of transfer [*Interruption*—I am sorry, I am coming to the question, please if you would allow me. [*Laughter*]

Mr. Speaker: I am just trying to point out that you cannot argue a case. You could ask a question based on the Minister’s answer.

Mr. Valley: Mr. Speaker, I am guided. Perhaps, I should phrase the question this way. Is the Minister saying that the opinion expressed by the Solicitor General takes precedence over the scheme of transfer approved by the court?

Dr. The Hon. M. Job: Mr. Speaker, the genesis of the concern has to do with the matter of integrity and whether the questions raised in my answer are trustworthy. I want to repeat, for the benefit of the Member for Diego Martin Central, that the Independent Actuary's Report supported the report of the Maritime actuary so, therefore, we had an independent arbiter in the matter which literally gave the all-clear and validated the findings of the Maritime actuary, so that the question of justification does not arise. I am saying again that the Member for Diego Martin Central ought not to sententiously prejudice the minds of his audience, by suggesting that there was some collusion between the independent actuary and the actuary of Winsure.

Mr. Valley: Mr. Speaker, final supplemental: I wonder whether the Minister in the Ministry of Finance, the Member of Parliament for Tobago East, sees his role at anytime as preventing corruption in the Government?

Mr. Speaker: With the greatest deference, that question does not arise as a supplementary question. It will not be permitted. *[Interruption]* Wait, one second, I ask the Member for Diego Martin West please, let us not start that now.

Dr. Rowley: The Prime Minister started it.

Mr. Speaker: I am simply asking you please, let us not start it.

National Petroleum Company Limited

(Gas Station Upgrade Programme)

6. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Energy and Energy Industries:

- (a) With respect to the Gas Station Upgrade Programme of the National Petroleum Co. Ltd. (NP), could the Minister state whether any of the stations were completed within the allotted time-frame of the original contract?
- (b) If there were time overruns on any of the projects, could the Minister identify each project so affected and state the contracted completion date as well as the actual date of completion?
- (c) For each project on which there was a time overrun, could the Minister state the nature of the *penalty liquidated damages clause* to which the contractor is exposed as per the terms of the contract and say how much money NP is entitled to receive?

- (d) Could the Minister state whether NP has collected any/all of the money to which it is entitled from contractors under the *penalty liquidated damages clause* of the contract(s) related to the Gas Station Upgrade?
- (e) If the answer is in the negative, could the Minister state how much money has been collected; the total amount outstanding; and what steps are being taken to ensure collection of the balance outstanding?
- (f) Has NP paid any or all retention moneys to any contractor who is exposed to a liability under the *penalty liquidated damages clause*?

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Speaker, in the first phase of the NP Service Station Upgrade Programme, NP constructed nine services stations which were awarded in three packages of work: package (a), package (b) and package (c).

Package (a) comprised two stations: Richmond Street and Gasparillo and was awarded to Rainbow Construction Limited. Package (b) comprised five stations as follows: Morvant, Debe, Cross Crossing, Rushworth Street and Tacarigua; and Package (c) comprised two stations: Santa Flora and San Juan. Packages (b) and (c) were awarded to Hafeez Karamath Construction Limited.

Mr. Speaker, the three contracts envisaged an ambitious four-month period for mechanical completion. In retrospect, the four-month schedule was overly ambitious for four reasons, namely:-

- (i) An overly aggressive time schedule;
- (ii) Soil contamination;
- (iii) Lack of experience of local contractors; and
- (iv) Design changes by national petroleum

Firstly, based on international standards, the duration for mechanical completion of a modern service station on a greenfield site is not four months but approximately six months. On a brown field site this duration would be seven and one half months. For the sake of clarity, a greenfield site is a new site while a brown field site is one where the facilities exist.

2.10 p.m.

Secondly, significant levels beyond that which were envisaged of underground environmental degradation included scale to rusted, leaking single-

walled metal tanks and ancillary network of pipes which did untold damage to underground soils and water aquifers in each of the service stations had to be remedied. This occurred as a direct consequence of the neglect perpetrated on the sector for more than 50 years. The level and quantities of soil contamination were more than expected and stringent measures set by the Environmental Management Agency for disposal and remediation had to be adhered to. As a consequence, delays occurred due to the extended time the contaminated soil remained on site while suitable arrangements were being made. Some of the contaminants include cancer-causing agents such as benzene and xylene in addition to lead. This posed serious implications for the quality of our underground water supply with potential for an environmental and health catastrophe.

Thirdly, the rebuilding of so many service stations represented a new challenge for NP and their contractors. NP, which acquired its assets from BP in 1972, had never built a service station before and none of the contractors who prequalified had service station construction experience. NP could have opted for the easy way out and brought in foreign contractors but chose instead to develop local expertise and maximize local goods and services in its service station upgrade budget.

Fourthly, based on its external consultant's advice, NP made design changes during construction. Based on the foregoing, none of the nine stations was completed within the time-frame stipulated for mechanical completion in the three contracts. Delays ranged from approximately four months to seven months. It should be noted that what the public saw was only the above-ground deterioration inspired by previous governments and which represented only part of the disaster. Some of the stations had been polluting the environment for decades and these are summarized as follows.

Richmond Street, the first one rebuilt, had been standing in its original form since 1946, one year after World War 2 ended. Morvant was a 1961 museum piece. Cross Crossing dates back a decade before Morvant in 1951; Santa Cruz 1958, Debe 1962, Rushworth Street 1957, Tacarigua 1962 and Santa Flora and Gasparillo 1963.

Mr. Speaker, the contracted completion date and the mechanical completion date for each station are as follows.

Stations	Contracted Completion Date	Mechanical Completion Date	Approx. Delay (Mths.)
Package A			
NP, Richmond Street	1999, January 29	1999, July 01	5
NP, Gasparillo	1999, February 05	1999, July 09	5
Package B			
NP, Morvant	1999, April 21	1999, November 15	6.75
Jaggernaut, Tacarigua	1999, April 21	1999, October 13	5.75
Ramnarine, Rushworth St.	1999, April 21	1999, September 29	5.25
NP, Debe	1999, April 21	1999, August 30	4.25
NP, Santa Flora	1999, April 21	1999, October 15	5.75
Package C			
NP, Santa Cruz	1999, April 21	1999, August 15	3.75
Ramasir, Cross Crossing	1999, April 21	1999, September 30	5.25

Mr. Speaker, the penalty/liquidated damages clause in the contracts provides for liquidated damages of \$5,000.00 per day for each station in package A contracts and \$10,000.00 per day for each station in packages B and C contracts up to a maximum liability of 10 per cent of the applicable portion of the contract price for each station.

Delays on engineering, procurement and construction projects can be caused by either the actions and/or inactions of entities, that is, the owner, the contractor, the vendor, *et cetera*, or circumstances beyond their control, that is, abnormal weather, strikes and lockouts, *et cetera*. These delays can be broadly classified into three categories: one, excusable non-compensable; two, excusable compensable and, three, non-excusable non-compensable. When these are identified, the owner-impacted delays, the contractor-impacted delays and concurrent delays can be determined and then the extent of liability for each party can be quantified.

The causes, responsibilities and liabilities for project delays, disruptions or acceleration can be assessed by critical path methods which are widely used

today. This involves research analysis of all daily worksheets and logs, construction reports, meeting minutes, progress reports, change orders, project documentation, *et cetera*, for the duration of the construction of each station. NP is currently undertaking this analysis which is expected to be completed by January 31, 2000. At its completion NP will review its legal options which may eventually include the invocation of the arbitration clause.

Mr. Speaker, based on the above, part (e) of the question does not apply.

Mr. Speaker, no contractor has been paid all the moneys claimed for work done on the contracts. Over TT \$2 million of the original contract prices remain unpaid to date. In addition, NP has in its hands an irrevocable bank guarantee for recovery of moneys due to the company for claims for which it may have up to 10 per cent of the respective contract prices. NP's legal team, headed by senior counsel, has been apprised of all aspects of the intended action and has been and will continue to advise the company on its approach to recovering all moneys to which it is entitled under the terms of the contract. In any event, NP is committed to taking all steps to enforce its contractual entitlement. [*Desk thumping*]

Mr. Speaker: Hon. Members, the Standing Orders provide that question time shall end at 2.15. In the circumstances, I am advising that any other questions will be answered in writing which will be circulated to Members. We proceed to the next item on the agenda.

The following questions stood on the Order Paper:

**Secondary Schools
(Construction of)**

8. (a) Is the Minister of Education aware that under a World Bank loan programme, four secondary schools were scheduled to be constructed in Sangre Grande, Cunupia, Mason Hall, Tobago and Diego Martin?
- (b) Could the Minister state the justification advanced in 1995 to warrant the construction of secondary schools in the areas mentioned?
- (c) Could the Minister explain why the Diego Martin Secondary School was removed from the school construction programme for 1999/2000?
[*Dr. K. Rowley*]

Waste Disposal

10. Could the Minister of the Environment state:

- (a) What is the Government's policy on the importation of waste into the state of Trinidad and Tobago?
- (b) Has the Government given any agency, company or individual approval for the importation of waste for disposal in Trinidad and Tobago?
- (c) Is the Government aware that steps are being taken to have foreign waste imported into Tobago?
- (d) If the answer to (c) is in the affirmative, what does the Government propose to do about this situation? [*Dr. K. Rowley*]

Question time having expired, the above questions were answered in writing.

Vide end of sitting for written answers.

The following question stood on the Order Paper in the name of Pamela Nicholson (Tobago West):

Signal Hill Lands (Cost)

- 14.**
1. Would the Minister of Housing and Settlements please tell this honourable House whether the Tobago House of Assembly (T.H.A.) was formally informed that the price of land sold by the National Housing Authority (N.H.A.) in Trinidad and Tobago does not exceed five dollars (\$5.00) per square foot?
 2. If the answer is in the affirmative, could he give us the date when such information was sent to the Tobago House of Assembly (T.H.A.)?
 3. Would the Minister inform the House whether he is aware that the Tobago House of Assembly is still demanding seven dollars (\$7.00) per square foot for the Signal Hill lands and that at the expiration of the Tobago House of Assembly 90-day deadline, the existing chaotic situation will be further aggravated?
 4. Could the Minister of Housing and Settlements inform the House whether it is the National Housing Authority or the Tobago House of Assembly that will be responsible for the issuing of deeds, after the Signal Hill applicants have paid for their lands?

5. Could the Minister state whether he would be meeting with the Signal Hill land development applicants to address their problems and if so, when?

Question, by leave, deferred.

**TRINIDAD AND TOBAGO POLICE SERVICE
(BIPARTISAN PROGRAMME)**

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, on Wednesday, August 18, 1999 the Prime Minister, the hon. Leader of the Opposition, the hon. Attorney General, the hon. Minister of National Security and the Member of Parliament for Arouca South met at Whitehall and held discussions on the disturbing revelations about the state of the police service which were uncovered by the Justice Hosein Commission of Inquiry into the circumstances surrounding the escape of convicted drug trafficker Deochand Ramdhanie from police custody.

The Prime Minister and the Leader of the Opposition expressed their deep and joint concern at the disclosures of Justice Hosein's Commission and agreed to the establishment of a bipartisan team to work out remedial measures, including relevant and legislative action, that would solve the problems in the police service. It was noted that the bulk of the police service is made up of honest, well-meaning and hard-working men and women of Trinidad and Tobago. However, there appears to be some evidence that unlawful actions by some police personnel are likely to bring disrepute to the police service.

Mr. Speaker, among the matters identified for urgent decisive action were:

1. Corruption within the police service and appropriate methods of investigating same.
2. The systems of recruitment, discipline and promotion in the police service.
3. Management of the police service; and
4. Other areas of concern regarding the administration of the police service including those as may have been identified by the Hosein Commission of Inquiry.

Subsequent to the initial meeting between members of the Government and the Leader of the Opposition, a technical committee was set up to assist the bipartisan team in finding solutions to the problems in the police service. The members of the technical committee are: Sir Ellis Clarke, T.C., Chairman of the

committee; Justice Guya Persaud, Chairman of the Law Commission; Mr. Eustace Bernard, attorney-at-law and former Commissioner of Police of the Trinidad and Tobago Police Service; Colonel Trevor MacMilan (Retired), Chairman, Security, Advisory and Management Services Limited, Jamaica and former Commissioner of Police of the Jamaica Constabulary Force; Mr. Alwyn Daniel, Management Consultant, KPMG Peat Marwick; Sir David O'Dowd, Her Majesty's Chief Inspector of Constabulary, United Kingdom and author of the *Review of the Trinidad and Tobago Police Service*; Mrs. Joan Massiah, Permanent Secretary in the office of the Prime Minister as secretary to the committee.

Mr. Speaker, I am pleased to inform this honourable House that the bipartisan team held its first meeting with the technical committee on Monday, January 10, 2000. Sir David O'Dowd was not present at that meeting. He is expected here next week. The technical committee was mandated to formulate a plan of action to tackle the problems which had been identified by the Justice Hosein Commission and a number of other reports on the police service, inclusive of the very clearly articulated specific recommendations by Sir David O'Dowd.

The Trinidad and Tobago Police Service First Division Officers Association and the Trinidad and Tobago Police Service Social and Welfare Association and other stakeholders will be invited to make submissions. The technical committee started work immediately after the meeting on Monday, January 10 and will continue to meet daily until such time as its work is concluded.

Mr. Speaker, the establishment of the bipartisan team and the technical committee is a meaningful development in the national effort to deal with this most crucial aspect of the serious problem of lawlessness that faces the country. I thank you, Mr. Speaker. [*Desk thumping*]

JUDICIAL REVIEW BILL

Bill to provide for an application to the High Court of the Supreme Court of Judicature for relief by way of judicial review and for related matters [*The Attorney General*]; read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the debate on the first Bill on the Order Paper under "Bills Second Reading" was in progress on the last occasion and we shall continue with the resumption of debate on that Bill.

Agreed to.

2.25 p.m.**CHILDREN'S AUTHORITY BILL**

[THIRD DAY]

Order read for resuming adjourned debate on question [December 03, 1999]:

That the Bill be read a second time.

Question again proposed.

Mr. Speaker: Hon. Members, the Member who was on his legs was the Member for Port of Spain South who has 15 minutes more of normal speaking time. I therefore call on the Member for Port of Spain South to continue. [*Desk thumping*]

Mr. E. Williams: Mr. Speaker, permit me to take this opportunity to wish Members of this House, members of staff of the Parliament and the nation at large, a happy and prosperous New Year.

On the last occasion when we adjourned, I had just finished discussing some of the issues which were raised by this nation before the committee on the rights of the child. At this point, it is important to bring Members up to date on the response of the committee on the rights of the child in relation to the Children's Authority Bill that is before us.

In the introduction of a document entitled "Concluding observations of the Committee on the Rights of the Child: Trinidad and Tobago. 10/10/97.", the very first thing said was:

"The Committee expresses its appreciation to the State party..."

—which is Trinidad and Tobago—

"...for its initial report, which followed the guidelines set by the Committee, and written answers to the list of issues... The Committee is encouraged by the frank, self-critical and co-operative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions as well as difficulties encountered with regard to the implementation of the provisions of the Convention."

I quote further:

"The Committee, however, notes with regret that the report and the written answers did not provide statistical and disaggregated data."

In other words, a *lacuna* of sorts does, in fact, exist. Well, to cut to the chase as we would say, Mr. Speaker, it went on to list specific principal subjects of concern. They also listed suggestions and recommendations.

I quote from this United Nations document a little further, with your leave, Mr. Speaker. At paragraph 8, under "Principal subjects of concern", first off it says in the last sentence of that paragraph:

"It also regrets that a number of legal provisions contrary to the Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage."

If we look further on in paragraph 24, some of those are in the package, but under "Suggestions and recommendations":

"The Committee recommends that, in the context of the legal reform being undertaken by the State party and in the field of children's rights, that national legislation be harmonized and made fully compatible with the provisions and principles of the Convention."

Indeed, this exercise is what we are about. It went on to say:

"Such reform should in particular address the areas of administration of justice, as well as the minimum ages of marriage, access to employment and criminal responsibility."

In the last sentence of that paragraph 24:

"The Committee also recommends that awareness-raising programmes on children's rights be conducted for members of Parliament to assist them in incorporating the principles and provisions of the Convention on the Rights of the Child in the legislative reform."

Mr. Speaker, I ask your good office: When did we have such an exercise?

We are here before the Parliament, discussing what is complex, social legislation which seeks to change many long-held traditions and thoughts in the society. A specific recommendation of the committee on the rights of the child says, and I want to read it again:

"The Committee also recommends that awareness-raising programmes on children's rights be conducted for members of Parliament to assist them in incorporating the principles and provisions of the Convention on the Rights of the Child in the legislative reform."

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So, here we have legislation before us dealing with the Convention on the Rights of the Child, the Children's Authority Bill, which requires a three-fifths majority. We are changing enshrined sections of the Constitution and a specific recommendation which would have assisted us in appreciating the breadth and range of the changes contemplated, has not been conducted—no such exercise.

In paragraph 9, under “Principal subjects of concern”:

“The Committee regrets that coordination among the bodies promoting and protecting the rights of the child is inadequate and that a comprehensive approach to the implementation of the Convention is lacking. The committee also regrets that these bodies lack the institutional capacity, skills and financial resources to carry out their mandates.”

Indeed, it went on to recommend in paragraph 27:

“The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principle of the best interest of the child.”

Indeed, what it specifically says—it is not in here but it is said in other places—is that the national budget of Trinidad and Tobago should be prepared in such a way that at least 20 per cent of the national budget goes towards children and ensuring the protection of children and children's rights and issues.

In the last budget, we heard nothing of that. Indeed, the hon. Minister, when he was making his presentation, and the hon. Attorney General before him when he laid the entire package of human rights legislation before the House at the previous sitting, made no mention of any such thing. But here we are again. In paragraph 10:

“The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of disaggregated data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or economic exploitation, girl children, children of single-parent families, children born out of wedlock, abandoned children, institutionalized and disabled children, children living and/or working in the streets and children involved in the juvenile justice system.”

Well, part of this proposed legislation would bring into being a research arm of the Children's Authority but, Mr. Speaker, a research arm currently exists at the Ministry of Social and Community Development and when I started to check, I found out that that research arm is being directed to do a number of things and it has very little time, from what I gather. They did not want to tell me that, but when I started to listen and I asked and probed and spoke to social workers in private practice or in the homes around the nation, one realizes that the research arm of the Ministry may not be directed to deal with it in an optimal manner. So, we want to put another research arm in the Children's Authority. I say, "Leave them alone; let them do their work."

In paragraph 12, it says:

"The Committee expresses its concern at the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law."

Well, what did they recommend? At paragraph 25, it says:

"The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsman for the rights of the child."

As has been done in other countries in the world. That is nowhere in the package of legislation that was put before us. In fact, there was not even any allusion to that possibility coming at a later date.

Mr. Speaker, the Committee made many specific recommendations. The bottom line to all this is that the Minister has failed to inform the House of the process along which we should have gone, to arrive at this point in the legislation. He left out of the legislative agenda a number of pieces of legislation which would seek to cure issues which were raised by the Committee on the Rights of the Child.

But, worst of all, Mr. Speaker, when one goes—and I should say I wish we had the opportunity to lay these documents on the table for the Minister because he ought to have laid them. When we go to the last paragraph of this document, it says:

"Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report..."

—which was the initial country report which we sent to Geneva—

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“...and the written replies presented by the State party...”

—when our officials went—

“...be made widely available to the public at large and that these documents be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.”

In fact, Mr. Speaker, if you read article 44 on the Convention on the Rights of the Child, it says in article 44, subparagraph (6):

“States Parties shall make their reports widely available to the public in their own countries.”

Indeed, I was a member of this country's delegation to the Second Sitting of the Assembly of Caribbean Community Parliamentarians which was held in St. George's, Grenada over the period 14—15 October, 1999. I read here from the Draft Summary Report of that meeting. We took a resolution. It is a resolution at Annex VIII from that Assembly, and reads as follows:

“**WHEREAS** a comprehensive Strategy for Human Resource Development is important for the survival, development, progress and prosperity of any community, including in the programme provisions for

- use and development of science and technology
- education and health promotion
- gender equity
- social justice for all
- commitment to action for the Rights of the Child (Belize 1996; Kingston Accord 1997; Lima Accord 1998)
- efficient management of human resources;

WHEREAS it has been recognized that special measures are required to address the problem of under-achievement of young males and to ensure youth empowerment and participation in the decision-making process;

AND WHEREAS the complexity of the challenge in ensuring a better quality of life for the people of the Community has been recognised;

BE IT RESOLVED THAT this Assembly urge the development of comprehensive national policies and programmes to ensure the implementation of the Human Resource Development Strategy approved by the XVIII Meeting of the Conference of Caribbean Heads of Government.

BE IT FURTHER RESOLVED THAT this Assembly urge the establishment of mechanisms for the sharing of information and the participation of all stake-holders...

Approved by the Assembly of Caribbean Community Parliamentarians..."

I hope that in the near future, this document will be laid as a report in this honourable Chamber. I am unable to do so and I hope that the appropriate person would do so.

2.40 p.m.

The bottom line, Mr. Speaker, is that in bringing this legislation to the Parliament, notwithstanding the fact that it requires a special majority, the Government of Trinidad and Tobago has violated fundamental clauses in the very international agreements with which we are seeking to come into compliance. In other words, they are saying one thing on the one hand and they are doing something entirely different on the other hand. [*Desk thumping*] It seems to fall in line with a particular type of behaviour that we have become so accustomed to with this particular Government. One wonders why the haste.

It turns out that in the UNICEF's newsletter, Volume 11, No. 2 of four, 1999, *Children in Focus*, there is an article by Jamaica's special envoy for children, Ambassador Marjorie Taylor. It points to the fact that they are going to have another meeting. It will be the fifth ministerial meeting on social policy on children in the Americas following on the fourth which was held in Peru, I believe. That was the Lima Accord. They have a meeting coming up this year and the Minister would like to stand up in the meeting and say some good things and show what a wonderful place we are, what we have done and what we have put in place. It is all in here.

The point of it all is that we, the members on this side, wholeheartedly support the rights of the child and we wholeheartedly would support any effort to improve the condition of the children of our nation. [*Desk thumping*] I want to repeat what I said on the last occasion. We, as a political party in this nation, brought our country too far to see it go back, so we are for legislation of this nature. [*Desk thumping*] But we are against defective legislation and legislation that, in fact,

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would take us out of compliance with those international agreements that we have made.

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

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

Question put and agreed to.

Mr. E. Williams: Mr. Speaker, when one reads UNICEF's newsletter a little further, though, at this meeting, the Fourth Ministerial Meeting in Lima which was signed by Trinidad and Tobago—and we were represented by the hon. Minister, the Member for Chaguanas—I see his signature here—there is a list of world summit goals for children. This is what the hon. Minister signed on behalf of ourselves as a nation.

There are several sections on health, nutrition and environmental rights, right to education, children protection rights, gender equity, and then there is a follow-up and evaluation process. Under Children Protection Rights, Goal 1 states:

“Provide improved protection of children in especially difficult circumstances, and tackle the root causes leading to such situations. Promote programmes, projects or specific activities aimed at enforcing the civic rights of children as set forth in the International Convention on the Rights of the Child.”

Indeed, what we are seeking to do by asking that this legislation be referred to a joint select committee of both Houses of the Parliament is to save the hon. Minister and our nation from embarrassment, because we agreed to do certain things and by bringing the legislation in this manner, we are seeking very clearly to embarrass ourselves. That is not to say that there are not defects in the legislation, in and of itself, which also require further scrutiny and discussion.

Mr. Speaker, when one also looks at the convention on the rights of the child, one sees other areas in which we are at fault. Let me read one. As with Bills in this House, there is an unofficial summary of the main provision. So, if we just cut to the chase and read the unofficial summary of the provisions for Article 17, it states:

“The state shall ensure the accessibility to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials.”

Mr. Speaker, our Ministry of Education embarked on a policy of restricting the diversity of sources that is available to our children. [*Desk thumping*] As a matter of policy, this Government stated that it will pick one book for all children, when indeed, all of the professionals were saying, "Give us a diversity of books from which we will choose one which we feel to be most appropriate in our own particular circumstances". [*Laughter*]

The legislation about which we spoke the last time, which the Member for Nariva attempted to pilot, also sought, among other things, to define the age at which a child could be employed as 14. Mr. Speaker, it flies in the face of the Convention on the Rights of the Child, and he brought no amendments, no explanation, no apology, and to date, he wonders why we could not support that particular piece of legislation.

I would not want to go back into what we discussed about him the last time, but suffice to say, if we go to the actual legislation itself, to my mind, the most offensive clause in this Bill—let me come to that in a minute. In clause 12 of this Bill, in describing functions of a co-ordinating unit, it lists the skills that are required: qualified social workers professionally trained in child care and so forth.

In clause 13 we seek to set up an administrative unit which shall be responsible for the registration and licensing of children's homes, the monitoring of children, financial management, human resource management, public relations of the authority. This is a small point though. They went through the trouble of saying who we need to do what in previous clauses. We need to know, or do they want to just leave it open to somebody's interpretation? Small point, but it shows an inconsistency that is also apparent in clause 15.

Clause 15 states:

"The Research Unit shall be responsible for statistical data collection, research and analysis of such data."

But they do not tell us who they would like to put into that department. The United Nations tells us specifically. They are not giving us the statistical information, and doing the research. Indeed, other members of the Caribbean allude to that. If I may quote again from this article by Jamaica's special envoy for children, on page 3 of the UNICEF newsletter she says:

"Get our statistics in order, in black and white. It is important to analyse where we are and determine what we must do to bring us closer to the Goals that we have set."

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They are setting up a research unit and saying some of the things it ought to do, but they are not telling the national community who should be in that. What skill-set do they see would be required to achieve these particular objectives. They were able to do that when they were talking about a co-ordinating unit and some of the other units, but one of the areas in which we are at risk, as it were— but as I say, Mr. Speaker, that is a small point.

It is a small point only in comparison to clause 32 which is, to my mind, actually the most offensive clause in this particular bit of legislation. I want to quote from it because this one is a gem:

“Where the authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that—

- (a) the child is not likely to become a charge on the public funds; or
 - (b) such child is not exposed to moral danger or neglect...
- (2) The Chief Immigration Officer on receipt of such objection may, refuse to permit the person to leave Trinidad and Tobago.
- (3) Where at any time reasons for an objection no longer exist the Authority shall advise the Chief Immigration Officer...”

The bottom line to all of this is that we are saying that we are devising a way to infringe on the freedom of movement of our nationals. I quote from the explanatory note where it says:

“Further, in view of the prevalent situation where children are left in Trinidad and Tobago while their parents venture to foreign countries...”

What is prevalent? How do they know what is prevalent? Where are their statistics? Does anybody in this Chamber know of five people who have left the nation and abandoned their children? What is prevalent? That is something that everybody knows about and is statistically significant. We have had no statistics, no analysis, no examples, not even regional, but the Minister said so, so it is so.

2.55 p.m.

Let us read the Bill again, it states:

“Further, in view of the prevalent situation where children are left in Trinidad and Tobago while their parents venture to foreign countries, often

without proper arrangements being made for care and protection, the Bill seeks to ensure that these parents make adequate arrangements for the care of their children before they leave the jurisdiction.”

Can you imagine, Mr. Speaker?

This opens our citizens. In other words if my neighbour and myself have a little disagreement and I am going away for whatever purpose—Let us not make it personal, party A and party B live next to each other. Parties A and B have a disagreement, but party A, maybe, got a job in some other place, and is making some sort of arrangement to take care of their children. The day before they leave, party B anonymously reports to someone in the Children's Authority that party A is going away and is leaving the children to run wild. Party A gets to the airport, the Chief Immigration Officer says: “You may not leave until you satisfy us in a particular way.”

Mr. Valley: Satisfy the Minister.

Mr. E. Williams: —satisfy the Minister. They lose the job! They cannot leave the nation and by the time they get through the entire procedure of what they had put in place, the opportunity will be lost. [*Interruption*] But the point of them going abroad was to earn a better living to take care of the same children. In other words, Mr. Speaker, we are seeking to cure a problem by using an autonomic bomb. I could foresee it, the next thing the Government would do is come to the Parliament and say: “Listen, people drive through red lights so we will put a system of automatic spikes on the other end of the light and a camera and motion sensor and other things so that as soon as one runs the red light the spikes would come up and puncture all four of one's tyres”.

We are seeking to cure one situation by using something that is entirely out of order and out of proportion to that. Indeed, the Government is flying in the face of what it agreed to, by going after the root causes. What the Government is doing is batting away at all the symptoms: the leaves and the branches. We are not going after the alleviation of poverty in the nation. We are not going after some of the causes of child abuse and child neglect. Nowhere in this Bill do we see that. The Government's policy directions do not lead us to believe that it properly understands that. Indeed, this is typical of this Government.

Over the Christmas period members of various social bodies in this nation, who traditionally seek to help members of those who are severely economically challenged—otherwise known as the poor—asked me the question. In fact they wanted we to ask this Government. They said: “Is the Government a charitable

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body? Is the United National Congress a charitable body?" Because when they go to beg people who they would normally go to as benefactors to get food and so forth for hampers, they said: "We gave already and we gave plenty." When they were asked whom they gave it to, they said: "We gave it to the United National Congress." There was very little left for organizations, which were the traditional organizations, to disseminate food around this nation. In other words—*[Interruption]* you do not have an organized party, you have a party that is out of control. The Government does not understand its proper function and role in this nation *[Desk thumping]* The very organizations that will have gone to assist in making sure that the ills that the Government is seeking to cure by bringing legislation, in effect, the Government is causing them to not fulfil their functions by its activities. The Government is well organized at gathering all things that are available in this nation to put to its own particular uses.

In addition to which, the Minister continues to promise to get rid of vagrants. I wonder, in the new committee that the Minister has set up, I keep hearing them say that they have no help from the Minister. I keep seeing vagrants on the streets: homeless persons. Indeed when I start to check organizations such as Saint Vincent de Paul have moved in excess of 600 persons off the street—*[Interruption]*

Hon. Member: In the Balisier House!

Mr. E. Williams: There are no new ones—*[Interruption]* Squatting on the other side; here is one, Mr. Speaker.

What are we doing? Where are we going as a nation? Mr. Speaker, this Bill in its Explanatory Note says:

"This Bill seeks to establish an Authority to fill the *lacuna* that exists in the law relating to children..."

I want to submit to this honourable Chamber that the only *lacuna*—at least a more significant *lacuna*—exists in the lack of information and the lack of dialogue and discussion that ought to have taken place prior to the arrival of this legislation before this honourable House: dialogue and discussion that should have taken place in this Chamber and in the wider community. As a result, I am constrained to say to this Government, the Members opposite, that Members of this side say to you: "Let us take this legislation, and indeed all the other pieces that go with it, to a Joint Select Committee of Parliament so that we can be properly apprised of it, we can be well acquainted with some of these provisions so that many of the experts can come before that committee and advise us. Indeed, the nation, by

extension, would also be advised because many of the changes in these pieces of legislation fly in the face of traditions that are cherished in our society.

Mr. Speaker, with those few words, I thank you.

Mr. Roger Boynes (*Toco/Manzanilla*): Thank you very much, Mr. Speaker, for recognizing me. I wish to add my contribution to the debate on the Children's Authority Bill, 1999. If I may just indicate at the onset, the Member for Nariva, during his contribution, made certain references to the five children that were in dire need of care and attention in the constituency of Nariva: his own constituency. While the Member was in the festive and merry mood during that Christmas period—not last year but the 1998 Boxing Day—this Member of Parliament for Toco/Manzanilla, who services part of his own constituency on an active daily basis, was in a position to assess that five children needed care and attention. The community police were contacted forthwith. Several businessmen in the area were contacted to bring care for these children. I also put motion in place so that the Member for Nariva would be contacted. Out of respect for him, I made sure he was contacted to deal with the problem.

3.05 p.m.

Now, over the last Christmas period, we fed 486 young children in his constituency; the Nariva constituency. On December 19, we fed 486 children and gave them toys and that sort of thing. The honourable chairman of the Rio Claro/Mayaro Regional Corporation was alive at that period—a very good man, make no mistake about that, a very good man indeed. When we fed those children, I made sure that the organizers of that function—we all organized it together—delivered an invitation to the Member for Nariva. You know when he showed up? The function was on December 19, 1999; he showed up on December 20, 1999, bringing a flimsy hamper you could lift with one little finger. That is what he did! Four hundred and eighty six young children, but he comes to this Parliament, so pious, telling and trying to convince the national community that he loves our children, and supports this fig leaf—this is but a fig leaf, it is not even worth the paper that it is written on.

Mr. Speaker, as we go through clause by clause, you would see that neither time nor effort was placed into the drafting of this proposed bit of legislation. It is quite apparent that they do not care about the nation's children. They do not care about their own chairmen and mayors. If they cared about their chairmen and mayors—poor soul, he would have been here today.

Mr. Speaker: You know, with the greatest deference, I think we should concentrate on the matter that is before us.

Mr. R. Boynes: Indeed, Mr. Speaker, I do not want to get into that matter. It is a matter that is being looked at elsewhere. I am so guided by your good guidance, Mr. Speaker.

Mr. Speaker, we on this side recognize and appreciate that our children represent the future of our twin island Republic. In this regard, we, as the leaders of today, have the onerous responsibility of ensuring and securing our children's future, a responsibility which is clearly beyond the scope of all the Members on that other side, this so-called caring Government.

When a bill has as its aim, the protection and guardianship of the children of this Republic, and this Bill comes before this Chamber, it should be an occasion for serious and well thought out debate and contributions, and such a bill should not be piloted for the sake of political mileage, for then we would have failed the very people whom we set out to protect.

Mr. Speaker, we all know without a shadow of a doubt, that when issues of children are referred to in the court, the court takes as paramount importance the welfare of the child. That is of paramount importance. So a lot of care and attention must go into this Bill. So, I would attempt to articulate the lack of care and attention that has been put into this paper that is being passed off as the Children's Authority Bill, 1999.

Mr. Speaker, when one looks at the Explanatory Note to this Bill—I hasten to add that we all appreciate that the Explanatory Note does not form part of the Bill—one is immediately struck by the apparent lack of preparation and thought which went into it. The Bill proposes an authority to act as the guardian of the children of this country and is premised on the assertion that the needs of our children are not properly being addressed, an assertion which seems to be based on the premise, and I quote:

“Not only socially were we abandoning our children to a rapidly changing world of social ills but legislative protective measures were either non-existent or grossly inadequate.”

I have to say, Mr. Speaker, that the situation has not changed, because this proposed bit of legislation is grossly inadequate. This statement is entirely vacuous in nature and fails to clearly establish and delineate the impetus for the piloting of this piece of legislation.

As we have stated time and time again, we are not here to oppose for the sake of opposing, but we are here as the only viable and reasonable alternative and we

have a mandate to ensure that whatever transpires in this honourable Chamber inures to the benefit of the population and especially the young children of this nation.

Mr. Speaker, we have been given no indication of the thinking or rationale behind the introduction of this Bill. We have not been told why the Children's Act, Chap. 46:01, has been deemed to be unsatisfactory or inadequate. Further, we have not been told why the introduction of the Children's Authority to act as a guardian of the children of this country is necessary, given the fact that the Supreme Court of this land already has the ultimate jurisdiction over children in this country. These questions remain unanswered. However, be that as it may, I now propose to analyze this proposed bit of legislation clause by clause. [*Desk thumping*]

Clause 2 of this Bill is poorly drafted and should read:

“The Act shall come into force on a date to be fixed by the President by proclamation.”

We will correct that during the committee stage.

In clause 3, which is the interpretation clause of the Bill, we refer to “Assumption order”. In this definition, the word “under” after the word “child” in the last line should be deleted and replaced with “in accordance with”. Again, we will deal with that during the committee stage.

Now, “child” is defined to mean “a person under the age of eighteen years”. This definition conflicts with that of the Children's Act, Chap. 46:01, in which a child is defined to mean a person under the age of 14. No explanation has been forthcoming from the other side as to the need for this departure, and perhaps more importantly, if this departure is indeed warranted, there is no indication that the definition of “child” in the Children's Act would be appropriately amended. What, in effect, should happen is that if the age at which one is to be deemed a child should be raised from 14 to 18, all relevant legislation would have to be amended accordingly.

While some attempt at this has been made, it is apparent that not much thought was put into it, for the Bill proposes several amendments to the Children's Act, none of which pertain to the definition of child as stated therein. But that is hardly surprising, Mr. Speaker, when one considers that this Bill is being piloted by a government which is more concerned about garnering political mileage than it is about the welfare of our nation and our children. [*Desk thumping*]

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Mr. Speaker, the Bill defines "court" as "the Family Court established under the Family Court Act, 1999". As we all know, the Family Court Act has not yet been passed. How then can this Bill be premised on the Act? There are numerous references to the court in this Bill, which is not yet enforced. What is to happen if the Bill is passed, but the Family Court Act is not enforced? The legislation would be null and void and of no effect. *[Desk thumping]*

Mr. Speaker, we look at the definition of "fit person". The Bill states that the term "'fit person' has the same meaning given to it by the Children's Act". However, the Children's Act has not defined "fit person". Thus the definition makes one none the wiser. So it is not in the Children's Act, but you say it is the same definition as contained in the Children's Act. You are not fit! You are not ready as yet! *[Desk thumping]*

Mr. Speaker, the Bill defines "Minister" as "the Minister to whom responsibility for the welfare of children is assigned". This definition is unnecessarily vague and meaningless. The Government, as a whole, and therefore, each and every Minister, has a responsibility for the welfare of children in this nation. What about the Minister of Education, is she not dealing with children? The Minister of Sport and Youth Affairs, is he not dealing with children? So, you have to specifically define who the Minister is under this particular section. *[Desk thumping]*

Mr. Speaker, the definition of "community residence", like that of the definition of "court", depends on the existence of legislation that has not yet been passed.

A "young person" is defined as "a person between the age of 15 to 17 years". Apart from the inconceivable need for a distinction between child and young person to be given, the fact that "child" has been defined as "a person under the age of 18", this definition seems to be useless since the term "young person" has not been used in this Bill at all. *[Laughter]* I have looked to the four corners of this Bill and not a mention of "young person". It is not at the centre; it is not anywhere.

Clause 5 sets out the powers and functions of the proposed Children's Authority. What is interesting to note is that if one thought that the interpretation section was vague, the body of the Bill is no less vague. At clause 5(b), the Bill provides that the authority may have the power to:

"(b) monitor community residences, foster homes and nurseries...to determine their compliance with such requirements as may be prescribed."

What this means is anybody's guess. What is to be the purpose behind monitoring? To what end would the authority be monitoring these homes and,

more to the point, against what requirements and standards? You are monitoring. What are you doing? Are you peeping and coming back out? What is defined and meant by monitoring?

Mr. Speaker, in its present form, this Bill, which we are called upon to debate, seems to be more in the nature of a preliminary draft policy which nobody has as yet commented on. Most of the provisions of this Bill are like those of clause 5(b). They are basically without substance and, worse yet, they are trying to pull wool over our eyes by referring to matters which have not yet been legislated upon as if those matters were law. There are no community residences. There is no Community Residences Act and furthermore, there are no prescribed requirements. Because they are telling us that we are going to look at the standards and we are going to look at the prescribed requirements. This is the Bill that is saying that we are going to look at the prescribed requirements and there are absolutely no prescribed requirements whatsoever, Mr. Speaker. What then is the purpose of bringing this Bill at this time when the infrastructure is obviously not in place at the moment? Political mileage, Mr. Speaker, pure and simple.

The same observations and comments equally apply to clause 5(c), (d), (e), (f) and (g). If I may just take a look at subclause (e), which states:

“(e) monitor agencies which address children's issues.”

What is that about? You are going to monitor agencies which address children's issues? What are we talking about? I am sure no one in this entire Chamber has a clue as to what that means or what that will entail.

Then, to add insult to injury, under clause 5(h), the authority is given the power to:

“(h) do all things as may be necessary or expedient for the proper performance of its duties.”

In other words, this Bill by its empty provisions, is seeking to codify the *modus operandi* of this Government, which is to do what it wants! [*Desk thumping*]

3.20 p.m.

That is what it boils down to. They give no suitable explanation as to the powers of the authority; as to what it would be, and then the sweeping provisions that the authority would have the power to do all things necessary to ensure the proper performance of its duties. What duties, Mr. Speaker? Could you tell me what duties?

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Mr. Speaker, apart from the above observations and comments that I have just mentioned on the substance of clause 5, there are drafting flaws as well. It seems to me—as if this Government cannot get anything right, you know. It seems as though the Member for Pointe-a-Pierre cannot get anything right at all. After having established the authority in clause 4, the Bill goes on to provide in clause 5 and I read:

5. That the Authority may have and exercise such powers, functions and duties as are imposed on it by this Act...

What then is the point of establishing an authority, if, in the first place, there is uncertainty as to its powers and duties? They say that they are establishing an authority, and then they come now and say, “that the authority may have and exercise such powers,” so it may not, then? “It may have and exercise!” So what then is the function and the purpose of the authority? Mr. Speaker, if there is uncertainty as to its powers and duties, well then, there should not be any need. If the authority is to be established to do certain things, then it should and it must be vested with those powers. Therefore, clause 5 really should read: “that the authority shall have and may exercise such powers and duties;” and in particular, the authority “shall”, that is how it should be. They have to give the authority some teeth.

So that would also be picked up in the committee stage. We do, in fact, have our amendments prepared, so we would have them circulated shortly. *[Interruption]* Well, we will consider the amendments at the Joint Select Committee stage.

Clause 6 is also plagued with the same ambiguity. If I may just mention clause 5—the Member for Chaguanas—it is such bad drafting and it is just not making sense and any child in Trinidad and Tobago who is going to school would be able to pick up this defect. And I read:

“The authority may have and exercise such powers, functions and duties as imposed on it by this Act and in particular—

- (a) advise the Minister...

I mean, oh gosh, “advising” the Minister. And I read again.

“The authority may have and exercise such powers, functions and duties as are imposed on it by this Act and in particular—

- (b) monitor communities...

It is supposed to be “monitoring;” it is supposed to be “advising;” it is supposed to be “investigating”—proper English. If we are coming here to our Parliament and we have young children looking at us, we should at least have the common decency to have proper English language and proper sentences to the same children we are looking to protect properly.

Mr. Speaker, I am saying, again, that clause 6(a) states that the authority shall exercise its powers to further, in its opinion, the best interest of that child, including reuniting the child with his relatives—not even parents—at the earliest possible opportunity. However, the Bill makes absolutely no provisions with respect to making that reunion, a reality. Nothing has been said about taking steps—perhaps through compulsory counselling or otherwise—to prepare the parents and relatives for the reunion. You know, Mr. Speaker, it jumps from one step of seizing the child, to the other step, at the earliest possible opportunity—of reuniting the child with his or her relatives. How does it jump from that point to the other point?

There must be some sort of mechanism in place for counselling the parents. If you are to ensure that you are bringing the parties closer together in the best interest of development of the child, then it is imperative that you provide certain provisions in this Bill so that, at least, there would be some clause for the proper access of the parents to children, or the child as the case may be. There is nothing in this entire Bill which talks about—while the child is in the care of the authority—the parents having any access to the child. If the initial reason for the authority's assuming parental responsibility over the child is due to some dysfunction on the part of the parents, should not attention also be focussed on helping and equipping the parents so as to facilitate the reunion of the child? Apparently, this Government, in its haste to push through legislation, has failed to take these matters into consideration.

Furthermore, how is this authority to be financed? There was no mention of the allocation of funds for this purpose being made in the Government's budget presentation. How is the authority to be staffed? And how, and at whose expense is the staff going to be trained? By what standards would the adequately trained staff be certified? These questions must—and they remained unanswered—be answered.

What about the accommodation of the Social Welfare Officers? There are Social Welfare Officers throughout the length and breadth of this country, Mr. Speaker. And if you could see some of the locations of these social welfare officers. I mean, I have to give hats off to them in this country. They really and

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truly deserve an award. They give so much great support to the nation's children and families throughout the length and breadth of this country, and if you see some of the conditions under which they have to operate.

Section 7 states that the Board of Management would be responsible for the administration of the Act. The Board of administration would be responsible for the administration of the Act. I wonder whether it should not be that the Board should administer the authority, and the relevant ministry would be responsible for administering the Act. You see, they come here and say that they are setting up a Board to administrate an Act. The Board cannot administrate an Act, it can administrate the authority! The ministry administers the Act?

You know the Member for Nariva stands up and says that we do not want to support the nation's children. Could you imagine, Mr. Speaker? Could you imagine the audacity of that Member! Clause 7(2) goes on to stipulate the category of persons who would comprise the Board which, in general, these categories cannot be faulted. One would have thought that the general professions would have been specifically qualified, however. For instance, instead of saying "an educator" they may have said "an educator who specializes in Early Childhood Education or Special Education." Instead of an attorney-at-law with five-years' standing, we might have had an attorney-at-law who specializes in Family Law.

In the same vein, if we have to look at a police officer who is to sit on the Board, he must be trained in community policing. After all, the Community Policing Unit seems to be one of the few which has won the support of the nation at large. Again, these omissions are clear indications of the lack of thought which went into drafting this Bill.

3.30 p.m.

Mr. Speaker, you are also talking about a youth under the age of 25 years! Who is he? A youth with experience in youth affairs; we have to define things if we really want to make this piece of legislation workable. The more I get into my contribution, the more I realize that they brought this Bill not for us to pass, but to gain some sort of political mileage, to say that the Opposition was not supporting the Children's Authority Bill. [*Desk thumping*] That could be the only reason! Similar to the Occupational Health and Safety Bill.

On another score, Mr. Speaker, the Bill provides that the members of the board shall be elected by the President, but the question is: upon what basis will the President so appoint the board? Will His Excellency be acting on his own

initiative or will he be acting on the advice of the Prime Minister or some other interested party? These things must be provided in this Bill and they are not.

Clause 7(4) says that a board member shall hold office for such period as is stipulated in his instrument of appointment. Does this mean that the terms and conditions of appointment would differ among the members, so one would be for two years, the other one would be for one year or six months, as the case may be? It must be consistent. If so, what is the reason for that? If it is that each member is to hold office for a specific period, then why does the Minister not simply specify in the Bill that all the members will hold office for two or three years as the case may be? Mr. Speaker, this Bill is loaded with provisions which either say little or nothing or which refer you to non-existent provisions of Acts which are not yet passed. It is an abomination! [*Desk thumping*]

In clause 7(5) the Bill provides that the board shall elect a deputy chairman subject to the approval of the Minister. If it is that the members and the chairman are to be elected by the President, how does the election of the deputy chairman become subject to the approval of the Minister?

Similarly, at clause 7(6) it is provided that a member's resignation be forwarded to the chairman and then to the Minister and that if the chairman resigns, his resignation would be forwarded to the Minister. If it is that the President appoints the chairman, why would he send his resignation to the Minister and not the President?

Clause 7(7)(f) provides that the appointment of the member of the board may be terminated if he fails to carry out any of the duties or functions conferred on or assigned to him under the Bill. The real question and the joke in this is, that under this Bill there are no duties and functions assigned to any board member whatsoever, but that is how he is terminated! He is to be terminated if he fails to perform the duties assigned to him under this Bill, yet in the entire Bill there are no duties assigned to board or any member so he could never be terminated!

Dr. Mohammed: Why are you quarrelling? "Just speak nah man."

Mr. R. Boynes: Clause 8 provides for the seal of the authority and the due execution of documents by the authority. In clause 8(2), it is provided that the seal shall be affixed in the presence of the chairman and shall be attested to by the chairman. What this clause does not provide, in fact, is the person to affix the seal. If the seal is to be affixed in the chairman's presence, then the Act must provide who is to affix the seal!

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In addition, it is not the seal that is attested, but rather the affixing of the seal and the execution of the particular document is to be attested by the chairman. That is what is supposed to be done. So a vagrant from off the street could come and affix the seal! Nobody has been provided for affixing of the seal in this piece of legislation!

This clause also provides for the chairman to attest to the fixing of the seal—*[Laughter]*— Mr. Speaker, he is just a witness, in other words, to witness the execution of same. This a laughing matter but it is a serious matter. It is a laughing matter simply because they really and truly have not taken their time and drafted this piece of legislation.

Mr. Speaker, clause 11 provides for the division of the authority into four units, namely: the Co-ordinating Unit, the Administrative Unit, the Technical Unit and the Research Unit. No mention has been made of the existing system of social welfare administration nor of the resources required to bring these plans into place. So what about the existing situation of social administration? How is that going to be linked to this? Are we going to abandon the existing infrastructure? Is this a new system that we are setting up? What is to be the situation?

The functions ascribed to the Co-ordinating Unit by virtue of clause 12 are equally vague. At paragraphs “a” and “b we have “to co-ordinate and monitor”, what does this mean? Most importantly, it says, “to be the direct link to court” what does this mean? So what, a member from the Co-ordinating Unit will go to court to give the name of the child? What would he do? It must be specified. “To be the link to the court”, that could be anything whatsoever. I am simply suggesting that the clause must be more specific. I do not know what is meant by being a “link to the court”.

The clause also provides that the Co-ordinating Unit shall include qualified social workers, professionally trained in childcare. But qualified and trained by whom? What is the acceptable standard? Is there a certification board? These are things that we must know.

Regarding clause 13, with respect to the Co-ordinating Unit, I would like to suggest that we add to its function the establishment of a public register of all persons convicted of offences against children. The Bill has as its aim, the protection of children, so one would have thought that this would have been an obvious measure to incorporate. So all persons convicted of acts against children we could provide a register so we would know who they are.

Clause 14 deals with the Technical Unit. Mr. Speaker, at the outset I wish to point out to the hon. Member for Chaguanas that the word “center” is not spelt C-E-N-T-E-R; it is spelt C-E-N-T-R-E. It reminds us of the old paradigm again. We are dealing with Trinidad and Tobago here and the English language, as we know it in Trinidad and Tobago.

Clause 14(2)(a) provides that the intake centre shall be responsible for the intake and referral of these cases coming before the authority. I also mentioned that in this clause the Minister also states that the intake centre shall be responsible for the intake and referral of cases coming before the authority. Again, Mr. Speaker, how can the intake centre be responsible for the intake? What is that? The intake centre shall be responsible for the intake! What is that? The Minister has already defined “intake” in the definition clause, but he is coming now in the body of the Bill and saying that “the intake centre shall be responsible for the intake”. That is not proper English! It is not right! You cannot define a word by using the same word. You cannot use it. The Minister should have gotten proper direction in the whole aspect of drafting. He could have used the word “admission” instead of “intake”. [*Interruption*] The Attorney General had no part of this. That is impossible! I am sure he did not have any part of this. Well, I would be shocked to know that the Attorney General let this pass to come before this honourable Chamber.

At clause 14(2)(c) it is provided that the intake centre shall be responsible for—Mr. Speaker, let me just read this because I really and truly had a problem in following this from an English perspective. It states in the beginning of the clause:

“The Intake Centre shall be responsible for...

- (c) where necessary, shall liaise with support service and agencies for counselling, investigations and follow up...”

If I may just repeat this:

“The Intake Centre shall be responsible for...

- (c) where necessary, shall liaise with support service and agencies for counselling, investigations and follow up...”

What does that mean? To start with, it is not even a sentence. It does not make sense, it is not English.

Firstly this is not a sentence; at least, not a sentence in the English language. Secondly, who are these support services and agencies and how and at what

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expense would these services be accessed? Do we have the resources for this? The hon. Member has not at all been forthcoming in this regard.

In clause 14(4) it is provided that the reception centre shall be staffed with qualified social workers and medical personnel who shall be responsible for carrying out examinations, diagnostic assessments and implementing treatment plans. Since the reception centre is only responsible for the care of children on a temporary basis, should not provisions be made for the continued administering of these treatment plans? Remember, Mr. Speaker, that the reception centre is the first stage of the receiving of the child. So when the child is received there is provision in this piece of draft legislation which provides for the treatment plan of the said child. There is no other provision with respect to the continuation of the treatment when the child moves out from the temporary stage of the reception!

Mr. Speaker, clause 14(5) of the Bill provides:

“The Reception Centre may source any support services it may require...”

Again, what support services and at what expense?

Furthermore, at clause 14(6) it is provided that a child shall not remain at the Reception Centre for more than three weeks. What then is to happen after the three-week period? If the mother, for instance, has suddenly taken ill and she is the one who is solely responsible for the care and control of the child and the child has to go to the Reception Centre, let us say that she has to remain in the hospital for six weeks, what then? After three weeks we have to find some place for the child? So I think having a time period for the reception centre is not in the best interest of the child.

It could be determined upon medical evidence or a psychiatrist report about the surrounding circumstances relating to the parents. These are some of the requirements that would have to be taken into consideration when one deals with the length of time that the child has to remain at the Reception Centre. Once again, no thought has been given to these considerations.

Clause 17 deals with the “Transfer on secondment”. Clause 17(1) provides that the transfer on secondment from the public service to the service of the authority shall be subject to the approval of the authority, the appropriate service commission and the officer. How can an officer’s transfer be subject to his own approval? Clearly, this clause should be redrafted to read: “Subject to subsection (2) and to the approval of the authority and the appropriate service commission, any officer in the public service may on application be transferred.” The same

comment applies to clause 18 with respect to the transfer of an officer becoming a member of the pension scheme.

3.45 p.m.

A further observation is that given the transfer cannot exceed three years, would the officer then be eligible to become a member of the pension scheme in any event? Would an officer be entitled to pension for serving for three years? This is what it amounts to. I need to know the thinking and the rationale behind this particular clause.

Clause 22 sets out from paragraphs (a) to (i) the basis upon which the authority would be empowered to provide care for the children. The first question to be resolved is how would these matters become apparent to the authority? Would there be an investigating department roving the nation's children in communities, schools and churches? In other words, clause 22 which deals with the authority looking at certain conditions for going after and taking control of the child, gives a whole list of scenarios. For instance, it says if a child:

- “(e) is beyond the control of his parents or guardians;
- (f) is ill-treated or neglected in a manner...
- (i) is found loitering...”

In those regards, the authority can move in and take control of your child. The question is, whether or not there would be investigative departments roving the nation's communities, schools, churches, the highways and byways looking for ill-treated children, or going into people's homes and inquiring if children are being properly cared for.

Mr. Speaker, what for example is meant when it is said that the Authority would intervene in cases where a child “(d) is exposed to moral danger;” What does that mean? When one sees the amount of crime being shown on television, when one looks at the news and views so many violent shows that are being shown. Is the child not exposed to moral danger?

Mr. Speaker: Hon. Members, the speaking time of the Member for Toco/Manzanilla has expired.

Motion made, That the Member's speaking time be extended by 30 minutes.
[Mr. Fitzgerald Hinds]

Question put and agreed to.

Mr. R. Boynes: Thank you very much, Mr. Speaker and Members for extending my time. I was on the point of moral danger, and trying to get from the other side what is actually meant by the words "moral danger", because when I look at the television I see certain things that could morally affect the child. When I read the newspapers, I see a Chairman of a regional corporation murdered. That is exposing the child to moral danger because the newspaper comes into the home, so what are we saying? We are saying that the authority can get members to come into our very homes, based on the television programmes, and say we have to seize your child because you are exposing your child to moral danger. What is meant by that?

Mr. Speaker, I am asking if the authority will be empowered to remove the child from the home as a result of that. What is the justification for assuming the parental rights which this Bill seeks to accomplish? What is meant by clause 22(2) which says:

"(2) A police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for care or protection of such child."

Mr. Speaker, can the police then seize the child and take him to the authority and in so doing breach the rights of the child's parents? What is meant by the words "seek the assistance of the Authority"? What does that mean? Does it mean that you can go to the authority and then get the authority to give them the authorization to seize the child? Is that it? So a man from the street can go to the authority and say a child is being ill-treated by his parent or guardian and the authority says: "Since you have sought my assistance, go ahead and bring in that child." Is that it? You have to say what it is, because you cannot have this clause as vague as it is about usurping the jurisdiction of a parent. You are talking about taking a child from where it lives into a home, so we must be clear as to what that means.

Clause 23 provides for the temporary assumption of parental rights by the authority. There has been no valid foundation laid to justify the provision of this clause. I will read it for the benefit of the national community. It says:

"23(1) Subject to the provisions of this Part, where the Authority receives a child into its care under section 22, it shall temporarily assume the care and control of that child (the assumption) and all the rights and powers of the parents or guardians shall temporarily vest in the Authority."

And the word “shall”, as my learned colleagues who are in law know, is a mandatory term. So they shall attain parental rights. What are we doing? We went to court to get an order. We are legislating now and giving an authority powers which the Supreme Court of our land normally has—grants parental rights to whoever, once it comes before the court. During a custody battle, for instance, the court will decide whether father or mother gets the parental rights, but when somebody brings in a child, the authority is going to get parental rights over that child. So the authority has more power than the court to deal with our children.

If the authority is temporarily assuming care and control over a child, how do we make the quantum leap to vesting all the parental rights in the authority? This question is particularly pertinent having regard to the fact that the authority is given the discretion to decide whether or not to bring the child so received—as I mentioned earlier—to the court for it to adjudicate on the matter.

Mr. Speaker, how could they not recognize the potential danger in these provisions? At present, the court has ultimate jurisdiction over children in this country and, therefore, it is absolutely inconceivable that the Government can bring a Bill before this honourable Chamber which seeks to vest parental right in an authority. This is an assumption without reference to the process of the court. It is simply inconceivable that the authority should not be allowed to receive children, and further, be clothed with parental rights in the absence of an Order from a court of competent jurisdiction. The Government is advocating autocracy of the highest order. That is what it is doing.

Clause 24 provides for the giving of notice to the parents or guardians of children who have been received into the care of the authority. Again, they are putting the cart before the horse. Why should the authority be vested with the power to assume parental rights without reference to the rights of the parents and then tell the parents; “If you do not like it, you could object.” This is what it amounts to. If you do not like it you could object. If you do not like the authority having parental rights, you could object by way of a notice. Who dares to do that? So the parent has no rights whatsoever. You are taking and legislating rights away from the parents. Could you imagine that! Mr. Speaker? This is absurd.

On another note, Mr. Speaker, the court provides for the giving of prescribed notices, but there are no regulations and I am sure there are no prescribed forms either on something as important as taking away one's parental rights.

Clause 25 makes provision for the type of order that a court may make if the authority chooses to bring a child before it. This provision of clause 25(1)(a)(iii),

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(iv), (v) and (vi) raises serious concerns. How is the proposed bond, recognizance going to be administered and enforced? Who is to decide what is the proper care and guardianship? If the child is placed under the supervision of the authority for a period not exceeding three years, what will become of the child thereafter? What is meant by freeing up the child for adoption? What is meant by that? You free up the child. "Yuh" send them in a carnival band and let them go? "Yuh" free up the child? What is meant by that? *[Interruption]* Yes, in clause 25 it has "freeing up". Clause 25(1) says: "(vi)freeing that child for adoption."

Furthermore, no consideration has been given to the continuous assessment of the child's progress in terms of the initial diagnosis and treatment plans which were to be undertaken at the reception centre.

Mr. Speaker, these are very important aspects which must be taken into consideration. The continuing of treatment plans for the child and the assessment have not been taken into consideration in this clause or anywhere in the Bill. The counselling of the parents. If the welfare of the child under this so important piece of draft legislation is to be of any importance in our society, then there must be provisions for the counselling of the parents for the future reunification of child and parent.

Mr. Speaker, the access of parents to children who have been placed in residences or foster homes: remember the parents have rights and, as such, there is a bond between parent and child which cannot be severed so easily and at least, there should be some sort of access placed in this piece of draft legislation so that parents could have access. It could be supervised access, so at least, you could gingerly nurture and wind the father back into the home and the lives of the children.

Mr. Speaker, the effect of separation of siblings in cases where an Order is made in respect of one of several children of the family, or the children of the family have been sent to different residences or foster homes. What about the relationship of one sibling to the other? That has not been taken into consideration in this piece of legislation. There is a bond between brother and brother, brother and sister. There are times if a brother is hit the other suddenly feels different. There is a bond, Mr. Speaker, and we must not take that for granted.

Mr. Speaker, no consideration has been given to the provision of medical treatment, including psychiatric treatment, as it relates to this particular clause.

4.00 p.m.

Mr. Speaker, clause 26 provides that:

“An assumption shall not—

- (a) be construed as terminating the rights of parents in respect of their children;”

“Yuh hear more!” Clause 23 just dealt with making it mandatory that the authority has the parental rights but this clause comes now and says:

“An assumption shall not—

- (a) be construed as terminating the rights of parents in respect of their children;”

Now what is it really? What is it really when there is a mandatory clause giving the authority all the parental rights? The Government cannot come now and have another clause, in another part of the Bill, saying that it does not mean that the assumption terminates the parental rights. Oh my goodness! How practical is this, having regard to the fact that the authority would automatically be vested with all the parental rights upon assumption as mentioned in clause 23?

Mr. Speaker, the result is that both parents and the authority—if we were to work it side by side—would be vested with parental rights simultaneously. Is that so? That is what this Bill is doing—simultaneously, so how then would conflicts be resolved? If a parent says that he wants his child to go to the Hindu School in Sangre Grande for instance, and the authority wants the child to go to another school, how then are conflicts to be resolved? Is it mentioned here? I do not see it. So this is just a remedy for creating more confusion as it relates to children.

Mr. Speaker, in the same vein the provisions of clause 27 are equally absurd. How can the authority determine if and for how long the child should be returned to the care of the parents?

Mr. Speaker, clause 28 creates an offence in respect of persons involving and facilitating the escape of children from the care of the authority. Apart from being too subjective, if I may just crave the Chamber's indulgence to just mention clause 28:

“Any person who knowingly—

- (a) and without good cause prevents...”

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Who determines without good cause? Is it the Minister? He determines without good causes? So how do we know without good cause and what good causes? It is too subjective. It is too dangerous and it is an offence. It is an offence! They have made that an offence. I will tell you, apart from being too subjective, in the sense of determining what constitute good cause to so facilitate an escape, it is my humble submission that the clause misses the point.

Mr. Speaker, if it is that the child feels the need to escape for one reason or another, then the focus should be on addressing those needs rather than creating offences and penalties. How would the creation of an offence inure to the benefit of the child, if the child is returned to the authority to be subjected to the same factors which caused that child to run in the first place? If the factors are existing at the authority, which cause the child to run, they are making it a penalty at the parent or anybody's level? Why not look at the root cause of the matter to see why the child had to run in the first place?

Mr. Speaker, clause 32, and I do not think after clause 32—and my colleagues said it quite eloquently—we have to go any further with this piece of paper. After looking at clause 32, this clause seeks to prevent persons who are responsible for the care and maintenance of children from leaving the country, if the authority is satisfied that adequate arrangements for the care of the children have not been made. “You ever hear more?” *[Laughter]* Not only is this provision subjective, but who is to determine that proper arrangements have not been put in place—the Minister? Do you understand what I mean? By what standard must the authority be satisfied and by what or whose standard is an adequate arrangement so deemed?

Mr. Joseph: This is communist? This is a police case.

Mr. R. Boynes: The clause offend against the constitutionally guaranteed right to freedom of movement and the Member for Couva South knows this. He knows it. In any event, if it is that the parent or guardian has defaulted with respect to an order of maintenance made against him or her, then appropriate measures should be taken or implemented through the court process to ensure that such moneys are paid before the person departs. Any attempts to restrict a person's freedom of movement should not, therefore, be left to the whim and fancy of a capricious authority.

Mr. Speaker, the subjectivity of the provision is also highlighted at clause 32 (2) which states that the Chief Immigration Officer after having received representations from the authority may refuse to permit the person to leave the

country. So that in effect, after all is said and done, the Chief Immigration Officer ultimately has the discretion to allow the person to leave whether or not proper arrangements have been made. Mr. Speaker, do you understand? If proper arrangements are not put in place and the authority talks to the Chief Immigration Officer, he still may or may not allow the person to leave. This is what is here. So that in effect after all is said and done, the Chief Immigration Officer is the main man and he has more power than the authority, the Minister, the court and the President.

Mr. Speaker, what then is the point? Perhaps, the authority may be better advised to work in connection with the court to establish a register of all persons against whom maintenance orders have been made. Therefore, when these persons attempt to leave the country, the appropriate enquiries could be made at that point. It is a suggestion.

Mr. Speaker, the Member for Couva South knows about *Hosein and the Attorney General*. We no longer need tax clearance to leave the country. I believe he even fought the case. Mr. Speaker, freedom of movement, that is protected and enshrined in our Constitution but we are giving the Chief Immigration Officer power to restrict you, the Member for Oropouche; and you, the Member for Naparima from leaving this country.

Clause 36: in this clause the Government is taking the already ridiculous joke to higher levels by prescribing that the authority procure the emigration of children in its care. This provision needs only to be articulated for one to realize that it is ludicrous, ridiculous. How is the Minister to be satisfied that proper arrangement for the child's welfare in the country to which he is going has been made? Is the Minister going to take a plane and go up to the United States or anywhere in the world to ensure that proper arrangements have been made? What are we saying? Are we saying that we are going to get into the business of exporting children so that they could be sold in child labour? Are we getting into the business of exporting children so their organs can be sold? We have to be very concerned and very careful when our children's life are at stake. What system is in place in determining whether or not proper arrangements are made for the children abroad? There can be none!

Mr. Speaker, I will move on to clause 39. This clause seeks to make provisions for the maintenance of children under the care of the authority and, in particular, it seeks to have the parents or guardians make contribution towards the maintenance of the children. There can be no quarrel with seeking to have parents maintain their children. The whole issue seems to run afoul of a bit of common

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sense, when one considers that the purport of the Bill is to vest parental rights and powers in the authority, which is assuming care and control of the child. One has to be very concerned about that because clause 23 makes it mandatory that the authority has and shall be vested with the parental rights of the child.

4.10 p.m.

So that means it all comes down to obligations, right. So that now a man, a father, a parent, who has to pay maintenance, would file an action in the court and say, "Look, the Authority has the parental right. I do not have to pay maintenance". You see, we have to be mindful of how we draft our legislation and we cannot leave loopholes through which persons could dive to escape from maintaining their children.

Mr. Speaker, perhaps the most incredible statement in this entire Bill is contained in clause 41(2) which states, and I quote:

"If the Court making the detention order is the upper division, then that Court may, if it thinks fit, remit the case to the lower division..."

What country are you talking about? This is Trinidad and Tobago with a Magistrates' Court division and a High Court division. If you have to fudge, "fudge properly, nah man"! Mr. Speaker, I do not understand, you know. It is as though the Minister drafted this with his foot. I really and truly [*Desk thumping*] have to ask the question, you know, did any one of them read this Bill before its presentation? You all had the whole Christmas holidays. Did you read this Bill? I expected to see amendments this morning. I expected to see amendments circulated here, Mr. Speaker. Instead he comes here muttering to himself, Mr. Speaker, and it is the children of this nation who will suffer if this piece of legislation is passed. [*Desk thumping*]

It is interesting to note the purposes to which the money proposed in the Children's Authority Fund will be put. Yes, there is money in the Children's Authority Fund. Clause 47(1) provides that the funds shall be utilized for defraying the expenses of administering the Act, paying the members of the board and members of staff. No moneys are therefore to be directly allocated to the maintenance and welfare of the children. Absolutely ludicrous! They "ain't putting no money towards the maintenance of the children", you know, but to pay the board members and to pay staff.

What about putting money aside for the maintenance of the children even at the reception centre? What about the hotels and hostels? What about the training

of staff? The moneys could go towards the training of staff because once you are dealing with children you always have to upgrade your ability and the staff must be well equipped with the proper training and techniques. In the final analysis, Mr. Speaker, this Bill lacks not only a proper foundation but substance and vision as well and should therefore be sent back to the drawing board for the sake of our nation, for the sake of our people and for the sake of our children.

This is not even worth the paper it is written on. We on this side call upon this House to refer this Bill to a joint select committee so that the Minister could look at it properly, do the right thing and do his job properly so that our children will be secured. The protection and care of our children will be better provided for if the legislation that gives the authority any impetus is properly laid, properly dealt with and properly drafted and brought to this Parliament. We on this side say to this national community, as far as the children are concerned, we are looking after our children and their rights and their freedom.

We love our children. We love our nation's children and we want what is best for them, Mr. Speaker. We feel that this piece of legislation, given this authority with the number of loopholes that are contained in it, is not going to be in the best interest of the welfare of our children. We say withdraw this, draft it properly and come back to a select committee. I thank you, Mr. Speaker. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the contribution made by the hon. Member for Toco/Manzanilla demonstrates in no uncertain terms that the PNM does not like children. [*Desk thumping*] This is a Bill which is long overdue. The previous administration slept on it and did not come to the House. The Bill is providing that if parents abandon the rights that they have over children, that we have an authority set up which would assume responsibilities to take care of these children. According to the Member for Toco/Manzanilla he is against that. He is saying, "Leave the children as they are being left now, abandoned", and it is because of that philosophy that there are so many homeless children, street children, in Trinidad and Tobago today.

If the hon. Member wanted this Bill to go to a joint select committee it did not have to take him 75 minutes to say that. If he felt concerned about certain drafting or policy matters, the Bills have been laid in the Parliament, he could have filed some amendments, he could have written, they could have made representation. However, after five years—and 10 years before that these Bills were supposed to come—we came to the House, Mr. Speaker, and said that this Bill was part of a package of legislation dealing with children. It did not need a brilliant lawyer to

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know that if you have a package of legislation there would be some things in this Bill that would refer to other pieces of legislation, which pieces of legislation are not yet debated.

Here it is for many minutes, lasting over an hour, the Member talked about matters which are contained in the other pieces of legislation which he has not obviously read, Mr. Speaker, and then he talks about fundamental rights. Let me read the clause that he is talking about. He made a big fuss about "freeing up" but let me read the clause to show how he wants to trivialize an important matter like this. Clause 25 of the Bill states:

"Where the court is satisfied that a child brought before it by the Authority is a child in need of care and protection, it shall affirm the assumption made under section 23 and may make—

- (a) an Order
 - (i) directing that the child be sent to a residence
 - (ii) committing him in the care of a fit person under the Children's Act who is willing to undertake the care of him;
 - (iii) directing his parent or guardian to enter into a recognisance to exercise proper care and guardianship;
 - (iv) placing him for a specified period, not exceeding three years, under the supervision of the Authority;
 - (v) directing that the child be placed in foster care; or
 - (vi) freeing that child for adoption."

What is wrong with that? It did not say "freeing up". Here it is he is thinking so much about having entertainment in a serious matter like this, he comes and misleads the House and says, "they say 'freeing up'". It is "freeing that child for adoption". Any bush lawyer would know that means "release". *[Interruption]*

Does the Member want to make a submission for 70 minutes, Mr. Speaker, to say that instead of "freeing" I should use the word, "release"? Well then, file an amendment. However, Mr. Speaker, it shows that they do not love children. They neglect children. They allowed them to suffer for years. *[Interruption]* They have no heart. *[Interruption]* They see that they are on the streets, that they are, in effect, getting involved in drugs and crime. These Bills are brought with a view to putting a legislative framework in place in order to save the children of our nation and here it is the hon. Member for Toco/Manzanilla says, "Do not save them". I

would assume that he is speaking on behalf of his party. *[Interruption]* I notice the Member for Diego Martin West saying he is not speaking on behalf of him. Is he speaking on behalf of you?

Mr. Speaker, *[Interruption]* clause 32 says:

“Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority...”

According to him, Mr. Speaker, that is conduct of which he approves. That is conduct of which his government approves. He is saying that one must not take steps in order to prevent parents from leaving the country so that they can abdicate their responsibility for the children. It is because of that kind of irresponsibility and the condoning by that government of this type of behaviour of parents that we have so many social problems in Trinidad and Tobago. *[Desk thumping]*

It is for that reason no fast and hard action was taken to make parents recognize that they have responsibilities for children and that the law would be strong in order to ensure that these responsibilities are kept. It is for those reasons there are many problems with respect to crime in Trinidad and Tobago. *[Interruption]* They have contributed to it, Mr. Speaker. They have aided and abetted it and they still want us now not to be able to deal with it. *[Desk thumping]* Mr. Speaker, look at the Bill that they are opposing and—*[Interruption]* Sorry, Mr. Speaker.

Mr. Speaker: What you just said, Member for Diego Martin Central, is not right. Let us keep murder out of this.

Mr. Valley: Do not talk about murder?

Mr. Speaker: There are two things that were wrong. One was that you were sitting and you were shouting across and, two, I would prefer if we do not bring murder into this.

Hon. Members, the sitting is suspended.

**DAILY EXPRESS
ERRONEOUS ARTICLE**

Mr. Speaker: Before we leave, I would like to bring to the notice of the House an article that appeared on the front page of the *Daily Express* dated Wednesday, January 12, 2000 which reads:

Daily Express—Erroneous Article
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“Public officials’ safety to be debated
Motion for protection”

I want to point out that the author of this article should be a little more careful in talking about issues in the Parliament. There is absolutely no debate before this House today on the issues that are raised in this article. This article is very offensive. What is on today is a matter to be raised in which a Member is utilizing the provisions of the Standing Orders to raise an issue to which a Minister would respond. There is no debate and I wish that we would be a little more careful. I see that several things are being attributed to the Member for La Brea. I would say no more about that.

The sitting is suspended until 5 o’clock.

4.25 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

CHILDREN’S AUTHORITY BILL

Hon. R. L. Maharaj: Mr. Speaker, I was dealing with clause 32 of the Bill in order to show that the point which was made by the hon. Member for Toco/Manzanilla cannot really be a serious point in that, if it is that the Opposition recognizes that there are problems which exist with children in Trinidad and Tobago, in that there are instances, common at times, when children are abandoned, and over the years there has been a call to have an authority, an institution, which would take the place of parents at times, in order to see about children, to care for them, to nurture them, in order to save them, then there would also need to be other mechanisms in place to ensure that parents recognize their rights, but that they also recognize their responsibilities.

Clause 32 is a clause which provides that where a parent intends to leave the country and has not made adequate arrangements for the care of the child, certain discretionary powers are given to the Chief Immigration Officer. I do not know and, for the record, I think we should see what is wrong with this, that so many objections are being made about it.

“(1) Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that—

- (a) the child is not likely to become a charge on the public funds; or
- (b) such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.”

What is wrong with a mechanism so that parents can satisfy authorities that adequate arrangements are made in order for the child not to be at risk? That is what this does.

- “(2) The Chief Immigration Officer on receipt of such objection may, refuse to permit the person to leave Trinidad and Tobago.
- (3) Where at any time reasons for an objection no longer exist the Authority shall advise the Chief Immigration Officer and the person referred to in subsection (1) accordingly.
- (4) A person aggrieved by the decision of the Chief Immigration Officer may appeal to the Minister against such decision and he may either confirm or revoke the said decision.”

This does not take away the power of courts, because if somebody feels that the thing is totally wrong, he or she may still go to the court. It does not take away the power of the court, but the fact of the matter is that there must be some machinery in which the Executive can act quickly in order to be able to stop parents from leaving the country where they have not made adequate arrangements.

When one talks about the executive arm of the state, a state under our set-up has three arms—the executive arm, the judicial arm and the Legislative arm. The executive arm includes the Cabinet, the Chief Immigration Officer and the officers who are employed by the executive arm, so the executive arm must be able to have machinery whereby decisions can be made, not taking away the rights of people to go to the judicial arm of the state if they believe that the courts should intervene. So, what is wrong with that?

According to what the hon. Member for Toco/Manzanilla is saying, he is saying, “Do not do anything about it. Leave it. Let them go.”

Mr. Valley: Mr. Speaker, if the hon. Member would give way. I do not think that the hon. Member was indicating that nothing ought to be done. What the hon. Member was indicating was that we have courts in Trinidad and Tobago and the courts are supposed to prevent the abuse of executive authority. Therefore, in such an instance, it would seem to us that the power to approach is the court and not the immigration officer or the authority.

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That is the simple point that is being made, that the court, we believe, would act fairly and the courts are there to prevent abuse of executive authority and that is what we are looking for.

Hon. R. L. Maharaj: Mr. Speaker, I think the hon. Member for Diego Martin Central is supporting what I have said. I agree with him, but before the court has something to adjudicate upon, there must be action and the action here is that the Chief Immigration Officer will either be justified or not justified in making that decision. If that decision is wrong, there is machinery to appeal.

“A person aggrieved by the decision of the Chief Immigration Officer may appeal to the Minister...”

Because one knows how long the courts take to deal with these matters.

So that there is a situation in which the executive arm will make a decision. First, there is a decision made by the Chief Immigration Officer; then there can be an appeal to the Minister, and if all that is wrong because the regulations will put the time frame, then you still have to go to the court. As a matter of fact, nothing prevents—

Mr. Valley: Mr. Speaker, I am really sorry to interfere with the Member's contribution, but our understanding is that we work on the principle in Trinidad and Tobago that the person is innocent until proven guilty. Therefore, it would seem to us that it is the authority which ought to approach the court and not the parent who would be disadvantaged by the decision of the immigration officer, and if the authority, for any reason, believed that this person ought not to leave Trinidad and Tobago, the authority should approach the court and not the individual, after the fact, having to approach the court.

Hon. R. L. Maharaj: Mr. Speaker, by the time the authority approaches the court, the children will be on the road. The children will be affected.

We have instances in Trinidad and Tobago where you approach the court and by the time you get the order of the court, the person charged for drug trafficking has dissipated with the assets.

So, with that knowledge—and I am sure that the Opposition knows that—where children's lives are involved, a day could make a difference; two days could make a difference. Here it is that we must go to court; go through it all—file an application; file a writ; file an affidavit; get a judge to sit; have an affidavit in response; take points. All that, and in the meantime, children are on the road.

The point had been made that this involves freedom of movement. Yes, it does involve freedom of movement and it is inconsistent with the right of freedom of movement guaranteed in the Constitution. The Bill recognizes that. As a matter of fact, at the beginning of the Bill, the Preamble says that:

“WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution, and if any Act does so declare it shall effect accordingly:

And whereas it is provided by subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three fifths of all members of the House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:”

So, the Bill recognizes that yes, we are, to some extent, restricting the rights of freedom of movement, and it has to have a specified majority. The Constitution of Trinidad and Tobago gives power to the Parliament in order to pass legislation like this in the public interest, and if it is that it is felt that this is a serious matter and children can be at risk and they can be saved if there is the necessary legal framework in order to prevent this kind of situation, then the Parliament has the power in order to pass legislation even though it restricts the freedom of movement.

We have had instances in this House where legislation has been passed where it restricts fundamental rights. The Dangerous Drugs Act was one. As a matter of fact, recently the Senate passed an Environmental Management Bill with a specified majority because it was inconsistent with the fundamental freedoms. The Parliament is given the right to do that.

But what is amazing is, the hon. Member for Toco/Manzanilla, although he came with a prepared document from which he read, did not seem to recognize that this is what the Bill does and this is the first part of the Bill. So, it seems that he skipped reading the Preamble, or the person who prepared the document for him did not read the Preamble and prepared something; he came here and read it. My advice to him, Mr. Speaker, through you, is that what he should do is read his Bill; read from the beginning to the end, and then he would understand that the Bill does recognize. It recognizes what he was talking about.

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Mr. Speaker, the hon. Member for Toco/Manzanilla and the distinguished hon. Member before him, the Member for Port of Spain South—both distinguished hon. Members—spent much time going through the Bill clause by clause on the floor of the House, and saying, “It does not have this in that Bill”; “It does not have that in the Bill”; “This should be a different word”, and “That should be a different word.” We all know what is the purpose of a legislative Chamber, that bills come and if the bills are short, most of the time there are no amendments. If the bills are long, no matter what you come with, there would be views held and views will be expressed and, obviously, you would have changes made. That is what the Parliament is about. The Parliament is not a rubber stamp. The Parliament is to have views and things will be changed.

Hon. Members know that at the committee stage of Bills, that is normally where that is done; that on the floor of the House, like now, you talk really about the policy of the Bill. I am at a loss to understand whether they agree with the policy in this Bill or they do not agree with the policy, because one of the speakers said, “Yes, basically it is a good Bill but a few changes”, and the other speaker at one time said, “Yes, but a few sections.” So, I would assume that they agree with the policy of the Bill.

I feel certain that no matter what the history has been, that they recognize we must do something to save the children of Trinidad and Tobago. [*Desk thumping*] I am confident that they want to do that.

5.15 p.m.

When this Bill was presented, Mr. Speaker, it was presented with a statement that this is all part and parcel of a package. When the hon. Member said this is not in the Bill or that is not in the Bill—Mr. Speaker, may I refer to a contribution in the *Hansard* made by the Member for Couva South on December 03, 1999. Just to read one paragraph so one can see what we were telling the House on that occasion. We were saying the Bills are not cast in stone; the Bills are being put forward. Although they are being laid, we will take suggestions and we will be prepared to amend because these pieces of legislation have to do with the rights of children and, obviously, any government would want to make sure that if it is going ahead with legislation it takes all the views into consideration and see whether it can be flavoured and amended to suit the situation to ensure that the children get the maximum protection. That is a commitment which the Government has.

When we introduced these Bills we said, I quote:

“The existing pieces of children’s legislation are antiquated and are based on the English law of the time. As a consequence of these outdated laws

which deal with our children, and the absence of other laws to deal with other social issues, we experience problems which include, among other things, the growing number of street children; the alleged abuse and neglect of children in children's homes; and the unsuitable and unworkable adoption process for children. The difficulty experienced by families with respect to the resolution of disputes in the existing formal and adversarial system tend to promote tension instead of effecting reconciliation and resolution; the absence of a legal framework to facilitate children who require temporary care with families other than their own; and the absence of a legal framework with respect to counselling, mediation and advice; and options available to families as part of the court process...the increasing number of socially displaced persons in our streets; and the ill-treatment of the elderly in the homes for the aged. A cosmetic approach to redress these problems dealing with our children was made in 1994 when the Children's Act was amended to extend the power of magistrates with respect to the circumstances under which they can make care orders for children..."

It then stated the eight measures which will comprise the package. One would therefore see, when I read these eight measures, if one sees reference in one Bill to something in another Bill one would understand that it is all part of the package. There are eight measures which make up this package dealing with both children and family. Right now this one is dealing with respect to children.

"There are eight measures which make up this package and they are: the Children's Authority Bill, 1999; Community Residential Foster Homes and Nurseries Bill, 1999; Miscellaneous Provisions Children's Bill, 1999; Children (Amdt.) Bill, 1999; Adoption of Children Bill, 1999; Socially Displaced Persons Bill, 1999; Homes for Older Persons Bill, 1999; and the Family Court Bill, 1999."

It recognizes from the package that there would be established a court and there would be other institutions referred to in these Bills.

Mr. Speaker, I really do not understand why we want to spend all this time criticizing these measures. The Government recognizes that there are measures in which there would be recommendations for amendments. We take the point of the Opposition: that they would like to express some views on these Bills and they would like to have it done at a select committee. We would agree to that [*Desk thumping*]. As a matter of fact—I think the hon. Member for Diego Martin Central would not object to me mentioning this—I had discussions with him even

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whilst the debate was going on this afternoon. I indicated to him that I would be quite prepared to agree, not only for this Bill, but all the pieces of legislation relating to children, to be put before a joint select committee. We can ask the committee to report within three months [*Desk thumping*]. What will happen, is we will have both sides of the Parliament. The joint select committee could even ask for the views from other persons involved and we can take all the views that the Opposition wants to say.

In the final analysis, I am sure the hon. Member from San Fernando East would agree, this is not really a partisan matter, this should really be a bipartisan matter if the Opposition believes that they would like to express views on these matters. If one reads *The Convention on the Rights of the Child* one sees the spirit of it, really, is that there should be a consensus in the Parliament in respect of matters relating to the rights of the child and family. [*Desk thumping*]

Mr. Speaker, a Motion is being prepared to that effect. At the appropriate stage I would move the Motion. I would be prepared to move it immediately but I understand that the Opposition has two speakers who still want to make contributions on the Bill, but whatever it is I will move it at the appropriate time.

Thank you very much, Mr. Speaker.

Mr. Fitzgerald Hinds (*Laventille East Morvant*): Mr. Speaker, had I known the hon. Attorney General less, had I not experienced the adversity of the Government of the United National Congress, I would have taken his last few words without a pinch of salt. I would have taken it for how it appeared: nice and understanding and conciliatory. Mr. Speaker, we have seen enough of this Government and that Member for Couva South and the Member for Couva North, to know that that is never the case with the United National Congress. [*Desk thumping*]

When one thinks they are smiling they are snarling. When one thinks they are hugging you, as one former Member says: "Hugs by day and evening but stabs by night." They are dangerous in that particular sense and we refuse to trust them. This Member for Laventille East/Morvant will never trust that Government.

If the Attorney General understands and takes this conciliatory position now, why did the legislation come to the Parliament in the first place? [*Desk thumping*] One just has to wonder: had the People's National Movement in opposition in this House; had we not taken the position today and when this legislation was piloted, what would have happened? It would have been foisted upon the people of Trinidad and Tobago as is. [*Desk thumping*] This is why we of the People's

National Movement, we on this side, understand that in the interest of the people of Trinidad and Tobago we have a duty to watch this Government and scrutinize all of its actions very closely; and that we will do.

Mr. Speaker, let me say in respect of the philosophy of this legislation, the Attorney General in his usual Janus style thought that he would impress us by suggesting that one Member, the Member for Toco/Manzanilla, was saying something and the Member for Port of Spain South was saying something else. When he realized, mid sentence, that it would not ring right he said: "One was saying one thing and the other one agreed with him but we are not sure if they both agree with the thing." [Laughter]

Nothing is what it seems with that Government. It is fortuitous, it is beautiful, that the people of Trinidad and Tobago are beginning to realize that and your day of judgment is coming soon. [Desk thumping] When I speak of judgment I mean in political and electoral terms and I also mean in spiritual and heavenly terms. Your day of judgment is coming soon.

Mr. Speaker, there is no doubt that we on this side understand that this legislation ought not and cannot be a partisan issue. We all traverse the streets of this country and we see children astray. We see children running around the streets at all hours of the night and day and we, as a responsible government and opposition, when we held that office, understood. I was quite proud when I researched the terms of this legislation to see—I was not in the Parliament—we ratified the Convention on the Rights of the Child in 1991. In 1992 and 1994 significant legislation was passed in this Parliament under the previous administration to give effect to the terms of those conventions.

5.25 p.m.

Mr. Speaker, when the study was done in respect of implementing in minutia the terms of this convention, it was conceded by all the committee members that in large part Trinidad and Tobago complied with the sentiments, the spirit of that convention. So what we are doing today is tying up some loose ends and we must support that. It behoves us to do it. We are a responsible political party and we have demonstrated genuine love and care for this country. So he must not doubt our sincerity on this. He must not doubt whether we support the philosophy of this.

We of the People's National Movement recognize, and this is the serious situation that faces Trinidad and Tobago, some 39.5 per cent of our nation's population happen to be below the age of 18 years. Almost 40 per cent of the nation's population is under 18 years. We have, therefore, a very youthful

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population. It is quite clear to any sober observer—let me say that again. It is quite clear to any sober and sane observer that we have serious challenges in respect of young people in this society. It is quite clear.

We have seen in a short four years—I know of an example where there was one young man we referred to as the “Sundance Kid”, now he has become the “Sundance Monster”. So, we have seen children grow and go wrong. We have seen it. And we take the issues very seriously.

Mr. Speaker, one of the major contributory factors to the state of affairs that exists in Trinidad and Tobago in respect of the younger people in our society, happened, in fact, to be the harshness of the structural adjustment years. Observers, political analysts, and economists understand that those necessary structural adjustment years wreaked havoc on the social bases of our society. It is clear that women and children carried—because of the nature and structure of our society—the major brunt, the major burdens out of that experience. So that, no one doubts that a major contributory factor to the state of affairs is the economic situation in the country.

The measures proposed in this legislation largely reflect developments in this area, in England, Europe, Canada and other parts of the developed world. This raises an important point. Those societies are able, because of the resources available to them and because of the structure of the world economy, to provide healthier and stronger social networks, safety nets, social security programmes to assist the people of those countries. But notwithstanding those elaborate social security structures, there are other elements of those societies that are markedly different from ours in Trinidad and Tobago.

For an example, the extended family is well known to our country and countries like ours in the region, but the extended family is not a very regular phenomenon in a society like Canada or in England. The absence of the element of the extended society makes children, where you have a weak immediate family structure, much more vulnerable. So they will have the same problem we would have, but probably for a different reason. Ours would be largely economic in its structure. So much so, interestingly enough, I read recently where we in this part of the world may die from lack of food; in some parts of the world they die because of over consumption, obesity and that sort of thing. So a different reason.

This legislation, perhaps, attempts to impose on Trinidad and Tobago— notwithstanding the need for some measures to deal with the problems of children—practices, concepts that are not necessarily known or experienced by

us. Mr. Speaker, for an example, in England, if a child begins to demonstrate antisocial behaviour, or more gravely criminal behaviour at an early age, they have a very elaborate structure there and that child will be picked up by the local authority in which it is resident or situate.

This raises another point that I must make in passing. I find it strange that these measures make no provision for the involvement of the local government bodies in Trinidad and Tobago. I find it very strange. *[Desk thumping]* Particularly when you consider that the United Nations Declaration on the Rights of the Child, while these are agreed principles at the international level, the implementation of domestic legislation is largely left up to the member countries. We are able, if we wanted, to design the package to meet with our philosophy, our experience and our situation.

This United National Congress Government, and that is what it is, forget NAR, and forget Independents—*[Interruption]* She does not belong to the Government anymore. She is beautiful and wise and did the strong and honourable thing, something that you have failed to do, my friend from Naparima. In respect of the United National Congress as a Government, they have spoken time and time again about this lofty concept of decentralization. While we understand that one of the problems—and there are a number of different satellite institutions that deal with the problems that we observe in respect of the children, the idea with this is to create, if you like, an umbrella body in the children's authority which this Bill seeks to establish in clause 4. I would have thought that the honourable Minister, the hon. Attorney General, would have perhaps considered causing local government to play some kind of role in this, within the whole business, structure or concern for decentralization, but it is not the case.

Mr. Speaker, clause 5 of this Bill outlines the powers and the functions of the authority. Subclause (c) says that the authority, which is established in clause 4, has the responsibility to investigate the complaints of staff of the authority, children, parents or guardians of children. Mr. Speaker, this sounds very good in principle, it looks good on paper, any objective observer will find this makes sense. We have seen people in other authorities in this country complain to this Government and the results have been dreadful.

Only very recently, we were reading in the newspapers about complaints made by senior persons in a certain authority, just like the children's authority, another authority, and what became of that individual for making legitimate complaints. He is no more. So when I read in any legislation tendered in this House by that Government inviting people to make complaints, I take it with a shovel of salt.

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Last year in this Parliament—and I make this by way of an example to reinforce my point, and I know you will permit me, Mr. Speaker. I recall last year we raised the point about some misconduct in the business at Caroni (1975) Limited. The next thing we know is that someone in Caroni (1975) Limited was targeted as having given information to a Member of the Opposition and she was lucky, she was only fired. *[Laughter]* Very lucky. With hindsight she should be praying. This is serious debate. I would like to know what is the Member for Pointe-a-Pierre laughing about.

Mr. Singh: At you.

Mr. F. Hinds: I notice the Member for Pointe-a-Pierre hardly took his seat for the afternoon. It is as though he knows he ought not to be sitting. *[Laughter]* Fidgety, Mr. Speaker, I do not know why.

Dr. Rowley: The wrong place.

Mr. F. Hinds: Mr. Speaker, let me continue, I will not be distracted.

Mr. Speaker: Anything that borders on imputations against a Member of the House is not going to be permitted. Okay? Anything that borders on imputations, and that is the Standing Orders. So it is all well and good to go on a platform and do things, but in here, keep it for outside.

Thank you.

Mr. F. Hinds: I am guided, Mr. Speaker.

Mr. Speaker, we have, in Trinidad and Tobago, a number of, as I said, satellite institutions. We have what used to be known as the Girls' Industrial School—and I know it well, it is not far from where I lived as a young man—it is now called the St. Jude's Home for Girls. We have the Belmont Orphanage. We have the St. Mary's Home in Tacarigua. We have the St. Michael's Home in Diego Martin. We have the CRY in the Laventille area that I know well. I see the Member for Chaguanas shaking his head negatively. That is an institution to which at present, if he does not know, when troubled situations come before the court, that the court is now directing children there to for safety. He does not know that. He does not want to know that.

Because, the CRY institution happens to be in my own constituency and I am told by the chief executive officer, the manager there, that she has not met a very friendly Minister, and friendly in the sense that he is not very—these are not her words. Let me make it quite clear. I do not want to put the lady in any jeopardy. These are my words. I gathered from my discussion with the goodly lady—and I

know I myself might be in some jeopardy, but God is great—that she has not met a very receptive ear from the Minister. It is only criticism and torment down the line and no actual support. I want to know the reason. I trust when he gets up to speak in this debate in another three or four months, if at all we are going to be having one in this session, because when we point out the facts to this Government, they run away from the legislation, oftentimes they never come back.

I remember the Member for Couva North who came here with the report from the Salaries Review Commission and the last words from the Prime Minister were, “I am going to the people with this report and I will get the people’s support!” Not a drum has since been heard. *[Desk thumping]* They were afraid.

We saw them come here as well with the Legal Aid Bill. The former Minister of Legal Affairs told us that there was a \$9 million tag. I saw her on the newspapers, beautiful face, I must admit, beautiful smile, but those who know, know it is a snarl. *[Laughter]* Mr. Speaker, I saw her in the newspapers the next day taking credit for this wonderful Bill that expanded legal aid, lawyers would get more money for serving the community, domestic violence cases would now be covered. Mr. Speaker, not one bit of it. To this day not a cent the Government has spent and the Legal Aid Bill is taking cobweb in the Minister’s office. That is the behaviour of the Government.

So they come today with this legislation, this big package dealing with children and important issues such as this, knowing full well—according to my friend—that they never intend to pass it, but they want to be able to say to the electorate, “we brought this important legislation to the Parliament and the PNM did not support it”, but it “cyah” work. As long as God gives us strength we will remove your mask and publish your hideousness to the people of this country. *[Desk thumping]* *[Laughter]* In all their—I wanted to put an adjective. Let me just say in all your nakedness. *[Laughter]*

Mr. Speaker, when a view was taken on the scenario as it now exists in Trinidad and Tobago, the following problems were identified relating to most of the homes or most of the institutions in this country that attempt to resolve the problems that we are debating today regarding children who are not managed in their homes, children who are not well cared for, and obviously respecting the right of the society for its own sake, for its own protection, to intervene in the lives of these children.

5.40 p.m.

Mr. Speaker, I want to list some of the problems. In some cases it said, "placement of children in homes without proper investigation." It often happens. In England it has happened, as well. There are a number of cases in the law reports—I have read some, myself,—where children are taken from homes on the basis of some spurious allegation made by some angry neighbour. In a society like England, where the race question is rampant, where the black community lives in that larger white society, oftentimes, the culture of the African community or the black community in England is misunderstood.

We like to play music a bit loud. If you play your music loud in England they find that, in some cases, is very offensive, and they consider that highly anti-social or mad behaviour. The way we dance; the rigorous body movements and so forth. They are not accustomed. If they see you dancing like that they think you are mad. An African might be living next door and he might play his dub a little loudly—and as I speak about dub; I was shocked to learn from my friend from Toco/Manzanilla that this Bill has the language of "freeing up". It is very "rootical;" and I am a "rootical" kind of man. "Freeing up" is a very colloquial kind of term but I do not expect to find it in legislation. What does it mean? Play dub for the children and free them up?

The point is, if you find that there are cases where spurious allegations are made, some persons could go to the Children's Authority and complain that something is amiss with this child. Oftentimes without proper investigation, the child is taken from the loving parents because of a misunderstanding of culture, of circumstance. In the context of Trinidad and Tobago, it could very well be some mischievous neighbour.

Mr. Speaker, this is something for the select committee and the Government, in particular, to look at carefully—they piloted it. To consider the investigative skills; to consider the open-mindedness; the unbiased of the people who must make the decision to place children. It could be a very painful experience, indeed, to see some authority people dragging your child, kicking and screaming out of the door into a green van. Not green in this case, it would be yellow, red and black. I have no doubts; that is the colour they would paint their vans, Mr. Speaker. *[Interruption]* Just like the little old embarrassments we see running up and down the Priority Bus Route at \$55,000 each, polluting the East/West Corridor. "Bussing us up."

Mr. Speaker, we need to ensure that the people who are given that responsibility are open-minded; willing to hear both sides, because it could be

very painful, indeed. And it has happened. Another one of the problems is that oftentimes—and this is very likely in Trinidad—a court can order the placement of a child into an institution without a proper investigation by the probation staff. Right now, the Minister and the Attorney General know that the probation service in this country is stretched to capacity.

Every day in the Magistrates' Court, matters are adjourned over and over again, and magistrates complain, *ad nauseam*, about the fact that they cannot get probation officers' reports. The probation officers work desperately hard. I know some personally. I have seen them in the courts. They do their best but they can only do just that—their best. You know this Government that proposes to be so concerned, whilst they want to implement fresh legislation, these little issues have not been resolved. One would have thought that they would have sought to develop that: properly resource and staff these departments and then we could have gone somewhere. I know when the Minister gets up to speak he will say the problem existed for 15 years; do not tell me what I was, tell me who I am. They are in Government today. Forget it! They complained about the PNM to win Government. Even their complaints did not cause them to win Government. He needed to sleep with the devil in order to be in Government and he did. I am using a colloquialism popular in the politics of the country, so I know that the Speaker would not take offence. But let me continue. *[Interruption]* And gave birth to a very evil child.

Another one of the problems is inadequate physical space because there would always be more needs and wants than there are resources. So there is a problem where these institutions are overcrowded, just like the prisons. I meet with the prisoners every day in the course of my professional experience. In the prisons, there are 16 people in one cell and so, too, in these institutions, they will tell you that it is a question of limited physical space. These are all some of the problems that now exist.

As you apply your mind to improving the climate for the care and concern for children, these are some of the issues that one must seriously look at. This is not about window dressing. This legislation is not merely to enhance the UNC's resume' and say we brought 59 Bills; we brought 69 Bills; this is about actually making things better. *[Desk thumping]* I submit that for their four years in Government they have not made things better, they have become progressively worse. *[Desk thumping]*

Inadequate staffing; poor ratio of staff to children; grossly inadequate material resources; poor safety practices; lack of training of staff; lack of programmes to

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contribute. These are some of the problems that subsist in these institutions today. The Attorney General said that this ought not to be a partisan situation—everybody understands that. Everybody knows that we are trying to genuinely work to the benefit and the interest of the children, but these are some of the matters that now exist and we need to look at them and ensure that this umbrella body, the Children's Authority, is not afflicted by these problems, because now is the time to work them through.

There is another issue that I want to raise which is a philosophical question, and that has to do with the business of institutionalization. There is something—Mr. Speaker, I am not an expert in this area, but from my observation—about being institutionalized that is different from being otherwise. It would not be long before certain Members on that side, perhaps, learn that from their own experiences. But while they are still at liberty, let me try to share with them what I mean.

Mr. Speaker, a study was done in Michigan in the United States of America in 1981/1982, and it had to do with the concept of institutionalization and what it does to those who are institutionalized and those who are responsible for keeping and caring them. I use the experience of a prison, but the point I am making is really about the concept of institutionalization. It adversely affects, in some cases, in many ways, those who are institutionalized, and even their keepers.

Mr. Speaker, in one two-months' summer vacation, they converted a university into a prison. They got students, they interviewed them, they prepared them and they trained them: some would be prison wardens; one would be the governor, and they had all of the roles to be played out by the various students—and, of course they selected a prison population, from among students.

5.50 p.m.

Mr. Speaker, they caused them to occupy this university during those months. They were filming their activities in all the cells and they had video cameras carefully monitoring individuals to see what happened to human beings when they were institutionalized when they were in that kind of environment, that world.

It was noted that for the first week there was a lot of conviviality and joviality. People were talking about their captivity and joking really and things were going nice, but by week two people became a little more intense; “fellas start to take de thing a little more seriously, man ready to go home now.” But they were not permitted to leave. Prison officers had them there. They were running a regime: rise at four in the morning, breakfast or whatever, and all the routine that was known to the prison.

They had to abandon the project because by week three, students who were kept in cells started to become genuinely upset and angry and wanted to come out. That is not hard to understand. If you are at home—and my brother did this to me when I was much younger, he locked me in the bathroom, when you are ready to come out there is a scandal. *[Interruption]* *[Laughter]*

Dr. Mohammed: We could see the result now. *[Laughter]*

Mr. F. Hinds: The fact that my childhood experience could have elicited such laughter tells us that it is a joke, but the Member for Princes Town and, possibly, the Member for Pointe-a-Pierre and the Member for Nariva, would understand that it is no joke, it is a serious thing. But their time would come! *[Desk thumping]* What sweet in goat mouth is sour elsewhere.

Mr. Speaker, let me continue undisturbed. They had to abandon the project, as I was saying. The reason they had to abandon it is because it took a very serious kind of connotation. I have used that example to demonstrate that institutionalization has an impact and sometimes an adverse one. You may take children and place them in a home. I lived in Gonzales in Belmont in my childhood years and I observed two institutions: the St. Jude's Home and the Belmont Orphanage as it was then called, it is now called the St. Dominic's Home.

I have seen many children who lived and grew in those institutions—and I am proud and happy to say some have done particularly well in life. I spoke to one such person up to yesterday. When I inquired from him as to why he was institutionalized—and this brings another point in passing—oftentimes it is not because they were delinquent or unmanageable. His mother was put in an institution and no one was there to care for him so he ended up in that institution and he grew there. I know one who is a pilot today. I also know one who is a senior teacher in a secondary school. They were all my friends because we grew close to each other; I went to school with some of them in Belmont Secondary and so forth. The point is that many have done very well, thankfully, but many as well have not done very well and that too is a fact.

If you knew them as intimately as I did, you could see and look on. As I walk Duke Street every day I see this young lady on Duke Street and I know that she grew up in that institution and maybe upon her departure, again, there was no continuity to deal with her or to set her up. So like a bird that was kept in captivity for so many years, you let it out in the wild and it is now subject to attack from other birds of prey, because a bird that is released does not know which tree it should go on, on the first night. It would have to pick a tree, that is how nature

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operates, but it may go on a tree on which lives a snake or an eagle and it would perish. So there is a serious issue.

We have to be mindful—*[Interruption]*—Mr. Speaker, you see the Member for Oropouche I would not bother with him. I mean no insult to him, but he knows. His Government demonstrated to him. He is well past his “sell by” date and he is now waxing down and we understand that, so I will not be detained by him. I want to continue. Mr. Speaker, do you see the Member for Couva South smiling? He knows.

The point is, as we seek to do good we have to be mindful of the implications of our actions because the business of institutionalization could have very adverse effects on human beings. Now you may argue, reasonably, that if a child is in a risky or harmful situation, you cannot worry about institutionalization and leave it there, and this brings me to the question, the point I was making earlier. We have to ensure that the institution is like a home. It must, as far as is possible, be like a home. It means that a serious process of education of the participants must be undertaken. It means that the society would have to be sufficiently educated to appreciate a whole number of things. Take for an example, only last week I read to my dismay that a gentleman suffering apparently from epilepsy, coming down in a maxi taxi some place, developed a fit and the ignorant occupant or occupants of the maxi taxi threw the man, in his fit state, out of the vehicle. How inhumane! But it may be that the person who did that was not aware that it was an epileptic fit; perhaps, because madness so well prevails in this society he thought that it was another act of madness.

What he did not understand and what we on this side understand, is that if you have no top you can have no bottom.

Mr. Maharaj: Why you like to talk about bottom so? *[Laughter]*

Mr. F. Hinds: Talking about tops, I want to make an important point—yes, you laugh as scandalously as you behave. You laugh scandalously, Member for Princes Town. This is no fun, you know.

Mr. Speaker, if a government gives birth to a philosophy, an idea of a regime, if I can call it that, to protect the nation's children, that, on the face of it, is something good and it ought to come from something good. There is a moral dimension to it all, and the education of which I spoke a moment ago must involve the morality of the entire thing. Oftentimes it is reported that in these institutions those who are charged with the responsibility of protecting and caring for these juveniles, interfere with them.

We have an example of a senior person, an adult, it is reported in the newspapers, chased three children away with a weapon. I do not know who but the newspapers reported that, and it happened, I think I read it well, somewhere in the Gasparillo area, in Williamsville, I think. That was reported and it has not been rebutted, so it is on the record. A lot of education is necessary so that all participants, all involved, even the children themselves will understand that this is society's effort to protect them from risk, from harm, to nurture them and give them comfort. So there is a moral dimension to it all, but if one is amoral how could one teach anything about morality.

Then again, anytime I use the word morality I remember Dr. Eric Williams and the People's National Movement. I remember what it is to be PNM. We spoke about morality in public affairs from our beginning to this day and we maintain that. I am so proud to be PNM. [*Desk thumping*] I will tell you, Mr. Speaker, I told a man this morning that he supported the Government, he said, "Who me?" He denied it robustly, vigorously; nobody now wants to support the UNC or associate with the UNC. How sad! Except, of course, the Member for Naparima, against his own conscience, but he knows why, and the Member for St. Joseph, honourable man that he is.

So we need to look at some of those matters. When we go to the Joint Select Committee, we on this side would be well represented there, hopefully, and we will make these points and demonstrate these issues. I want to join my friend the Member for Toco/Manzanilla, my good friend the Member for Port of Spain South, my beloved friend, the Member for Tunapuna and all other speakers on this side, for taking the position that we have, in this important debate today. I know it sounds a bit self-congratulatory but it is necessary. We need to underline that which is good and scorn that which is bad. [*Desk thumping*]

Mr. Maharaj: What plagiarism!

Mr. Assam: Well, it is carnival so he is getting lyrical.

Mr. F. Hinds: There is another point I must make before I conclude. Clause 6(2) of this Bill lists from (a) to (i) the issues that the authority must take into account when it is determining the best interest of the child. That by its very nature is a very vague concept or issue: "the best interest of the child".

We operate on the principle that we seek the greatest good for the greatest number. It is a utilitarian concept. The Member for Tobago East is obviously familiar with it. He has spent all his life reading but he does nothing otherwise. He just reads. He must have read about that.

Mr. Maharaj: He is more learned than most of you.

Mr. F. Hinds: The point is—*[Interruption]*—yes, not totalitarian, I said utilitarian. That is utilitarian. I would not join you in an argument on that matter. I would suggest that you represent your constituency for the last few months as well as you could, because it will be the last. *[Laughter]* *[Desk thumping]*

Mr. Maharaj: Would that apply to you?

Mr. F. Hinds: Your umbilical cord has already been severed and you are now adrift in the political atmosphere. *[Laughter]* Mr. Speaker, I am being distracted by my good friend the Member for St. Joseph. *[Laughter]*

Mr. Speaker: I myself was wondering how long it would continue: you are addressing them instead of addressing me, and when you address them you invite them to address you. It is all well for those who are laughing in the gallery, who would be put out shortly if they continue, particularly the man in the front row. *[Laughter]* This is not a circus, this is still a Parliament.

Mr. F. Hinds: I am obliged, Mr. Speaker. I was making the very serious point—*[Interruption]*. It has been noted that in a society like England where, as I mentioned, there are distinctions between the larger English/British society and the minority groups that reside there, that, at least, one piece of legislation the Bail Act in that country, it has been noted by political and legal writers, works to the injustice of the minority community.

The immigrant population in that country will obviously not be possessed of land as would be those who lived there for centuries. Even in Trinidad and Tobago, every day in the courts there are many relatives, parents, aunts, grandmothers and fathers who would like to access the bail that courts have granted for persons charged for various offences and they are simply unable to do that because they are landless. They do not hold land.

6.05 p.m.

People who live in public housing usually get the deeds at the end of the mortgage arrangement, and during the years they are without a deed and in those circumstances, they are landless as it were, propertyless and unable to access bail for certain persons. I give that example to demonstrate that because of certain economic and social circumstances legislation can work inequitably against some.

Mr. Speaker, in subclause (2), when one takes into account—

Mr. Speaker: Hon. Members, the speaking time of the Member for Laventille East/Morvant has expired.

Motion made, That the Member's speaking time be extended by 30 minutes.
[Mr. E. Williams]

Question put and agreed to.

Mr. F. Hinds: Thank you, Mr. Speaker. As I was saying, when one looks at the matters that the authority must take into account when it is determining the best interest of the child, clause 6(2) (b) says:

“(b) the capacity and disposition of the parties involved to—

- (i) give the child love, affection and guidance and to continue the education and raising of the child in his or her religion or creed, if any; and
- (ii) provide the child with food, clothing, medical care or other remedial care recognised and permitted under the laws of Trinidad and Tobago;”

That sounds well and good, but if the authority uses that as part of the criteria for deciding on whether the best interest of the child will be served, a person who is poor would hardly ever be able to meet this requirement. So I am making the point that the poor in the society, by virtue of their economic circumstances, can find that this Bill when passed could work inequitably upon them by virtue of being in a class we call “poor”. Therefore, the economic circumstance of the individual plays a very important part in the operation of this legislation when that probably was not our primary focus. Our primary focus was not about economic circumstances strictly, but rather, social concerns like sexual abuse, physical abuse, irresponsible drug addicted parents, runaway father, and those sort of things.

As I say runaway father, I think it is correct, and I stand corrected if I am wrong to say that in the African community, one finds in Trinidad and Tobago a greater number of single-parent families. That has been my observation and, if I am wrong, I wish to be corrected. If that is the case, then when clause 6(2) (d) talks about the permanence of the family unit as one of the considerations the authority would take into account, one has to look closely at this in the context of it working inequitably against that group we call “single mothers”.

If the term “family” is used here and does not apply our mind to what kind of family we are speaking about—I grew up in a single-parent situation. I lived with my mother, my father did not live at home, though I must say in his honour, he was very present throughout my life, he visited quite often and performed his

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fatherly duty to me with great distinction, and to my deceased father, I am eternally proud and happy. The point is, where there is a situation of the single mother, if the person who applies this legislation considers that a family means a nuclear family, then the single mother will be put in jeopardy of not having her child or children, and the Attorney General knows full well that based on the authority—I cannot remember the name of the case—but in 1992 a House of Lords judgment indicated—I think it is *Pepper vs Hart*—that the court, on the basis of that authority of 1992, is now to look to the debate in Parliament to understand the meaning and the intention of the legislation where the words in the Act are unclear. So we have to be quite clear in our deliberations in this House that when we speak of family we do not only mean the nuclear family, but we also mean the single-parent family which produces very solid children in our society, oftentimes and certainly, more easily to appreciate, the extended family.

Dr. Job: On a point of clarification, when you extend the debate into interpretations of the meaning of family and quote the decision in England, ought you not to consider recent developments, even in England concerning a family as woman and woman, man and man and a child?

Mr. F. Hinds: No. Quite frankly, I think that is a useful question. Of course, that does not exist in Trinidad and Tobago and we cannot even consider that because we debated a bill recently and it was quite clear to all that when we talk about marriage it did not mean similar sexes. That is out. I do not know if the Government is thinking about bringing that legislation in this country, but we must wait. Anything is possible, but we will debate it when it comes. I think that is outside our paradigm for the immediate purposes.

Mr. Speaker, clause 6(2)(c) speaks about “the length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining the status quo;”. These are three examples of the sort of things the authority would want to take into account and we have to be quite clear that we are talking to include a very prevalent reality in the society—the single-parent family.

I need not detain the House any further. I support my Friends on this side and the decision to send this matter to a joint select committee. It obviously requires a tremendous amount of thought, much more thought than the Government puts into it before it was dashed in the Parliament's face. It is yet another example of the Government's very flippant, whimsical behaviour with important matters, but notwithstanding, I still say that the Attorney General has braved the weather; he has turned the other side of his face and decided to take the matter to a select

committee. I think it is a useful decision, and we look forward to making our contribution there and any further debates in Parliament.

Thank you, Mr. Speaker.

Mrs. Eulalie James (*Laventille West*): Mr. Speaker, I rise to make a brief contribution to the Children's Authority Bill. This Bill seeks to establish a Children's Authority of Trinidad and Tobago to act as the guardian of the children of Trinidad and Tobago. An important piece of legislation such as the one before us is supposed to replace the Children's Act, Chap. 46:01 and, as such, should be approached in an holistic manner.

Mr. Speaker, from the onset when one examines clause 7 which deals with the composition of the Board, one notices that the spiritual aspect was not taken into consideration. It may be argued that there are different religions, but the Inter-Religious Organization can advise in this matter. The spiritual aspect helps to build conscience, it helps to mould us into better people and subsequently, a better society.

Mr. Speaker, UNICEF stated categorically that in this century we have failed the children especially the girl child. This includes the right to protection from harm and danger such as incest, sexual molestation and child labour.

As with the Domestic Violence Act, the sociological aspects of this Bill are not addressed. Can we be told whether any mechanism will be put in place to get to the root cause of the family problems as it relates to delinquency, abandonment or abuse of the child? The welfare of the child is of paramount importance and the focus ought to be firstly on containing the family unit.

This brings to mind the importance of a family court where it is expected that there would be trained personnel who will not only arbitrate over deviant problems, putting these children in reform schools and punishing them where appropriate but, where possible, look at reorganizing the family.

Mr. Speaker, John Boldy, a renowned psychologist wrote in his book *The Growth of Love* that the mother, father, the extended family group, grandmothers, brothers and sisters are part of your upbringing and without them there is no hope. [*Desk thumping*] However, a couple years later, Michael Rutter and Mia Pringle wrote another book, *Maternal Deprivation Re-assessed* and they felt that a properly run institution with all the professional assistance we could get; caring and loving people, the child will grow in a loving caring way as well.

Mr. Speaker, in days gone by, much could have been said of the institutions some of which, as my colleague alluded to, are still functioning today, for they

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have produced many great exemplars of this country who have excelled in all walks of life and carried Trinidad and Tobago with pride. Today, when we examine some of the institutions they do not have proper educational facilities. What provision is made for the slow learner and the disabled child? We have to look at all these matters. I know that the St. Michael's School for Boys has several facilities for teaching skills. I think there are about 10 areas of skills they can teach, but what of the other institutions? Many of them have as little as two or three. The education of the child should not be compromised. We think this should be taken into consideration when setting up the authority to ensure that the all-round development of the child is looked after.

6.20 p.m.

Mr. Speaker, presently, some of the homes are overcrowded. In speaking to one of the school's caregivers, I was told that there are as many as 31 children under her care. I asked her what is a reasonable figure that she thinks she could take care of and she said 15. So then it leaves us to think that she is not capable of extending the kind of love and care to all these 31 children, so indeed, several of them will suffer. This has to be taken into consideration when setting up the authority because the Government will have to ensure that there are a number of trained personnel who can take care of these children.

Mr. Speaker, I have another area of concern. I know of instances of this and it worries me. We have young children as young as 13 and 14 years old becoming pregnant right in the school. They come out of school for the few months, they make their babies and then go back to school.

Miss Nicholson: That is secondary schools.

Mrs. E. James: Yes, secondary schools and the men who they get pregnant for cannot help with these children and, in most cases, the parents of the girl cannot as well, so one could imagine what will happen to these children. I think the time has come for us to seriously look at teaching sex education in schools. I have heard some parents argue that they do not wish for their child to know about sex education and so forth, but the time has come. The world is enlightened and we have to move on and educate our children to know about their bodies and several other things about life.

Mr. Speaker, when I looked at the *Journal of Commonwealth Law Bulletin* No. 15/1 of January, 1999 it says under clause 94:

“The Department of Community Welfare Services”

and I think this is in which state—let me just check—Victoria Australia,

“The Department of Community Welfare Services establish a central Protective Services Co-ordination Unit to give particular attention, in consultation with other relevant departments, regional services, and non-governmental organizations, to planning effective community education programmes in all regions and promoting child protection policies and strategies.”

It further states in clause 95:

“Schools should be encouraged and resourced to offer broad human relations courses to provide a framework for more general consideration of the responsibilities of parenting.”

Mr. Speaker, not only sex education in its usual form but parenting. It does not mean that you are preparing children to go out and make a child but I think that it is important that the children know about parenting, so that when the time comes, they are well prepared to look after their children and we would have less of just grabbing the children out of the home and putting them in an institution. I am very concerned about that and I hope that some sort of mechanism would be set up, so that our young people could get to know wrong from right about sex education and parenting.

Another matter is the ultimate goal to reunite the child and mother or father as the case may be. But while the child is in the home, no attention is paid to the parent. I suppose we could argue that okay, it is the parent who abandoned the child; it is the parent who is on drugs and it is the parent who does most things. If it is our aim to reunite them—because at some point in their lives they would be reunited—we believe that some sort of support system should be set up around the family, the psychologist, the social worker, and psychiatrist and so forth. We cannot overemphasize the importance of the counselling mechanisms. [*Desk thumping*]

Mr. Speaker, what is the role of the—and I should have mentioned it earlier while I was talking about sex education—Family Planning Association? I would not only like to see the Family Planning Association distributing condoms and saying, play it safe to the young people and so forth, I think they should be used otherwise to get into the schools and assist with the sex education of the children to ensure, well, unwanted pregnancies.

Mr. Speaker, another concern of mine is the parents who have whether six or seven children and are unable to take care of them because many of them are unemployed and the father has left the home. In some cases, a mother may have children for several fathers and none of them see about these children.

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I heard recently of a case where a mother had seven children in a home and the children were taken away because it was said that she left the children alone and so forth, but maybe the mother did not have anyone to take care of them and she has to go to look for bread to put on the table. They must be fed somehow. I am not condoning that but what we have is an unfriendly social welfare system. The mother who seeks public assistance to help her with her child has to go through a lot of trauma.

Mr. Speaker, I think the Minister should seek to make that department a lot more user-friendly for want of a better word. [*Desk thumping*] I think something should be done about that. The mother has to go to the court and provide information that the father is either dead, abroad or that she has not seen him for several months. In some instances, it is difficult to get the information. I deal with this on a daily basis in my constituency and it is terrible. I wish the Minister could look at this. We have to take all these things into consideration, while we seek to upgrade this Bill because we are looking after the welfare of our children. I hope that this will be taken into consideration.

Mr. Speaker, recently in this House we have passed two Bills, the Community Mediation and the Community Service Bills. What is happening to those two Bills? I think it is the intention to probably, assist the first offender in some way; help them to probably regain their confidence in the community; to change their lives and so forth and give them an opportunity or a second chance—so to speak—because chances are, if they are committed to do community service with the same person whom they have offended, maybe to clean the yard or do whatever chores and so forth, the person may befriend that child and the child now understands that there are people who really care about them and so forth. This will change the whole attitude of the child and the criminal mind will actually go away.

I am saying that these two Bills could help young people. To my mind—I do not know if I am wrong—they have not yet been assented to and I do not know the reason why. I feel very strongly about these two Bills and I often speak to many of my colleagues about them. I hope that something will be done to get these two bills assented to so that we can help to save some of our young people.

6.30 p.m.

Mr. Speaker, we are seeking the welfare of our young people. I firmly believe in the family and when I read the preamble by the United Nations to the provisions of the rights of the child, it says here:

“*Recalling* that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,”

Further, it went on to say:

“*Recognizing* that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding...”

Mr. Speaker, I believe this is what we would like to see happening ultimately, that the children would be cared for in this family atmosphere of love, happiness and understanding. I hope that these concerns of mine would be taken into consideration.

The Bill before us must be a plan to help the children and, by extension, the families of this nation. It must be filled with caring, guidance, counselling and so forth. Remember, we are working towards a better way of life for the children and subsequently a better way of life for the people of this entire nation. It is said somewhere that a country is known by the way it treats its worst citizen. If that is so, and we agree that a child has a right to be born, then the family must be assisted by properly-run institutions to nurture that person into adulthood and I reiterate, Mr. Speaker, that the ultimate goal must be to contain the family unit. [Desk thumping]

I too join with my colleagues and I am happy that the Attorney General—although I was to take him up on something he said earlier which I will do before I close, because I did not like the remark that the PNM members do not care about children. It is because we care about the children that we are asking you to do the honourable thing of sending it to a committee. [Desk thumping] I am happy, Sir, that you have accepted the suggestions and are doing the honourable thing. I am sure in that committee stage the input received from different persons will be valuable. I hope it will be opened up to members of Parent Teachers' Associations and NGOs because they have many suggestions.

Remember, Mr. Speaker, that this Bill will affect people's lives. So, therefore, proper time and care should be given to ensure that this Bill will achieve the maximum benefit intended. Mr. Speaker, I thank you. [Desk thumping]

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Culture and Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I would like to thank you and thank Members for making this debate a lively one. When we look at the Bill, "An Act to establish a Children's Authority of Trinidad and Tobago to act as the guardian of the children of Trinidad and Tobago", I do not see how anyone, especially certain Members opposite, can make a big play about this piece of legislation.

By way of some background information, when the Member for Couva South made a statement regarding this package of legislation, he made it quite clear that it is a package and we must not take one in isolation. What happened this evening? I will go to the Member for Toco/Manzanilla first because his voice was the loudest and what he said is ringing in my head, so I will start with him first. When he took the Bill apart [*Desk thumping*] and he was talking about courts and about this, that and the other, he was misleading the House.

In everything that was said there, he was referring to some other Act. I do not know where that Act is but these are the pieces of legislation to be introduced and maybe he did not understand at all what took place. I was following what he was reading and in every passage or sentence that he attempted to read he left out key words. He ended sentences at commas and so forth. This is quite unfortunate when we deal with [*Interruption*] a piece of legislation that would redound to the benefit of the children of Trinidad and Tobago.

I think that, Mr. Speaker, since this debate started I was really honoured to find out, at least from their mouths, that the PNM cares about children. This is really a revelation to me. They claimed that in 1991 they ratified the United Nations Convention, but, Mr. Speaker, you know that in November of 1991 when this Bill was ratified the NAR administration was in office and they claimed what the NAR government did in November of 1991. [*Desk thumping*] What happened in the next four years from 1992 to 1995, Mr. Speaker? Nothing happened to deal with issues of children in this country.

I remembered that somewhere some former Minister of Social Development in the last administration said there were no street children and there was nothing to be concerned about. I came into office a month later and found that there were street children in Trinidad and Tobago and they were not one month old, Mr. Speaker. So they denied that children were in trouble and they came back today and almost said, one after the other, that there are no children abandoned and nothing has happened.

When we listened to the Member for Tunapuna talking about the pious parents that we are trying to put into trouble, Mr. Speaker, that is the furthest thing from what this Bill wants to do. This Bill is dealing with children who are abandoned and neglected and we are not interfering with their normal homes. We are not going into a home and taking children and putting them in an orphanage. We are talking about children at risk. So to hear people this evening, especially the Member for Laventille West, talking about health and family life education—well that is the new word for sex in schools—and talking about parenting, it is really a revelation to me that these people care about children in this country.

We, as a Government, inherited a situation where 20,000 children every year failed the Common Entrance Examination and had to hit the streets at age 12, and this Government is doing something to ensure that all children of secondary school age attend secondary school. [*Desk thumping*] We had a system of secondary school and junior secondary school education in which we know—and the Member alluded to the fact—that children became pregnant in school at age 14 and this Government is doing something about that. We are going to ensure that we educate people so that they would understand what is taking place in this society. We must not bury our heads in sand and say, as the last Minister of Social Development said, that there are no street children and ignore the problems. This Government appreciates that we have problems and we are going to solve them, hence this package of legislation, Mr. Speaker.

When we look at the state of children in this country and in our institutions we are appalled. I would jump from speaker to speaker because I did not take notes. The Member for Laventille East/Morvant talked about crime. We in the Ministry of Social Development, Mr. Speaker, would not take a child from the street or from an abandoned state to put that child into a home about which we are not sure. We would investigate these homes. We would ensure that they have the proper facilities to take care of children because it is worse to take a child from an abused home situation and put that child into a house with 30 or 40 children where there is no proper care or proper facilities. This is what is taking place and this is why we have this package of legislation. We are going to have more than one piece of legislation, Mr. Speaker, that would deal with the entire situation regarding children in this country.

As we come to this Bill I want to reply to the Member for Tunapuna. He raised several areas of concern and I would like to answer a few of them because I took note of what he said and they were repeated, as usual, by every other Member so if you go through his contribution you will get an idea of what the

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thinking was on that side and what the thinking is on this side. He suggested that the Bill criminalizes parents and does not appear to be concerned with their rights. Mr. Speaker, I would like to assure the hon. Member that this Government is fully committed to respecting the rights of parents. I said it before, this Bill was not to deal with criminalizing anybody and that they must be recognized as the primary caregivers of the children of our beautiful nation.

The Bill does not seek to undermine or redefine parental responsibility but rather to complement and fill any gaps left by existing conditions. At present, no legislation outlines either the rights of parents or, indeed, the rights of children. Mr. Speaker, parents are free to raise their children in whatever manner they see fit unless there are situations where neglect and abuse are recognized, then parents run afoul of existing law and are liable to be prosecuted. The fundamental right of a parent to bring up a child should not fall short of the protection of a child's basic needs. If it does, the state should and can intervene. This has always been the duty and responsibility of the state.

Parental rights continue to be protected and respected within the Convention on the Rights of the Child, once parents carry out their responsibilities towards the child without recourse to illegal actions. Article 18 of the Convention refers to parental responsibility and I would like to quote, Mr. Speaker:

“States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child.

For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.”

Mr. Speaker, the Member for Tunapuna—well, I hope he remembers what he said—reflected the concerns of his party on the proposed composition of the Authority. He challenged the competencies of a psychologist and a psychiatrist in defining policies of the Authority. His comments appeared absurd since practitioners attest to the valuable assistance of these persons in treating with our many traumatized children. Further, repeated and urgent requests continue to be made for their numbers to be increased for speedier assistance to and resolution of the escalating social problems plaguing this beloved nation.

I would like to acquaint the Member—well, the Members, because they repeated—on the other side with the UN Convention on the Rights of the Child ratified by this country in November 1998. I refer to the Articles which all support the rights of parents that are enshrined in the Constitution, and these are Articles 5, 9, 10, 14, 18, 27 and 29 which Trinidad and Tobago has signed which give the child a voice which guarantees the rights of children to be respected and protected. The Convention also states that rights come with responsibilities. The Bill to establish a Children's Authority then, Mr. Speaker, is only one of a number of pieces of legislation which seek to fast-track our nation's implementation of its commitment to the Convention on the Rights of the Child.

The Member for Tunapuna has also taken issue with the definition of a child. The age of majority in this country has been fixed at age 18 for some time now. Then one is considered legally an adult. However, Mr. Speaker, in keeping with the Convention on the Rights of the Child, the age there recommended—and the Member for Laventille East/Morvant is quite right—we could make our own legislation, although the Member for Port of Spain South read some Lima accord as if it is binding on this country. He knows that is not binding.

6.45 p.m.

Just to jump to the Member for Port of Spain South, what we did in Lima was to ensure that the rights of the child are protected. We do not want to go back. When the Member for Nariva brought his pieces of legislation to deal with the child, that, too, must conform to the rights of the child.

Indeed, with this present package of legislation, I am sure that at the end of the day when we approve these bills, as we would, because I am sure when we leave here tonight, we will understand that people talk about the moral decadence that is taking place in this country; people talk about what is happening, but we must understand if we continue to live as we are living, the Member for Laventille West alluded to the fact that there are mothers with seven children and somebody told me sometime, they are not sure if it is seven fathers or more.

But, the fact is, if we continue with this, we would breathe because this would continue. It is a cycle that would continue and if we could stop this now, if we get the Family Planning Association and everybody interested, we could make sure that this ends. Because if we continue with this, Mr. Speaker, where would our children be? What would be the position of this country in the year 2000 and beyond? So, we must stop this now and the only way we could do that is to ensure that children learn from positive values and positive things that should take place.

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I take the opportunity to ask the Members opposite to let us try to focus—

Mr. Boynes: Would the Member give way?

Hon. M. Ramsaran:—on what we could do to develop the child. We will give them their rights. We will afford them school places. We will afford them whatever they need to ensure that they become better citizens and when that happens, then we could say we are really serious about the children.

Mr. Speaker, on the age of a child, once you are under 18, you are a child. Member for Toco/Manzanilla.

Mr. Boynes: Thank you very much, hon. Member. You mentioned in your contribution a short while ago that the Member for Tunapuna was indicating that your Government was criminalizing the parents. We on this side feel that way. How do you reconcile that with respect to clause 28 which states that it creates an offence in respect of persons involved in facilitating the escape of children from the care of an authority?

This is a very subjective test in the sense that we want to find out what you mean about: what is good cause to facilitate such an escape? Good cause to so facilitate an escape. So, how do you reconcile that in not criminalizing a parent? We feel that clause is actually criminalizing a parent and it is a very subjective test that the authority would have to utilize. It is a very dangerous one at that.

Hon. M. Ramsaran: Thank you very much, Member for Toco/Manzanilla. Again, when we talk sometimes, we—let me not comment on that. Let me try to put clause 28 on the record.

“Any person...”

We did not say any parent.

“...who knowingly—

- (a) and without good cause prevents a child from returning to the place from which he has run away;
- (b) assists or induces or attempts to induce a child to whom sections 22 through 25 apply to run away from the care of the Authority; or
- (c) harbours or conceals a child who has run away from the care of the Authority;”

If we look at the whole policy and concept behind this Bill, it is to protect the children. We have instances where—I am sure they would be aware—these

children normally would have had parents who abandoned them and neglected them. What would happen in a case like this, as clause 28 would look at, is people other than parents would induce these children to come away for reasons of their own to maybe take part in criminal activity and so forth.

Mr. Hart: Through you, Mr. Speaker, I thank the Member very much for giving way. You mentioned that as long as you are under the age of 18 years in Trinidad and Tobago then you are a child, but somewhere later down the line, you all intend to introduce laws where a guy at 16 years of age could join the Army. So what are we saying? Children will be in the Army. How do you explain that?

Hon. M. Ramsaran: When we come to that bill, I am sure that would be one of the bills that the Attorney General would be piloting. He will tell you better. In that bill, it is with certain qualifications. It is not automatic at age 16. There will be certain conditions which will apply.

The Member for Tunapuna underscored the need for the national community to be aware of the child. I want to let him know that there have been continuous programmes to sensitize and educate different areas and levels of the population on these rights. Additionally, in November, 1997 and 1998, in those two years, there was a week designated Child Rights Week to facilitate focus on our children. In 1999, that week was extended to a month in collaborative regional activities to commemorate the 10th anniversary of the Convention on the Rights of the Child. Activities included radio and television programmes; articles in the print media; talk shops with the school population in different parts of the country; interactive drama sessions and a youth rally at the Queen's Park Savannah. The Ministry of Education has also been engaged in sessions to sensitize teachers on this subject for inclusion in their training programmes for the children.

So, Mr. Speaker, when we put their observations, or their criticisms, into proper perspective, we would see that—I think Members opposite said that this Government wants to politicize the issue of children and that is the furthest thing from the truth. This thing is 10 years old. The United Nations Convention on the Rights of the Child was signed in 1990. It started in 1990; Trinidad and Tobago signed in 1991 and here we are now 10 years later, trying to come to grips with what the United Nations and the world have seen as best for our children and a silence while in Government is really very, very loud, indeed, as far as the children of this country are concerned.

Now, the Member for Port of Spain South mentioned 20 per cent of the budget to be spent on children. Apparently the Member for Port of Spain South

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does not know maths too well, but if they look at what is provided by this Government for the issue of children, they will understand that education is part of the children's programme and that, alone, is more than enough to make up that 20 per cent. Social development, health, public utilities—providing water for the children—are part of the 20/20 to which the Member for Port of Spain South referred. He does not know what he is talking about. UNICEF tells us 20/20; 20 per cent to be spent in respect of the social services, not on children.

Dr. Rowley: National security, too.

Hon. M. Ramsaran: That is it. That is what they mean. When they talk about the 20/20, Mr. Speaker, it was to deal with countries that would spend about 80 per cent of their budget on arms and ammunition. It did not really talk about countries like Trinidad and Tobago which already spends more than 20 per cent of the national budget for the development of our young people.

Again, I return to the Member for Tunapuna. There appears to be a major concern by the Member for Tunapuna, Mr. Speaker, on Part III of the Bill, catering to “Children in need of care and protection”. He appears confused on a determination of the ability for parenting based on infirmity or incapacity as stated in clause 22(1)(c). I refer the Member, Mr. Speaker, to the wording of the Bill which uses the operative word “can”, acknowledging the possibility of the problem. The Bill continues to expand on this area stating categorically that the agents of the authority will investigate and should there be no parent or guardian or relative willing and able, only then will the authority fill the place of the parent.

Again, my friend, the Member for Tunapuna expressed further concern that children can be beyond control, at clause 22(1)(e). Mr. Speaker, I would recommend that the hon. Member seeks permission to attend any sitting of the Juvenile Court—and I am sure the Member for Laventille East/Morvant could tell him—and he would be amazed to see parents approaching the state to care for their offspring of ages as young as three to four years. How does the Member relate to this? Does this suggest anything about the parenting of such children?

Available data from the Central Statistical Office informs that in 1988, 28 children were taken before the court as beyond control; 59 in 1987; 47 in 1990; 81 in 1991; 26 in 1994; 147 in 1995; 129 in 1996 and 72 in 1997. This shows that parents carry their children to court.

May I again acquaint the Member for Tunapuna with the existing Children Act, Chap. 46:01, section 5(1) which covers begging and loitering, declaring them to be criminal offences. I am further advised, Mr. Speaker, by police personnel

that loitering is diagnosed when a person is unable to offer reasonable excuse for his or her presence in a particular place at a particular time. The police service further suggests that such definition needs to be strengthened in the case of children. This is what we are doing.

We all, as adults, have some concern about our behaviour and whether we conform to accepted standards of general conduct. Children also need to share this concern at each stage of their lives. Parents are not criminalized over their own morality, but the state should be able to ensure that children do not become morally corrupt in not wanting to conform to accepted standards of behaviour bearing in mind that attitudes and values change over time.

Mr. Speaker, if a country does not have some grounding in morality, it falls into anarchy. I hope this clarifies the Member's concern over the phrase "exposed to moral danger" and this was alluded to by my friend, the Member for Laventille East/Morvant. I am sure in his contribution, he gave some examples of moral danger.

Mr. Speaker, we all know that different religions in this country have different teachings in different areas that would teach a child about moral behaviour. They would all share in this area of concern that they teach their children proper moral values, and to come to Parliament to ask about moral values, I am sure is really a non question.

In continuing comments on Part III of the Children's Authority Bill, the Member for Tunapuna implied that the state would simply take children away, but I would like to assure Members on the other side that it is not in every situation that a child would be removed from his home.

The Bill mandates the investigation must precede any removal and always of paramount importance are activities that are in the best interest of the child.

Clause 6(2) of the proposed legislation spells out quite clearly what is to be taken into consideration by the authority when determining what is in the best interest of the child. You would realize, Mr. Speaker, that I keep using the words "in the best interest of the child" and "what is best for the child". As the Member for Couva South said, there are some commas to be inserted; some 'i's to be dotted; some 't's to be crossed; this should not have been the feature of the Member for Toco/Manzanilla. Let us talk about the policy of the Bill; what this Bill would do for the young people of Trinidad and Tobago; where it would guide our children.

I make a comment on the Joint Select Committee. When the Attorney General, the Member for Couva South came here and we discussed the setting up of a joint select committee, I immediately agreed. Do you know why? Not

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because of some Members saying that we have to come here and it is a moral victory for the PNM or the Opposition. Mr. Speaker, I would hate to come here Friday after Friday and the children of this nation would get mixed feelings and be confused from the leaders of the nation of what to do with a child and what not to do with a child. Because when they read the newspaper and they hear the Member for Tunapuna, the Member for Toco/Manzanilla, the Member for Laventille East/Morvant, or the Member for Laventille West talking about the negatives that they have been talking about, about some "Sundance Kid" and that sort of bacchanal that would go to our children, it would only confuse them more.

So, I think to avoid coming Friday after Friday and politicizing the future of our country, I would not stand for that. I would prefer to come peacefully; let us meet in a joint select committee to ensure that when we come back here—and we would come back here, because we care about the children of this country—these bills which are passed, will redound to the benefit of our children. Member for Toco/Manzanilla.

7.00 p.m.

Mr. Boynes: One last question for the Member for Chaguanas. The Minister had mentioned that we on this side are complaining about dotting the "i"s and crossing the "t"s and what not. [*Interruption*]

Hon. M. Ramsaran: and putting the "r" in centre.

Mr. Boynes: How do you reconcile clause 23 where you propose to give all the parental rights to the authority and in that particular clause making it mandatory and reconcile that with clause 25 which says that the parental rights would not be terminated as a result of the assumption order? How would you reconcile the two? Are you saying that the parental rights would be simultaneously vested in the authority and also in the parent? Is that what you are saying? I do not know what you are saying. Could you explain that? I think that is a fundamental mistake in this proposed legislation and would cause conflict in determining what is in the best interest of the child; where the child would be placed *et cetera*.

Hon. M. Ramsaran: Thanks for that observation. We are looking at clause 23. It is a matter of interpretation. It is a matter of what you would want to say and what we would want to say. I am sure when we meet on a joint select committee—I hope that you would be a member and be on time—we could discuss this in more detail and we will take your views into consideration.

As I said just before I took my seat—Member for Toco/Manzanilla that was just a jest—we would do things that are in the best interest of the child. I want to tell you, politically, I feel that the Ministry of Social Development in all its programmes should not be politicized. That is why one would not see where we would do things and talk about them. I feel when we look at the interest of our country, our poor people and the interest of our children we must be very fair to them. If something good comes from the Opposition, we will discuss and accept it.

Mr. Speaker, again, I come back to the Member for Tunapuna who said: “The Opposition does not take lightly the abandonment of children either by parents or by the law”—in making specific reference to the section of the Bill which sets out to deal with these cases where children are left in Trinidad and Tobago while their parents venture to foreign countries—this is something that rarely receives the attention of Members opposite—“without proper arrangements being made for their care and protection.”

Being a layperson sitting here and hearing somebody defend people who abandon their children and leave this country—another Member wants empirical evidence. Are you blind? I worked in the Customs and Excise Division and I know people leave their children. I know that because when they return they are anxious to see their children, but they were not there. I have relatives who did that. What I am saying is that this must not continue. Yes, one can go abroad, we have no problem with that. But what we are interested in is that we make provisions for our children. That is all.

Let me assure the hon. Member that we on this side are committed to assisting parents in meeting their responsibilities in training their children into healthy adulthood. At this time there are numerous facilities and programmes in my ministry. In this regard, this Bill would assure collaboration of these services as well as those provided by other agencies.

The Children's Authority would also, despite what we have in the Bill, pull all available to our children. It would be a one-stop shop, so to speak. When someone goes to the Children's Authority that person will know how to deal with their children. We may even deal with children with disabilities. At this time the Ministries of Education and Social Development share that responsibility. Maybe when the Children's Authority is set up there would be some collaborative means that we could deal directly with each other for the benefit of the child. When we talk about the Children's Authority, put politics aside. The Member for Laventille East/Morvant with his gestures replaced the Member for Diego Martin East. He

had the audience in gay abandon. This is serious business. This is about the business of the future and the children of Trinidad and Tobago.

Mr. Speaker, just to repeat, this legislation only speaks to those individuals who have failed to make adequate arrangements for their children, not to the ones who have. Is this hon. Member suggesting that it is okay for parents to simply abandon their children while they seek better lives for their children abroad? Adequate arrangements mean how and by whom a child is to be cared for.

Again, on a matter of migration, Mr. Speaker—I have time to discuss what the Member said. I have to answer him, I think this will clear up what has happened on the other side—I would encourage the Member for Tunapuna to carefully peruse the Bill which categorically declares that the Minister's consent shall not be given to the Authority unless the Minister is satisfied that the parents or guardians have been consulted.

Mr. Speaker, I mentioned earlier that the Member speaks about empirical evidence. As we talk about empirical evidence I wanted to just forget it but I think—whether he is just being mischievous or irrelevant. I recognized that my friend, the Member for Tunapuna, did not seem to realize the gravity of his observation. He said, I quote:

“I did not know that the United States of America—one of the major centres to which our people immigrate...”

It is really migrate.

“—allows people to set out on a risky and dangerous undertaking.”

It seems to me that this learned gentleman is unaware of the effects of the social upheaval which migrants experience.

In the paper *In Search of an American Dream*, social workers Beverly Sewell-Coker uses the term “status disequilibrium” to describe a psycho-social state of many parents who leave the Caribbean “for better”, as we say in local parlance, in the United States of America.

In 1994 a paper, again, by Jamaican Claudette Crawford-Brown and recently acclaimed work of our own St. Joseph's Convent students for the Royal Bank Young Leaders Project attest to the fact that migration is a serious social stressor from which many Caribbean families never recover. Unfortunately, Trinidad and Tobago is not exempt.

Again, in Trinidad and Tobago research by Joan Bishop and Jacqueline Sharpe in 1993, *Situational Analysis of Children in Especially Difficult*

Circumstances—and by Vena Jules in 1997—bears witness to children who have suffered through migration of parents or guardians. We have empirical evidence to support what we said.

Mr. Speaker, the Member mentioned the clarion call; when people go abroad they bring in money for the Treasury. I do not know if he has empirical evidence of the amount of money that was brought into the Treasury by these people who went abroad, but that is blood money. I would not encourage people to abandon their children to bring back a barrel. Mr. Speaker, that is mentioned here. There is a study. We call them “barrel children”; where people would go abroad and all they would send once a year is a barrel and expect their children to survive on that.

Mr. Speaker, we could go on and on responding to what has been taking place, but I would like the Member for Tunapuna and the Members opposite to know that as far as the matter of migration is concerned we would not like to sell our soul for a few pieces of silver.

Mr. Hinds: Thank you for giving way hon. Member. Do I understand the Member as saying that this Bill applies only to children who have been abandoned? If so, what happens to children who have not been abandoned but are clearly at risk or being abused in a home and it comes to the attention of the authority? [*Interruption*] Just a moment. I thought I heard the Member during his winding up contribution say that it only applies to children who have been abandoned.

7.10 p.m.

Hon. M. Ramsaran: Mr. Speaker, we like to give way but sometimes you wonder why. I mentioned clearly what this Bill is for. To summarize it, this Bill is for children who are in difficult circumstances whether abandoned, neglected, abused or whatever. It is clearly in the Bill.

Mr. Speaker, I would like to give way to the Attorney General to do the Procedural Motion.

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, before the hon. Member moves for the Second Reading of the Bill to go to a committee, the procedure has been typed, but there are some matters which have to be worked out. Could we suspend for about five or ten minutes so that we can work it out?

Mr. Speaker: Hon. Members, in light of the effort which is being made to deal with this matter in a certain way, if it requires more time to have the procedure correct, I would in circumstances suspend the sitting for 15 minutes.

7.11 p.m.: *Sitting suspended.*

7.30 p.m.: *Sitting resumed.*

CHILDREN'S AUTHORITY BILL

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I do apologize. I was of the view that since the Clerk was in the process of finalizing the last part of the document, she would have communicated with your office and you would have known we needed about five more minutes. But, I do not know whether the procedure would permit us to do the Motion on the Adjournment and then come back, subject to the Speaker's ruling.

Mr. Speaker: The Speaker does have problems with that, particularly where there is some confusion as to whether it is a matter to be raised on the Motion for the Adjournment. So, I think, out of an abundance of caution, we will stick to what I think is the correct procedure.

Hon. R. L. Maharaj: Mr. Speaker, the Clerk should walk in any time now, I suppose. Probably a message can be sent, because it was just a few changes.

Mr. Speaker: I have absolutely no difficulty remaining outside for a little longer if one needed it, but nobody hinted to me that we needed a further five minutes. If hon. Members feel comfortable with it, I have no problem going back out until such time as they are ready. Yes, I think we will do that.

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, before we break again, in order to prevent us having to move the formal motion, I move that the House continue to sit until we complete this Bill and the other Bills relating to children so that the matters can go to the joint select committee; it is a package, and the package consists of Bills Nos. 1, 5, 6, 9 and 11.

Question put and agreed to.

Mr. Speaker: We will suspend the sitting for a short while.

7.35 p.m.: *Sitting suspended.*

8.05 p.m.: *Sitting resumed.*

CHILDREN'S AUTHORITY BILL

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That the Children's Authority Bill be now read a second time.

Question put and agreed to.

Bill accordingly read a second time.

Hon. Ramsaran: I beg to move that Bills, 1, 5, 6, 9 and 11 be referred to the same Joint Select Committee.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, it seems as though the original document which was supposed to be typed, was not typed. I just saw it. It should be that I beg to move that the present Bill be referred to a Joint Select Committee. That is what it is.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That the Children's Authority Bill be referred to a Joint Select Committee.

Question put and agreed to.

**CHILDREN'S COMMUNITY RESIDENCES
FOSTER HOMES AND NURSERIES BILL**

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, Bills Nos. 5, 6, 9 and 11 are interrelated and I, therefore, seek leave of the House to deal with these Bills together. I beg to move,

That a Bill to make provision for the monitoring, licensing and regulating of community residences, foster homes and nurseries in Trinidad and Tobago be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Children's Nurseries Bill

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Bill referred to a Joint Select Committee to examine and report within three months.

MISCELLANEOUS PROVISIONS (CHILDREN) BILL

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a Bill to amend certain laws affecting children be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a Joint Select Committee to examine and report within three months.

ADOPTION OF CHILDREN BILL

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

That a Bill to make provision for the regulation of procedures governing the adoption of children and to give effect to the International Convention on the Rights of the Child, 1990 be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a Joint Select Committee to examine and report within three months.

CHILDREN (AMDT.) BILL

Order for second reading read.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move,

Children's (Amdt.) Bill

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That a Bill to amend the Children Act, Chap. 46:01 be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a Joint Select Committee to examine and report within three months.

**JOINT SELECT COMMITTEE
(APPOINTMENTS)**

The Minister of Social and Community Development and Minister of Sport and Youth Affairs and Acting Minister of Gender Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move that the following Members be appointed to serve with an equal number from the Senate on a Joint Select Committee to consider and report on these Bills:

Hon. Ramesh Lawrence Maharaj;

Hon. Harry Partap;

Hon. Manohar Ramsaran;

Dr. Fuad Khan;

Mr. Fitzgerald Hinds

Mr. Roger Boynes.

Question put and agreed to.

8.15 p.m.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, if you would permit me to address you from here, I beg to move that this House do now adjourn to Wednesday 19th, January 2000, at 2.30 p.m. I did indicate to the Opposition Chief Whip that on that date we are going to have the meeting of the Finance Committee. We will debate the Education (Amdt.) Bill which is before us and also Bill No.3 which is on the Order Paper.

Mr. Speaker: Hon. Members, before I put the question of the adjournment of the House, there are three matters in respect of which, Members have been given

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leave to raise on the Motion for the Adjournment. I will accordingly now call upon—[*Interruption*]

Mr. Valley: Mr. Speaker, we are asking for a deferral until Wednesday 19th, January 2000 of the Motion in the name of the Member for Diego Martin West. We are asking that the Motion in the name of the Member for La Brea be taken and then the Motion with respect to Tobago.

Mr. Speaker: Hon. Members, I take it that the House is in agreement that the first matter to be raised by the Member for Diego Martin West be deferred until Wednesday 19th, January 2000. I, therefore, call on the Member for Tobago West to raise the matter of the alleged expenditure of \$40.9 million by the Tobago House of Assembly, on the recently held Ringbang Millennium Concert at Shaw Park Tobago.

Ringbang Concert (Expenditure)

Miss Pamela Nicholson (*Tobago West*): Thank you. Mr. Speaker, this matter that I am now raising on the adjournment of the House relates to an alleged expenditure of \$40.9 million by the Tobago House of Assembly on the recently held Ringbang Millennium Concert at Shaw Park Tobago on December 31, 1999 to January 01, 2000.

This was a concert in which the Chief Secretary was duped by the New Media Limited—[*Interruption*]—an offshore company which was registered in Anguilla and set up for this particular purpose. The management led by one Mr. Eddy Grant and Miss Joseanne Lennard were able to convince the Chief Secretary, Mr. Hochoy Charles, and his executive council that the Ringbang concert would be beamed to 2 billion people throughout the world and the Tobago aspect of the show would be beamed for 39 minutes and would, thereafter bring tremendous tourism benefits to Tobago. The programme would have exposed Tobago's cultural groups and other Caribbean talents to the world.

Since the *faux pas*, everyone is aware that Tobago's name was never heard on the British Broadcasting Corporation (BBC) television coverage; not even once. Furthermore, one of the BBC's public relations consultants, who came to Tobago for the Caribbean aspect of the programme, distanced the British Broadcasting Corporation from the Tobago problem and noted that their business was with the Caribbean Broadcasting Union.

Mr. Speaker, only Eddy Grant, the manager of New Media Limited, was beamed and sold throughout the world for a few minutes, and Tobago's U.S. \$6.5

million—which is TT \$40.9 million—was used to market Eddy Grant and his musicians to the outside world. I think Machel Montano's name was announced as David Rudder, and he might have had a minute or two. That was the coverage given.

So, Mr. Speaker, Tobago's \$40.9 million, funding that is important to Tobago, was spent to market Eddy Grant and expose him and his team. Even people who performed that night of the concert exposed Mr. Grant in the news. I could remember reading that the Mighty Shadow stated how dishonest this character was, because when he came to him he told him that he would have been beamed throughout the world and he would have been allowed to sing four songs. The Mighty Shadow said that he was excited about being able to market calypso throughout the world, and he knew the kind of music, soca music, coming out of Trinidad and Tobago and was convinced that this would have benefited the people of Tobago.

Secondly, one Councillor Stanley Baird, the Secretary for Tourism in the Tobago House of Assembly, in responding to a question from *Newsday* on the air, claimed that the \$40.1 million figure that was being bandied about would not actually be the cost to the THA because sponsors, including BWIA and others, would defray most of the cost. Additionally, he claimed that Tobago—I believe he meant the Tobago House of Assembly—would receive money through the rights to the broadcast from other Caribbean television network units.

Mr. Speaker, one Miss Joseanne Lennard was then questioned on the same programme. She was the public relations consultant to the organizers of the show, and she later contradicted Mr. Baird's statement and pointed out that the broadcast would be free to the Caribbean Broadcasting Union's member stations in the region. When Miss Lennard was confronted with the fact that Mr. Baird said the opposite, she was stunned, Sir, she could not reply on the programme.

But a number of questions ought to be asked. Mr. Baird talked about rights. Could the Tobago House of Assembly have rights on a programme that Tobago's name was not mentioned? It was as if Tobago was not a part of the programme. The only thing that Tobago really had some substance about was the \$40.9 million. [*Desk thumping*] The rights belong to the Caribbean Broadcasting Union because the British Broadcasting Corporation said that the only institution in the Caribbean with which they had any links was the CBU, which was hired by Eddy Grant. [*Interruption*] So the rights belonged to Eddy Grant.

Mr. Speaker, another thing with this programme: they told Tobago that they would start to function from 10 o'clock in the morning and that the children

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would have a show. When the children began to gather, Sir, they announced abruptly that there was no show for the children and that they were now practising. So there was a situation of unpreparedness and poor organization in the whole scenario.

When I say that the Tobago House of Assembly was duped I know what I am saying, because from the moment New Media Limited informed Chief Secretary Charles that they would be bringing an estimated 20,000 people to the show, he should have smelled the rat. Tobago only has a population of between 40,000 to 50,000 fluctuating and there never was any show in Tobago that ever carried 5,000 people. They said that they would have been shuttling people from Trinidad using Air Caribbean and BWIA, but the programme ended up with about 1,500 people. Mr. Speaker, the most grievous and painful aspect of this matter is that \$40.9 million was spent on a show for a few hours and only Eddy Grant was seen by the two billion people throughout the world.

One of the major concerns is: where was this funding sourced? It is being rumoured that the Roxborough Estate was mortgaged to source the funds, so Tobago is being sold out to source funds for these crazy, reckless investments. It has also been rumoured that the last quarterly funding to the Tobago House of Assembly was used to secure further overdraft facility to achieve the funds. The public is left to speculate as the THA, up to this day, has not disclosed their source of securing the \$40.9 million to the people of Tobago. I am sure that the Parliament did not make any parliamentary appropriation for any Ringbang show at the cost of \$40.9 million because I looked all over our documents and I did not see any programme like that and I did not see any funding made available for that.

So if all the speculations are correct, it is clear that the Chief Secretary and his Executive Council are making major decisions without consulting and getting approval from the Tobago House of Assembly itself or from the Minister of Finance who is the custodian of our funds. There is no documentation anywhere in Tobago to indicate that the Chief Secretary ever held a meeting with the Executive Council on the matter, so one gets the impression that the Chief Secretary is spending taxpayers' money in Tobago as if it is his money.

The show was held despite great public outcry and criticism on the spending of this large sum of money in Tobago just for a show, when the Chief Secretary told the entire nation that he did not have money to run Tobago's business. He does not have money to pay the workers, to pay their increments. He does not have \$2.5 million to pay for the repairs of NIPDEC House where the cold storage is for the fishermen. He does not have eight fortnights' money to pay some daily

paid workers in the health division. He does not have any money to pay the maxi taxi drivers who transport the schoolchildren to school and who are clamouring for their funds from day to day.

To date, the Chief Secretary who is also secretary for finance, promised that he would have told us about it on Old Year's night. We are still waiting. Tobago might have to bear the burden of even more than \$40.9 million because it was said that the Tobago House of Assembly has to bear that financial cost of the boat which brought the stage to and from Tobago. The foreign technocrats who came to Tobago to get the stage ready and so forth—that is also the burden of the THA. Tobago has to bear that burden.

Mr. Speaker, U.S. \$6.5 million, even though it was described by Eddy Grant as a mere pittance, is a significant sum in the running of Tobago; it belongs to the taxpayers of Trinidad and Tobago. This large sum of the Tobago House of Assembly's money was spent on a cultural show for Eddy Grant to market himself.

8.30 p.m.

Mr. Speaker, the public servants, the daily-paid workers, and all persons are totally upset and it is clear that there are no benefits to be derived from this scandalous financial affair especially for Tobago, because if your name is not heard anywhere, nobody knows anything about you. No Tobago cultural group programme has been beamed anywhere, there are no benefits for Tobago, and we in Tobago believe that this reckless spending of \$40.9 million of public funds demands urgent investigation especially when one considers that it comes on the heel of the \$12.5 million ADDA scandal.

Someone must be brought to justice for this crazy spending of taxpayers' money and I am hoping that this Government will take action because I remember when the Minister of Finance made the last statement on the ADDA issue—*[Interruption]* I know, that was when the Chief Secretary of the Tobago House Assembly appealed to him for over \$60 million—he said, after he gave us an explanation, that the Auditor General has been requested to investigate the latter matter and is also to undertake a comprehensive audit of every aspect of the Tobago House Assembly.

We have not seen the Auditor General and her team in Tobago as yet, so I want to know if the Ministry of Finance is communicating with the Auditor General who is sending four and five letters to the Chief Administrator for information and there is no information given. I understand the role of the Auditor

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General as an independent body must have some teeth and should be able to take some action and we are saying in Tobago that we want immediate action.

The people of Tobago cannot continue with this skullduggery. I wish to call again on the Government. I wish to call again on the Minister of Finance to have this alleged \$40.9 million investigated immediately and if improprieties exist, positive action must be taken. Find out where, or how the funds were sourced, who carried out the transaction? Expose the secrecy and non-transparency that surrounds the investment aspect of the Tobago House of Assembly and let there be accountability to the people now.

Thank you, Mr. Speaker.

The Minister of Tobago Affairs and Minister in the Ministry of Finance, and Acting Minister of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, indeed I commend the Member for Tobago West for seeking the public's interest. She alluded that this is a matter for all the citizens and taxpayers of Trinidad and Tobago, but listening to her prompts me to go into certain fundamental issues as prolegomena, as background and from what I had gleaned concerning this Ringbang affair, it was a cultural presentation dedicated to the purpose of exposing artistes in Trinidad and Tobago—and I say this deliberately because that is a matter we should raise—and indeed the music and the culture of the Caribbean to an audience in the wider world.

It is important that I say that Mr. Speaker, because I had made it as a jest to some of my colleagues once: can we ask the Prime Minister, or bring a Cabinet Note asking that Trinidad and Tobago cede from Caricom? What prompted me to make that comment was not any serious intent, but an observation that Trinidad and Tobago always has to fight with these petty fiefdoms in the Caribbean for every bit of advantage even if we might say that Caricom is our greatest market. So I am burdened to want to observe a question: Which Caribbean territory would spend one red copper penny to advertise Tobago's music or culture, or that of Trinidad and Tobago? But that aside, I think we need to understand that there may have been good intentions and this Government, of which I am a part, has no intention but to obey the spirit and intent of the Tobago House Assembly Act No. 40 of 1996 and people need to understand what I mean when I say that.

That Act was passed in this Parliament and the good Member for Tobago West was a principal agent in giving Tobago what we now call autonomy, and therein lies a tale. I have said publicly and I say it for the first time in this honourable and august Chamber that the problem between Trinidad and Tobago

as it manifests itself in terms of decisions of the Chief Secretary and in contention or conflict with what appears to be decisions of the Government of Trinidad and Tobago resides in interpretations of the Tobago House of Assembly Act which are different in Scarborough and in Port of Spain.

I do not claim to be a wise man, I came here in 1997 and met a job already done and I remember someone telling me when I was a little boy when you act in haste, you repent at leisure. I do not know if anybody told the Member for Tobago West that, but all these matters come to mind when I am dealing with this Ringbang matter. If I look through the whole issue in terms of the requirement and the linking of it with ADDA, it is important that we remind the population that this Government has no intention—at least, I am not able at this point as I stand here as Minister of Tobago Affairs and Minister of Finance acting in the absence of the substantive Minister—and no information that tells me that this Government wants to repeal the Tobago House of Assembly Act, especially those matters that have to do with devolution and autonomy.

So therefore, any investigations that are to take place must be consistent with Act 40 of 1996 and it is important that the population understands this because I have been reading the editorials over the past month and comments from persons in the Senate, and it seems to me that the purpose of these observations of the editor is to rein in Mr. Charles, to constrain what they call the exuberant excesses of Mr. Charles by demanding that the Government repeals the Tobago House of Assembly Act. I have said publicly that I do not believe that you should write a law for an individual man so therefore, we need to look to political processes, more dialogue and more understanding in order to deal with what are these allegations which were made.

Mr. Speaker, we have heard about wild and reckless spending, we heard about the question of irresponsible financial management of the Tobago House of Assembly, we heard that the executive council in Tobago either abandoned or were not brought into the discussion of the Ringbang affair, as indeed the ADDA affair. We have heard that the Minister of Finance is kept out, and this again evidently brings to my mind the question of the role of the Cabinet and the way it is interpreted in Tobago. I, as a Member of the Cabinet, am the instrument of the Cabinet and the Prime Minister and in Scarborough there has been a feeling manifested in sundry subtle and sometimes not so subtle ways that I am an irritation and indeed an irrelevance. The fact that the Minister of Finance was not brought into an understanding of financing Ringbang, or indeed financing ADDA, would suggest to me that in some sense, the Minister of Finance is also

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considered an irritation and an annoyance, and that is consistent with an interpretation of the Tobago House of Assembly Act which would suggest that Tobago might be an independent country, the independent Republic of Tobago, but that is another matter.

I think we are trying to deal with some of the substantial allegations here with respect to the claims that we needed money to fix NIPDEC; the ice factory down at the old government farm; the library; arrears of increment to maxi-taxi drivers for transportation and things like that. These are indeed legitimate concerns in terms of the fact that every dollar that a government spends has alternative uses. No government has an excessive or an infinite amount of money. I remember when King Saud of Saudi Arabia was overthrown, there was an editorial in *The Economist* which said before the guy did know the difference between—

Mr. Maharaj: Stick to the matter, please.

Dr. The Hon. M. Job: Yes. There was not a simple question asked, there was a demand that the Government should investigate the Ringbang affair, as indeed, I think there is a concern by the Member for Tobago West that we had promised we were going to investigate ADDA and do so many things about ADDA and she thinks that nothing is being done. I do not know that is in fact correct, I think that the Attorney General is on top of the case and those investigations have to go through lawful processes. You cannot just go there, call police and lock up people. You have to take your time to make sure you do the thing right.

I am saying that this Government is empathic, we are empathizing with the concerns of the Member for Tobago West and we understand that the question of legitimacy and accountability as it affects the expenditure of taxpayers' money and government revenues in Tobago is something that this Government cannot abandon its responsibility to the caprice of irresponsible executives in Tobago. There is a constitutional duty, there is a validity of the Cabinet of the Minister of Finance that must give express action in terms of all these matters. Therefore, continuing from the ADDA matter, I would presume that when the Cabinet comes to deal with this Ringbang issue, it would put those same processes in place in order to ascertain that justice is being done, that the laws of Trinidad and Tobago are running their course and taking place and that the interest of the public is being served. Before I take my seat, I suggest that indeed the Government is not of the view that actions which have to do—

[Cellular telephone rings]

Mr. Speaker: Did I hear a phone? Hon. Members, quite recently at a conference of Commonwealth Speakers and Presiding Officers, that question was

asked about phones and cellulars in the House and it was answered by every single Speaker and Presiding Officer in the Commonwealth that it would be discourteous, in the extreme, and improper. I ask you, is it asking too much that you switch it off?

Dr. The Hon. M. Job: Mr. Speaker, I was on the point of continuing my summary and saying that consistent with what we had committed ourselves to with respect to ADDA, those processes would be continued into Ringbang and whatever else, that it is in the public's interest that this Government investigates and take action with respect to the Tobago House of Assembly and the behaviour of the Chief Secretary, or the behaviour of the executive or any public official in Tobago who acts in the public's interest.

Yes, the Member for Tobago West has indeed raised an important issue that seems to be a burden or a burning issue of concern to the people in Tobago and I assure her that the Government is concerned also and we would continue the investigations that we had promised with respect to ADDA into this.

I also want to add—because I do not want to leave any doubt in the public's mind that we are just into condemning any actions in Tobago which have to do with exposure of culture—indeed, the concern that we would have is whether or not the people in Tobago had a process in place that would devolve benefits to them. I think that I share with the public, the view of the Cabinet that we think that exposing music and culture has to do with creating the ambience, creating the environment and involvement around people which would create the artistes, the managers, the event, promoters, all those talents and skills that would come to bear to make Trinidad and Tobago's music and culture an event in the world stage in the sense that reggae and jazz and these matters came to be. Cabinet has been behind my proposals, and there is a proposal which is going to be implemented this semester in the schools in Tobago to get all the children in Tobago into playing musical instruments and being trained.

8.45 p.m.

Mr. Speaker, all that has to do with Ringbang. What I am trying to tell them is that the Government is concerned that you do not do an event and spend a set of money and get benefits in the long run. You do that when you create the human resource capability and the culture that over the long run are going to create the artistes and the professionals, and create the kind of skills that are going to come to bear on exporting the thing. That is all I am saying. I am talking about Ringbang. So that you have to understand that my answer to the presentation of

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the Member for Tobago West is that, indeed, the Government is going to investigate Ringbang among other things.

Mr. Speaker, I hope I have dealt substantially with the issues raised which are really, a concern of the Member for Tobago West that the Government is acting in a kind of hesitant or lazy—in fact, if I take her statements as being tendentious—in a kind of hands-off manner, not wanting to offend anybody in Tobago. I do not know that there is any substantial reality that would lead the Member for Tobago West to come to such a precipitate conclusion. *[Interruption]* I repeat that the Government will. *[Interruption]*

Miss Nicholson: Mr. Speaker, on a point of order. I never made such a comment. I quoted what the Minister said, and then I said, after he has made these comments nothing is happening there in Tobago. Letters have come from the Auditor General—some five letters—and no reply has been given to her and there is no other action following up that. We want action. That is what we want. *[Desk thumping]*

Dr. The Hon. M. Job: Mr. Speaker I thought I was letting it on to this honourable House and to the public that action is forthcoming. We are dealing with the matter, so that I am saying that due process has to take place. We cannot just go and lock up people and arrest them and take their books and go with them. *[Interruption]* Action is being taken and action will be taken to investigate Ringbang.

Mr. Speaker, thank you.

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Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I—

Mr. Speaker: Out of an abundance of caution, I want to indicate that I was not here when this matter was approved by the Deputy Speaker. Having seen it, I am satisfied that it is a sensitive issue because the police are dealing with a matter of murder. I take it from what I read that the police are doing investigations and, therefore, there may be implications for what is said in terms of the court. All I ask is that one be responsible in making one's comments in this House, lest they have the effect of facilitating the subversion of justice or interfering with police inquiries. Understand Member for La Brea, that I am not trying to muzzle you, I am simply trying to say that this matter has in fact, been permitted and it has been approved to be raised. It is a question to be raised and, indeed, I could see aspects of it that could be raised. I just simply ask that we exercise tremendous caution

and not go overboard with respect to this, having regard to the murder inquiries by the police.*[Desk thumping]*

Mr. H. Breaux: Mr. Speaker, I first want to assure you that this is the most difficult matter that I have had to speak on, or have chosen to speak on, in the eight years that I have been in this Parliament because, like yourself, I am trained in the law and I have had to balance rights with responsibilities; I have had to balance what I call justice and my duty both to Trinidad and Tobago, to myself, to my constituents and consideration for anybody whom I might happen to offend or maybe to treat improperly, having regard to the principles, that a man or anybody is presumed to be innocent, and you do not want to deal with anything which would implicate anybody improperly. But at the same time, it is my duty to do what I have to do and I do it with consideration and bearing in mind that if I did not do it, other things may happen, even to me. *[Desk thumping]* I find myself in a position that Cicero must have found himself when he was speaking before the Senate and he trembled when the legions were there, outside. So I am a serious man.

Mr. Speaker, first I want also to let you know that I have applied to deal with this as a matter on the adjournment and it will be dealt as a matter on the adjournment and not as a Motion: the concern for the safety and security of public officials in regional corporations local government bodies. Originally, I had intended to talk about corruption and corrupt practices. However, the honourable Deputy Speaker, operating under Standing Order No. 91, made certain changes and I accept those.

Mr. Speaker, the situation is this: that Act No. 21 of 1990 provides certain functions and gives certain powers to public officials in municipal corporations. When one looks at section 232 of that Act, there are some 16 items for which regional corporations are responsible, ranging from:

“(a) the distribution of truck-borne water...”

right down to:

“(o) the provision, maintenance and control of public pastures and recreation grounds...”

Then to add an omnibus function:

“(p) such other functions as the President may from time to time by Order prescribe.”

Mr. Speaker, to this has been added, the Unemployment Relief Programme. That programme spends, to some extent, \$130 million. We have had in this

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administration, a number of instances in which—I should say approximately \$130 million for URP—and what you find is, where you have a lot of money, human nature sometimes being what it is, there are certain people trying to get larger pieces of the pie, and accusations when public officials want to do their work and those who may choose to want to get more of the pie, whether by fair or foul means, they usually run counter to the public officials.

Mr. Speaker, what we have found is that over the past few years, since this administration came into power, there was need by several public officials in these regional corporations to speak about being threatened because they were attempting to do their jobs. There was Simmons in Siparia and you had people in Chaguanas. It was raised in his House. There are people in Sangre Grande, San Juan, Debe and throughout and finally, on Old Year's day, we hear and read of a chairman of a regional corporation—and this crosses whether PNM, UNC or whoever—whom it is alleged, was fighting against corruption and that chairman of that regional corporation turns up dead.

8.55 p.m.

Now, we say, what does that have to do with this House? Nobody knows but one reads in the newspapers that he is alleged to have received a threat from a high government official. When I came to this Parliament I was served with a letter—

Mr. Speaker: Just one second; again you have gone well into your time but I just want to draw—

Mr. H. Bereaux: Are you stopping me?

Mr. Speaker: No. I just want to draw to your notice that what we are talking about is the safety and security of public officials.

Mr. H. Bereaux: Yes.

Mr. Speaker: You have not really—

Mr. H. Bereaux: I am going to show, Mr. Speaker, where, if this person had received the safety and security which he had requested from the hon. Prime Minister of Trinidad and Tobago, he may be alive today, the way Rakeeb Hosein was able to stay alive then. [*Desk thumping*]

Mr. Speaker: With the greatest deference, we are not dealing with any individual with respect to this. The reason I am sure that approval has been given is that we are dealing generally with safety and security of public officials. I just ask you to confine yourself to that.

Mr. H. Breaux: Yes. I will. You see, Mr. Speaker, I am dealing with it and saying, it is reported that Hansraj Sumairsingh wrote a letter to the hon. Prime Minister indicating that he was threatened and he was fearful for his life. I am talking about security, Mr. Speaker, and I am saying he did that. On a similar occasion during the PNM administration when Rakeeb Hosein, then Mayor of San Fernando, wrote to Mr. Chambers and the then Minister of National Security, certain things were done. I want to prove that there was such a letter, therefore that is what I am going to read, the letter, Mr. Speaker.

This letter is dated December 8, 1999 addressed to the hon. Prime Minister.

“Threats made by Minister of Local Government—Honourable Dhanraj Singh”

[*Interruption*]

Mr. Speaker: No, the Member for La Brea, please.

Mr. H. Breaux: Yes, Mr. Speaker.

Mr. Speaker: Under normal circumstances, to establish and to give any credence to any bit of paper that one is presenting—

Mr. H. Breaux: I will lay it in Parliament if you want.

Mr. Speaker: No, no, you cannot lay anything.

Mr. H. Breaux: I would give it to the Speaker—

Mr. Speaker: No. Under the Standing Orders you are not really in a position to lay a document. As a Minister one can, but you cannot. The whole point is this. First of all, if you want to read a document and say you have a document you should say something about that document—[*Interruption*]

Mr. H. Breaux: Well, I will say.

Mr. Speaker:—who is the author of it—[*Interruption*]

Mr. H. Breaux: Well, the author—[*Interruption*]

Mr. Speaker:—the circumstances in which you have come by it and the like.

Mr. H. Breaux: Yes, I will say that.

The document is on the paper of Councillor Hansraj Sumairsingh, Rio Claro North District and it is the Mayaro/Rio Claro Regional Corporation. It is signed by Councillor Hansraj Sumairsingh and a stamp of the Rio Claro Regional Corporation is at the bottom, Mr. Speaker. It says:

“Sir,

It is very disturbing that I have to draw to your attention threats made to me by the Minister of Local Government, Mr. Dhanraj Singh. At approximately 1.50 p.m. a telephone call came to my office from the Honourable Minister questioning me of statements I used against him in a Sub Committee U.R.P. meeting. He informed me that the Honourable Minister Harry Partap told him so.

As I was about to explain to him what was discussed at the meeting, he immediately started to use obscene language. I then put on the microphone and volume on the telephone, while he continued to use obscene language and kept saying that I will have to walk with security from now on and I Sumairsingh is a big.....”

There is a series of dots and open brackets:

“(obscene language) thief.

Sir, I replied to him that he must check his language and statement because he Dhanraj Singh is an embarrassment to the Government, party and country.

I must point out that my County Superintendent and a driver of the Corporation was present in my office and members of the public was outside the office during this scenario.

I am extremely worried about this situation because my personal safety is at stake. This arises out of a Council’s decision that was taken at the said meeting instructing the Chief Executive Officer that the U.R.P. must be run solely by the Mayaro-Rio Claro Regional Corporation as per Cabinet Note, which is your dream and mission of decentralization...and our supporters have been alienated. We choose to bring equity among all peoples.”

I am not able to read the other comments because it is difficult for me to read here, Mr. Speaker, but it is signed by Councillor Hansraj Sumairsingh.

This is a copy of a letter. I do not know—this is not a court of law. I did not write it, I have read it. All I say is, maybe I have to ask for security now, but people in regional corporations must have security. Some sort of security must be brought for them because if we expect transparency, if we expect people to have accountability, they must be free to do their jobs. I say that the Prime Minister of this country, the way in which he is reported to have behaved in respect of the complaint, he said he gets threats all the time; politicians get threats all the time; he does not know whether the threat was made to Hansraj Sumairsingh. In my humble view, that is what caused his death.

I have said in this House more than once that this Government is not concerned about—they are not prejudiced, they are not racial, they treat everybody not at their own level just as bad, and it is easy to compare. There was a PNM mayor whom the PNM administration made a show of protecting and there is a UNC councillor, a chairman, good man from what I heard, and they allowed him—I am not blaming anybody for doing it because I do not know—although he begged for protection, it may have been propitious or completely coincidental, but he asked for protection, he asked for help, and he was not given the assistance, Mr. Speaker.

Something needs to be done. The Minister of National Security and the Prime Minister have to say something about that because they received the letter, as Sen. Baksh admitted having received the letter. There are a number—I tell you, Mr. Speaker, Ramdath, the man who is investigating in Chaguanas, is dead now. I am not saying anybody killed him. It may have been stress or fear because he too was threatened, Mr. Speaker, and there are a number of others. So I say, Mr. Speaker, something needs to be done to protect people.

The last thing I am doing is to state that I am living in San Fernando and I have no driver or police escort. I leave this House not knowing if I will reach home or when they will try to kill me. Thank you. I tell it to you and I say it here in the presence of this country. [*Desk thumping*]

Mr. Speaker: For the avoidance of any doubt, I can assure you that in this place you have all the protection I can give you if you need it.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): [*Desk thumping*] Mr. Speaker, I thank the Member for La Brea for having raised this issue and, with respect to the killing of Councillor Hansraj Sumairsingh, I welcome the opportunity, as Minister of National Security, to respond to the motion in the name of the hon. Member for La Brea which reads as follows:

“The concern for the safety and security of public officials in regional corporations, local government bodies.”

My government, like the rest of the national community, deplores the senseless murder of Councillor Sumairsingh and extends its deepest condolences to his family. At present, on the matter of protection, protection is provided to four categories of persons in Trinidad and Tobago. I will take some time to outline how the police service operates when reports are made to them of threats on the person, family or property. These categories, Mr. Speaker, are the

incumbent President and Prime Minister; secondly past Presidents and Prime Ministers, for a limited time; thirdly, visiting VIPs and, fourthly, senior government officials.

In addition to the above-mentioned officials, I should mention that with effect from November 24, 1997, there has been in place a judicial programme of guards and escorts. Mr. Speaker, under this programme, which came about through the perceived threats to judicial officers by persons who had been involved in a drug trafficking network and had been charged with multiple murders, the Chief Justice and several other judicial officers had been and continue to be provided with protection by the police. At the same time that this programme had been initiated, protection was also sought for and provided to a number of senior state attorneys. With respect to personal security for senior government officials, I wish to state that Government has a definite procedure on protective security. I believe that this procedure has been there for some time and it is a process adopted by the police service.

As soon as the Ministry of National Security is advised of a possible threat to the life of any public official, or any person for that matter in Trinidad and Tobago, the Commissioner of Police is immediately requested to conduct a threat assessment to determine to what extent a threat exists and what level of security measures should be put in place. It may be instructional to point out that security is not simply provided on request because somebody is of the view that, perhaps on their way home they may face a threat and says to the Police Commissioner, "Send me an officer and a car to accompany me". I would like to go into what a threat assessment involves, Mr. Speaker.

Threat assessment takes into account all pertinent information regarding any real or perceived threat. Once a threat is reported to the police, extensive investigations are conducted by appointed police officers who, in the course of their investigations, would interview a number of persons to identify the level of the threat and apply appropriate measures to deal with the threat.

9.10 p.m.

Mr. Speaker, one will assume that this may take a very long time and the question will be raised: what happens to the individual in the interim? The police do respond immediately to provide some form of protection, but the threat assessment will determine the nature of the threat and what level of protection should be provided in the short term or the long term.

The measures employed will be based on the level and the overall seriousness of the threat. The assessment would reveal whether the official is susceptible to a

particular threat, how the threat is likely to be manifested and the history and capabilities of the person or persons who are making the threat.

In cases where some level of threat is identified, a determination will be made if any protection is warranted and, if so, what are the appropriate measures required to reduce or to neutralize the threat. So, there will be a response, but I wish to emphasize that the nature of security provided by the police in response to a request for protection, is determined by the Commissioner of Police and is based on the information gathered by the investigating officers. It is not something which is done *vaille que vaille*, or simply on a whim. It is thoroughly investigated and adequate protection will be provided.

Protective operations seek to anticipate and prevent or, at least, limit the danger to the one who is being protected. The objective is to eliminate risks or at least reduce them to a minimum. It is imperative to re-emphasize, therefore, that all decisions to provide security should be preceded by a threat assessment. It must also be recognized that whenever it is deemed prudent to provide protection for any incumbent office holder, that protection shall not be transferred automatically to any other official who succeeds the incumbent, whether temporarily or permanently. If there are any concerns, a separate threat assessment must be made, since it does not naturally follow in every case that the office carries a permanent risk.

Informed by the threat assessment, counter measures may take one or more of the under-mentioned methods. These are six in number.

1. Personal bodyguard with travelling escort.

The hon. Member for La Brea did mention police and a police car.

2. Personal bodyguard without a travelling escort.
3. Armed static guard at residence and/or office.
4. Unarmed static guard at residence and/or office.
5. Mobile patrols at residence.

This means as they do at the homes of Ambassadors here in Trinidad and Tobago, the police pay regular visits to those neighbourhoods and to the homes in particular.

6. Guidelines on personal security.

Guidelines on personal security is very important because the onus is on the individual to contribute to his own security.

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In providing this statement, I would add that the threat assessment to officials is reviewed periodically since prevailing circumstances change and so, too, the need for continued protection.

We have had cases where people who have been given protection, assume it is an arrangement for life, but one has to realize that circumstances change and if the threat dissipates or disappears, the need for security is no longer there.

The police are alert to threats which might be made against the safety and security of any member of the public, which includes officials of regional corporations, and stand ready to assist them by providing protection and furnishing them with such guidelines as may be necessary to guarantee their safety.

I should really like to ask that hon. Members of this House, in speaking with their Councillors, point out to them that they must establish contact with the police—police in their divisions and in their regions—so that the procedures can be understood and protection made readily available should the need arise.

At the same time, since the matter was raised, Mr. Speaker, I venture to say that the police are sparing no effort in seeking to bring to justice the perpetrator or perpetrators of the heinous crime. At present, over 70 persons have already been interviewed, valuable information has been received and a dedicated team is continuing investigation.

While there is at present no particular programme in place for the protection of public officials in the regional corporations, I should like to indicate that the police have noted what has happened to one of their officials and have re-examined their security arrangements. They are, therefore, prepared to meet with the regional corporations to discuss all the concerns that they may have about their personal welfare in carrying out their duties. They can also have the assurance that the police are available to provide any such assistance.

The killing of Councillor Sumairsingh, Chairman of the Rio Claro/Mayaro Regional Corporation, is a matter of deep concern to the Ministry of National Security and the national community, not only because of his status as a high-ranking public official, but also of our need and concern to ensure the protection and safety of officials when carrying out their duties.

I give the assurance, therefore, that all threats to the safety of senior government officials, councillors as well as members of the public, will be promptly dealt with by the police. Designated officers will be detailed to carry out

investigations. There will be heightened security arrangements for regional councillors, in particular, to ensure their protection and safety. This, of course, must involve their co-operation.

As I said earlier, there is a need for them, for example, to report threats promptly; to follow security guidelines of the police, which may include information pertaining to their whereabouts. One must understand that as a public figure, one cannot hide behind personal matters so if one does require security, the matter does demand some degree of openness and the police must be kept informed.

In closing, I wish to confirm, and assure the Members of this honourable House, that the police are on standby and ready to assist with respect to any threats to the safety and well-being of public officials of regional corporations.

I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.18 p.m.

WRITTEN ANSWERS TO QUESTIONS

Secondary Schools (Construction of)

8. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Education:

- (a) Is the Minister of Education aware that under a World Bank loan programme, four secondary schools were scheduled to be constructed in Sangre Grande, Cunupia, Mason Hall, Tobago and Diego Martin?
- (b) Could the Minister state the justification advanced in 1995 to warrant the construction of secondary schools in the areas mentioned?
- (c) Could the Minister explain why the Diego Martin Secondary School was removed from the school construction programme for 1999/2000?

The Minister of Education (Hon. Kamla Persad-Bissessar): Under the Fourth Basic Education Project of the Ministry of Education there are four secondary schools scheduled for construction in Guaico, Cunupia, Mason Hall, Tobago and Cocorite/Diego Martin.

I am advised that in regions such as St. Andrew/St. David, Caroni, Tobago and St. George West where the transition rate from primary to secondary level education was low, it was decided that four secondary schools, one per region,

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would be constructed. In this way the access to secondary education would be increased in these regions, thus improving in some measure the transition rate from the primary to the secondary level.

I am advised that the school was not included in the Draft Estimates of the Development Programme for 1999/2000 because a suitable site has not yet been identified. Following is a synopsis of the site issues pertinent to the construction of this school.

- (i) In the mid 1980s a site was reserved by the Ministry of Education in the Westmoorings/Victoria Gardens area for construction of a secondary school. The site in question is bounded on the North by Victoria Gardens, on the East by the Diego Martin Main Road, on the South by Western Main Road and the West by the Diego Martin River.
- (ii) In 1995 the Port of Spain City Corporation, owners of the said site, indicated to the Ministry of Education that it required the site for housing and offered this Ministry an alternative site of five acres, owned by the city corporation, in the Powder Magazine area, Cocorite, for the construction of the secondary school. The Ministry of Education agreed and accepted this exchange of sites.
- (iii) Therefore, the Ministry of Education was informed that the Ministry of Housing and Settlements intended to utilize the Powder Magazine site and that another site would be offered to the Ministry of Education. The Ministry of Education still awaits confirmation of the site.

Waste Disposal

10. Dr. Keith Rowley (Diego Martin West) asked the Minister of the Environment:

- (a) What is the Government's policy on the importation of waste into the state of Trinidad and Tobago?
- (b) Has the Government given any agency, company or individual approval for the importation of waste for disposal in Trinidad and Tobago?
- (c) Is the Government aware that steps are being taken to have foreign waste imported into Tobago?
- (e) If the answer to (c) is in the affirmative, what does the Government propose to do about this situation?

The Minister of the Environment (Dr. The Hon. Reeza Mohammed): In keeping with section 18 subsection (6) of the Environmental Management Act 1995, Government laid in this honourable House in September 1998 a National Environmental Policy. This policy provides for a comprehensive, integrated and holistic approach to environmental management; a fundamental departure from the piecemeal approach which characterized the previous administration's environmental management efforts.

This policy recognizes the interdependence of all forms of life, the need to use knowledge, resources and skills effectively and the need for incentives and opportunities for effective co-operation at all levels. The policy addresses a range of issues which include environmentally sensitive areas and species; protection of coastal and marine areas, sustainable management of forests and wetlands, water resources, mineral resources, energy and all forms of pollution, and waste management including hazardous and toxic waste.

The policy on waste management is based on the principles of reduction, reuse and recycling. Government will, according to section 4.7 of the National Environmental Policy:

- “(a) encourage the prevention or reduction of waste production and its harmfulness, particularly through the development of clean technologies, techniques for the final disposal of dangerous substances in waste destined for recovery, and the development and marketing of products designed to have minimal environmental impact by nature of their manufacture, use or final disposal;
- (b) encourage the recovery of waste, including recycling, reuse or reclamation, and the use of waste as a source of energy;
- (c) ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without risk to air, soil, plants and animals, without causing a nuisance through noise or odours, and without adversely affecting the landscape;
- (d) prohibit the abandonment, dumping or uncontrolled disposal of waste;
- (e) establish an integrated and adequate network of waste disposal installations.”

With respect to the importation of hazardous waste, section 4.7.1 of the National Environmental Policy states and I quote:

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“Specifically, Government will ban imports of waste, and not allow shipments of waste without specific, bilateral or multilateral agreements.”

- (a) Any company that disposes of, recovers, collects or transports hazardous waste shall not mix different categories of hazardous waste or mix it with non-hazardous waste. Mixing will be permitted only if it improves safety during disposal or recovery, and it will be subject to a requirement for a permit.
- (b) Producers of hazardous waste will be subject to periodic inspections by the EMA, and inspections concerning collection and transport operations will cover particularly the origin and destination of hazardous waste.
- (c) Producers and transporters of hazardous waste must keep detailed records that are to be preserved for at least five years. Documentary evidence of management operations must be supplied to the EMA on request.”

It should be noted that one of the areas that Government is giving priority to in this fiscal year, (1999—2000), is the development of *inter alia* subsidiary legislation for solid and hazardous waste management to enhance the effectiveness of the National Environmental Policy.

Mr. Speaker, no approval has been issued by Government to any agency, company or individual for the importation of waste for disposal in Trinidad and Tobago.

Government is aware that the Tobago House of Assembly has signed a contract with a company, UHC, to build a plant for the processing and conversion of waste to energy. The following steps have been taken to investigate this matter:—

- (i) By letter dated November 22, 1999, the Managing Director/Chief Executive Officer of the Environmental Management Agency wrote to the Director of Environment and Natural Resources in Tobago, requesting details of any proposed arrangements regarding such plant in Tobago. The EMA has pointed out that the setting up of waste-to-energy plants require thorough evaluation of the environmental and practical issues which include:—
 - disposal of the ash, which can be up to 50% of the original weight and more toxic than the original feedstock from the process;
 - control of air pollution including Nox, Sox, carbon monoxide, toxic heavy metals, acid gases, dioxins and furans.

- The information requested will allow the EMA to undertake an assessment of the potential impacts of the plant operation on human health and the environment;
- (ii) The Permanent Secretary of the Ministry of the Environment wrote to the Chief Secretary, Tobago House of Assembly on December 3, 1999 requesting a meeting to be held on December 16, 1999 between the THA, the Ministry and relevant agencies to discuss the waste to energy contract.
- (iii) On December 10, 1999 the Minister of the Environment spoke to the Chief Secretary, Tobago House of Assembly, by telephone concerning the proposed date of the meeting. Mr. Hochoy Charles indicated that December 16, 1999 would be unsuitable for the meeting due to the proposed visit to Tobago by the President of the Republic of Trinidad and Tobago. He advised that he would inform the Minister of the Environment of a suitable date, time and venue for the meeting by December 14, 1999.
- (iv) The prospects for convening such a meeting is uncertain for despite several follow-up telephone calls by the Ministry of the Environment to the office of the Chief Secretary, on a bi-weekly basis, it has not been possible to speak directly to the Chief Secretary nor to arrange a date for the said meeting. Notwithstanding, the Ministry of the Environment will continue to pursue efforts to arrange same.

Mr. Speaker, having already informed the Tobago House of Assembly (THA) by letter dated November 22, 1999 of the environmental concerns associated with the proposed energy plant, the Government intends to ensure that the requirements of the law with respect to the operation of such a plant is complied with fully. In this regard, the Government will insist on a comprehensive environmental impact assessment (EIA), which would include prevention and mitigation measures against any adverse environmental impact. This must be undertaken before the grant of any approval for the construction and operation of the proposed facility.

These prevention and mitigation measures would be included as conditions in any planning permission granted for the operations. However, if the EIA or other investigation reveals, *inter alia*, that waste is to be imported into the country as feed stock for the said plant, the Government, consistent with the National Environmental Policy (NEP) of Trinidad and Tobago and its international

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commitments under the Basel Convention, will prohibit the importation of such waste.

In the event that approval is given for the construction and operation of the proposed facility, there will be a careful monitoring by the relevant state agencies to ensure strict compliance with the terms and conditions of the approvals.