

Leave of Absence

Friday, March 11, 2016

HOUSE OF REPRESENTATIVES

Friday, March 11, 2016

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, Dr. Fuad Khan, MP, Member for Barataria/San Juan, has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

PAPER LAID

Draft Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Order, 2016. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

URGENT QUESTIONS

**Children's Life Fund
(Details of Expedited Funding)**

Dr. Lackram Bodoë (*Fyzabad*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*): Thank you, Madam Speaker. To the Minister of Health, could the Minister state the immediate steps being taken to expedite the approval process for funding from Children's Life Fund in urgent cases like baby Miracle Cross?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you. Thank you, Madam Speaker. I am sure I speak for everyone here when we offer condolences to the parents of baby Miracle Cross. Madam Speaker, I will answer this question in the context that the Children's Life Fund is funded primarily by the taxpayer of Trinidad and Tobago via the Consolidated Fund, therefore there must be process and transparency.

The current process to spend taxpayers' funds via the Children's Life Fund is as follows: first an application is made; two, it is then processed by the Children's Life Fund. You have visa requirements, visa panel, quotations that must go out, and requests to go out to the different hospitals. A board note is prepared; the

board meets, the board considers and approves as necessary; the Ministry of Health and the Minister of Health sign off for action. All cases that come to the Children's Life Fund are indeed urgent, but the very urgent cases, as in this concrete example we have before us, we try to short-circuit the system by foregoing a formal board meeting and seek approval and agreement of the board via an email Round-Robin.

In the case of baby Miracle Cross, six hospitals were approached by the Children's Life Fund. Of the six hospitals approached—and this was a very complex case—three hospitals did not respond to the request to perform the surgery. One hospital responded, and that hospital was accepted. One hospital declined, and another one declined. The point I am trying to make is that not every request to a hospital to perform the surgery is automatically met with approval. In this case, six were approached and only one accepted. It is unfortunate that on the day of approval, using the expedited process of a round robin via email, on that very day, it is very unfortunate that this baby died and we condole with the family. In addition, I have asked the Children's Life Fund to look at more administrative procedures that we could use, or not use, to expedite the very urgent cases. I thank you, Madam Speaker. [*Desk thumping*]

**San Fernando General Hospital Medical Staff
(Details of Doctors' Overtime)**

Dr. Lackram Bodoie (*Fyzabad*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*): To the Minister of Health, having regard to the imminent crisis in relation to the medical staff of the San Fernando General Hospital, could the Minister please state what steps his Ministry intends to take to treat with the doctors' overtime concerns?

The Minister of Health (Hon. Terrence Deyalsingh): Again, thank you, Madam Speaker, for the opportunity. First of all, the question is not correctly phrased; there is no imminent crisis at the San Fernando General Hospital. There is absolutely no imminent crisis. The doctors are being paid their overtime based on their negotiated contract positions, and this is the information I have from the CEO of the South-West Regional Health Authority. Thank you very much, Madam Speaker.

Madam Speaker: Member for Cumuto/Manzanilla, may I ask your indulgence for you to ask the question to the Minister of Social Development and Family Services until the Member reaches to answer your other question?

**Increased Incidence of Violence Against Women
(Steps taken)**

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Sure, thank you. To the Minister of Social Development and Family Services, given the increased incidence of violence against women, can the Minister state what immediate steps are being taken by her Ministry to provide assistance and support to victims of domestic violence?

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. The Gender Affairs Unit is now under the Office of the Prime Minister. The Gender Affairs Division has developed a national strategic action plan for ending gender-based violence, which addresses domestic abuse and other forms of violence against women and children. This initiative is supported by the entity for gender equality and empowerment, UN Women. The division is also preparing a national communication strategy for the prevention of violence against women and children with the support of the Pan American Health Organization, which would speak to continuous public education and sensitization. In addition, a domestic violence central registry, which will harmonize and analyze data across key state and non-state agencies involved in data collection will be launched by the Gender Affairs Division in the very near future. The registry aims to develop profiles of victims and perpetrators with a view to effectively allocating resources and developing targeted programmes and projects to eradicate domestic violence. [*Desk thumping*]

Madam Speaker: Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you. Would the Minister please advise—I know that you have indicated that you are in the stages of formulating a policy, but what happens at this present time to women who have been violently violated? What does the Ministry do? Thank you.

Hon. A. Webster-Roy: Apart from resources available through the State, we work closely with non-governmental organizations and other civil society organizations to provide services to women and children who are affected by abuse. The resources are available, and, of course, what we are bringing today, through this honourable House, will also address the situation. [*Desk thumping*]

Madam Speaker: Further supplemental, Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you. Just to find out, if a woman has been affected by violence, who does she go to for assistance? Does she come to the Ministry or does she go to these NGOs that you work through? Thank you.

Hon. A. Webster-Roy: Assistance could be sought through the NGOs or the Ministry. First line of contact, they could contact 800-SAVE, which is a hotline for domestic violence victims. [*Desk thumping*]

Madam Speaker: I have seen that the Minister of Rural Development and Local Government has just arrived, can I invite you to take your seat, and, therefore, I now call on the Member for Cumuto/Manzanilla.

Dog Control Act, 2013
(Update re: Enforcement of Proclaimed Sections)

Mrs. Christine Newallo-Hosein (Cumuto/Manzanilla): Thank you, Madam Speaker. To the Minister of Rural Development and Local Government, given the unfortunate recent mauling of a baby, can the Minister provide an update on the procedures being pursued to enforce the proclaimed sections of the Dog Control Act, 2013?

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, what transpired a couple of days ago with the mauling of a six-month old baby is an extremely unfortunate position. I mean, nothing worse could have happened to that young couple, and I empathize with them. On behalf of the Government of Trinidad and Tobago, we want to send our deepest condolences to that family, and we share in their hurt.

But, Madam Speaker, the Dog Control Act was proclaimed on May 23, 2014. The Act provided for, inter alia, the control of dogs, and to regulate, particularly, the manner in which certain breeds of dogs are kept by their owner or keeper, and it also accounted for the repeal of the Dangerous Dogs Act of 2000. Regulations were passed on May 01, 2015, and it provided for the registration of Class A dogs. Madam Speaker, even though the situation is unfortunate that had occurred, what happened with regard to that child is not a Class A dog situation. Class A dogs under the Act are categorized as follows: American Pit Bull Terrier, American Staffordshire Terrier, American Bully, Dogo Argentino, Japanese Tosa and Fila Brasileiro. So, technically, all other dogs are considered Class B dogs.

The dog that mauled the child—my understanding is, a cross between a Rottweiler and a German Shepherd, and in terms of the strictest sense of the law,

that is no different to a “pot-hound”, in terms of how the law is structured. So, in a sense, the unfortunate situation really does not fall or restrict you under the Dog Control Act. But having said that, I will take this opportunity to brief the House as to what is being put in place to implement this Act. [*Interruption*]

Madam Speaker: Hon. Member, your time has expired.

Sen. The Hon. F. Khan: Okay, well, I did in fact answer the substance of the question. [*Desk thumping*]

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, before you call on the Members, I would just like to indicate that I am asking for a two-week deferral for Question No. 61 and Question No. 73. And if I may crave your indulgence, Madam, and indicate that, with regard to the written questions, I am asking for a deferral to Question No. 65. All the other written answers are available.

Mr. Singh: Deferral for how long, please?

Madam Speaker: Two weeks.

Hon. C. Robinson-Regis: For Question No. 65, two weeks. All questions that are being deferred I am asking for two weeks. Thank you very much.

Madam Speaker: Thank you very much.

Mr. Singh: Just for clarification with respect to the written questions, these questions, the other questions, other than 65 will be answered today?—circulated?

Hon. C. Robinson-Regis: We have the answers to be circulated, it is just Question No. 65 that we are asking for two weeks.

Mr. Singh: Just for my clarification.

WRITTEN ANSWERS TO QUESTIONS

Measures of Proposed Reduction in VAT (Details of)

48. Miss Ramona Ramdial (Couva North) asked the hon. Minister of Finance:

Could the Minister indicate the measures that will be taken to ensure that the proposed reduction in VAT from 15% to 12.5% benefits consumers?

**Caribbean New Media Group Limited
(Details of)**

54. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Communications.

Could the Minister state the number of persons employed by Caribbean New Media Group Limited since September 2015 and indicate for each person:

- a) the name;
- b) the job title;
- c) the terms and conditions of employment; and
- d) whether the post in each case was advertised?

**Security Concerns Within Secondary Schools
(Measures Implemented)**

55. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Education:

Could the Minister indicate what measures are being implemented to address security concerns within secondary schools?

**Forest and Bush Fires
(Government's Plan)**

60. Miss Ramona Ramdial (*Couva North*) asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the Trinidad and Tobago Meteorological Service predicting a dry season with "drought-like" conditions, could the Minister state the plans that have been put into place by the Government to deal with forest and bush fires?

**Stability of the TT Dollar
(Government Policy)**

63. Dr. Bhoendradatt Tewarie (*Caroni Central*) ask the hon. Minister of Finance:

Could the Minister state the Government's policy with respect to defending the local exchange rate in order to maintain the stability of the TT dollar?

**Brian Lara Stadium
(Details of)**

70. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

With respect to the Brian Lara Stadium, could the Minister indicate:

- a) whether any works have commenced;
- b) if the answer to part (a) is in the affirmative, state:
 - i. the name of the contractor awarded the contract;
 - ii. the scope of works;
 - iii. the process used to award the contract;
 - iv. the value of the contract; and
 - v. the criteria used to select the contractor?

**Public Sector Administrative Leave
(Names and Positions of Persons Sent on)**

72. Mr. Rudranath Indarsingh (*Couva South*) ask the hon. Minister of Labour and Small Enterprise Development:

Could the Minister state the names and positions of all persons sent on administrative leave in the public sector from September 07, 2015 to present?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Contracts for Contractors Under CEPEP
(Details of)**

61. With respect to the three (3) year contracts (2015-2018) for contractors under the Community Based Environmental Protection and Enhancement Programme (CEPEP), can the hon. Minister of Public Utilities indicate:

- a) whether there has been a decision by the Government to terminate these contracts before their expiry date; and
- b) if the answer to part (a) is in the affirmative, state the rationale for this decision? [*Miss R. Ramdial*]

**Housing Development Corporation's Policy
(Provision of Mortgages for Staff)**

73. Could the hon. Minister of Housing and Urban Development state the Housing Development Corporation's policy with respect to the provision of mortgages for its employees and senior management? [*Dr. R. Moonilal*]

Questions, by leave, deferred.

**Princes Town Presbyterian Primary School
(Construction of)**

25. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Education:

Could the Minister indicate when the construction of the Princes Town Presbyterian Primary School No. 1 will commence?

The Minister of Education (Hon. Anthony Garcia): Thank you, Madam Speaker. Madam Speaker, the Princes Town Presbyterian Primary School No. 1 is owned by the Presbyterian Board of Management. This denominational school was closed on June 08, 2015 due to infrastructural issues. The Member should note that the process for the construction of a new denominational school involves the following: a request being made by the relevant board of management, in this case the Presbyterian Board of Management, for the construction of a new school;

1.45 p.m.

demographic surveyors to determine the demand for space and the capacity of the new school building; consultation with a variety of internal and external stakeholders inclusive of the Education Facilities Management Company Limited (EFCL) and the Division of Curriculum Development of the Ministry of Education to determine the most appropriate design and other facilities for the new school building and availability of funding for the project.

Madam Speaker, consistent with this process, the Minister of Education is in discussion with the Presbyterian Board of Management with respect to the construction or reconstruction of the Princes Town Presbyterian Primary School No. 1. The board has advised the Ministry that the most urgent priority at this time is the refurbishment of an area of the existing school that is structurally sound. This refurbishment will accommodate 20 classes and will alleviate the problem that currently exists.

Madam Speaker, all efforts will be made to have the refurbishment completed in time for the commencement of the new school year in September 2016. Thank you very much. [*Desk thumping*]

Mr. Padarath: Madam Speaker, could the hon. Minister indicate whether or not he is aware that the Member for Moruga/Tableland met with members of the board, members of the PTA and myself at his constituency office on November 26, 2015 indicating that he had spoken to the CEO and the Permanent Secretary at the Ministry, indicating that a date for demolition for that school had been identified?

Hon. A. Garcia: Madam Speaker, just let me reiterate. The Ministry of Education has been in consultation with the board which owns the school. We have been having discussions with the chairman of the board on behalf of all those who exist at the Princes Town Presbyterian School No. 1, and therefore we can do nothing outside the concurrence of the board of management. Thank you.

Mr. Padarath: Madam Speaker, through you to the hon. Minister, could the hon. Minister indicate then whether or not the Member for Moruga/Tableland indeed misled with respect to the information that he provided?

Madam Speaker: Member, I will not allow that as a supplemental question, please. Member for Couva North.

Recent Job Losses (Proposed Plans)

44. Miss Ramona Ramdial (*Couva North*) asked the hon. Minister of Labour and Small Enterprise Development:

Could the Minister state the proposed plans to address the recent job losses in the construction, energy and other sectors?

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you, Madam Speaker. Madam Speaker, the Government of Trinidad and Tobago notes with grave concern the recent reported cases of job losses in this country, including through retrenchment, some of which have been attributed to the current state of the nation's economy and the global situation of falling oil and gas prices.

As articulated in the official policy framework of this Government, the Government of Trinidad and Tobago, we hold firm to our belief in the principle of social justice, and the operation of the economic system should result in the material resources of the community being so distributed as to serve the common

good, that there should be adequate means of livelihood for all, and that labour should not be exploited or forced by economic necessity to operate under inhumane conditions, but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity.

It is our view that one job loss, Madam Speaker, is one too many. Some of the Government's current and proposed initiatives to addressing the recent job losses across all the sectors of the economy would include, Madam Speaker:

1. Understanding the labour market realities—

And if I have time I will come back and I would expand under these broad headings—

2. Discussions with employers and trade unions;
3. Establishment of a national tripartite mechanism;
4. Job placement and advisory services;
5. Job creation through entrepreneurship and cooperative development; and
6. Nationwide awareness of workplace rights and responsibilities.

But, Madam Speaker, as Minister of Labour and Small Enterprise Development, I have sought to hold discussions with employers and trade unions to discuss layoffs as was evident in the recent situation of ArcelorMittal steel company. Those discussions, I want to give the undertaking at a broad-based level, I will continue to keep the communication flows active.

Madam Speaker, the team at the Ministry of Labour and Small Enterprise Development and myself have been pondering over this situation and it is increasing because every day letters cross my desk from employers informing of impending retrenchment. As a consequence, therefore, the team at the Ministry which I have the honour to lead, we have developed a 10-point plan to assist retrenched workers, one of which has to do with having a conversation with the financial sector of this country.

As a matter of fact, Madam Speaker, I should have met with one of those stakeholders at half past one, but I had to be here. So as soon as I leave here I will be meeting with the president and team of—[*Crosstalk*] of the Credit Union League. Next week, I will also be meeting with the President of the Bankers Association, also meeting with the International Labour Organization, the United Nations coordinator UNDP, bringing all the players together. Because one of the

most important factors that would impinge on retrenched workers' livelihood would be servicing the loans. [*Crosstalk*] Madam Speaker, I cannot hear myself.

Madam Speaker: Members, Members. Continue, please, hon. Minister.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam Speaker. As a matter of fact, one of the most important factors that would impinge on the survivability of a retrenched worker would be servicing loans and mortgages. And it is in that context we are of the view that some degree of a moratorium can be considered by financial institutions, because bad times do not last forever, and these retrenched workers, many of them, almost all of them could be—[*Interruption*]

Madam Speaker: Hon. Member, your time has expired. Member for Couva North.

Miss Ramdial: Thank you, Madam Speaker. Through you, Madam Speaker, can the Minister give any sort of plan to the House to reabsorb these over 8,000 unemployed persons to other employable sectors?

Sen. The Hon. J. Baptiste-Primus: Madam Speaker, what the Member asked is an impossibility. I do not think they on that side were able to that over the period of time they managed this country. But I am quite sure with the 10-point plan and the cooperation of the stakeholders involved we will be able to match skills of retrenched workers with employers who register at the Ministry and seek alternative employment. [*Desk thumping*]

**National Maintenance Training and Security Company Ltd
(Provision of Adequate Human Resources)**

59. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Education:

Could the Minister advise whether adequate human resources are provided to primary and secondary schools by the National Maintenance Training and Security Company Limited?

The Minister of Education (Hon. Anthony Garcia): Thank you, Madam Speaker. Madam Speaker, the National Maintenance Training and Security Company (MTS) has been providing janitorial maintenance and security services to primary and secondary schools through the Ministry of Education for over 30 years. These two services have been consistently delivered by the employees of the MTS.

At present, 75 of our secondary schools, 17 of our primary schools and one early childhood care and education centre are in receipt of janitorial and maintenance services from the MTS. This service is delivered by way of a complement of approximately 689 janitorial personnel. Schools are classified by the MTS according to the number of students enrolled and the size of grounds that the school occupies. It is this classification that is then used to assign janitorial staff to schools and these may comprise: building supervisors; maintenance technicians, both I and II; handypersons and the grounds person.

Secondary schools may have up to eight persons providing janitorial service while primary schools may be assigned up to four persons. In general, the janitorial personnel assigned to the primary and secondary schools by the MTS are adequate. This notwithstanding, there have been some developments since the original contracts were signed that have increased the requirements for MTS janitorial services. These are as follows, Madam Speaker: an increase in extracurricular activities at many of the schools; the construction of additional wings at some schools; and the continued use of portions of old school buildings after the new school buildings have been opened.

Madam Speaker, the MTS is one of seven firms that currently provide school security services to the Ministry of Education. For its part, the company therefore maintains an active 24 hours by seven days presence at 314 primary schools, 86 secondary schools and 29 early childhood care and education centres. The assignment of security officers to schools is based on a risk assessment carried out collaboratively with the Ministry of Education, where schools are classified as highest risk, high risk, medium risk and low risk, after consideration of the school's location, incident history, socio-economic environment, neighbouring area and the area's crime rate.

Madam Speaker, secondary schools are therefore assigned between three and eight security officers while primary schools may each be assigned up to two officers. Additionally, in 11 of our secondary schools K9 protection is also provided nightly.

Overall, the Ministry of Education is of the view that adequate human resources have been provided by the MTS. The Ministry of Education also recognizes that there is need to further strengthen the monitoring of the service provided, and it is at present strengthening this element to encourage continuous improvement in the delivery of the service and greater satisfaction on the part of its primary end users—the teachers and the students of our schools. Thank you very much. [*Desk thumping*]

2.00 p.m.

**Increased Rates for Borrowing and Savings
(Government Support)**

62. Dr. Bhoendradatt Tewarie (*Caroni Central*) asked the hon. Minister of Finance:

Could the Minister state:

- a) whether the Government supports the increased interest rates for borrowing; and
- b) if the answer to (a) is in the affirmative, would the Government support a corresponding increase in interest rates for savings?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The Government is not in support of excessive interest rates for borrowing. In this context it should be noted that section 44A(1) of the Central Bank Act, Chap. 79:02 states that:

“The”—Central—“Bank may fix the maximum and minimum interest rates payable on deposits received, and may fix the maximum and minimum interest rates, fees and charges to be charged on loans, advances or other credit facilities by a financial institution.”

Further, section 44A(2) of the Act states that:

“The”—Central—“Bank, after consultation with the Minister, may set the maximum spread between interest rates chargeable on loans and interest rates payable on deposits which a financial institution may earn, carry or charge.”

Accordingly, the Minister of Finance has initiated discussions with the Central Bank on this issue, with a view to ensuring equity, transparency and fairness in the fixing by the commercial banks of interest rates for both loans and deposits. [*Desk thumping*]

Dr. Tewarie: I commend the Minister of Finance on this.

Hon. C. Imbert: “Doh make joke.”

Hon. Member: What? “Whey, ooh.” [*Desk thumping*]

**National Enrichment Centre for Persons with Disabilities
(Details of)**

64. Dr. Bhoendradatt Tewarie (*Caroni Central*) asked the hon. Minister of Social Development and Family Services:

Could the Minister state when will the National Enrichment Centre for Persons with Disabilities in Carlsen Field be operational?

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): Thank you, Madam Speaker. Cabinet in May 2011, approved the allocation of land at Carlsen Field to construct the National Enrichment Centre for persons with disabilities. In February 2012, the then Ministry of the People and Social Development entered into a Memorandum of Understanding with the Community Improvement Services Limited to provide project management services for the construction of the facility. Super Industrial Services was engaged to undertake the construction works which commenced in October 2012. Despite the centre being formally launched in July 2015, the centre has not been operationalized due to the following:

- The facility was not constructed in accordance with the design brief.
- The bathrooms do not conform to required standards, and those are in the Americans with Disabilities Act.
- The elevator cannot adequately accommodate a wheel chair.
- The sewerage system is inadequate.
- The therapeutic pool was not properly constructed.
- The therapy rooms are inadequate.
- There was improper installation of the air conditioning system.
- There is an absence of pumps and water tanks for fire emergencies—

Hon. Member: Who build that?

Hon. C. Crichlow-Cockburn: SIS.

Hon. Member: “Nah man.”

Hon. C. Crichlow-Cockburn: Absence of electrical safety and security installations.

- The exterior recreation area was not properly constructed.

And completion certificates have not been issued as critical approvals remain outstanding from the Ministry of Works and Infrastructure and the regional authority.

Madam Speaker, as a result, the facility is not OHSa compliant, nor does it conform to international accessibility standards. Madam Speaker, in light of the extensive remedial and other works required to bring this facility to the obligatory standard, I wish to advise that the NEC will be fully operational after design and/or construction defects which are likely to affect the efficient functioning of the centre have been remedied, and all issues relating to staffing, equipping, outfitting and operation of the facility have been addressed. Madam Speaker, I thank you. [*Desk thumping*]

Dr. Tewarie: Follow up question: does the Minister have any idea of the time frame within which this will be done?

Hon. Gopee-Scoon: That is a wicked question.

Dr. Tewarie: It is not a wicked question. It is a question to elicit a context, a time frame.

Madam Speaker: Minister! Member! Minister of Social Development and Family Services.

Hon. C. Crichlow-Cockburn: Madam Speaker, given the extensive remedial works that need to be done, the fact that the building was not constructed based on the design; it is difficult at this point in time to indicate when it can be fully operational. [*Desk thumping*]

Dr. Tewarie: Hon. Minister, I would just like to indicate that I have no reason to doubt the issues that you have raised in relation to the centre. But, I visited that particular facility, because it stands in my constituency and—

Madam Speaker: Member for Caroni Central, while I do want to so much circumscribe you, please ask a question.

Dr. Tewarie: Yes. Would it not be in the interest of all to try—especially those people who would most use the facility—and expedite this matter, because it is really a quite formidable facility?

Hon. C. Crichlow-Cockburn: Madam Speaker, we agree that this is a facility that is desperately needed in Trinidad and Tobago. However, given that we are treating with persons with disabilities, we would not want to take any chances in operationalizing a facility that does not conform to obligatory standards. [*Desk thumping*]

**Regional Carnival 2016
(Details of)**

66. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Community Development, Culture and the Arts:

Could the Minister state:

- a) the total amount expended by the Ministry for Regional Carnival 2016; and
- b) the amount received by each Regional Carnival Committee?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. The total amount expended by the Ministry of Community Development, Culture and the Arts for regional carnival in 2016 was \$10,808,823.29.

In response to part (b) of the question: the amounts received by each regional carnival committee will be provided in list, which will be circulated to the hon. Members at this sitting. [*Desk thumping*]

**State/Private Events
(Details of)**

67. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Community Development, Culture and the Arts:

Could the Minister indicate:

- a) whether any state/private events were partially or entirely sponsored by the Ministry from September 7, 2015 to present; and
- b) if the answer to part (a) is in the affirmative, provide the name of the event(s) and the amount sponsored?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Historically, the Ministry has been charged with the responsibility for the development of communities, heritage and the cultural sector of the country. One mechanism used for achieving this is through the provision of financial assistance to both individuals and non-governmental organizations for projects that contribute to growth and development in these areas.

It should be noted that state or government agencies, such as regional

corporations and other Ministries do not qualify for assistance by the Ministry of Community Development, Culture and the Arts, and as such, are rejected. In addition, full funding for projects is not generally granted, only partial funding. Funding from September 2015 to present was provided to individuals and non-governmental organizations to host a variety of events for the national days and festivals as well as other cultural projects to date. These are summarised as follows:

- Divali in the amount of \$3,773,600.
- Ramleela, \$988,200.
- Hosay, \$100,000.
- Christmas, \$3,962,855.
- Other cultural events, \$725,500.

And for Carnival, totalling \$12,711,500 divided into prizes for soca and chutney monarch, \$6,400,000; general requests including tents, \$3,361,500; unsponsored steel bands, \$2,950,000.

Mr. Padarath: Madam Speaker, through you, to the hon. Minister. Minister, could you indicate, seeing that you have mentioned the Ramleela festival, whether or not the Government is prepared to honour the commitment of the previous Government, to continue in the support of the National Ramleela Centre?

Madam Speaker: Hon. Member, I would not allow that as a supplemental question.

State/Private Events (Sponsor of)

68. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Trade and Industry:

Could the Minister indicate:

- a) whether any state/private events were partially or entirely sponsored by the Ministry from September 7, 2015 to present; and
- b) if the answer to part (a) is in the affirmative, the name of the event(s) and the amount sponsored?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you. Madam Speaker. [*Desk thumping*]

Hon. Member: Welcome back.

Sen. The Hon. P. Gopee-Scoon: Thank you. To part (a) of the question: the Ministry of Trade and Industry partially sponsored two events. To part (b), the events that were partially sponsored are:

1. Caribbean Prestige Foundation for the Performing Arts in the sum of \$400,000 for the development of the pay per view programme of the International Soca Monarch 2016; and
2. Southex Event Management Company in the amount of \$300,000 to incorporate the traditional category at the Chutney Soca Monarch 2016. [*Desk thumping*]

**UWI South Campus 2016/2017 Academic Year
(Details of)**

74.Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Education:

Further to the response of the Prime Minister on January 20, 2016, could the Minister indicate whether since then he has received any information from the University of the West Indies as to whether the South Campus shall be registering students for the 2016/2017 academic year?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, the pro vice chancellor and the campus principal of the University of the West Indies, Prof. Clement Sankat has provided an update on the UWI south campus as follows:

1. Project completion — the University of the West Indies is working towards July 2016 as the project delivery date set by the contractors engaged by the University of the West Indies; and
2. Students' registration for academic year 2016/2017 — the south campus is a satellite campus of UWI St. Augustine.

All students who will be located at this campus will be registered at UWI St. Augustine campus. Once the facilities at the south campus are completed and ready for occupation, programmes will be delivered at UWI south campus in the new academic year. Thank you.

Mr. Karim: Thank you, Madam Speaker. Supplemental question: pursuant to your discussions with the PVC and campus principal, would you be in a position to advise the honourable House as to what these programmes will be that would be commencing in—

Madam Speaker: Hon. Member for Chaguanas East, I would not allow that as a supplemental question.

STATEMENT BY MINISTER

**Red House Restoration
(Details of)**

The Prime Minister (Hon. Dr. Keith Rowley): [*Desk thumping*] Thank you very much, Madam Speaker. I have the authority of the Cabinet to make the following statement.

Madam Speaker, the need to restore the Red House was identified several years ago. Thus, from 1995 to 2015 there have been numerous reports, designs, surveys and reviews of one type or the other on this very important building. During this period, Madam Speaker, more than \$150 million have been spent on this building with very little to show for it. And after all that time and all that money, construction works are yet to commence while the number and severity of the roof leaks have been exacerbated and the building's structural, historical and architectural elements have grossly deteriorated.

Madam Speaker, the Red House is an OAS listed monument of the greater Caribbean. It is on the National Trust of Trinidad and Tobago's *Properties of Interest Schedule*. No other building is as rich with our history as the Red House. Beneath its fragile flooring was found cultural material that depicts our story from our early beginnings as a people to our recent past when the building was reconstructed following the water riots of 1903.

Above that, Madam Speaker, it yearns to vividly celebrate and portray the rich political heritage of the country and to reflect the importance and dignity of our Parliament as a place of and for the people of Trinidad and Tobago.

Madam Speaker, I give you and this honourable House the assurance that under this Government the Red House will be restored and will provide a permanent and adequate home [*Desk thumping*] for the Parliament of Trinidad and Tobago.

Statement by Minister
[HON. DR. K. ROWLEY]

Friday, March 11, 2016

Upon assuming office, Madam Speaker, this Government established a Historical Restoration Oversight Sub-Committee of the Cabinet—[*Cell phone rings*]

Mrs. Robinson-Regis: “Ah, Chaguanas East, ow”.

2.15 p.m.

Madam Speaker: Hon. Members—[*Interruption*] I accept your apology, but might I warn all Members to ensure that their devices are on silent mode, please. Continue, hon. Prime Minister.

Hon. Dr. K. Rowley: Yes, Madam Speaker. As I was saying, upon assuming office, this Government established a Historical Restoration Oversight Sub-Committee of the Cabinet which I Chair as Prime Minister. This committee sought and obtained a report from the project manager, and that was UDeCOTT, on the status of works on the Red House Restoration Project. You see, Madam Speaker, despite the fact that the Parliament is the end-user of the Red House, it is ultimately that the Government of Trinidad and Tobago that has the responsibility of providing suitable accommodation for the Legislature. What did we discover?

Madam Speaker, one, the Parliament of Trinidad and Tobago is no closer to returning to its permanent home than it was five years ago.

Two, the entire roof of the Red House is in need of restoration. Notwithstanding the fact that roof works reportedly commenced in 2009 and there was a “roofing contractor” permanently on the project for the past eight years. And furthermore, some \$23,257,187 VAT exclusive have to date been expended on the roof repairs.

Thirdly, over the years, Madam Speaker, millions of dollars have also been spent on various designs for the restored Red House; designs that never materialized. We have been informed that the sum of \$31,899,860 was expended on the current designs, a sum that includes: architectural, structural, mechanical and engineering designs as well as historical and restoration surveys.

Madam Speaker, this Government intends to ensure that this expenditure is not wasted and that the project continues, albeit with modifications, given our economic circumstances at this time.

Fourthly, bids were invited by public tender for a general contractor for the major restoration and construction works and UDeCOTT has advised that tenders considerably exceeded the projected estimated sum. Madam Speaker, we have

been informed that tenders ranged from \$411 million to \$694 million. This tender process has been abandoned and new bids will be invited.

Fifthly, Madam Speaker, the user-brief for the Red House Restoration Project included a proposal for the establishment of a parliamentary complex with the construction of a companion building for parliamentary auxiliary services on the site north of the Red House. This Government wishes to advise that this user-brief would need to be revised by the Parliament. Given the prevailing economic circumstances a purpose built companion building is no longer feasible.

Madam Speaker, through the relevant committee, the Senate and the House, they have conveyed their concerns that the restored Red House must portray a strong and enduring national symbol, one that will resonate with the citizenry and project to the world an image of Trinidad and Tobago as a modern dynamic and developed society. Madam Speaker, we plan to do just that.

To sustain and focus our efforts and resources at this critical time, the Government has to decide on a number of priorities within a governance framework that will ensure that the errors of the past are not repeated. You will no doubt agree that making sound decisions on how to obtain and use resources is an important aspect of good governance and that is the goal of this Government. Madam Speaker, the Historical Restoration Oversight Sub-Committee of the Cabinet has requested UDeCOTT to review the current designs to facilitate the timely restoration of the Red House for parliamentary operations with required auxiliary services being accommodated in the nearby Cabildo Chambers. As part of this review, UDeCOTT has been asked to consider the option of a Grade 2 as opposed to a Grade 1 restoration that takes into account the heritage character of the Red House, the age and condition of the building, the essential requirements of the end-user and the protection of the environment.

Very shortly, Madam Speaker, the Government proposes to bring to the Parliament a request for the re-establishment of a Parliamentary Accommodation Committee for the purpose of consulting with Parliament on necessary revisions of the user-brief. On the issue of projects schedule, UDeCOTT has advised that the project can be completed by mid-2018, by subdivision of works into work packages. The project manager has informed the Cabinet sub-committee that such packages can be ready for public tender by July of this year. The sub-committee will maintain its oversight role to ensure that these time schedules are kept.

Madam Speaker, UDeCOTT will be requested to retain dedicated professionals to provide construction management to coordinate the several packages of work.

Statement by Minister
[HON. DR. K. ROWLEY]

Friday, March 11, 2016

We anticipate that this shift in approach to project implementation by UDeCOTT will result in significant cost savings that can be passed on to the project. This Government intends to maintain a governance framework for guiding the overall rehabilitation of the Red House and other historical buildings.

Madam Speaker, we plan to work closely with end-users, the Parliament, in the case of the Red House, to ensure that decisions taken harmonize with Government's priorities and that resources are available and can be committed to carry out the approved plans. We therefore propose a robust approach to project management to avoid wasteful spending, inefficient disbursement of funds and an uncoordinated cash flow regime.

Madam Speaker, we feel strongly that the failures of the past efforts are linked to weaknesses in the governance framework which resulted in delayed decisions and increased project costs and risks. Such gaps in the governance framework cannot be attributed to just one Government, Madam Speaker. This is a troubling matter that seems to be an inherent public sector problem and this Government will not perpetuate nor encourage this problem. We believe that unless these gaps are confronted, only limited progress can be made on the rehabilitation of this and other important buildings. We therefore intend to address these weaknesses and to rescue, restore and conserve our architectural monuments. In this way we shall keep our heritage intact for the benefit of our future generation.

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

Dr. Moonilal: Madam Speaker, thank you. Pursuant to Standing Order 24(4), in light of the statement of the hon. Prime Minister, particularly his statement that over \$100 million was spent and had nothing to show. In light of that statement, is the Prime Minister then condemning the Parliamentary Committee that had oversight responsibility for the Red House project that included your current Minister of Finance and your current Attorney General?

Hon. Dr. K. Rowley: Madam Speaker, insofar as I condemn, I condemn the approach to carry out a construction project by an oversight system that has failed, and failed expensively and miserably. And if a Member of this House has any issue with what I have just outlined, then you have it still.

REMEDIES OF CREDITORS (AMDT.) BILL, 2016

Bill to amend the Remedies of Creditors Act, Chap. 8:09 [*The Minister of Finance*]; read the first time.

STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016

Bill to amend the Strategic Services Agency Act, Chap.15:06, to expand the functions of the Strategic Services Agency [*The Attorney General*]; read the first time.

FAMILY AND CHILDREN DIVISION BILL, 2016

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That a Bill to make jurisdiction for all family matters and children matters exercisable in a Division of the High Court to be called the Family and Children Division and to make provision for matters connected therewith, be now read a second time.

Madam Speaker, I rise on this occasion for the first time as the Attorney General and the Minister of Legal Affairs to pilot the first Bill that we have brought under my Ministry [*Desk thumping*] into this Parliament. And I start by that statement in saying that the Bill before us is one with some considerable history. Dare I say, that under the new Standing Orders, 45 minutes of speaking time to conduct the work in this particular exercise is a very, very, narrow time frame. And I say so because not only does this Bill have significant history behind it, but this Bill as it stands before this particular House has certain deadline obligations which I will sensitize the hon. Members of the House to, and also conducts a very massive scope of enterprise.

Specifically, Madam Speaker, the history of this Bill was that in 2001, on September 11, 2001, the Family Court Bill, 2001 was laid in the Senate. That Bill lapsed on October 18, 2001, on the dissolution of that Parliament. In 2007, on September 10, 2007, the Family Court Bill, 2007 was introduced and that Bill was intended to deal with issues of juvenile matters and lapsed on September 28, 2007. On May 5, 2009, the Family Court Bill, 2009 was laid in the Senate of the Ninth Parliament and that Bill unfortunately lapsed on January 8, 2010.

I put that forward because in the period 2009—2015 there was a considerable amount of delay on the occasion of collating the package of children's laws, getting the legislation into the proper clothing and form and then seeking to operationalize those laws. And it was not until September 2015 when Cabinet saw release to the Parliament, then Cabinet, on May 25, 2015, there was a Bill

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

entitled: The Family and Children Division Bill, 2015. That Bill was passed on June 3, 2015, in the Senate, but unfortunately it lapsed on June 17, 2015 due to the prorogation of Parliament.

The 2015 Bill, as this Bill now before us has for consideration, was focused upon making the jurisdiction of all family matters and children matters exercisable in one division of the High Court to be called the Family and Children Division of the High Court. The High Court, the Supreme Court of Judicature is comprised of the highest level of the Court of Appeal, then next in level, there are the jurisdictions of the High Court in the civil jurisdiction and the criminal jurisdiction and then below that is the Magistracy which has both the petty civil and the criminal jurisdiction.

This Bill seeks to introduce as an entirely new division, a division which ranks right alongside the civil jurisdiction and the criminal jurisdiction of the High Court, now to be called the Family and Children Division of the High Court, a third separate and distinct division, but very importantly in terms of its architecture it seeks to merge in a very important way the jurisdictions of the Magistracy and the High Court.

2.30 p.m.

Because the position at law is—until this Bill is accepted, if it is to be accepted—that the jurisdiction in the Magistrates' Court could only be exercised in respect of certain maintenance orders and those aspects could not flow through to the High Court.

So we had a rather unfortunate situation of trying to marry the efficacy of single matters in single areas, be they children or families, where we had to go to multiple courts. This work now before us, the crystallization of this work, is born upon the back of a very noble project which was undertaken by the Judiciary of Trinidad and Tobago which saw the piloting of a family court project. And I wish to commend for all, Madam Speaker, the Preamble of this Bill. The Preamble of this Bill really sets out in proper fashion, exactly how much work, information and positioning was done by way of analysis to come up with this kind of law.

I wish to say, Madam Speaker, that in having this Bill debated, the first thing that we did upon coming into the Cabinet—and then comprising our Ministries—was to take avail of all of the policy concerns before us, and the LRC has been very hard at work, particularly upon the expertise of a very phenomenal team of

[*Desk thumping*] ladies and gentlemen that have worked literally, I would say conservatively, for hundreds of hours in umpteen meetings on a constant basis to deal with this.

The Bill that came in May 2015 was a Bill which was similar in core context to the one that we are now dealing with, except there were four essential differences—if I put them in terms of categorization—that we now have before us. In the Bill before us we are now adding in administrative structure of the Family and Children Division Bill in subdivisions and units in a more clear and precise fashion, dealing with interrelationship. We are now dealing with the procedures with respect to peer resolution and how the court may refer eligible candidates to that particular category of services. We are dealing with the procedures for children drug treatment court process, and there is provision for children probation officers.

What that resulted in, Madam Speaker, was a move away from 62 clauses in the last Bill—2015 Bill—four Schedules, to a move now instead to 63 clauses and five Schedules. But what we did, Madam Speaker, very, very, very importantly, in beefing up the very significant reforms specifically as they relate to peer resolution, children drug treatment court, the appeals and transfers and the positions that operate in terms of the miscellaneous positions, we took the opportunity to, in fact, amend 18 pieces of law at the same time. And the 18 pieces of law, which are consequential amendments set out in Schedule 5 to this Bill, are as follows:

Supreme Court of Judicature Act, Chap. 4:01.

Bail (Amdt.) Act, Chap. 4:60.

Summary Courts Act, Chap. 4:20.

Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34.

Legal Aid and Advice Act, Chap. 7:07.

Probation of Offenders Act, Chap. 13:51.

Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01.

Prisons Act.

Young Offenders Detention Act.

Police Service Act.

Matrimonial Proceedings and Property Act.

Adoption of Children Act.

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

Status of Children Act.

Family Proceedings Act.

Children's Authority.

Children's Community Residences, Foster Care and Nurseries Act.

Children Act, No. 12 of 2012.

Indictable Offences (Committal Proceedings) Act, No. 14 of 2014.

And, Madam Speaker, I wish to stress the amount of work done there, because in the previous Bill that was before us in 2015—and I do this by way of comparison to assist those opposite who participated in that work—in the Fourth Schedule which dealt with consequential amendments, we actually only amended then three pieces of law, which were the Supreme Court of Judicature Act, the Probation Act and the Children Act.

Now, what does that mean? It means that in the clauses that we are identifying for consideration today, we are not only going into the particulars of the new divisions and the administration and the new and very novel and robust techniques to deal with the issue of child offenders and family matters, but we are, in one move, taking care of 18 important pieces of law that inter-articulate with this particular piece of legislation in a very robust fashion. [*Desk thumping*]

Madam Speaker, it was open to the Government to disaggregate all 18 pieces of law and deal with them Bill, by Bill, by Bill, but that would have made a mockery of the process of harmonization. That would not have allowed us to engage, as we have, in our first six months of work, with making sure that we harmonize, not only the process of legislative-making and drafting, but also the operationalization. Because the approach that this Government has taken has been one to insist upon efficiency of the operationalization of laws so that we do not just have laws on the books of Trinidad and Tobago but that we have laws that make sense when they are operationalized. [*Desk thumping*]

This work, Madam Speaker, is representative of a very new approach to legislation, a very new approach which will meet with the publication of an expressed legislative agenda in a matter, if I am able to do it within one week, but certainly before the month of April. But, Madam Speaker, in contemplating the very robust fashion that we are dealing with now, it is important to note that we have paid very close attention—and my learned colleagues on this Bench will speak to the operationalization that we have engaged in, and, specifically, I wish to point out the role of the Attorney General and Minister of Legal Affairs has

significant obligations for operationalization. There is significant input from the Ministry of Education; there is significant input from the Ministry of Social Development and Family Services and significant input from the Ministry of National Security.

And why did we do this? Madam Speaker, on the 7th of September, 2015, we had a general election. On the 9th of September, 2015 the hon. Prime Minister nominated his Attorney General and his Minister of National Security and we were being sworn in. In the middle of the swearing in ceremony I received a call as I had taken my oath, and the first matter on deck was the matter of a matter in the courts of Trinidad and Tobago brought by the past Attorney General of the Members opposite, seeking a constitutional declaration against the law which he, as Attorney General, had proclaimed and operationalized in the face of objections from the Opposition—now Government—saying, “Do not proclaim and create unconstitutional situations, lest you expose the State to millions of dollars of damages because you must factor legislation and the drafting and making and passage of it at the same time that you operationalize.” And that was the birth of the journey that I just described in marrying operationalization with legislative approach.

Madam Speaker, a Bill like this would ideally be best served in a joint select committee. However, the entire rubric and backbone of this project has been facilitated specifically under the auspices of the USAID project, together with the Judiciary of Trinidad and Tobago. The USAID project was a project to deal with juvenile courts, but the attenuation of the term, juvenile court was brought in our jurisdiction to a children’s court on the basis of the consultation efforts that we have had, and I will speak to that in a moment.

There is a deadline for the operationalization of the fit-out of courts by June of this year, but this is very much a situation of how the domino falls. The first and most important aspect is to have the passage of this law. When this law is proclaimed, assuming that we have the cooperation of Members of the Senate and the House, then we must deal with the issue of the operationalization. The courts need to be in progress for outfitting; the rules of court and subsidiary legislation need to be done and the operationalization across the several Ministries that I just mentioned need to be factored as well.

And what we have been doing in the last five months, in particular, is making sure that we build the platform in carrying forward the promise that this Government has taken, to have an autonomous Judiciary. We have been actively

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

supporting the work of the Judiciary by allowing them to select their buildings for the use of courts, under their auspices by coordinating in the drafting of the subsidiary legislation, by coordinating with the constitutional arrangements to be put in effect, particularly with respect to child offenders at the YTC, at the St. Michael's and St. Jude's Homes, et cetera, and we have done that, specifically, so that we can keep track with the international funding that Trinidad and Tobago has been lucky enough to have by way of support.

Madam Speaker, the Bill itself—in the short time that I have—comprises 63 clauses, five Schedules and is arranged across six Parts. The Bill had the benefit of some significant consultation, and I just wish to put on the record the kind of consultation that has happened. There has been wide local and international consultation with respect to processes and procedures in children matters, in four 8-to-10-hour sessions chaired by the hon. Chief Justice; the members of the Family Court Monitoring Committee. That committee met and scrutinized the particular Bill.

The members of the committee included judges, magistrates, registrars, Family Court staff, social worker representatives, Ministry of the Attorney General's representatives, Law Association representatives, Family Law Association representatives, the court administrators and the court administration consultants.

Specifically: the police, prisons, probation, criminal bar, DPP, Solicitor General, Legal Aid and Advice Authority, Children's Authority, private bar, Children's Authority staff, judicial officers, representatives of national PTAs, Ministry of Education, Ministry of Legal Affairs, youth development, specialists and religious leaders, were all consulted.

Internationally: family juvenile and youth courts in the US and Canada; children probation and support services in the US; US National Center for State Courts; study of rules of court in several jurisdictions; specialists in Jamaica, Canada, New Zealand and England and the study of scientific research on child and adolescent development was all factored.

I received today—and I wish to put onto the record—a letter from the President of the Law Association, Mr. Reginald Armour SC, indicating to me that the Law Association was engaged in an exercise of review at present and that they would be commenting further on the work in progress, and I am indicating that the Office of the Attorney General, which is driving this particular exercise, is

open to receiving further consultative points because there is a gap between the passage of the law and its proclamation as is set out by way of a specific clause in this legislation. And the key is to make sure that we have our eyes on the marker properly.

We have engaged in a direct consultative process with all agencies across the board, including the Opposition. And I wish to put on the record that in dealing with this Bill, I had a lot to say while I was in Opposition about the approach to legislation-making, and I did not want to be eating my own words, so I specifically asked the Parliament to put into its repository, the Rotunda, where Members access legislation, the Bill, the track change version of the Bill as compared to the 2015 amendments, all 18 pieces of consequential law to be amended in their short form and then the amendments fitted into a track change version so that Members could access, see, factor and appreciate the context of amendments into the body of the law that they were amending. [*Desk thumping*]

I would like to say that from my own research, that that is a first. It has never been done before. It is something that we subscribe to. The caution is often that one can open the debate very widely by doing that, but there is nothing to hide under the veil of ignorance that legislators wear in drafting the laws by having full, open and frank disclosure, as we have done as a Government, be it in disclosing advice to the Law Association for the first time ever for inspection, or this kind of approach. [*Desk thumping*] This is the way this Government intends to operate.

Madam Speaker, it is incumbent upon me to speak to the architecture of the Bill, the clauses and the consequential amendments. Clearly, you will realize that the time will not do justice to the measure.

However, I do have a second bite at the cherry in my wrap up and I will have the meaningful assistance of my learned colleagues who are prepared to speak today and, no doubt, the learned Members of the Opposition, who I am sure are willing to consider supporting this bit of legislation as it is proper to do so. We are open to receiving any comments and amendments that they may have. Permit me, therefore, to go through the clauses of the Bill quickly.

2.45 p.m.

There is a degree of reciprocity and similarity between two stages of the Bill. The six sections of the Bill are the Preliminary section, the Family and Children Court Division, the administrative sections, the Family Court Division, the

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

Children Court Division and then the miscellaneous provisions. Those are the six hierarchical headings inside of the Bill. Specifically, in clauses 4 and 5 of the Bill, there is to be a degree of duplication in terms of terminology and processes as one compares the prescriptions as it relates to the Family Court and the Children Court.

Specially, and I say this for the record to assist Members, the mirroring sections between clauses 4 and 5 of the Bill would be as follows:

- Clause 10 matches 26;
- Clause 11 matches clause 27;
- Clause 12 matches 28;
- Clause 13 matches 29;
- Clause 14 matches 30;
- Clause 16 matches 31;
- Clause 17 matches 32;
- Clause 18 matches 33;
- Clause 20 matches clause 34.

That allows me, therefore, to focus on only one of the clauses, because there is a mirror image on the others, in the interest of time.

Specifically, I would like to point out for Members that under the consequential amendments to be factored under Schedule 5 of the Bill, one is invited to have careful approach to item eight, item nine, items 12, 13, 16 and 17, and they refer to the Prisons Act, Chap. 13:01, the Young Offenders Detention Act, Chap. 13:05, the Adoption of Children Act, 2000, the Status of Children Act, 46:07, the Children's Community Residences, Foster Care and Nurseries Act, 2000 and the Children Act, No. 2 of 2012. Those are the big areas that I would like Members to focus on.

Specifically, Madam Speaker, the clauses of the Bill will show us, no doubt, in Part I, the Preliminary sections. We are dealing with the long title of the Bill, we are dealing with the definitions importantly at clause 3, and I would like to focus on the definitions—two, in particular, which have been significantly amended from the 2015 version of the Bill and those are with respect to the definition for children care matters and also children matters and family matters.

Madam Speaker: Member?

Mr. Padarath: Madam Speaker, on a point of clarification, would the hon. Attorney General indicate whether or not the long list of organizations with respect to consultations were consulted on the 2016 changes and amendments?

Hon. F. Al-Rawi: Yes, Madam Speaker, they were—*[Interruption]*

Mr. Padarath: Thank you.

Hon. F. Al-Rawi:—and that is the consultation I am speaking about. Yes, thank you. So, Madam Speaker, the 23 minutes that I have left I have to do some justice with, so if Members could hold their fire I will be very happy to answer as we go along.

Madam Speaker, specifically the two anchored definition points: one, the definition as it relates to children; “children care matter”. I invite Members to look at that. I invite Members to look at “children matter” and this is a broadened definition. A “children matter” which is the substrata upon which the Children Court operates includes “children charge matter;

children care matter; children drug matter;”—and I specify that.

“children mental health matter;”

a—“matter which is not a family matter within the meaning of this Act, but the primary issue in the matter is the care and protection of a child;”

a—“matter, in relation to a child, where there is an application for and issuance of a Protection Order...under the Domestic Violence Act...

and”

a “matter in which a child is required to appear in Court;”

We have a specific definition for children mental health matters and then we turn to the substrata what the Family Court architecture is built upon, and that is the “family matter” to be found at page 8 of the definition clause. A “family matter” means—and this is a much broadened scope than existed prior—matters:

- i. under the Matrimonial Proceedings and Property Act;
- ii. maintenance;
- iii. guardianship;
- iv. wardship;

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

- v. custody and access;
 - vi. applications”—under—“the Family Court...section 25...;
 - vii. adoption;
 - viii. civil child abduction;
 - ix. succession and inheritance, excluding probate and administration of estates;...
 - x. any matter in relation to the application for”—issue—“of a Protection Order under...the Domestic Violence Act; and
- b) any matter—“arising out of the written laws listed in Schedule 1...”

And there is a prescription in Schedule 1 of a host of laws comprising some 23 pieces of law which have been broadened out.

Coming upon that particular point, the definition of “Peer Resolution” is materially important because in the two structural elements that we are creating, we are creating, first of all, a hierarchy which sees the division, divided administratively and physically because there is a prescription against physical housing of the two courts in such a way as can cause harm. There may be court sitting in similar areas but they must be divided out, charged matters being treated different from children matters, family matters. All of these things are factored in this particular arrangement, but in the hierarchy that we now approach the Family and Children Division has as a subdivision the family subdivision and then another subdivision, the children subdivision, and each of them are comprised—each separate division—with a Family Court Judge and Family Court Masters, a Children Court Judge and a Children Court Masters. Why we have done that is to take care of the workload administration.

In amending the Supreme Court of Judicature Act we are moving from 36 to 46 judges—41 judges. I will correct the number in just a moment—and specifically we are broadening the application of Masters. We have taken care in this particular Bill of an anomaly where a Clerk of the Peace, who is not a trained legal person, dealt with certain matters in the summary jurisdiction, and now we are having the Registrars as Assistant Registrars of those courts deal with those matters. The Bill prescribes that Judges, Registrars as Assistant Registrars, Marshals as Assistant Marshals, Clerk of the Peace, et cetera, are to be trained specifically in this area with the nuances that come with the development of a progressive approach towards the rights of children and family matters. It

specifically provides—and my learned colleague, the Minister of National Security will no doubt speak to that. We are moving from four to nine judges now.

Hon. Member: Forty-nine.

Hon. F. Al-Rawi: Forty-nine judges now. What we are now dealing with, Madam Speaker, in this particular approach is a structural change so that the police officers who assist this have the benefit of a divisional support by the Trinidad and Tobago Police Service, which we have just announced very proudly yesterday at the Cabinet. But more particularly in this Bill, we are adding in the expertise of Probation Officers in a very serious way and we have expanded this because far too often in the Family Court, in any jurisdiction that you may have appeared, be it the Magistracy or the High Court, what we have had is an inability for the system to function appropriately because of a lack of human resource capacity and training, and we felt it a necessary fillip that this thing be approached from an operational structure by a supplementing of the positions on staff and by way of auxiliary support.

Madam Speaker, the Bill also provides for some very impactful positions for the court administration process. This Bill seeks to take a very different step away from the Supreme Court of Judicature architecture, which at first in 2015 I did not quite understand the need to change. Upon the further consultation I can tell you I feel very satisfied, so too the members of the LRC, that in prescribing the architectural structure as we do in this Bill, to allow for executive court administration, court managers in the Family Court or Children Court, what we are actually doing is to keeping, by the way of a robust structure, the ability for divisions to maintain their boundaries but to function with official staff. It allows for the Ministry of Public Administration to factor how these positions are to be created, and especially because of the type of specialist training it allows for the CPO that consider salaries to take a new approach to the job description and analysis, because far too often we have very careful and specialist need for certain services, but we find that the State just cannot pay enough and it is important for us to look at the specialization to provide the routes for people to ascend into the ranks into specialist areas.

Madam Speaker, very importantly, the voice of the child is something which we seek to protect by way of an expanded version here, and the Office of the Ministry of the Attorney General has an obligation to provide, through the Solicitor General's Department, children attorneys so that they may be on call in

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

any matter that a child is required to appear in, or give evidence in, from the moment of an interview or charge straight through process, and that is entirely without prejudice to the child having separate legal representation so that the State in acting in the capacity as *parens patriae*—that is, a superior parent with the best interest of the child in mind has a continuing obligation so that the mechanisms of the State which articulate together to give support in terms of meaningful coordination, be there in a community residence, or a children home, or through the Probation Officer's report, or through the monitoring report, that these things can be coordinated. What has been lacking is the ability to coordinate efficiently, Madam Speaker, and this Bill speaks to that.

Madam Speaker, I wish to focus, in the 15 minutes that I have left, not only upon some of the highlight provisions that I have referred hon. Members to in the clauses which have reciprocity. Of course, we would have traversed in the mirroring sections between giving the jurisdiction for High Court and magistracy into the Child Court, into the Family Court; we would have allowed for High Court Judges, Puisne Judges to operate together with Masters; you must give the jurisdiction to a High Court Judge first who then delegates to a Master under the architecture of the Supreme Court of Judicature Act; you must then also factor that under the child court—and permit me this opportunity—we have a very important position to factor.

Let me deal with the smaller one first. I will deal with the Family Court first. Under the Family Court a very significant tool provided here now is the ability of the Family Court Judge or Master to enforce maintenance orders. There was an anomaly in the law where it was bifurcated; you had to go one court, release from one court, go to another court. Now we are allowing, and by way of scheduling out in Schedule 2—is it, or Schedule 3?—we are scheduling out the maintenance provisions of law which are to be factored—and they are in fact in Schedule 2—where we described 12 laws that provide for the maintenance prescriptions, but we are allowing a very unique feature. We are allowing those who are in default of their maintenance obligations to be brought through due process before the court on a show cause basis as to why they should not be punished, or why they should be given extra time to comply with maintenance orders, because we must deal with the issue of parents or persons with responsibility for children who do not meet their societal obligations. [*Desk thumping*]

Until parents are brought to bear on the obligation to support their children financially by way of education, by way of support, dare I say that we will be

breeding a terrible problem in our homes which spill out to society, and the Government's response to this is to enable the structures in a broader sense so that the law can be applied to deadbeat fathers, deadbeat mothers, deadbeat persons with responsibility who do not make their obligations.

Madam Speaker, very importantly, we also have to factor a significant move in the Children Court—the point that I pressed pause on a moment ago—and that is in the inclusion in clauses 37 to 39 of monitoring hearing, Children's Probation Officers and report of Children's Probation Officers. These are new provisions. What this allows, Madam Speaker, in factoring the voice of the child or the child's best benefit and welfare, is the ability of the court on a continuous basis to track the progress of the child to avoid recidivism, to avoid people falling through the cracks in the system and to have regular way of reporting to a supervising judge so that no child is left behind.

3.00 p.m.

Madam Speaker, very importantly under the children's architecture is the concept of Peer Resolution and this is significantly broadened in clauses 40 to 46. And we have developed through the international support of the United States in particular and the study of best practices in the world, we have now taken this position and expanded it to allow children, under the supervision of a peer resolution process, specified in the legislation in terms of its operationally, to have the benefit after having been charged, after having been brought to the court, after having entered a plea of guilty, to then engage in a system through constructive support monitoring and report back to a judge ultimately to allow for convictions not to be entered. That allows us to avoid the mark on the child's character; that allows a degree of horizontal approach in those who are your judges and accusers where a child feels that there is some degree of emotional understanding by his or her assessors duly supervised.

Madam Speaker, very importantly is the Children Drug Treatment Court Process and this has been significantly expanded over the 2015 Bill. In this process, in clauses 47 to clauses 56, we are looking at a significant opportunity to allow children who have alcohol issues, who have drug issues, with consent and sometimes, as it is in peer resolution in very circumscribed senses to have the ability without consent, to be brought to the Children Drug Treatment Court and to escape the horrible dilemma—that I have witnessed personally—of children being housed in circumstances where they are with children who are charged or convicted of heinous crimes. This allows us to have children removed out of the

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

system; this allows for an application of a revolving door of gradually increasing penalties to be applied inside of this matrix.

In the eight minutes I have left, Madam Speaker, not being able to do justice to the amount of work that this Bill requires, after saying that the transitional provisions allow us to have a concurrence between matters that have started already and then move into the new system after proclamation, I want to focus on a couple of the material improvements to the consequential amendments set out in Schedule 5 to the Bill. And in particular, the massive moves that we have made in what I refer to as YODA, the Young Offenders Detention Act, where we are removing the concept of a youth offender and dealing with charged matters, where we are inviting the Children's Authority to come in and work alongside the Commissioner of Prisons with teams of people to better associate with the issues of children, requiring, as a matter of law, that children who are in detention are educated, are clothed, are fed, are housed properly, allowing the Children's Authority the right to enter and inspect and deal with issues of monitoring licences requirements. Even though the institutions of the State may be determined and declared to be institutions of the State, they are still going to be monitored by the Children's Authority, lifting by way of a civil standard, an outside approach, the state and conditionality of our prisons, Madam Speaker. Very, very important amendment.

And what we are allowing by this process is for the children's homes and the rehabilitation centres, as they are now amended in the Schedule to be better described, to be under a constant supervision of the Children's Authority. The Commissioner of Prisons still has the right to inspect, take property, and deal with certain matters. I wish that I had put a reciprocity of rights into this Bill but it would have required a three-fifths amendment to the Bill and it would have had some deeper consequential amendments. But I would love to have given—I will say this openly—the Children's Authority the ability to demand production of certain things. Commissioner of Prisons has that right now but I would love to have had that authority in the children's home environment and perhaps, we can attend to that at a later date. So that someone has the right to walk in and say, produce that child now; take pictures now! It can fall under the rubric of licensing. I personally—and I see those who have assisted me cringing while I say this. I personally would like to have seen a little heavier step on that.

Madam Speaker, the Status of Children Act makes some critical amendments. We have included DNA legislation to declare paternity. Blood tests are no longer appropriate. It is dealing with non-intimate samples. We are dealing with the fact

that these have to be brought in together but materially, in amendments to the police service legislation, the prisons legislation, the indictable preliminary enquiry legislation. We are protecting the personal information, be it fingerprints or be it DNA evidence, from disclosure other than for the purposes for which they were disclosed. Very significantly, we are also seeking to amend the consequential difficulties that we have in the nomenclature in dealing with the harmonization of the tone and concept that we have that is introduced in the Children Act 2012, and we are now taking the opportunity in one fell swoop to attend to all of the harmonization issues.

But I want to say, this kind of law, as I have experienced it living in the environment of amending the 18 pieces as well, this kind of law is something, the more you look at it, the more you are going to see, the more you want to fix and so you go and go and go. It is very difficult to come up with a final product inside of this environment. However, I wish to, again, commend the fact that we have a deadline aspect to deal with in terms of the support of funding by the USAID and that we have some significant factors. So I agree that we are open to amendments as we come. I could very easily have taken the approach to bring 18 separate pieces of law and occupy the Parliament week after week after week on 18 pieces of law but it would not have given us the line of sight across the whole of package legislation to get this material right.

In addressing the point that one could have amendments that could come ad infinitum, I can now say that amendments are going to be circulated to the package that we have before us. They are not draconian but they are improvements that we would like Members to sit and consider. At committee stage, we will certainly entertain all of those proposals.

But suffice to say, Madam Speaker, this legislation is long overdue. This legislation, I do not think, is one that can be kicked around like a political football notwithstanding the little barbs dropped here and there. But I want to say that as a Member of this Government, I feel a great sense of pride in knowing that the Prime Minister, through the Office of the Prime Minister, has given financial support and supervision to the amendments and physical outfits that we had to do to St. Jude's, St. Michael's, to the halfway homes, to the supervising entities; that we are giving the Children's Authority the financial and human resource capacity that they so desperately reserve; that the Minister of National Security is able to tell the nation across nine Divisions, you will have a specialist police force dealing with this; that community development and family matters can be bolstered and supported in the fashion that we are doing now.

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

I feel proud to know that in six months of constant hard work, that we are at the point, exactly where estimated by the hon. Prime Minister, where we will now begin to deliver, on a continuous basis, the work that we have analyzed, the work that we have considered; that which we have purchased. Because we have spent a lot of money, as a nation, on a whole lot of things. Be it \$120 million for a Red House roof that does not exist, or not. The fact is, we must factor the purchase that we have done as a country.

Madam Speaker, I think I can go on for another hour; Standing Orders do not permit that, and I estimate right now that my time is at an end, and so I look forward to the contributions of those opposite me into this very noble debate on a well-aimed and intentioned Bill, and I do pray that there will be support unanimously in this House on this occasion. Thank you, Madam Speaker. I beg to move. [*Desk thumping*]

Question proposed.

Mr. Barry Padarath (*Princes Town*): Madam Speaker, I am happy to be able to rise and contribute to the legislation presented to the Parliament today in the form of the Family and Children Division Bill, 2016. As you and many national communities would be aware that in order to know where we are going, we have to determine from where we have come.

This Bill before us, the Family and Children Division Bill, is no stranger to the Parliament. In the last incarnation of the Tenth Parliament, this Bill was introduced in the Senate by the People's Partnership Government. [*Desk thumping*] Members opposite, including the Member for San Fernando West, Member for Port of Spain North, served on those Senate Benches and they added their support together with the Independent Bench for this particular piece of legislation. Unfortunately, the legislation did not reach this honourable House in that last incarnation of the Parliament and here we are today.

Madam Speaker, today, we are essentially continuing on the strong, buoyant legacy of the People's Partnership in protecting the rights and freedoms of the children of Trinidad and Tobago. [*Desk thumping*] Today, we can say without a doubt that this legislation that has been brought to the Parliament is due to the hard work of the People's Partnership Government under the astute leadership of then Prime Minister, Kamla Persad-Bissessar and Member for Siparia.

Let me be the first to recognize that the Government has finally brought a measure to the Parliament that will ease the burden and suffering of the people of Trinidad and Tobago. But upon reflection, I must point out that the only piece of

legislation to be brought by this PNM Government, in six months, to reduce the pain and suffering of the people of this country is a Partnership piece of legislation. [*Desk thumping*] This legislation comes from the bowels of the People's Partnership Government. And Madam Speaker, I will use the opportunity to show you the history to institute legislation in this country to protect the rights and freedoms of children, as has been a long history of the United National Congress and the People's Partnership.

Madam Speaker, I was very happy today to hear the Member for San Fernando West speak about a legislative agenda, and on many occasions, we have heard the hon. Attorney General, Member for San Fernando West, indicate that a legislative agenda will be forthcoming to the Parliament. On the last occasion, in an interview with CNC3, Hema Ramkissoon, when I raised the issue of the establishment of a sex offenders' registry, the Attorney General gave the undertaking that we will have a legislative agenda by the end of February. February has come and February has gone. Now, the hon. Attorney General is saying that we can expect it in April. Hon. Attorney General, we look forward to you keeping that commitment to the Parliament and to the people of Trinidad and Tobago by bringing a legislative agenda.

Madam Speaker, the People's Partnership Government spent a lot of time focusing on children's rights and children's issues in this country. The Family and Children Division Bill was the brainchild of the People's Partnership Government, and we became a Government known for people-centred development. [*Desk thumping*] We became a Government known for putting children and people first. Sometimes in this honourable House, you hear, week after week after week, from Members opposite, on that side, speaking about the legacy of Kamla Persad-Bissessar in the context of children's rights and children's freedom. I would like to correct many myths that are said sometimes in this House and sometimes you hear it coming from Members opposite talking about Kamla's legacy with respect to stockings or no stockings. And Madam Speaker, I find that to be so utterly disrespectful, especially in a context when you have had a Prime Minister and a Government in the People's Partnership that have brought legislation like the family—[*Interruption*]

Mr. Cuffie: Madam Speaker, I rise on 48(1).

Madam Speaker: Member, we understand the context, I will just ask you to get to the matter that we are debating.

3.15 p.m.

Mr. B. Padarath: Thank you, Madam Speaker. What is the real intention of this Bill? The Bill is intended to deal with many of the issues affecting our nation's children in a negative way, whether it be criminal misconduct, drug abuse, foster care, bail or probation.

Madam Speaker, I would like to spend a few minutes going into the history of children's legislation in this country, and also with respect to the establishment of the Family Court.

Madam Speaker, the history of this legislation spans back from the year 1999, under the first UNC-led Government to which the Member for Siparia and several on my colleagues belonged. Madam Speaker, on Friday December 03, 1999, then Minister of Social Development, Manohar Ramsaran, stated, and I quote from the *Hansard* of that day:

“Mr. Speaker, today I have the honour of speaking to you on the Children's Authority Bill. This Bill seeks to regulate all matters with respect to the children of Trinidad and Tobago to ensure that a comprehensive package of...and legal services is provided and delivered in a co-ordinated and integrated manner. This piece of legislation will address the care and protection of children in the context of the family situation and the community.”

Madam Speaker, this was in the year 1999, under a UNC-led Government which had the foresight and the vision for bringing legislation that would protect the rights of the nation's children. [*Desk thumping*]

Madam Speaker, I would be bold, brave and “brass-face” enough to shout to all and sundry today that this legislation is the work of many years by the UNC and the Partnership Government. I would be bold to say that the PNM is devoid of any real, tangible, legal innovation with respect to children and children's rights. [*Desk thumping*]

Madam Speaker, the fact is that the first serious Bill they have brought to this honourable Parliament which seeks to protect children really belongs to the UNC and the Partnership. This really is a testimony of the vision for the Member for Siparia, and that my dear friends opposite is the legacy of Kamla Persad-Bissessar. [*Desk thumping*]

Madam Speaker, the Members opposite in this House—[*Interruption and crosstalk*]*—*I would not be distracted. Madam Speaker, when we brought the Children’s Authority Bill in a different incarnation in 1999, we understood the socio-economic climate of the country at that time. We understood the dynamics of the Bill needed to address what children endured in the context of their environment. Madam Speaker, when the Minister of Social Development, at that time, brought the Children’s Authority Bill he said, and I quote:

“The ravages brought about by poverty consequent on structural adjustment, retrenchment and unemployment, poor parenting practices, mental illness, domestic violence, disability, the HIV/AIDS pandemic and substance abuse have all contributed in differing degrees to family disintegration, resulting in a growing number of children needing care and protection from the state and growing numbers of children in conflict with the law.”

Madam Speaker, you would agree with me that a lot of what was said then is very applicable to today’s society.

Madam Speaker, a lot of the problems that we endure as a society, whether it be social or economic problems, stem back from that 1999 period and is very much relatable to the context in which we have found ourselves today as a nation, with respect to unemployment, with respect to retrenchment, with respect to the social conditions and the social fabric of our society today, with respect to the problems that we are experiencing in our nation’s schools, the problems of abuse. Madam Speaker, I could go on and on about what we experienced during those years, and also the context in which we find ourselves at this time.

Madam Speaker, having outlined the vision and the genesis from where this package of legislation was derived, I can assure you that from then until now and even in the future, you can count on a UNC and a Partnership Government to protect the rights and freedoms of the most vulnerable in our society and children.

What is the main purpose of this Bill? The main purpose of the Family and Children Division Bill, in both the 2015 and 2016 versions, is to create jurisdiction for family and children matters to be exercised in the division of the High Court, called the Family and Children Division.

Madam Speaker, the Bill creates two distinct courts within the division: the Family Court and the Children Court. It sets out the administrative units needed for those courts to operate and it identifies several legal processes, to which the AG alluded, to be utilized by the courts.

Family Division Bill, 2016
[MR. PADARATH]

Friday, March 11, 2016

The 2016 Bill, Madam Speaker, includes consequential amendments to 18 existing Acts. And while the hon. Attorney General spoke about the time factor that it would have taken to bring 18 separate Bills to the House, we in the Opposition have a little bit of a concern, in terms of some of the issues that have been raised in these 18 amendments and bringing it in totality in one Bill.

Madam Speaker, in the 2015 Bill, we attempted to keep certain elements of the legal justice system separate when dealing with the Bill. Today, the Government has lumped additional areas of the legal justice system into the 2016 version, which would now also address the children's probation officer, continued court supervision, peer resolution, process changes and the children drug treatment process.

Madam Speaker, the addition of the clauses that deal with these matters is a bit unclear. We are of the belief that the full review of existing legislation for consistency is still needed. As it stands, these pieces of legislation are being amended in a vacuum. The Family and Children Division Bill, 2016 has serious implications on the legal justice system in our nation and it, therefore, begs the question on whether the stakeholders that would be impacted by this legislation have been consulted. And that is why I took the opportunity to rise and ask of the hon. Attorney General: who were consulted in these matters?

Madam Speaker, the Attorney General was very forthcoming, and even before I asked the question, he said the Law Association, the head of the Law Association, was consulted on this matter. Then he took the opportunity to go through a number of organizations, a number of groups that he indicated were consulted on the 2016 amendments. Madam Speaker, I am subject to correction but I know and I have been advised by several organizations in this country that deal with the rights and protection of children's issues, who have not been consulted on this matter.

I did not hear from the Attorney General and maybe it missed me, and he can correct me in his winding-up, whether or not the Police Service Association was also consulted on this Bill. The Prison Service Association, were they also consulted on this Bill? Let us deal with the issue of consultation, with respect to the Family and Children Division Bill, 2016.

Madam Speaker, I dealt with the issue of consultation in the context of whether or not these organizations such as the Police Service Association and Prison Service Association were consulted. They have also indicated by way of using the mechanisms of the Parliament Channel that the Opposition was also

consulted. Can we seriously say, in today's day, that a Bill that deals with family and children, an essential Bill in our legal justice system, by way of utilizing the Parliament website, is an effective way of engaging Members of the Opposition with regard to this amendment? Here again we are seeing the Government putting the cart before the horse.

Madam Speaker, I wish to read into the *Hansard* the achievements of the Child Protection Task Force. This report was initiated by the former Prime Minister and Member for Siparia, which is contained in the March 26, 2014 report. When we are dealing with children's rights and children's protection in this country, we on this side of the House—at that time, the Government—were serious about ensuring that we heard from professionals, from child psychologists, from professionals who deal with these particular matters that deal with children's issues. We were particularly interested in hearing what they had to say before bringing this Bill to the House. And, therefore, we established the Child Protection Task Force.

Today I would like to know what has become of that Child Protection Task Force. Has it been disbanded? Has the Government consulted with the Child Protection Task Force? I ask those questions in the context of the achievements and the recommendations that came out of the Child Protection Task Force Report in 2014, when we raised this Bill in the Senate at that time. Allow me to quote the achievements of that Child Protection Task Force. This was the March 26, 2014 report:

“The Children's Authority has expedited its recruitment with the approval of its compensation package. 41 professional staff from the required 97 have been recruited. The customisation of the assessment centre at the EWMSC is underway and two centres are being constructed by the MGYCD in South and Central Trinidad. Training and mentoring of staff in the Community Residences is on-going.

Initial studies on the legislation that still needs to be passed and/or proclaimed have been conducted...”

Madam Speaker, we will come back to the history of this Government with respect to proclamation of children's legislation. I continue to quote from the achievements of the Child Protection Task Force Report of 2014. It spoke about the

“Review and recommendations on the long-awaited Youth Justice Policy have been completed by Task Force members from the Children's Authority...”

Family Division Bill, 2016
[MR. PADARATH]

Friday, March 11, 2016

A study on the need for a Children’s Ombudsman has been made and is in the process of being finally reviewed by the Task Force...”

Madam Speaker, I quote the issue of legislation regarding child protection from the Child Protection Task Force Report of 2014, which spoke of:

“...the legal age of marriage being moved up to avoid the possibility of subjection of children to forced marriage; and the need for a definition of ‘reasonable corporal punishment’ of children by parents, to prevent children being beaten to death as a form of parental discipline...”

Madam Speaker, apart from the achievements, let us see what were the recommendations of this Child Protection Task Force. The recommendations were, a Children’s Ombudsman, first off. This recommendation from the Child Protection Task Force was not the first time that the issue of a Children’s Ombudsman was raised. I would like to refer to an article of Sunday, July 05, 2009, quoting—it is a *Newsday* article—Independent Senator Corinne Baptiste-McKnight. The Senator said at that time that she was calling for the establishment of a Children’s Ombudsman.

“She said that during the lifetime of the Family Court and during the establishment of the Children’s Authority, not one single safe space had been provided by Government for problem-children. She opposed the incarceration of children but...said they needed a safe space in which to be helped.”

And they needed someone to go to and she was recommending a Children’s Ombudsman.

Madam Speaker, in that article she said that it was:

“Challenging the Bill’s proposal for an attorney to seek the interest of a child at the Family Court, she made a different suggestion: a Children Ombudsman.”

The Independent Senator Baptiste-McKnight further went on to say:

““Rather than just have a senior attorney, should we not at this stage give some thought to the Children Ombudsman, who will head up that function and really be the person to ensure that everything will be done to protect the child involved?””

Madam Speaker, that was one of the recommendations of the Children’s Task Force. I have reviewed this legislation, the 2016 Bill, and while we would like a

holistic approach, and the Member for San Fernando West spoke about that we can continue to add and add and add to the existing legislation, it is one of the issues that I would like the Government to consider.

Madam Speaker, the other recommendations were the Youth Justice System, the Family Court, Student Support Services, National Children's Registry, Community Residences, Child Protection and Family Violence Police Unit.

Madam Speaker, the Task Force recommended and it made specific mention of the Ministry of Gender, Youth and Child Development's involvement. As of September 07, 2015, the Ministry of Gender, Youth and Child Development was disbanded. A lot of the work that was done with respect to the 2015 Bill that was brought to the Senate was because of these recommendations and reports coming out and emanating from the Child Protection Task Force, which fell under the Ministry of Gender, Youth and Child Development.

3.30 p.m.

Madam Speaker, I would like to turn to the issue of the Child Protection Task Force evaluation of the support that was received from the People's Partnership Government, with respect to children's issues and children's matters. I will recall on the day that this report, the 2014 report, was presented to then Prime Minister Kamla Persad-Bissessar, Member for Siparia, the chairman and members of the Child Protection Task Force, which included former Independent Senator Diana Mahabir-Wyatt, also included Mrs. Stephanie Daly SC.

Madam Speaker, on that day the chairman of that task force congratulated, and I remember specifically, she congratulated the role that the then Prime Minister played, in terms of the level of support and the accessibility the Prime Minister gave to the task force with regard to the work that it had done. I am hoping today that when we come, that we can see a similar level of support being provided by the Government, and not just lip service being provided by the Government.

We have been seeing instances where children's rights and children's issues have continued to be a back-burner issue for this Government. It is only because they had nothing meaningful to bring to this Parliament, after six months of being in office, that they have turned the Partnership Bill into their own. But we take ownership of this piece of legislation because we have demonstrated while in Government and even outside of Government, our commitment to children and children's rights in this country. [*Desk thumping*]

Family Division Bill, 2016
[MR. PADARATH]

Friday, March 11, 2016

I would like to also raise the issue of whether or not the Prime Minister has engaged the children's task force? Madam Speaker, you would recall that the Ministry of Education held a consultation with respect to the curriculum, and the Prime Minister made statements at that consultation that rubbed many in the national community the wrong way. To borrow the Prime Minister's words, he said that: "We were breeding monsters". Madam Speaker, I want to ask in the context of the Family and Children Division Bill, whether or not the Prime Minister at that time, whether or not before making his comments, that he engaged the children's task force to find out what were the root causes of many of those issues taking place in the school?

As a responsible Prime Minister, as a responsible representative of the people, one would have hoped that before he opened his mouth, and knowing that the Government was bringing the Family and Children Division Bill, 2016 to this House, that the hon. Prime Minister would have consulted with the children's task force. What have they done with the children's task force? Has it been disbanded? And I am hoping that the hon. Attorney General will be able to share clarity on this particular matter.

Madam Speaker, we had a Prime Minister in this country prior to September 07, 2015 that loved children and showed it. I will relate it to this Family and Children Division Bill, 2016 because I know Members opposite will be eager to jump off their seats. Let me relate it in the context of the Family and Children Division Bill, 2016.

Leadership is very important in terms of where our children are going in our society today. We did not have a Prime Minister, prior to September 07 who called children, "duncey-head children". We did not have a Prime Minister that spoke about children, "fighting as though they were hyenas in an African jungle". We did not have leaders who called a little Rastafarian boy stupid for kissing a Prime Minister's hands. We did not disrespect the society at large, [*Desk thumping*] and the children by ventilating her shopping practices for foundation garments for her spouse. That is the mark and the distinction of leadership with respect to children's issues in this country. Madam Speaker, it begs the question, is that the type of leadership that the Member for Diego Martin West, that every time you pick up a newspaper that that is the quality of language coming from the hon. Prime Minister and Members opposite?

I want to turn to a very important issue with respect to the consultation process, and that process has to do with the role that the Law Association has, in

ensuring that whatever support or whatever interest it expresses on behalf of its members, is an interest that is one of collectivity. An important matter has been raised in the public domain in the past few days. I think it is a very important—but it is also a very dangerous development in our country—the issue of the head of the Law Association’s relationship with the Attorney General. I will relate it in the context—[*Interruption*]

Madam Speaker: Hon. Member, hon. Member for Princes Town, I have allowed you a considerable breadth. We are debating a particular piece of legislation, and I would ask you in the few minutes you have left, to please stick to that.

Mr. B. Padarath: Certainly. Thank you, Madam Speaker. Suffice to say, I wish to make the point that, therefore, if we are consulting, that we have to be careful of the blurring of lines with respect to persons in our judicial system. We on this side for years, we were told that we were “ah box-drain Government”. I will like to declare today that this Government is an “A-box Government” [*Desk thumping*] and, therefore, we will not be silenced on this side of the House, with respect to important issues that need to be ventilated with important office holders—[*Interruption*]

Madam Speaker: Member! I have warned you to please stick to the context of the Bill.

Mr. B. Padarath: Madam Speaker, having said that, let me turn to the clauses of the Bill. [*Laughter and crosstalk*] Let us deal with some of the administrative clauses of this Bill. A lot of what has been amended are really cosmetic changes, but they are cosmetic changes that also warrant some improvement and also warrant some clarity. The administrative issues that exist in clauses 8(1) to 8(5) deal with the responsibility by the Chief Justice in the staffing and the decision making of the Family and Children Division of the High Court. We would like on this side some clarity in terms of what really will be the role of the Chief Justice, and whether or not the specificity of removing the Chief Justice’s role and function here has to do with which area in the court in terms of the staffing issues, in terms of the allocation of resources, in terms of the—[*Interruption*]

Mrs. Robinson-Regis: Member, would you give way? Madam Speaker, I am just looking at the specific clause, and could the Member point us to directly what he is speaking about, because I am not seeing the nexus with what he is speaking about?

Mr. B. Padarath: Madam Speaker, the clause says, in the 2016—
[*Interruption*]

Mr. Deyalsingh: Which clause?

Mr. B. Padarath: Clause 8(1), which follows into 8(2). It says that:

“The Family and Children Court Administration Department shall be headed by a Deputy Court Executive Administrator, Family and Children Division...be assisted by a Family Court Administrator and Children Court Administrator.”

It goes on 8(2) and it says:

“The Deputy Court Administrator, Family Court Administrator...”

Mrs. Robinson-Regis: That is 8(3) that you are reading.

Mr. B. Padarath: Or, sorry. I am reading the 2015 version. My apologies, Madam Speaker, I was reading the 2015 version. Therefore, we are now looking at the 2016 version. I am coming back to the point of whether or not the use of specifying the Chief Justice’s role here, in terms of the language, in terms of the clarity, simple clarification, Member.

Mrs. Robinson-Regis: Madam Speaker, if I may? Just so that when either the Attorney General or any other Member responds, could the Member for Princes Town tell us where in these clauses the role of the Chief Justice has been either spoken about or abrogated in any way, please? Thank you.

Mr. B. Padarath: Madam Speaker, in the 2015 version—[*Interruption*]

Mrs. Robinson-Regis: No, no, no. Madam Speaker, we are on the 2016—
[*Interruption*]

Mr. B. Padarath: I will relate it to the 2016 version. I will relate it to the 2016 version, Madam Speaker, where it says—[*Interruption*]

Madam Speaker: You asked for clarification. Please allow the Member to develop his point.

Mr. B. Padarath: Thank you, Madam Speaker, the 2015 version and the 2016 version. The 2015 version, we have to look at what it says. It says:

The Deputy Court Administrator, Family Court Administrator and Children Court Administrator shall possess the appropriate training and experience which, in the opinion of the Chief Justice...for appointment to the Family and Children Courts.

That is what the 2015 version said. Now, the 2016 version speaks about as required by the Judiciary. Now, who in the Judiciary? Therefore, we are just seeking simple clarification with regard to language.

Mr. Deyalsingh: Hon. Member, would you give way so that I could clarify, please?

Mr. B. Padarath: Sure.

Mr. Deyalsingh: If you look at clause 7(1) or 7(5); 7(5)(d):

“The Children Court Administrative Office shall comprise:

...and

(d) such other units and subunits as may be determined by the Chief Justice.”

So I do not know what your concern is. The Chief Justice has a direct role in all of this.

Mr. B. Padarath: Madam Speaker, at the onset I had indicated that we were seeking clarity with regard—simple clarity, with regard to language, [*Interruption*] because it has to deal with the judicial legal system of our country, and we need to have clear and precise language in terms of the Bill.

Madam Speaker, I want to turn to the issue of the costing and the operationalizing of the court.

Madam Speaker: Hon. Member, your 30 minutes have expired. I have given you a little injury time because of the clarification.

Mr. B. Padarath: Thank you, Madam Speaker.

Madam Speaker: You are entitled to 15 more minutes, if you are willing to ask leave for that.

Mr. B. Padarath: Yes, Madam Speaker.

Madam Speaker: Please continue.

Mr. B. Padarath: Thank you, Madam Speaker. I turn to the matter of costing for the operationalizing of the Family and Children Division. This Government has had a long history of bringing legislation to the Parliament and not operationalizing it. This is a huge concern for us in the Opposition.

Family Division Bill, 2016
[MR. PADARATH]

Friday, March 11, 2016

Madam Speaker, [*Interruption*] I will link the point with respect to the Family and Children Division Bill. Recently, I called for the strengthening of the Criminal Injuries Compensation Act, and also recommended that Government increase the ceiling figures. I would like to use this as a comparison with respect to the Family and Children Division, in that, for years that particular Bill was brought to the Parliament. It was debated. It was passed, and for years even despite Justice Myers' judgment in 2006, the Government refused to set up the Criminal Injuries Compensation Board. We fear on this side of the House that a similar approach will be taken with respect to this Family and Children Court.

Madam Speaker, it takes the political will, it takes the political will of any Government to ensure that the court is operationalized in the context that it gives the continued support from the Government.

I turn to the developmental programme for 2015/2016. In that programme one can see that the Government budgeted \$500,000 for the establishment of a Juvenile Court; that is laughable. If this Government was serious about children in this country, they would have ensured that appropriate funds were put in place to properly operationalize this court. [*Desk thumping*] Instead, in the same developmental programme, they allocated \$1.5 million to the outfitting for the accommodation of the Director of Public Prosecutions Office. It begs the question, "Really?"—really, it begs the question of whether or not this Government has the political will to ensure that this Family and Children Court is realized.

Madam Speaker, there are many instances and examples of cases involving children that continue to languish in this country. It is languishing because of the bogged-down system we have here in our nation. An overworked criminal justice system has yielded little results or justice for children in this country who were victims of serious crimes and murders. I am happy to hear that the AG is speaking about the operationalizing of this court.

3.45 p.m.

Madam Speaker, while we take a very nationalistic approach, and we agree that this is a measure that is very much needed, Madam Speaker, one of the clauses in this Bill speaks specifically with respect to the issue of repeat offenders with respect to drug use and criminal conduct. I think this would be an area that can really help many troubled children in our system in that we have to

acknowledge that there are children in our nation's schools who simply cannot cope and they need help. Their cries, through violence and other means, is a cry for help, but our criminal justice system needs to identify these children and get them the help that they need.

Madam Speaker, for too long we have been putting plasters on sores and, therefore, I think together with the Government it is a good idea for us to send this Bill to a joint select committee where it will receive the attention that it deserves [*Desk thumping*] so we can go through into detail the clauses, and also some of the issues that were raised in the Child Protection Task Force which they have abandoned, as well as the amendments.

I want to deal with an issue that is very contentious. I know those on the other side would jump up every two minutes, again, and that is why we wish to provide support through a joint select committee for this particular Bill to deal with the amendments and so on. We also have to take into context about whether or not the Government is really serious about seeing this court actualized. Madam Speaker, what has been the history?

This Bill, this Family and Children Division Bill, 2016 is a step in the right direction, but since coming into office many of the measures taken by the People's Partnership with respect to children and children's rights in this country, they have abandoned. What have they abandoned? They have abandoned the Couva Children's Hospital. It remains unopened despite being fully equipped, but they come with the Family and Children Division Bill, 2016. Their Government has refused to contribute to the Children's Life Fund. The Government has refused to give laptops—they refused to do that—but they bring the Family and Children Division Bill, 2016. [*Desk thumping*] They have removed the baby grant. They have taken bread and butter out of the mouths of children of this country, but yet they bring the Family and Children Division Bill, 2016 beating their chest loudly.

What have they done? They have reduced the textbook programme. They have now placed VAT on books. Their Prime Minister say, "We are not a reading society", but yet they beat their chest, "We have brought the Family and Children Division Bill, 2016." Madam Speaker, they have shut down the Ministry of Gender, Youth and Child Development, but yet they beat their chest, "We have brought the Family and Children Division Bill, 2016."

Madam Speaker, allow me a little latitude with respect to [*Laughter*] the Ministry of Education. In several Opposition constituencies, several schools that

Family Division Bill, 2016
[MR. PADARATH]

Friday, March 11, 2016

were under construction have stopped. The Parvati Girls' and Shiva Boys' in Penal/Debe have been stopped since this Government has come into office, but they beat their chest and sing loudly, the Family and Children Division Bill has been brought to Parliament. If that is not hypocrisy, I do not know what is. [*Desk thumping*]

Madam Speaker, in the few minutes that I have in wrapping up, I would like to turn to the issue of the Attorney General in the role—and he raised—I think it was the Minister of Health that raised the issue of little baby Miracle. I raise that in the context of the family and—[*Interruption*]

Madam Speaker: Member, in this debate?

Mr. B. Padarath: I would tie it in.

Madam Speaker: Please.

Mr. B. Padarath: Madam Speaker, I intend on tying it into the debate, have no fear. Madam Speaker, the *Newsday* article of Friday, March 04, 2016 headlines: “No Miracle”. Madam Speaker, who is the Member of Parliament for little baby Miracle or who was? The Member for San Fernando West, the hon. Attorney General, who comes here today to say that this Government cares, they care so much about family and children in this country. He is the Member of Parliament for that particular family.

The report says that they contacted him on February 20. Madam Speaker, 20th gone, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th and even February gave them an extra day this year, through the 29th, and not a word from the Member for San Fernando West. [*Desk thumping*] But what do they do? They come to the Parliament and they beat their chest loudly, the Family and Children Division Bill.

Madam Speaker, as I wrap up, I wish to remind Members of a Shakespearean quote from *Macbeth*. Madam Speaker, it is very applicable today more than ever, and especially so for the Member for San Fernando West. Madam Speaker, Act 5, Scene 1 [*Laughter*] and I quote. [*The Attorney General enters the Chamber*] Maybe it might be prophetic that the hon. Attorney General has just joined us. Act 5, Scene 1:

“Here’s the smell of the blood still. All the perfumes of Arabia”—cannot—
“sweeten”—thy—“little hand. O, O, O!

Wash your hands, put on your nightgown; look not so pale.” [Laughter]

Madam Speaker, that is the temerity that this Government comes today to beat their chest to talk about the Family and Children Division Bill, when their own Attorney General, Member for San Fernando West, did nothing to help little baby Miracle.

Mr. Deyalsingh: Madam Speaker, I stand on Standing Order 48(6). You cannot say that.

Madam Speaker: Hon. Member for Princes Town, I would ask you to withdraw that statement please.

Mr. B. Padarath: Madam Speaker, I withdraw with much hesitation.

Mr. Deyalsingh: Madam Speaker—[Interruption]

Madam Speaker: Members, please. Hon. Member, when I have ruled, I wish you will desist from making any comment that contradicts my ruling. [Desk thumping] Excuse me please, Members, I do not want any support. [Laughter] It has happened before, it would not be tolerated.

Mr. B. Padarath: Thank you, Madam Speaker. Madam Speaker, in the few minutes that I have in wrapping up, I would once again like to reiterate my call for this Bill to be sent to a joint select committee. We on this side believe that this is a very important Bill that needs a lot of attention. It needs some more work being done to it, and we would like the opportunity to spend some time looking at the amendments and the implications that that would have with respect to the judicial system of our nation.

Madam Speaker, as I wrap up, it is my hope that during this Lenten season that the hon. Members opposite will repent, repent, Madam Speaker, for their wicked ways in terms of what they have done to the children of the Republic of Trinidad and Tobago. I thank you, Madam Speaker.

Madam Speaker: Member for Princes Town, again, I ask you to withdraw that statement. You cannot impute improper motives. Please withdraw.

Mr. B. Padarath: I withdraw, Madam Speaker. Thank you.

Madam Speaker: Do I take it that you have finished your contribution?

Mr. B. Padarath: Yes. [Desk thumping]

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. I would now bring us back into focus on the matter at hand after the light entertainment. [*Laughter*] Madam Speaker, issues relating to family matters and children matters as defined in the Bill are closely connected to the core work of Gender and Child Affairs for which I have responsibility as the Minister of State in the Office of the Prime Minister.

The many troubling incidents concerning crimes against children and acts of violence against women, which have been occupying the nation's attention and receiving much highlight in all forms of media point to an urgent need to get all our systems right as they relate to both families and children and, in particular, Madam Speaker, children in conflict with the law.

Family matters are fraught with complexity as are matters involving children in conflict with the law, and they both require special judicial attention. Creating the legislative landscape to deal appropriately with family matters and with child justice matters as this Bill seeks to do is an important step in the right direction. [*Desk thumping*]

Madam Speaker, the Bill under consideration has had the benefit of further review over the past few months, and it is now considerably strengthened to deal with these matters. The Bill seeks to streamline a significant number of statutes that would directly touch and concern these two courts, including statutes which fundamentally touch and concern children and gender affairs. These include the Children Act, 2012 and the Children's Community Residences, Foster Care and Nurseries Act, 2000 among others.

We have had the benefit of a pilot Family Court in Port of Spain since 2004. The many advantages of dealing holistically with family matters in a specialized Family Court with appropriate support services have been clearly demonstrated through this pilot. As noted in the preamble, the Family and Children Division Bill builds on the successes of the pilot and the lessons learnt. The concept of a Family Court is, therefore, not new to our jurisdiction, and the Bill before this honourable House refines this concept in fundamentally important ways and sets out the necessary legislative framework to ensure its effectiveness.

Having regard to the Children Court, while we may not have had the benefit of a specialized Children Court as envisaged by the Bill, we have long recognized that children in conflict with the law need to be treated differently from adult offenders, and a Juvenile Court for these purposes was established since at least

1925 under the 1925 Children Act, now repealed. The Children Act, 2012 refines the concept by not limiting the Juvenile Court to the Magistrates' Court and, therefore, establishes the basis for a Children Court.

The Family and Children Division Bill, 2016 seeks to transform the old notion of a Juvenile Court by establishing a specialized Children Court in keeping with modern concepts of child protection and child justice. The Government therefore fully supports this initiative of the Judiciary of the Republic of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, I wish to dwell for a moment on some of the advantages of a specialized Family Court. A key aspect of a unified Family Court which resonates with this Government and the wider society is that it is designed to ensure not only that parties have access to justice but, more importantly, to minimize the impact of the breakdown of family life on children. The importance of family to a child cannot be overstated. A child's physical, emotional, psychological development occurs within a family. It is where children learn essential life skills. Regrettably, however, Madam Speaker, family breakdown is a fact of life in our society as in many societies. Nevertheless, its negative impact on children can be mitigated to a large extent by an effectively functioning family justice system that can achieve the objectives of access to justice and minimizing the impact of the breakdown of family life on children. It is right that children should be the central focus of a Family Court. They are likely to be most affected psychologically and otherwise, and the ordinary courts do not provide the environment or the support services for resolving family conflict in the best interest of a child.

4.00 p.m.

Both research and experience have shown the family breakdown can have short-term and long-term effects on children. A young child may become more regressive while an adolescent may become more aggressive, and the adversarial court proceedings where the emphasis tends to be shifted and focused on the adults rather than the welfare of the child may cause these tendencies to become more pronounced. Madam Speaker, divorcing parties, or parties seeking custody or maintenance who cannot arrive peaceably at decisions about their children's welfare and negotiate issues related to their children may put those very children at risk. Children may become more maladjusted and this may even last into adulthood. Children who are beyond the control of the parent are now classified under the Children's Authority Act, Chap. 46:10, as children in need of care and protection.

Family Division Bill, 2016
[HON. A. WEBSTER-ROY]

Friday, March 11, 2016

Assessments of these children reveal underlying causes ranging from sexual abuse to repressed feelings of abandonment and alienation, resulting from family breakdowns. This Government recognizes the absolute importance of minimizing the risk of children becoming maladjusted, post family breakdown. Madam Speaker, the annual reports of the Judiciary of the Republic of Trinidad and Tobago give an idea of the enormity of family breakdown and its implication to our society. For example, the law term 2012 to 2013, a total of 2,922 divorce matters were filed in the High Court; of these 2,439 were filed in the Family High Court, that is most of the applications were filed in the pilot Family High Court.

Since the jurisdiction of the Family High Court is not limited to a specific geographic area, Madam Speaker, it could be that parties have elected to file their petitions in the Family High Court in Port of Spain, irrespective of where they live, prefer its user-friendly atmosphere and availing themselves to the services provided by that court. On the other hand, during the same period, that is for law term 2012 to 2013, a total of 15,755 family matters, comprising mainly maintenance and custody applications, were filed in a Magistrates' Court, excluding the Family Magistrates' Court.

Magisterial proceedings in the Family Court are limited to the St. George West district, and so for the same period, 2012 to 2013, some 5,744 family matters were filed in the Family Magistrates' Court. The Magistrates' Court were designed primarily as criminal courts, as the hon. Member for Princes Town would have mentioned before, and although they have been adjudicating in the bulk of family matters, they lack proper alternative dispute resolution mechanisms and other services that are necessary to give effect to the best interest principle and to achieve the best outcome for children.

Madam Speaker, the layout of these courts is also not conducive to hearing family matters. In stark contrast, the Family Court, which includes the Family Magistrates' Court, adopts a participatory approach to problem-solving, and its design and layout reflect this. Madam Speaker, in those courts parties sit at a rectangular table with the Family Court judge or the Family Court magistrate. It adopts a participatory approach which is exceedingly important because of the huge emotional investment attached to these relationships. The Family Court also has access to the same support services as the Family High Court. It is fair to say that the 15,000 or so family applications made in other Magistrates' Courts should have the benefit of being heard in a similar court setting. They should be heard, Madam Speaker, in a Family Court.

Based on these figures it is not difficult to imagine that the number of children affected by family breakdown is significant. It is therefore crucial that divorcing couples, or parties seeking custody, access or maintenance, arrive at decisions concerning the welfare of their children in an environment that is designed to achieve this. Madam Speaker, family conflict is not the same as conflict between strangers, and the dedicated Family Court to resolve family conflict should be an important and essential part of the judicial system in Trinidad and Tobago. Madam Speaker, given the foregoing, it is important that the Family Court be staffed by trained and experienced judicial officers and that the law provide for this. In this regard, clauses 10 and 12 of the Bill provide that Family Court judges and masters must be suitable to adjudicate in such matters by reasons of their special training, experience and temperament.

Madam Speaker, the aspect of temperament is crucial. You could have all the degrees and all the qualifications in the world, if you do not have the right personality or the right attitude, you will still make a mess of it. [*Desk thumping*] Madam Speaker, these attributes, together with the social support, counselling, mediation, and the other adjunct services of the Family Court will ensure the best possible outcomes for the parties and for their children. This is important not only to the families involved and the children of those families, but also to the society at large, since the effects of family breakdowns spill over into wider society, whether in school, the workplace, or the community, and every day we see the effects of this by the rise in crime and the level of violence in our communities.

Madam Speaker, families make up the fabric of a society and we depend on families to raise children, children who come out to be good citizens, children who come out to be citizens that make a meaningful contribution. In turn, when breakdowns occur, families should be able to depend on society and on the State to provide the support needed so that post breakdown, families continue to participate in their children's upbringing in a positive way. Madam Speaker, crucially important also is that this Bill at clause 11 provides for applications for protection orders under the Domestic Violence Act to be heard in the Family Court. Applications for protection orders where the child is a victim or an affected bystander will be heard in the Children Court. Domestic violence has been plaguing the society for a very long time. Levels continue to remain unacceptable despite efforts of successive governments and civil society to eradicate this scourge.

Recent media reports also revealed that extreme brutality is frequently associated with domestic violence. The Office of the Prime Minister, Gender and

Family Division Bill, 2016
[HON. A. WEBSTER-ROY]

Friday, March 11, 2016

Child Affairs, and, by extension, this Government, recognizes that eradication of domestic violence with its deep complexities requires a multidimensional and multisectoral framework that will facilitate increased social, political and economic freedoms and rights for women and girls. Indeed, in this regard, several initiatives are being pursued by Gender and Child Affairs. The Gender Division has developed, as I would have mentioned earlier, a national strategic action plan for ending gender-based violence, which addresses domestic abuse and other forms of violence against women and children, an initiative that has been supported by the entity for gender equality and empowerment of women, UN Women. The Gender Affairs Division is also preparing a national communication strategy for the prevention of violence against women and children with the support of the Pan American Health Organization.

Madam Speaker, in addition, a domestic violence registry, which will harmonize and analyse data across key state and non-state agencies involved in data collection will be launched by the Gender Affairs Division in the very, very near future. The registry aims to develop profiles of victims and perpetrators with a view to effectively allocating resources and developing targeted programmes and projects to eradicate domestic violence. It is important, it is very important for victims to also utilize the court in order to obtain freedom from the abusers, both for themselves and for their children, Madam Speaker. Access to justice is a critical component of the national strategic action plan for ending gender-based violence, and we are on top of it in this Government. [*Desk thumping*]

At present victims are required to file their applications for protection orders in a Magistrates' Court, the exception being the Family Magistrates' Court where only applications connected to family matters such as custody may be filed. Madam Speaker, statistics published in the annual reports of the Judiciary of Trinidad and Tobago revealed that a significant number of persons seek the protection of the Magistrates' Court under the Domestic Violence Act. For example, the law term 2012 to 2013, 2011 to 2012, and 2010 to 2011, applications for protection orders filed in Magistrates' Courts were 11,382, 11,627, and 11,984 respectively. For the six-year period, 2007 to 2013, a total of 69,941 applications were made in these courts, and as mentioned, Madam Speaker, these figures exclude the applications filed in the Family Magistrates' Courts.

Madam Speaker, while criminality is frequently associated with these applications, applicants are nevertheless seeking civil protection, and the vast majority seeking this form of protection is or were in intimate relationships.

Indeed, research conducted in 1996 to 1997 by Mindie Lazarus-Black on the implementation of the Trinidad and Tobago Domestic Violence Act of 1991 revealed that the vast majority of applications were made by women against their married or unmarried partners. Madam Speaker, anecdotal evidence suggests that these findings may still be relevant today.

What Lazarus-Black's research also revealed was that the majority of applications were dismissed. Madam Speaker, when I made the earlier point about people could have the qualifications but not having the temperament, it comes back to this; note, most of the applications were dismissed. While the Family Court is not a specialist domestic violence or family violence court, the Family Court envisaged by this Bill, with its trained judicial and other personnel, will be better able to respond to domestic violence applications and to meet the needs of victims seeking its protection. Madam Speaker, that is commendable.

4.15 p.m.

In addition, domestic violence is frequently associated with divorce, custody and maintenance matters, and these matters will be heard in the unified Family Court resulting in improved quality of referral, access to services, monitoring, case coordination and case management.

Madam Speaker, the Family Court should also permit closer tracking of domestic violence cases and result in improved data capture and accounts, disaggregated by sex, age, relationship to perpetrator and other demographics. This will permit analysis of the domestic violence central registry and lead to better understanding of why the majority of applications do not result in protection orders, bearing in mind that both factors, intrinsic and extrinsic, sought to the justice system are implicated. This should result in improved targeting of our resources. At present, the court statistics collected are limited to the number of applications made and the number disposed of.

Madam Speaker, I now turn to the Children Court as proposed under the Bill. As noted earlier, the Bill is also creating a subdivision of the High Court to focus exclusively on children matters through the establishment of a children court. The definition of "children matters" specified in the Bill gives an insight into the scope and importance of a specialized children court. Not only will a children court have jurisdiction to deal with children in conflict with the law, but will also oversee a range of other children matters including children in need of care and protection, children mental health matters, children who have a history of alcohol

Family Division Bill, 2016
[HON. A. WEBSTER-ROY]

Friday, March 11, 2016

or substance abuse, application for protection orders on behalf of a child under the Domestic Violence Act and matters in which a child is required to appear in court.

Madam Speaker, there may be some differences in scope of the children court in other jurisdictions such as Australia, the United States and England, but the common thread throughout all of these is juvenile justice. Some jurisdictions have widened the scope to include child protection matters as is the case with the Bill under consideration. The concept of juvenile court for hearing and determining criminal matters involving children is not new. It was implanted and repealed in the 1925 Children Act and is repeated at section 81 of the Children Act, 2012.

Juvenile courts also exist in most if not all Commonwealth Caribbean countries and in one form or the other in many other jurisdictions. The concept is nevertheless significantly developed and refined in the Bill in order to give proper effect and meaning to section 81 of the Children Act, 2012. A major refinement is that the court hearing these matters will be a subdivision the Family and Children Division of the High Court with trained and experienced judges and masters with temperament to adjudicate in children matters. Training, experience and temperament of judicial officers, as well as the staff as outlined at clauses 26, 28 and 31 of the Bill are crucial in order to give effect to the rehabilitative and restorative principles underlying the juvenile aspect of the children court, and which are also key underlying principles in the Children Act of 2012.

The Bill before this honourable House seeks to modernize the approaches to juvenile offending and reoffending in keeping with international best practices and research. Additionally, the Children Court will also have available to it specialized services which focus on juvenile restorative practices including the support of duty counsel, children's attorneys, children's probation officers and other psychological and social services with the goal of preventing juvenile reoffending and offending.

Unfortunately, Madam Speaker, recidivism is a feature of juvenile offending in this jurisdiction as it is in many others, and a court dealing with juvenile justice matters must be equipped to prevent reoffending at all costs. Within recent years the number of young people committing crimes has increased, and it is clear that the justice system and the traditional punitive approaches have failed to deter our young people from the allure of a life of crime as highlighted on a regular basis in both conventional media and social media.

Madam Speaker, the importance in preventing juvenile offending and reoffending in our society cannot be overemphasized. Children do not become

offenders overnight. There are a plethora of factors that lead to first-time offending, and a children court with trained and experienced judicial officers radically shifts the emphasis from a punitive approach to one emphasizing rehabilitation and restoration—approaches which have had successes in other jurisdiction.

Children must not fall through offender cracks and remain there. Whatever may be the reason for the first time that they would have gotten into that situation, the implications are too grave for us. It is too grave for our nation and it is therefore critical that the necessary resources be deployed to rescue them, turn around their lives and help them to become productive citizens of this nation. This Government understands this and will do all in its power to achieve this goal, Madam Speaker. That is a guarantee to the people of Trinidad and Tobago. [*Desk thumping*]

The Children Court with the necessary resources as envisaged by the Family and Children Division Bill, 2016 will play a crucial role in ensuring that our children do not fall through the cracks.

Madam Speaker, I also wish to highlight another important development reflected in the Family and Children Division Bill, 2016 as it relates to juvenile justice—and this is the restorative practice of peer resolution. Peer resolution is a voluntary, restorative justice concept whereby children participate in court-like process of assessment to recommend sanctions appropriate to the offence committed by a child offender. It is a new concept to Trinidad and Tobago, but it has been tried and tested in other jurisdictions; and it is variously known as team court, youth court or peer court whereby young offenders are held accountable by their peers. Again, this is a concept which is in keeping with international trends and best practices.

Madam Speaker, programmes incorporating this concept have been implemented in several states of the United States of America, as well as other countries as mentioned to reduce future recidivism. The manner of implementation in each country may vary. For example, in some countries the programmes may be used as a diversionary programme before the child even interacts with the court, as in the case of Barbados.

In others, the programmes may be court-annexed and used as an alternative dispute resolution mechanism, as is being proposed by the Bill before this honourable House. Peer resolution relies heavily on the transformative power of positive peer pressure which can propel delinquent youth to law-abiding behaviour. The checks and balances proposed in the Bill will ensure the

Family Division Bill, 2016
[HON. A. WEBSTER-ROY]

Friday, March 11, 2016

worthiness and robustness of the peer resolution programme.

Madam Speaker, in the first place, as provided at clause 40, peer resolution is court-annexed which means that the referral comes to the court only, only, if the child enters a plea of guilty. Further, the court can only refer such a matter with the agreement of the child and the consent of the guardian. However, where the child agrees, but consent is withheld by the relevant parties, the court may nevertheless refer the child to peer resolution where the court considers it to be in the best interest of the child.

Madam Speaker: Hon. Member, your 30 minutes have expired. Might I enquire how much longer you will be?

Hon. A. Webster-Roy: Not very longer, Madam Speaker.

Madam Speaker: So you may continue.

Hon. A. Webster-Roy: Madam Speaker, I am really proud of the fact that the peer resolution process was piloted, and in October 2015 schools in Tobago took part in that process, and I am really proud to say that two schools in Tobago East benefited. Students from Roxborough Secondary and Mason Hall High School benefited from this training.

Madam Speaker, the Family and Children Division Bill, 2016 further strengthens the rehabilitative justice landscape for child offenders by providing for our children a drug treatment court process. A judge or master will preside over the process, thus ensuring judicial control and will be assisted by an interdisciplinary children drug treatment court process team. Madam Speaker, this is revolutionary for our time and I am really proud. [*Desk thumping*].

Madam Speaker, drug treatment courts offer an alternative to incarceration and generally combine judicial supervision, mandatory drug testing, increasing sanctions and treatment to help substance abusers, offenders or even non-offenders break the cycle of addiction and avoid the crimes that tend to accompany such addiction.

In Trinidad and Tobago most young persons remanded in custody for drug-related offences tend to be charged with possession rather than possession for the purpose of trafficking, suggesting that many have been abusing the relevant drugs or experimenting. Madam Speaker, it makes no sense for us to send a young person to jail for approximately nine months. Nine months is an entire school year. Nine months is a large chunk of a child's life for a drug

offence when they could get the right treatment through counselling and support from a judicial framework. That is why this Bill is so important to me and to others out there who care about nurturing our nation's future leaders. [*Desk thumping*]

Madam Speaker, as I close I just want to speak to both sides of the House. My very honourable friend and Member for Princes Town would have gone into a lot of politicking. Madam Speaker, there is a time and a place for everything. [*Desk thumping*] The time in this honourable House was to focus on a Bill to change the lives of our children [*Desk thumping*] and to create a judicial framework to improve Trinidad and Tobago. Sometimes we need to put the politicking aside and do the work that the people elected us to do. [*Desk thumping*] We are here to serve. We are here to serve the people who elected us and we should do it without party and politics constantly being a factor, [*Desk thumping*] but people being a factor; and the work that we will do, once we do it in earnest and in truth and with dignity, we could create a better Trinidad and Tobago and honour the father who put us here to serve him. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Members, it is 4.27. Might I suggest that we suspend now for 30 minutes.

4.27 p.m.: *Sitting suspended.*

4.57 p.m.: *Sitting resumed.*

Madam Speaker: The Member for Couva North. [*Desk thumping*]

Miss Ramona Ramdial (*Couva North*): Thank you very much, Madam Speaker, for allowing me the opportunity to contribute on this Bill. We would have heard the hon. Attorney General pilot this Bill in the House today, and we would have heard from my hon. colleague and Member of Parliament for Princes Town, when he also spoke on this Bill and, of course, identified in the first instance that this Bill was drafted and done under the People's Partnership Government. And, I think that by itself is an indicator that we were very serious about the citizens and taking care and protecting the citizens of Trinidad and Tobago and, by extension, leading by example to the wider Caribbean region.

Madam Speaker, I myself served for a year as Minister of State in the Ministry of Gender, Youth and Child Development, and it is very unfortunate that when this Government came into power on September 7th, one of the first actions by the Prime Minister and the hon. Member for Diego Martin West was to dismantle the Ministry of Gender, Youth and Child Development. And I think the citizens were up in arms about this because this particular Ministry was created,

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

again, to deal with the protection and rights of our children, our women and, by extension, every single citizen in Trinidad and Tobago. And the major influencing factor behind that was because over the years we saw an increase in crimes against our children, against our women, and it continues to go up to present time, as we have been seeing in the media.

Madam Speaker, we have seen the dismantling of the Ministry of Gender, Youth and Child Development with their units going into different Ministries, and we were very thankful to see that opposition just did not come from us, but it came from the public, and there were calls from different stakeholders and different interest groups, those from the academia, those from the NGOs, CBOs, that this was a very important Ministry to dismantle, and being one of the first actions of the Prime Minister and that Government, it really did not bode well for them.

So, Madam Speaker, as I move on, I just also want to quote from a Research Note from the Ministry of the People and Social Development in January of 2014, and in one of its editorials:

“Save our children; 38 children murdered; baby beaten to death; we are treating our children like trash;”

And these were just some of the editorials that we were seeing over the past years in news reports and, of course, on print media. And it was because of this, again, under the People’s Partnership Government and under the leadership of the hon. Kamla Persad-Bissessar, the first female Prime Minister of Trinidad and Tobago, we were really on the move and on the path to create an establishment and to create a way forward in dealing with all protection for our citizens of Trinidad and Tobago.

Now, the Member for Tobago East spoke about the ramifications of the Bill with respect to the Family and Children Division Bill going to the High Court, and all of that, and she was very much into the operations of it, and I will talk a little bit about that also a little later on. But, what it is that we need to identify, Madam Speaker, is that our children they are the future of this country. We need to take action in terms of protecting them, and we have been taking actions to protect them. And, in one of the recommendations it was, of course—one of the requirements—it was identified that a special task force or the Child Protection Task Force be formed to deal with these abuses against our children and child homicides.

So, in 2014, under the previous Government, a special unit of the Trinidad and Tobago Police Service, to address issues of child protection and family violence, was established. The then Prime Minister, the hon. Kamla Persad-Bissessar, was presented with the second report of the Child Protection Task Force which she appointed in December 2013. Other recommendations of the task force included:

- The implementation through the Ministry of the Gender, Youth and Child Protection of the National Children's Register, to keep statistical track of all children from birth to early childhood;
- The reassignment of regional health visitors to concentrate on community work and monitoring the physical and mental development of all children, especially those at risk from birth onward;
- The upgrade of professional services for counselling and remedial work for traumatized children in all schools to help prevent bullying and disruptive behaviour; and
- The establishment of the office of a children's ombudsman and the integration of the Ministry of Justice draft policy on a youth justice system to deal with the special needs of children who contravene the law.

At that point in time, Madam Speaker, the Prime Minister also announced that Cabinet had approved the drafting of legislation to support the operations and regulations of the Children's Community Residences and Foster Care Acts. It was also highlighted at that special meeting that the Children's Authority had now recruited 41 out of an expected 97 people in critically important positions and, of course, in a move to fill in these vacancies. In another report, and this came from Sharifa Ali-Abdullah, one of the directors of the Children's Authority, she also reiterated last year that over the last six months alone with the operationalization of the Children's Authority, they had dealt with more than 2,500 cases of child abuse, averaging between 400 to 500 cases per month, and around 150 of these cases were emergency cases.

So, it is, of course, very critical, and it was at that time and continues to be very critical for us to deal with the protection of our children and women. And she went on to say that sexual abuse accounted for 22 per cent of the cases, while neglect and physical abuse cases were also common. And, in Trinidad and Tobago the level of violence and the kind of cruelty against children we are seeing is very alarming. And I am quoting what she had said. She said:

We are getting cases of parents who are burning their children's hands on hot stoves; there are parents who are beating their children to a pulp using a

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

rolling pin and other instruments—she said—some children were beaten mercilessly to the point where medical attention was necessary, some cases have involved children being denied food or given dog food to eat. We have found children including babies in human filth, and it is very, very alarming and very, very concerning that the kinds of cases that are coming to us it is a disturbing trend.

And again, at the end of that media conference, the media was, of course, encouraged to continue to cover cases like this to raise awareness.

So, Madam Speaker, coming out of these reports and all of the thousands of cases before our time, this is where the operationalization of the Children's Authority and other pieces of legislation to enable—now we are seeing here, the Family and Children Division at the High Court was implemented under the previous Government. And I do not think that we can ever be accused of neglecting and ignoring the people of Trinidad and Tobago and their plight. I do not think as a previous Government that we can ever be accused of that. However, we are seeing today—and my colleagues made mention of it—where the hon. Attorney General and Member for San Fernando West failed to act, in my humble opinion, to deal with the expediting of money from the Children's Life Fund to deal with saving Baby Miracle's life. [*Desk thumping*] And, Madam Speaker, information has come to me—

Mr. Deyalsingh: Madam Speaker, 48(6), the Attorney General does not administer the Children's Life Fund.

Madam Speaker: Member, again, I would caution you. A similar type of statement was made prior by another speaker, and I would ask you all to be very cautious. And I just want to, for the purposes for everybody else who would speak on this, to remind Members of Standing Order 55(b), which speaks of tedious repetition of either one's own argument or that of a previous speaker.

Miss R. Ramdial: Thank you, Madam Speaker. Let me just also add to that, that as the Member of Parliament for San Fernando West, he is yet to make a statement apologizing or even showing mercy, or giving apologies for the death of Baby Miracle. And that is all I have to say.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(6). What does the hon. Member of Parliament have to apologize for?

Madam Speaker: I would really refer to Standing Order 48(1) with respect to relevance, and ask the Member please to relate her comments to the Bill that is before the House.

Miss R. Ramdial: Thank you, Madam Speaker. So, we are speaking about children, and children authority, and protecting our children, and saving the lives of our children and, therefore, new information that has come to hand that I also want to mention here in the Chamber, is that one of the reasons—and we are being told—that there was a delay in the access of funding from the Children’s Life Fund was that there are two directors of the Children’s Life Fund board who had resigned. Is this true? And is it because of the poor response to Baby Miracle’s request, because of these resignation from the Children’s Life Fund board? So, I think that the Minister of Health has a little bit of explanation to give us, probably later on or otherwise, or probably the Member of Parliament for San Fernando West, in his winding-up, he can tell us on this package of legislation for children and the protection of children, whether or not this information is true, and whether it would have hampered the process of accessing that life-saving fund for Baby Miracle.

So, Madam Speaker, I continue. In addition to that, we have seen, and it is not a trend, but it is really very important to note, that with the massive job losses taking place, we have seen that CSO sent out a bulletin just this week: 8,000 persons now unemployed in Trinidad and Tobago from September 7th to now; 8,000 persons unemployed. And we all know that high unemployment rates lead to high crime. And when we have high crime, the family unit is affected. It is fractured, it becomes broken, because now you have breadwinners and homeowners who are unable to find funding, to earn money to take care of their children. And this sort of stress relates and trickles down to the children of the home, and when they go to school they may behave in a violent way, they may behave in a violent manner— probably that is one factor that is influencing high violence and increased violence in schools. We do not know.

5.10 p.m.

It is a measure that has been put forward. It is a factor that has been put forward by those from different schools of thought. And, Madam Speaker, it is very important that the Government of the day creates the enabling environment to allow for our children and for all citizens of Trinidad and Tobago to flourish even under harsh economic times. It is very, very, important. And I must say that after six months in office we have not seen that type of action.

There was just a poll run recently, Madam Speaker, and I am talking about the performance of the Government and the impact on children in Trinidad and Tobago and the impact on the family unit in Trinidad and Tobago. And there was a poll run on one of the media stations where they asked, are you satisfied with

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

the Government's performance after six months? And it was, of course, in their polling, 65 per cent of the population was not happy with their performance. Then we have the Prime Minister coming on TV and saying, you know, he is satisfied. Again, the public has sent a message to this Government that they need to tie their bootstraps, pull it up and get to work.

The Member for Laventille West likes to throw talks sometimes, Madam Speaker. I have written to him, 10 letters [*Desk thumping*] on behalf of the constituents of Couva North, 10 letters and the Member for Port of Spain South has gotten over 30 letters from the Member of Parliament for Couva North and begging them to assist—[*Interruption*]

Mr. Deyalsingh: Madam Speaker, 48(1).

Miss R. Ramdial: Madam Speaker, I am making a point—[*Interruption*]

Madam Speaker: Member, I will give you a little latitude, but, please tie the point to the Bill under consideration.

Miss R. Ramdial: Thank you, Madam Speaker, and I was about to do that before—[*Crosstalk*] exactly. So, Madam Speaker, when I speak about the Government creating an enabling environment I am speaking about infrastructural development that will enable families to enjoy a better standard of living. I am talking about the Minister of Housing and Urban Development giving families who deserve housing so that they can afford a better standard of living and build that home around their children.

So, when as a Member of Parliament—I represent at least 28,000 constituents in my constituency—Madam Speaker, I am writing on behalf of the persons who put me there, who elected me into office. And if it is that we have Ministers of Government who cannot even respond via letter, what does that say for the Government and, by extension, the country? When we were in government we responded to most of their requests. [*Desk thumping*]

Hon Members: No!

Miss R. Ramdial: I was and I can speak for many of my colleagues, Madam Speaker. There is no respect for the sitting Member of Parliament to even respond via letter to some of the concerns that we send across to them, in the interest of family and the holistic development of the family in Trinidad and Tobago.

Madam Speaker, these things are very important, because whilst we come here to the Parliament and we are elected Members of Parliament, and we come here to make legislation, pass Bills so that we can continue to improve the lives of our people in Trinidad and Tobago there are other mechanisms and strategies that the Government can also implement to make the citizens of this country feel safe. So as Ministers of Government and MPs themselves, I am really experiencing, as a Member of Parliament, inequality in the distribution of resources at this point in time and that is the truth, Madam Speaker. And I speak with conviction and I speak from experience.

So, my appeal actually here today—and you know just this morning I was on the media making an appeal also to the Minister of Social Development and Family Services for food cards for the poor and impoverished. After six months constituents of Couva North have not been able to receive food cards for those who have applied through the Central Regional Office. And these are very impoverished families with children, single mothers with children who go out there, who come to my office and apply for the food cards, we send in the forms to the central office, we are calling, no feedback and then we are writing letters to the Minister, no feedback, so I have to take it to the media to represent. And you know, Madam Speaker, we owe a duty of care to the citizens of this country, a duty of care [*Desk thumping*] because we are all elected. And it is really embarrassing as a younger Member of Parliament to be writing these letters. Every Tuesday when I go to my constituency office there are about 15 of them, it is housing, it is employment, it is social development food cards, it is water, it is a whole set of issues.

Mr. Hinds: Only 15?

Miss R. Ramdial: Relax. So, Madam Speaker, at the end of the day, what I am saying is that when we do our jobs as elected Members of Parliament and we depend on the Government of the day and these Ministers of Government to distribute the resources like we did when we were in Government—

Mr. Deyalsingh: Madam Speaker, 48(1), how is that leading to the Bill?

Miss R. Ramdial: I am linking, I am linking.

Madam Speaker: And Member, while I understand we have the different styles, I would hope the link will be made soon.

Miss R. Ramdial: Thank you very much, Madam Speaker, for understanding where I am coming from. And therefore my point is if we are talking about

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

serious legislation, trying to protect our children, continuing the good work of the People's Partnership with respect to families in this country, there are other strategies that the Ministers and the Government also needs to implement to create the enabling environment for it to be workable. And this is my plea as a Member of Parliament to these Ministers and Members of Parliament themselves also. So please, respond to the Member of Parliament for Couva North. Write me letters, tell me what the problems are so I can explain to my constituents.

So, Madam Speaker, I will continue. So we are talking today about the Family and Children Division Bill, 2016 and let me also reiterate the call from the Opposition that we here have agreed and decided that we would like to see this Bill go to the JSC, Joint Select Committee, [*Desk thumping*] for further work dealing with the different amendments that the hon. Attorney General spoke of today.

Now, Madam Speaker, in addition to that, in a *Newsday* article on Thursday, May 21, 2015, and that was a red letter day for the People's Partnership Government because that was the day that the Children's Authority came into force, and it was something—

Madam Speaker: Member, I know we might have a little heightened energy because of the tea, but I would like to hear the Member for Couva North, please. Continue, please, Member for Couva North.

Miss R. Ramdial: Thank you very much, Madam Speaker. So on Thursday, May 24, 2015 the Children's Authority was launched at the Hyatt Regency, Dock Road, Port of Spain. And this was a red letter day for the People's Partnership Government and the Minister at that time, the hon. Minister De Coteau, indicated that the Children's Authority will both be responsive and proactive to the needs of the children. He continued to give and to speak about the mandate of the Children's Authority, and I quote from him:

“The public can be assured that there will be a mutual relationship between the Children's Authority and its clientele, as well as the rest of the society. This will ensure a high level of quality service by the Authority,” the minister said.

He noted that on May 18, 2015, was”—also—“a historic day for the...children of the nation.”

And he continued to explain the purpose of the Children's Authority. He said that:

“The President of Trinidad and Tobago on that day proclaimed the...Children's Authority of Trinidad and Tobago”—and it would be—“the new children's protection system”—which—“will be fulfilling the needs of the children in need of protection in a holistic and comprehensive manner.

De Coteau said the Authority will be focusing on children and their families. Family re-integration is the overarching philosophy of the Authority and accords with the government's commitment to family and family life. The principle that a child is best placed with a family will be facilitated through adoption and foster care both of which are now the responsibilities of the Authority.”

And he went on to explain some of the workings of the Authority that citizens would have been privy to in the coming months. And again, Madam Speaker, it just shows the commitment of this Government to take the protection of our children to a better place.

Now, this Family and Children Division Bill, 2016, will put in place the judicial structure that completes the placement picture. The intention of this is that the Family Court Project before has been functioning in Port of Spain since May of 2014. It deals with a wide range of family matters including, divorce, maintenance, custody, care and control of children and access by children to parents. It is essentially a civil court and, of course, it is explained in our version of the 2015 Bill that the 1925 Children Act enables a parent, guardian or person with responsibility for a child to come before the Magistrates' Courts and claim that the child is beyond control.

In practice, this has meant that such children are often placed in the same institutional care as children who have been charged and convicted of a criminal offense despite the requirements in the legislation that the two groups should not mingle. And because of this, Madam Speaker, in 2012 the Children Act was introduced and a far wider range of orders that the court may make in relation to a child offender with greater focus on rehabilitation and diversion from criminal activities to activities that may assist in the child being redirected.

Madam Speaker, the Bill also speaks to the Family Court Committee which was established in 2002, the Family Court Project resulted in the family court being open in May 2004 and, of course, with the discretion vested in the Chief Justice and the Rules Committee.

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

Madam Speaker, the direction that the court is going to be given to apply the family proceeding rules, they are very innovative. Most importantly, it is a solution-oriented or problem-solving court and it is focused on customer service. The environment has been designed so that it does not increase the tension most people experienced in attending court would encounter. The hearing rooms are small and private. The judicial officers wear court jackets rather than robes. Hearings are by appointment rather than all being fixed for 9.00 a.m. There are social workers and mediators employed by the court and there can be referrals for investigation and family conditions counseling or a workshop on co-parenting. There are small meeting rooms where attorneys may meet with clients. There is a nursery where babies and small children may be left, and it is staffed by professional caregivers. There is a waiting room for youths, Madam Speaker, with access to books and computers. There is a specialist family law library and some resources are available even without litigation where we have members of the public also attending to be trained.

Madam Speaker, it should be noted also that the Bill being considered would build on that experience not only formalizing the Family Division of the High Court but the Family Court will continue to function but also by creating a children court that will function as the Children Division of the High Court. Both courts are to understand the needs of the children, but in the context of the Children Court there is likely to be a greater emphasis on the needs of children who may present as traumatized and on making a connection between those children and the support services that should be accessed on their behalf. Where children are charged with criminal offences the Children Court will be fully aware of the range of options open to it and craft in order that will do most good.

In addition to that, Madam Speaker, the new child protection system is managed by the Children's Authority of Trinidad and Tobago. The importance of the Family Court is very critical to the workings of the Children's Authority. And it was seen in 2001 via the Family Court Bill which, of course, lapsed but then it was really the intention of that Bill to ensure that the Family Court operate adequately with other pieces of legislation in the legislative package; that is, the Children's Authority Act, the Children Community Residences, Foster Care and Nurseries Act, the Adoption of Children Act and the Children Act as amended.

Madam Speaker, and I know that the hon. AG in piloting of his Bill spoke about new consultations that were had and we are a little bit confused about these consultations with respect to who were the stakeholder groups, you know, that

these stakeholder consultations were held. When were these consultations held because it would have been in our best interest also as an Opposition to be invited to these consultations so that we could have also given our views and opinions on the amendments that the hon. AG spoke about. So we would really like to find out about these new stakeholder consultations that he said took place.

5.25 p.m.

Madam Speaker, in addition to that, children's matters are very extensive and, therefore, a lot of training has to go into the court practitioners in order to deal with this.

Clause 27 reflects novel approaches to reducing and preventing recidivism and, of course, we refer to the Peer Resolution Centre Coordination Unit and the approaches outlined at clauses 38 to 41 whereby first-time offenders charged with a minor offence and admits guilt, may be referred to court-annexed peer resolution with the agreement of the child and the consent of the parent, guardian or person with responsibility for the child.

The approach taken here, Madam Speaker, according to the Children Act of 2012 and also in keeping with the modern principles articulated in the CRC which Trinidad and Tobago has ratified, and other international documents such as the Beijing Rules and the Riyadh Guidelines, young people, of course, are our future and adhering to these international agreements we are able to come up with this new Bill—[*Interruption*]

Madam Speaker, I crave your protection from the Member of Parliament for Diego Martin North/East, please.

Hon. Member: “He eh know yuh quoting?”

Miss R. Ramdial: Exactly.

Madam Speaker: Members, as I indicated before, we might be a little energetic, but please allow the Member for Couva North to make her contribution, which I think would be of invaluable assistance to all of us. Continue, please.

Miss R. Ramdial: Thank you, Madam Speaker. Madam Speaker, with the development of this Children Court we can expect to see similar developments of a new practice area and new professional specializations. Family lawyers will be interested because they have always practised with the welfare of children being of paramount consideration, and criminal lawyers should welcome the new focus on rehabilitation and redirection designed to keep young people out of the criminal activities that have brought them to the court.

Family Division Bill, 2016
[MISS RAMDIAL]

Friday, March 11, 2016

This new system would no longer have conviction and sanctions as its primary purpose once there is a child involved who may be able to be guided back into the more morally responsible society that does not embrace crime. And, Madam Speaker, as in the Family Court, access to social services, training and counselling will be an important issue to be dealt with. The development of this new legislation and the new Children Court provide a hope for a future where even the children who have made errors—

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to a further 15 minutes. Would you like to avail yourself of it?

Miss R. Ramdial: Just a couple minutes.

Madam Speaker: Yes? So you may continue.

Miss R. Ramdial: Thank you. So, Madam Speaker, I was talking about the new legislation and the new Children Court which, of course, will serve to provide hope for the future where even the children who have made errors, who have never enjoyed a nurturing home life, can still be seen as valuable resources who can benefit from special attention and assisted in overcoming the situation that has brought them into contact with the court.

Now, Madam Speaker, again, I want to reiterate that the amendments—

Mr. Imbert: Madam Speaker, Standing Order 44(10). The AG was pulled up on this recently.

Madam Speaker: Member, would you kindly continue? I would ask you to be guided by the fact that it is a debate and, therefore, while you can refer to notes, you cannot read extensively.

Miss R. Ramdial: Thank you, Madam Speaker. [*Crosstalk*] All right. Madam Speaker, I would just simply like to state it is a complex Bill and there are specialities and operations that are included in the Bill that we have to speak about. I mean, come on, Member for Diego Martin North/East. [*Interruption*]

Mr. Imbert: The Standing Orders say you “cah” read your notes.

Miss R. Ramdial: Try to deal with the economy. Anyway, Madam Speaker, thank you very much for understanding. I will ignore the Member for Diego Martin North/East and his ramblings.

Madam Speaker, in ending, I would really like to say that in support of the 2015 version of this Bill—the Opposition supports the 2015 version—we have

decided as an Opposition that we would like to see this go to a joint select committee. But the purpose of this Bill is to continue the good work of the People's Partnership government so that we can see that our citizens, our children, our women, our men, well protected under the establishment of Trinidad and Tobago.

It is very important, Madam Speaker, in the face of high unemployment, rampant crime—I think it is more than 90. The first few months of the year it is more than 90. We say that this may be a record-breaking year for murders and crime in this country. We hope not. We hope that the Government has the testicular fortitude under the Minister of National Security to deal with rampant crime. We have seen the effects. We have seen the fallout effects on our children. We have seen what is taking place. We are also seeing that with the increase in food prices, Madam Speaker, that it is not going to be an easy task for the Government and, by extension, the citizens of this country, to reconcile the fact that whilst we have high crime, whilst we have high unemployment, now we also have increasing food prices that we have to deal with.

And I would also reiterate the call of the Opposition, both in and out of the Chamber that, that VAT, the timing was all wrong on food prices. It was all wrong, and therefore the Government needs to relook and take a look at that in the midterm review.

Madam Speaker, before I sit, one more thing I would like to say. The Attorney General of this country has a very important task ahead of him. He is very much responsible for the legislative agenda—for putting forth a legislative agenda to the House that we are yet to see. He is also very much responsible for ensuring that through his office and his actions that we see a better standard of living and protection for our citizens. And I was very disheartened as a younger Member of Parliament in recent times to see this fiasco with the Malcolm Jones case, and really—

Mr. Deyalsingh: Madam Speaker—

Miss R. Ramdial: Madam Speaker, I am ending—

Mr. Deyalsingh:—48(1), 48(1).

Miss R. Ramdial: Madam Speaker, I am ending. Maybe—

Madam Speaker: Members, Members. Members, we are all very familiar with the Standing Orders. Two Members cannot be standing at the same time and when one Member stands on a point of order, the Member on his or her feet

Family Division Bill, 2016
[MADAM SPEAKER]

Friday, March 11, 2016

should take a seat. So I hope you would remember those rules as we continue in the debate. Member, I would ask you to withdraw the statement and please continue in the few minutes you have left.

Miss R. Ramdial: Thank you, Madam Speaker. I withdraw that statement. In winding up, Madam Speaker, again, I would reiterate that the Attorney General of this country has a very important job to deliver to the people of this country, especially in the face of high crime, high unemployment and otherwise. We are very much concerned for the children of this country and, therefore, he has a huge task ahead of him. So far, he has failed, Madam Speaker. And therefore I make a call today in this Chamber that he himself needs to pull his bootstraps up and do the job that is necessary so that our people can enjoy living in Trinidad and Tobago once more.

Thank you very much, Madam Speaker. [*Desk thumping*]

Madam Speaker: The Minister of National Security. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker, for the privilege to participate in this debate on a topic that strikes at the core of our very development. Madam Speaker, the family is the foundational unit of any society. It is, in fact, the smallest unit, but it is a unit that is there to build and weave the fabric of our very society. It is where we plan; it is where we prepare; it is where we programme our children to live a life of productivity and live meaningful lives.

Madam Speaker, permit me to make a quote from the Ministry of Healing by Ellen White, page 202, and she states:

“Society is composed of families, and is what the heads of families make it...the heart of the community, and the church, and of the nation. The well-being of society, the success of the church”—the current and future prosperity and national security—“of the nation, depend upon home influences.”

And, of course, the family structure. [*Desk thumping*]

Madam Speaker, this Government has demonstrated, by bringing this Bill to this House in the first seven months of its existence the importance of family. I have heard the Member for Princes Town and the Member for Couva North speak a while ago and they went back into some history. They went back into the antecedents as to what the then PP government did. Madam Speaker, they had five years in which to bring this Bill to this august House. They did not do so.

Hon. Member: “Woulda, coulda, shoulda.” [*Desk thumping*]

Hon. Maj. Gen. E. Dillon: They did it, Madam Speaker, but they allowed that Bill to lapse. [*Desk thumping*] And therefore we are not going back into 2015. We are dealing with 2016—[*Desk thumping*—the 2016 Bill, that this Government that cares about people, this Government that cares about children, this Government that cares about family, make it so important that they feel that in the first seven months that they must bring this Bill to this House.

Hon. Member: First five months.

Hon. Maj. Gen. E. Dillon: The first five months, Madam Speaker.

Mr. Al-Rawi: Nineteen laws in one. [*Crosstalk*]

Hon. Maj. Gen. E. Dillon: And this is a demonstration of a Government that cares. This is a demonstration of a Government that understands family and family values.

Madam Speaker, the Family and Children Division Bill, 2016, seeks to make jurisdiction for all family matters and children matters to be held at the divisions of the High Court. It deals specifically with two different divisions: Family Court and Children Court. Madam Speaker, when one looks at the Bill, when one understands the issue of family matters, the issue of civil matters, it, in fact, has implications to national security. It, in fact, tells us that it is a showstopper with respect to national security. When one understands that in today’s world there are several issues pertinent to children and incidents of crime against children, the importance of bringing this Bill to this House is clearly demonstrated by this Government.

Madam Speaker, this Bill is designed to remove the intimidated, adversarial and combative nature that has become commonplace in addressing family matters and children matters before the court. Within recent times, Madam Speaker, there has been an increase in the number of children before the courts of Trinidad and Tobago. This is a cause for concern for the Ministry of National Security and for the wider society. This Government understands the multidimensional nature of crime, the multidimensional nature of security, and so, any endeavour to treat with these issues must be multidimensional in scope and application. So when we look across the spectrum, the idea of bringing this Bill to this Parliament is the Government’s demonstration that we are taking care of family and children in this society of Trinidad and Tobago.

Madam Speaker, with respect to the Ministry of National Security, the Ministry of National Security stands ready to render support to give effect to this

Family Division Bill, 2016
[HON. MAJ. GEN. E. DILLON]

Friday, March 11, 2016

Bill through the institutional strengthening of a number of its agencies: The Trinidad and Tobago Police Service—the Police Service Act was amended with respect to disclosure of fingerprints and photographs with respect to children. The Trinidad and Tobago Police Service, only yesterday this Government has approved the establishment of the Child Protection Unit. That Child Protection Unit is a unit that is there to treat with incidents of crime against children. It will be staffed throughout the nine divisions throughout Trinidad and Tobago, Madam Speaker, so that in every jurisdiction—eight in Trinidad and one in Tobago—there will be dedicated police officers, a dedicated structure, to treat with incidents of crime against children. That, Madam Speaker, is the thrust of the Ministry of National Security.

When one looks at the probation services which is now under the Ministry of National Security, the Act has been amended to treat with children probation officers. The Trinidad and Tobago Prison Service, another entity under the Ministry of National Security, the Young Offenders Detention Act has been amended now to read the Child Rehabilitation Centre. So that we see, Madam Speaker, implications and the thrust of the Ministry of National Security in treating with crime and criminality against children.

Madam Speaker, under the Family and Children Division Bill, 2016, reference is made to matters involving orders of children to be sent to rehabilitation centres. This is a change from what before was called the industrial institutions. And so, it is in recognition of these many issues concerning children that the Ministry of National Security, by way of the Commissioner of Prisons, will take the necessary measures to ensure that institutions, such as the Youth Training Centre, are so structured or so refurbished to treat with the rehabilitation centres. These rehabilitation centres are expected to take over in ensuring that the children are placed in the type of institutions that do not turn them into what we call hardened criminals.

5.40 p.m.

Madam Speaker, just today, I had to visit the Maximum Security Prison for the launch of the 2016 Pre-Release Programme. These are prisoners who have been there in the last nine months, who have volunteered to be part of that programme to re-educate them, re-engineer them into society. One of them gave a testimony and that testimony speaks to his involvement in crime from a very tender age. From a very tender age he went to that institution. Madam Speaker, if one looks at the issues in this Bill, had that Bill been in force at that time, that

gentleman would not have gone past. He would have been treated at a very tender age. There and then institutions would have been in place so that he would not have become the hardened criminal that he was today. That was his testimony. So those are instances that this Bill is very important insofar as dealing with crime from a very tender age, because this is what we have in our system as they progress into the more advanced prison system. This is the importance of this Bill.

Madam Speaker, as can be evidenced in our society today and in the media, there is a growing trend in juvenile criminality and violence at schools. In fact, only recently we had a situation in Chaguanas North Secondary School where 20 students were suspended. When one looks at the behaviour of young people now in our society, there must be measures that are put in place to treat at a very early age, and therefore, this Bill which speaks to an issue of corrective actions is very important in treating with crime as it progresses in our society.

Madam Speaker, if there was a time to adopt corrective rehabilitative and restorative measures to stem this type of spiralling violence, it is now. The time is now, and this measure being adopted in the Bill is such a measure to stem that tide at a very early age. This is the Bill that is placed before us by this caring Government.

Madam Speaker, the proposed Bill before this House will seek to address the problems encountered in the field of child justice as it exists within the framework of current legislation. Specifically, the Family and Children Division Bill, 2016 will secure to the best interest of the child as well protecting the rights of the children accused of committing crimes, as well as regulating the system wherever the child is dealt and ensuring that the roles and responsibilities of all those involved in the process—*[Interruption]*

Miss Ramdial: Madam Speaker, 44(10).

Hon. Maj. Gen. E. Dillon:—are clearly defined—*[Interruption]*

Madam Speaker: I will just caution Member in terms of—as I said, you can refer to your notes, but it is a debate. So, please continue.

Hon. Maj. Gen. E. Dillon: Thank you, Madam Speaker. This Bill would ensure, Madam Speaker, that legislation will be there to revolutionize the criminal justice system in Trinidad and Tobago, as it affects children in conflict with the laws and, in fact, to make sure the jurisdiction of the High Court is treated with.

Madam Speaker, the importance of the Bill also has relationship to our very Constitution; it has relationship to the 1989 United Nations Convention on the Rights of the Child. So that in putting this Bill forward, we are also honouring our

Family Division Bill, 2016
[HON. MAJ. GEN. E. DILLON]

Friday, March 11, 2016

international obligations: the Declaration of the Survival, Protection and Development of the Children Act; the 1990 World Summit of Children; the Universal Declaration of Human Rights; and, of course, the International Covenant on Civil and Political Rights 1994. So that the issue of this Bill has not only local implications, but in fact international obligations insofar as our treaty commitments are concerned.

Madam Speaker, this Bill provides to us a very comprehensive and cohesive system for the management of young offenders. When we understand what is happening to us in this society, I say again that the time is now. The time is now for us to treat with this issue. As we look forward, as we deal with the issues of crime in our environment and we look at the increase of incidents of crime between our young people in our society, we must understand that the family is in fact the first crime stopper. The family as a unit is our first crime stopper, and if we take measures to treat with that—and one such measure is this Bill here today—then we understand that the Bill in the way it is constructed will treat with that at a very tender age.

Madam Speaker, this Bill ensures that children in trouble with the law are afforded protections that are guaranteed to them in the law, as well as creating a balance within the needs of the very community within which they live, to ensure the safety and security of society as a whole.

The 2016 Bill takes forward a range of government commitments which are intended to improve services for key groups of vulnerable children within our society, children in the adoption and care system, those affected by decisions of the Family Court and those with special educational needs. To a large extent, these are children who progress into stages of delinquency, and therefore, this Bill seeks to stem that at a very early age.

Madam Speaker, the proposed Bill contains provisions on a range of polices which span the responsibilities of a number of Ministries, and so you will see as the hon. Attorney General mentioned, a number of Ministries are involved in the implementation of this Bill: the Ministry of National Security, the Ministry of Education, the Ministry of Social Development. And so, what we are seeing here is a policy enunciated by this Government in a whole-of-government approach to treat with the issues that confront us. [*Desk thumping*]

You see, Madam Speaker, this Government understands that in treating in this issue insofar as the family is concerned, insofar as crime is concerned, no one entity can treat with it, and therefore, this whole-of-government approach will

bring all the issues—social development, sports, culture, national security—and these are the Ministries that will bring to the fore to treat with issues as contained in this Bill.

It must be stressed that the enactment of this Bill should not be seen as being soft on crime. This is not being soft on crime, but it has a very fundamental benefit in treating with the issues of crime. You see, today, these efforts must be directed and coordinated in such a way that the case of the children, the rights of the accused are protected and steps taken by the State to manage the offenders in a way that will impact all and change behaviour patterns to prevent the reoffending. Because what is important here, Madam Speaker, this Bill will send a message, this Bill will be an act of deterrence, so that in today's sitting the whole question of consequence for one's action comes into play.

To a large extent what is happening in our society today is an absence of consequence for one's action and we have seen that happening. We are seeing it being perpetuated to a large extent throughout the fabric of our society, where there are no consequences to our very actions. And again, I mention my visit today at the prison where the gentleman who gave his testimony said he was able to get away with a lot of things that he did. So there was no consequence for his action and he regretted that. He said if only there was someone to correct him, if only he was punished for the events that he did as a child, he would not have been developed to the individual that he was.

So, Madam Speaker, what this Bill intends to do, what this Bill will be doing, is to act as a deterrent to provide a certain kind of consequence and action at a very early age in treating with children, in treating with the family. And if we can multiply that throughout our society, if we begin to show consequence to the very actions, if we begin to hold people responsible for their actions, we will have a better society in Trinidad and Tobago, and this is what this Bill intends to do—consequence to our actions.

Madam Speaker, on the content of the proposed Bill, it is submitted that the changes made in the Bill ought to be substantive. Nevertheless, it is encouraging to note that the core essential elements that are proposed in this Bill remain intact and unaltered, and in the best interest of the child. It is generally thought that the criminal justice system, is fraught with delays. In addition, for a child passing through the system the process can be intimidating and confusing in itself. So this Bill, however, sets out specific time periods in relation to assessment, preliminary enquiry and the finalization of proceedings, and it is submitted that these time

Family Division Bill, 2016
[HON. MAJ. GEN. E. DILLON]

Friday, March 11, 2016

periods are urgent and necessary so that the time delay in the past, this Bill sets out to deal with that.

It must be noted that the proposed Bill adheres to the principles that detention of a child must be a last resort for the shortest possible period of time. The whole question of mediation, the whole question of counselling, the whole question of treating with the child is an important aspect in going forward, because what we want to do is to ensure at the end of the day we do not have people progressing from the child criminal stage to the adult criminal stage. That, Madam Speaker, to my mind is the fundamental purpose of this Bill.

Madam Speaker, investigations have revealed that among the strongest predictors of serious and violent crimes, evident between the ages of 12 and 14 are strong social ties, anti-social peers, delinquent acts, poor school attitude and performance, and psychological conditions. As a society, we have to be able to treat with our children, we have to be able to bring back the issue of value system. In other words, this Bill is just one of many measures that have to be adopted in curbing the direction in which our delinquent youths are heading at this point in time. And so, what is important for us, together with this Bill, is to ensure in our society we bring back the value system to know what is right or wrong in our various decisions on what we do.

And so, Madam Speaker, serious interventions are required, serious interventions that are legislated here today at the Bill being ushered by the Attorney General to address multiple problems including law breaking, substance abuse and substance use, academic and family problems. This Bill in its manner in which it is being presented with the two separate courts, one dealing with family matters, one dealing with children matters, would deal specifically with these issues in a way that has never been done before. This Bill will change the way we do business. This Bill will usher a different kind of environment for our young people in submitting that children need suitable, yet serious interventions. In other words, we have to be able to not spare the rod and spoil the child.

Madam Speaker, a real attempt at any rehabilitation must be done in a very structured manner, a real attempt at restorative justice must be done in a very structured manner. In order for young people to be reintegrated into society, in order for them to understand the consequence of the actions, the Government must be able to shape that. And so, this Bill today, this Bill of 2016, is precisely doing that. This Bill is designed to ensure that our children, our future is taken care of—our children given the kind of environment and the kind of directions

and the kind of learning to ensure that they become productive in our society in Trinidad and Tobago.

Madam Speaker, the Ministry of National Security supports this Bill in its entirety. It is a Bill which will need all of our support in order to be effectively implemented. The Ministry of National Security will strengthen our institutions and operation areas, our policies and our programmes to give support to this Bill. In particular, we will concentrate on our youth programmes. We will ensure that our youth programmes such as the Civilian Conservation Corps, the military-led academic training, our mentorship programmes, our cadet force, our youth clubs, the Police Youth Club, the Fire Services Youth Club—within those institutions, Madam Speaker, we plan to strengthen our value system, we plan to ensure that they understand their contribution to society, we plan to ensure that they understand the consequence of negative actions, we plan to make them understand the power of choice.

5.55 p.m.

And so, in terms of the Ministry of National Security, we will play our part in strengthening this Bill, in ensuring that we contribute significantly to ensure that this Bill is implemented effectively and efficiently. Through our own institutions, through our prison system, we are going to focus on preventative measures; we are going to focus on rehabilitation measures for persons who have entered into our prison system. The Ministry of National Security is, in fact, strengthening the prison system at this juncture to ensure that once individuals have returned to society, they will be rehabilitated. We have also to ensure that the infrastructure that we have designed is there to cater for the children at large.

The Ministry of National Security has collaborated with the Judiciary in developing an operational juvenile court which will be toned and designed to address the youths. Our very police service that interface with the youths on a daily basis within the various communities—I have already mentioned the establishment of the child protection unit. But we are, at the moment, giving effect to the sexual offences, especially against children in terms of establishing the sexual offences registry. That should be in place in the shortest possible time.

Madam Speaker, violence can take many different forms and the Ministry of National Security will not support any type of violence. There will be institutional strengthening to ensure no power is abused. The Ministry of National Security will introduce the police management and inspectorate which will improve the

Family Division Bill, 2016
[HON. MAJ. GEN. E. DILLON]

Friday, March 11, 2016

efficiency in the Trinidad and Tobago Police Service, to increase engagement and improve interaction with the public, thereby building confidence and trust.

The Victim Support Unit will continue to provide support to the victims of crime and their families, especially with respect to children. The Ministry of National Security will continue to use its resources to address the issues in schools, assisting our colleagues in the Ministry of Education, assisting our communities, assisting our colleagues in the Ministry of Community Development. The Ministry of National Security will use all the agencies available to it to ensure that this Bill, to ensure that issues pertinent to children, issues pertinent to incidents of crime against children, will be dealt with in an effective and efficient manner.

Madam Speaker, we also look at areas of the immigration department with respect to the deportation of families and the effect it has had on children. We have seen incidents of where parents have been deported for one reason or the other and the effect of children in our society. So with respect to that area, the Ministry of National Security is looking at ways and means to ensure that any such action does not have the effect on the children that will contribute to a life of crime because deportation breaks families. In fact, they have a different effect or a negative effect on our very community.

Madam Speaker, as individuals face deportation, there are ripple effects that strip families apart. Deportation has a large effect on families that force them, to a large extent, into foster homes, et cetera. So that even in our immigration department, there are measures that we are putting in place to ensure that what actions we take do not, in any way, contribute to a life of delinquency and crime insofar as our children are concerned.

Madam Speaker, when one looks at the Bill being introduced today, we look at some comparisons. We look at areas that have introduced Bills before. And we looked at areas in the United States, we looked at areas in Canada, we looked at areas in the United Kingdom. Between 2015 to now, in the United States, three such states have passed sweeping juvenile legislation. Madam Speaker, allow me just to capture just the heading of those three states just for the benefit of this House.

South Dakota passed the Juvenile Justice Public Safety Improvement Act, making several significant changes to the state juvenile justice system. The new law increases diversions, alternatives, to expand the use of evidence-based

community programmes and provide more comprehensive support for youths and their families.

West Virginia passed the measures informed by the Intergovernmental Task Force on Juvenile Justice. It places truancy diversion specialists in every county to provide early intervention services. Madam Speaker, Illinois eliminated the automatic transfer to adult court for children age 15 and under.

The United Kingdom Children and Families Act 2014: On a comparative note like Trinidad and Tobago, the United Kingdom landmark Children and Families Act 2014 received royal assent, according to the UK Government, thereby allowing Children and Families Act 2014 to become law. Fundamental to this law is that it imposes a 26-week deadline for care and supervision proceedings. It introduced a controversial new subsection to section 1 adding a presumption of parental involvement.

Madam Speaker, what they did is to ensure that parents are also part and parcel of that law. Parents are held accountable and I think there is some teaching there for us, because when we talk about the family, when we talk about dealing with children, to a large extent, we do not hold the parents accountable, and it is important in going forward that this Bill holds the parent accountable. Because at the end of the day, the parents are the head of the household; the parents are responsible for their children. As we say, there are no bad children, there are bad parents because we are the ones who are responsible, to a large extent for the behaviour of our children.

Madam Speaker, again, if you permit me, to read from the UK Children and Families Act and it says:

“...to give greater protection to vulnerable children”—to give—“better support for children whose parents are separated...”

What this deals, Madam Speaker, is the instances where parents are separated and the effect on the children, and it ensures that even though you are separated, you are still responsible for your children. These are some things that we have to take on board. For far too long we have seen situations in our society where parents are separated and the effect it has had on our children. We can show that there are a number of effects that have led to children getting involved in crime and criminality. So what this Bill, this UK Bill, that we can take from that is to ensure that we hold parents accountable, and even if they are separated, they are still the parents and they are still very much responsible for the activities of their children. [*Desk thumping*]

Family Division Bill, 2016
[HON. MAJ. GEN. E. DILLON]

Friday, March 11, 2016

Madam Speaker, permit me to quote Edward Timpson, Children and Families Minister, who said:

“The Children and Families Act is all about reforming services for vulnerable children...”

And he said:

“...this government’s deep determination to give every child, whatever their start in life, an equal chance to make the best of themselves.”

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to an additional 15 minutes, if you wish to avail yourself of it.

Hon. Maj. Gen. E. Dillon: I will take part of that, Madam Speaker. Thank you very much.

Madam Speaker: You may continue.

Hon. Maj. Gen. E. Dillon: Madam Speaker, I draw again, another example—permit me again—from the Family Justice and Civil Liberties Minister Simon Hughes who said:

“We are making sure the welfare of children is at the heart of the family justice system.

When cases go to court we want them to happen in the least damaging way. So we are improving processes, reducing excessive delays...we have also changed the law so that care cases must be completed within 26 weeks.”

Madam Speaker, I think there are learnings for us. In going forward with this Bill, we want to ensure that it is dealt with as quickly as possible, especially when you are treating with children. We know of a lot of delays in our court system. We know of situations that go for years. Some months ago, I visited the Remand Yard and had opportunities to speak to some of the inmates there. People are there, in our judicial system, as much as 10 years, as much as 16 years, without their matters being completed. We cannot allow that to happen to our children. They cannot be allowed to be able to stay in that system without their matter being tried with.

So I am saying, Madam Speaker, going forward that this Bill would ensure a speedy resolution, especially with issues dealing with family and children. Hence the reason that I am supporting this Bill, the Ministry of National Security is

supporting this Bill, as it moves up to the High Court level and, more importantly, the separation of the two matters would ensure a speedy resolution of these issues. This Bill will change the way that we do things. [*Desk thumping*].

Madam Speaker, the Government of Trinidad and Tobago is determined to enable all children and all families and all young people to succeed no matter what their background. This Government wants to give families freedom to manage the care of their children and balance their work life; to adjust the disadvantages faced by our most vulnerable children and young people. This Government is reforming the children services, providing better support for our children and for our caretakers. The aim of these reforms is to ensure that services consistently place children and young people at the centre of our decision-making, enabling them to make the best possible start in life and challenging any dogma, delayed or professional interests which might hold them back. The family Bill 2016, with a twin-focus on vulnerable children and strong families, sits at the heart of these ambitions. The measures will improve services for vulnerable children and transform the special education and needs system. This Government's commitment to promoting the children's rights is the thread running through this Bill.

This is a Government who has shown its care. This is a Government that brought this Bill in the first five months. It did not wait. It realizes and recognizes the importance of the families in our society. It recognizes the importance of security in this country because there is a nexus between this Bill and national security. This is a Government that cares. This is a Government that understands security. This is a Government that thinks about people. And so, Madam Speaker, I say to you this Government will continue to do its best for the people of Trinidad and Tobago. I thank you very much, Madam Speaker. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. I listened intently to my friend, a gentleman for whom I have tremendous respect, the Member for Point Fortin. I could not help but feel listening to him that his heart is in the right place but he is in the wrong party; a party that I had the good fortune to leave 35 years ago [*Desk thumping*] and perhaps you will get the enlightenment at some time.

You see, this Bill was introduced into the Senate—there is a 2015 version that was introduced into the Senate and then subsequently came to the Lower House where it lapsed. President Reagan made a comment that facts are stubborn things, they do not go away. So when that Bill was presented in the Upper House, the

Family Division Bill, 2016
[MR. CHARLES]

Friday, March 11, 2016

former Sen. Elton Prescott had this to say and I take your leave to quote a little bit, because it is very, very important to the point I want to make. He said and I quote:

“Very importantly and very controversially, there has not been any improvement or enhancement, if you like, in the facilities provided, and informally called the homes.”

And I will—just one more line:

“I understand that we are still limited to St. Jude’s for girls and St. Michael’s for boys.”

And I understand that girls in particular have problems at 13 years mixing with people 18 years fast-tracking their development in a negative way.

So one of the consequences of this, if we are interested in really rehabilitating our young people is to—and Sen. Prescott made the point—we have to improve the facilities in particular St. Jude’s Home for Girls and St. Michael’s School for Boys. But guess what? Guess what? Facts are stubborn things.

I go to the Estimates of Expenditure. For the St. Michael’s School for Boys—

Hon. Member: What year?

Mr. R. Charles: This is this year. Right as we talk, hot off the press. St. Michael’s School for Boys, Revised Estimates for 2015, \$10.1 million; 2016 estimates—guess what?—\$10.1 million, “not ah cent increase”. And you come and tell us that we have legislation, that is going to channel people into this rehabilitative centre and that the budget remains the same, but it gets worse. It gets worse. St. Jude’s Home for Girls, it was \$10.1 million, it is now \$8.5 million. You have cut the thing and now you are saying that this is going to be part of your redemption for young people and illustrative of your concern for young people.

But throughout the budget—and money talks, you could say anything you want and if you do not budget for it, then it would not happen. We look at probation services; Adoption Board. What was it? A hundred thousand last year, a hundred thousand this year. Nothing, no increase. We contemplated legislation and we are not budgeting for it.

6.10 p.m.

Relief for underprivileged new born, \$10 million, \$10 million; the adoption board expenses, the same thing, but foster care expenses, no increase; Children’s

Authority, \$30 million, \$30 million this year. So where is the seriousness? A point that was raised in the Senate has not been addressed, yet we talk about caring for the children and those who have fallen afoul of the system and fallen through the cracks.

But my friend from San Fernando West, he had this to say—as again I say, facts are stubborn things—he had this to say, and I quote again:

“So we say in section...6 of the Supreme Court of Judicature Act that you may have a certain maximum number of judges, but in the same Supreme Court of Judicature Act, which this Bill treats, we say you can have a minimum of two Masters, but we do not state a maximum. Why are we putting a maximum for judges in the subdivision? Does it make sense to do that? Why not put a minimum standard, as we have in section 65B of the Supreme Court of Judicature Act?”

The only problem is that in this Bill that he has presented to us, he has specified in clause 4(3):

“The Division shall comprise up to twenty-two Puisne Judges and up to twenty-eight Masters.”

So here you made a statement and then in a matter of months, no doubt with the advice and support of your colleagues and the new environment, you have changed your mind.

But the more critical point, in terms of what was raised was in respect of—sorry I will get it at this point—was raised by the hon. Member for Port of Spain North/St. Ann's West at that session, and he said:

“...how are we going to fund,...”—this whole exercise, this whole court?—“because I know how expensive it is to fund a judicial system—and we are creating a number of offices in two new divisions, a Family Division, as well as a Children Division for the High Court, and we are having Deputy Court Executive Administrators, and other...”—subordinate staff.

And he went on to say:

“...I was raising these concerns and it is directly linked to the passage of a Bill, which is going to require, by a guesstimate, tens of millions of dollars on an annual basis to be successfully operated. We are operating”—according to him—“in an environment now where every day more and more red flags are going up”—in respect of—“problems with the economy, and, as usual,...”—we hear all kinds of problems.

Family Division Bill, 2016
[MR. CHARLES]

Friday, March 11, 2016

But essentially his concern was where are we going to get the money to fund this expensive exercise we have of developing a family and children division of the High Court.

At the time when he made that comment, the price of oil was—and I take this from the OPEC monthly report—\$50 and he was asking the question: how are we going to fund this expensive exercise when we have challenges in the economy? And at that time the price of oil was \$50 a barrel. Today the price of oil is currently at \$37.70 per barrel.

Mr. Imbert: \$38.58.

Mr. R. Charles: \$38.58. Still, even if I take your figure—[*Interruption*]

Mr. Imbert: My figure?

Mr. R. Charles:—admitting but not accepting, I take your figure—then it is still below the 50 figure that the OPEC monthly report said when that statement was made by the Member for Port of Spain North/St. Ann's West. So we have a question of prioritization. While we have no objection to this Bill and while we understand and we agree that it should be referred to the Joint Select Committee where it could be looked at in more detail, one has to ask some questions, in terms of where is the money.

You see, when we come with Bills, as we had with the Children's Authority Act, No. 64 of 2000, you look at section 5 of that and it deals with financial provisions, a completely comprehensive well-thought-out legislative document. In this document that we are presented here we have to guess. We are hearing there are challenges in the economy. We know there are going to be costs and there are going to be ancillary costs, because we have to recruit a group, a whole segment of probation officers and others to support the system.

I am told that in the Family Court, as it exists today, it takes almost nine months and counting—and I know of a specific case—it takes nine months to get a probation report for the Family Court today. So we have problems in our existing court. They are not well resourced and the Chief Justice, he was talking about the myriad and plethora of problems with the Judiciary. And instead, in my view, of dealing with those problems—because serious people prioritize. If I have limited resources, do I create new institutions at this time when the existing institutions are in problems?

He was talking about the backlog of cases, critical changes required. This is from the *Trinidad Guardian*, March 10, 2016 saying the criminal justice system

was in crisis and a leap of faith is needed to rectify it. Nothing should be left off the table. So we have that problem and we have not addressed it or we have addressed it partially and we are now creating a new institution that is going to have outputs that are going to be presented to the schools like the St. Jude's School for Girls and we are not resourcing them, we are "pitching top in mud".

This brings another fundamental question that we have with this piece of legislation. While it was good when we introduced it, at that time there were different contextual circumstances.

Mr. Al-Rawi: What were they?

Mr. R. Charles: Contextual circumstances. For example, the price of oil was much better. We had support systems like the Children Life Fund. We had support systems for maternity help, for pregnant women who had children and were poor. We had laptops in school. All of these things are relevant to this Act because it speaks to dealing with a problem in a particular context. Our circumstances have changed. [*Crosstalk*] You could laugh. You could deny it. But we all know that it is different, and therefore the question is: where do we put our limited resources? Do we put it at the front end and stop the pipeline and the flow to the court, or should we spend it in the court and have a system that is not working adequately? So our Judiciary is failing and I am saying you deal with one, you get it out, you improve it and then you move on to the next.

This also, the little concern I have is that it is being introduced in a piecemeal manner instead of a comprehensive package. I would like to talk a little bit about when we introduced a similar legislation. For example, the Children's Authority Bill in 1999; prior to that, it was the then Attorney General, Ramesh Lawrence Maharaj, who had made comments about a failing system. Ramesh Lawrence Maharaj, then Attorney General, noted, and he was looking at PNM years, this is 1999 and prior to that we had from 1962 the PNM—the way they operated did not conduce to dealing with a crime situation that was developing then. He had this to say, and I quote:

"The existing pieces of"—legislation—that he met—"of children's legislation are antiquated and are based on 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...the growing number of street children; the alleged abuse and neglect of children in children's homes"—we still have the problem—"and the unsuitable and unworkable adoption process for children."

Family Division Bill, 2016
[MR. CHARLES]

Friday, March 11, 2016

We, the UNC Government, in 1999, after holding a number of consultations, and whatnot, came up with the Children's Authority Bill, an Act to establish a Children's Authority of Trinidad and Tobago to act as a guardian of children. It dealt with the Authority will be responsible for providing mechanisms for assuming parental rights and responsibility for children. That Bill was introduced into Parliament on November 19, 1999 and left to languish under the PNM until it was partially proclaimed by the Kamla Persad-Bissessar-led administration in May 2015. You cannot come here, facts are stubborn things. We introduced a Bill. You came into power, you did nothing and we had to, we had to. Those are facts.

The Children (Amdt.) Bill, 1999 was assented to in 2000 because we were then in power. We take action in the interest of the young people of the country. The PNM allows it to lapse. [*Desk thumping*] But that is not all, the Adoption of Children Bill, 1999:

“An Act 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.”

It was introduced on December 03, 1999. And do you know when it was proclaimed, after two terms of a Patrick Manning Government? It was proclaimed on May 18, 2015. That is a fact. We take action when we are in power for the young people [*Desk thumping*] and you allow it to lapse and you come here and boast and tell us that you care—“we care and we in charge and we powerful”—and the facts do not substantiate that system. [*Desk thumping*] “Yuh could gallery as much as yuh want.”

The Miscellaneous Provisions (Children) Bill, 1999, introduced on November 19, 1999, proclaimed in 2000. We did that and the Children's Community Residences, Foster Homes and Nurseries Bill, 1999, another piece of legislation left for 15 years. It was proclaimed in 2015. So you do not have—you could dance how much you want, these are facts on the table. If you could say that I did not speak the truth, with respect to any of those, then you could talk. If you cannot, then you have to accept that the PNM does not have a good track record when it comes to dealing with these issues. [*Desk thumping*].

And today they come to Parliament, asking us to deal with the Children Court and have done nothing, nothing in terms of the supportive environment, in terms of the education. Cutting textbooks, and this is relevant. We could say what we want, we are not giving textbooks, and there is an article in the *Jamaica Observer*.

Family Division Bill, 2016

Friday, March 11, 2016

Because if we treat with our children, if we give them an enabling environment, we do not need to have a pipeline to the courts, such as we are developing today. So Jamaica is laughing at us and saying we have ended free textbooks.

A lot has been said today about crime and how we treat with crime. And, of course, this Bill is a Bill to assist us in respect of dealing—and I say we will support this because we had ownership of this. It is better than doing nothing but we are also saying it has to be placed in a context and an environment that will help it to function better.

But, if we think that it is going to assist us in solving crime it, is not going to do so because—and I am reading from *The Guardian*. They looked at experts from all over the world. *The Guardian* is a UK paper, highly respected, almost on par with *The Economist*. They looked at 24 ways to reduce crime in the world's most violent cities. Here is one of the first things they said. Hear the first thing they said, intervene early. This act comes at the back end, after their “monsters” and “hyenas” and whatnot, we try to treat with them and we send them into probation school and we have drug testing things and DNA and all sorts of things. But they are saying intervene early. We know that a better understanding of the drivers of violence is essential and that starting interventions early is the best way of treating with it.

The talk focused on prevention.

6.25 p.m.

Brig. Gen. Dillon: Could we have the date of the newspaper article, please?

Mr. R. Charles: This article was *The Guardian*, and it can be sourced at theguardian.com/global-development-professionals-network at June 2015. And what it was saying, focus on prevention—[*Interruption and laughter*] so it talks about intervening early, and it talks about targeting inequality. I am only saying this, Madam Speaker, in the context of what this Bill is trying to achieve, and I am even suggesting that if we go through with it, we have to do other things to assist it to work.

Target inequality: We need to address economic inequality which I believe is central to reducing crime and violence in the long run. And it goes on to give details about that. But essentially, if we have an economic policy that runs counter to what we are trying to do today, it means that we could jump high, jump low, we will just create a pipeline into a system that looks at restorative justice, that tries to rehabilitate, cuts recidivism, et cetera, instead of dealing with the problem and preventing the flow into that system.

Family Division Bill, 2016
[MR. CHARLES]

Friday, March 11, 2016

So, Madam Speaker, we support this Bill. We look forward to further discussions when it goes to the Joint Select Committee. But we are concerned about the cost implications of the thing; its emphasis on the back end, rather than on the front end. We are concerned about the priority with respect to our governance.

So if we have a system—and we had a lady, I think her name was Amina Mohammed whose two hands were cut off, and what? She lives near to my constituency. We have to know, what are we doing for her children?—because without—and having an economic policy that leads to a couple making a suicide pact, because “dey cyar take de pressure”, and leaving children behind. If we do not intervene and throw resources at that level, we will just be what we call, what my grandmother used to tell me, spinning top in mud. I hate to be part of an exercise that is involved in “ole talk”. I have few years to live again, and these have to be of value. Every minute is valuable to me.

So as we sit here, and we contemplate legislation such as this, we need to be serious. We need to put resources. We need to create in Trinidad and Tobago an environment where every citizen—because the young people are looking on. They are looking on as young people and they are seeing things. They are seeing us cavorting in beaches, and they are saying: “Dat is de life! Dey asking me to tighten belt? I will do what I have to do in order to survive.” Madam Speaker, I thank you. [*Desk thumping*]

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): [*Desk thumping*] Madam Speaker, it is indeed a privilege to be able to contribute to this debate, on the Family and Children Division Bill, 2016. Before I go into my contribution, I will like to treat with a statement made by the Member for Naparima. The Member for Naparima stood there and he sought to convince this House that the People’s National Movement’s Government has done nothing for St. Michael’s School for Boys and St. Jude’s Home; nothing is further from the truth. [*Desk thumping*]

A team of Ministers led by the hon. Prime Minister, would have visited the St. Michael’s School for Boys. We would have done an in-depth tour and at the end of that, it was decided that we needed to invest even more moneys that were allocated in the budget—[*Desk thumping*] The Cabinet has since approved those funds and have also approved funds for the St. Jude’s Home. [*Desk thumping*]

Madam Speaker, I would also like to treat with a statement made by the Member for Princes Town. He indicated that this Government would have

removed the baby grant. I wish to inform you and this honourable House, that the previous administration would have approved a baby grant programme for one year, and that programme ended in September 2015. [*Desk thumping*] So, this Government did not remove that. [*Desk thumping and continuous crosstalk*]

Madam Speaker, my colleagues would have spoken at length about the clauses and the provisions of the Family and Children Division Bill, 2016, so I would try my best to focus on other areas. I have a special interest in this Bill, because of its focus on family and children. The Ministry of Social Development and Family Services is responsible for helping, empowering and transforming the lives of the poor and vulnerable in our society, and there are none more vulnerable than our children.

In addition, the family however defined, is considered the bedrock of our society. It must, therefore, be strengthened and preserved, and in keeping with this, the Ministry of Social Development and Family Services has, as its core mandate, the provision of preventive, developmental and remedial programmes and services for healthy family functionality.

The family is seen as the basic socialization agency for children, because this is where crucial personality formation and social traits are developed. [*Desk thumping*] Parents transmit the norms and values that are important to them, and these eventually influence their children's values and behaviours.

Carol Logie and Jaipaul L. Roopnarine, in *Childrearing Practices in the Caribbean*, also found that children learn basic concepts about good and bad from their family. Madam Speaker, despite this, I am aware that there are other factors that influence values. These may include the media and as we are all aware, if we look even at the way some of our young persons dress, you can tell that it would have been influenced by the American media, and what they see portray there. We also have the celebrity culture impacting the behaviours of our young people, and what you find happening is that they imitate their style of dress. So at a particular time, the big thing is to have the biggest gold chain, or to have a pants dropping all the way down here. [*Motions below the hips*] Although there are these other factors, Logie and Roopnarine have found that the predominantly held belief in the Caribbean is still that, children learn their values from parents and family members.

Madam Speaker, the Bill before us provides for the care and protection of children that come before the Children Court. It also seeks to preserve and

Family Division Bill, 2016
[HON. C. CRICHLLOW-COCKBURN]

Friday, March 11, 2016

maintain families through the provision of mediation and counselling, and the award of guardianship and adoption in the Family Court. But I am sure we are all aware that families are in crisis in this nation. We have been seeing increases in the divorce rate over time and that rate has been going up. Now, when we find divorces within the family structure, there tends to be a breakdown, and the family is negatively impacted. We are also seeing an increase in the number of children who are either victims or brought before the court as accused.

So, there is no doubt whatsoever in anybody's minds, that in Trinidad and Tobago families are in crisis and we have our young people. So it is for those reasons also that I strongly support this Family and Children Division Bill, 2016, given its focus on strengthening and preserving families, and caring for, protecting and giving this nation's children second chances when they run afoul of the law. [*Desk thumping*]

I believe, however, Madam Speaker, that while these courts perform a critical role, we as a society have to do our part to ensure that the court's caseload do not increase, but rather are reduced considerably over time. We must not make the mistake of abdicating our parental responsibilities and expecting these courts to become surrogate. We may ask, how do we achieve this reduction? I believe that this can be achieved in part by focusing on families and implementing policies and programmes that treat with good parenting practices, and championing a collective return to moral and spiritual values. [*Desk thumping*]

Madam Speaker, there are four basic types of family structures that affect child rearing, values and lifestyle in the Caribbean. We have the marital union. We have the common law union. We have the visiting union, and this is where the mother still lives in the parents' home, and we have the single parent family.

Messiah 1982 estimates 30 per cent of Caribbean families live in households where they are raised exclusively by mothers. Single parenthood, especially when the parent is a poor mother, has been singled out in a number of studies as a very important factor in the repression and abuse of children. In Trinidad and Tobago, there are too many poor, single mothers having responsibility for a child or children.

I can give this House an example that I know first-hand. In my constituency there is a young—well, a child, who is currently in Form 1, and two months ago she would have given birth to a baby. I say to you that this young lady is neither psychologically nor economically prepared to be a parent, and this is becoming commonplace in our nation. So, it is something that we must address. The stress

and unhappiness that these single parents experience colour the interaction between parent and child and tend to lead to emotional problems. This often forms a vicious cycle, for when these children become adults or parents they may have trouble meeting the emotional needs of their families.

Madam Speaker, in light of this we, therefore, need to focus on the development of programmes that would equip parents with good parenting skills. The Ministry of Social Development and Family Services, Family Division, will play a critical role in this area, and will work collaboratively with faith-based organizations, NGO's, community-based organizations and the National Parent Teacher Association to ensure that as many parents as possible benefit from these programmes.

When we talk in terms of better parenting, there are some things that must guide parents. Parents need to understand that they are their children's parents and not their friends. As a parent, there is a role that you perform. You are supposed to guide your children, and there are times you will be required to make decisions that may be—it may not be popular, but at the end of the day, as my colleague says, tough love. [*Desk thumping*] Parents must also at all times profess and exhibit the values that are positive. They must walk the talk, because our children look at us, and we cannot be saying to them: “You must not consume alcohol”, but they see us drinking alcohol. “Or you must not smoke marijuana”, but they see us doing the same thing. We have to walk the talk as parents, and when we set the example, then our children would follow.

Parents should also demonstrate in words and actions that they love and care for their children, and that their children can always rely on them. Parents also have to make time for their children. It is not enough to give them the world, give them material things, but you do not give them time, because that is what they need, and that is what is going to be most beneficial to them. [*Desk thumping*]

6.40 p.m.

Madam Speaker, Proverbs 22:6 states:

“Train up a child in the way”—it—“should go: and”—even—“when he is old, he will not depart from it.” [*Desk thumping*]

Madam Speaker, as the hon. Member for Naparima said, we need to start early and we can start early by training our children from the earliest age possibly, because once we train them in the right way they will not depart from it.

Parents also need to adopt and live by values that would make for a better society, and some of these values include: I am my brother's keeper; respect,

Family Division Bill, 2016
[HON. C. CRICHLow-COCKBURN]

Friday, March 11, 2016

respect for everyone—older, same age, every individual. [*Desk thumping*] Some of the Members in this House who are around my age would remember their parents saying to them, “Doh hang yuh hat where yuh hand can’t reach”; live within your means; [*Desk thumping*] do an honest day’s work for your pay; by the sweat of your brow you shall eat; thou shall not kill, steal or covet. [*Desk thumping*] Madam Speaker, if we live by those values, Trinidad and Tobago will be a different nation. [*Desk thumping and crosstalk*]

Madam Speaker, imagine the positive impact on our social, education and economic systems if a large percentage of the population of Trinidad and Tobago begins to live by these values. Trinidad and Tobago will well be on its way to becoming a model nation. Madam Speaker, I am realistic and grounded enough to recognize that these desired changes in behaviours will not occur overnight or even in a few years, but happen it will, and Trinidad and Tobago will be better for it.

I am mindful that there are other areas that can negatively impact the behaviours and development of our children and poverty is one of them. Trinidad and Tobago is generally ranked as a middle-income country. Poverty and inequality, however, remain pervasive challenges. The Ministry of Social Development and Family Services has identified poverty as a major barrier, which has adversely affected some parents’ ability to give adequate time and attention to their parental duties and responsibilities. We have also found that economic deprivation can lead to stress and depression in parents and ultimately dysfunctional families.

Mr. Hinds: “Two people kill dey self the other day.”

Hon. C. Crichtlow-Cockburn: That is correct.

When there is a breakdown in families some young men tend to turn to gangs for the camaraderie and emotional support that may be absent at home. Some also join gangs or commit crimes in order to help support their families. Many a young girl has turned to men who provide financial support and they often become pregnant and experience abuse and/or domestic violence.

Dr. Gopeesingh: Hon. Member, would you give way? I just want to ask you something. Thank you for giving way, Member of Parliament for Lopinot/Bon Air West. I noted your concern about the child in your constituency, but from our research and from the data from CSO, over 2,500 young girls—before the age of 19—are pregnant almost on a yearly basis, and the fathers range in their 20s, 30s, 40s and 50s and so, therefore, can I ask you if you—[*Interruption*]

Madam Speaker: I take it that you are seeking elucidation?

Dr. Gopeesingh: Yes.

Madam Speaker: Yes? Okay. So could you please direct the question that you are seeking elucidation on please?

Dr. Gopeesingh: I am just wondering, based on what I have indicated, would your Government be prepared to deal with this issue which is pervasive now and must be dealt with even that it impacts upon the education of the children—2,500 approximately, annually, teenaged pregnancies?

Hon. C. Crichlow-Cockburn: Hon. Member for Caroni East, I am sure that anything that impacts the children of this nation, this Government will seek to address it. [*Desk thumping*]

Madam Speaker, I am convinced that our at-risk young men and women will receive the best support possible if they do run afoul of the law after the passage of the Family and Children Division Bill, 2016, but as the Minister of Social Development and Family Services, a parent and a citizen of Trinidad and Tobago, I want fewer and fewer of them to reach either the Children Court or the Family Court.

While this country has pursued various approaches to poverty reduction since the Summit on Social Development in 1995 and has increased annual expenditure on the social sector from 8 per cent in 1998 to 28 per cent of total expenditure in 2008/2009 and would have allocated over \$187 billion for social sector expenditure from 2011 to 2015 and expanded the range of programmes, poverty rates have increased by approximately 50 per cent since 2005, and that is from 16.7 per cent to 24.5 per cent. This information is contained in the 2014 standard of living condition data.

At this juncture, I would like to treat with the comment made by the hon. Member for Couva North in respect to food cards. During the previous administration food cards were distributed willy-nilly. There was no established process in place to distribute food cards. So instead of these cards reaching persons who could not afford to have a nutritional meal per day, which is the purpose for which it was intended, Members of Parliament were given 50 food cards and they were distributed. I suggest humbly that this may be one of the reasons why despite all those funds being expended, the poverty rate has increased by 50 per cent over time because the benefits that were supposed to be

Family Division Bill, 2016
[HON. C. CRICHLLOW-COCKBURN]

Friday, March 11, 2016

passed on to the vulnerable in society may not have been properly targeted, and so would not have been reaching the people for which they were intended. [*Desk thumping*]

Madam Speaker, this increase in the poverty rate is a cause for concern, especially since we are at the beginning of a period of recession and the fallout can be expected to negatively impact the poor and also expand the at-risk population.

Trinidad and Tobago, having adopted the sustainable development goals is expected to work towards eradicating poverty in all its forms everywhere. The Ministry of Social Development and Family Services, through its Poverty Reduction and Eradication units, has therefore placed top priority on our poverty reduction plans. In this regard, Madam Speaker, the Ministry will adopt a collaborative approach to combat poverty. We are currently partnering with the UNDP on this matter. We will:

- improve our targeting and management of poverty reduction programmes;
- address the broader socioeconomic challenges that contribute to inequality and social exclusion;
- focus on prevention and early recovery in social programmes;
- focus on the needs of the elderly, children, persons with disabilities and other vulnerable groups; and
- introduce developmental and remedial programmes to prevent an increase in the numbers of working poor and reduce vulnerability and inequality.

I am personally very optimistic that this Government, working together with key stakeholders can devise sustainable solutions that will address the root cause of poverty. In so doing, we will help to preserve and strengthen families and reduce the number of children that are at risk. This can only redound to the benefit of Trinidad and Tobago.

Madam Speaker, I will now treat with another aspect of the Bill, the human resources that will be required to ensure the effective and efficient functioning of the Family Court and the Children Court. It is noted that the Bill proposes increases in both the number of judges and masters. While there are those who may question the practicality of the provisions of the Bill, particularly as it relates to the availability of the required number of persons with the requisite knowledge, skills and competencies, I am sure that there are currently suitable persons either in Trinidad and Tobago or within the Caricom region who can fill these positions.

Family Division Bill, 2016

Friday, March 11, 2016

I am particularly supportive of this aspect of the Bill because it presents opportunities for career progression for a number learned attorneys.

Madam Speaker, we are aware that there are a number of graduates that are either underemployed or unemployed. This Bill presents opportunities for some of those persons to be employed, and also for those who currently function within the judicial system to be promoted. I do not expect that all of the new positions could be filled with the calibre of staff required from the outset. There will certainly be need for training, coaching and mentoring.

In order to ensure that the courts are staffed with suitably qualified personnel with the appropriate temperament, there will be need for a robust recruitment and selection process, inclusive of the application of a number of tools and tests, for example, psychometric testing or the use of assessment centres. The utilization of these tools, Madam Speaker, can improve the recruitment and selection processes and positively impact the end result. I am certain that the relevant human resource management unit and the Chief Justice would be so guided.

As I have indicated previously, I am very supportive of the Family and Children Division Bill, 2016. I am convinced that the Family and Children Courts will make a positive impact on this nation's children and families. This positive impact will be enhanced by the implementation of parenting programmes and the poverty reduction and eradication strategies and programmes by the Ministry of Social Development and Family Services.

Madam Speaker, I therefore envisage a better Trinidad and Tobago where our children are cared for and protected, our families are strong and intact and poverty is substantially reduced. Madam Speaker, I thank you. [*Desk thumping*]

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Thank you, Madam Speaker. Madam Speaker, I just want to start off by saying that I would like to thank the Government for proceeding with these important pieces of legislation to which the Member of Parliament for Princes Town gave an extensive overview. We do support this Bill, but we do support it going to the JSC first. [*Desk thumping*] It is important, and I would explain during the course of my discussion.

Madam Speaker, just to come to the hon. Minister of Social Development and Family Services, it is important that when we are bringing legislation such as this which is so important, that we have the support services in place in terms of food card, in terms of a baby grant, in terms of the assistance that we offer to children who are diagnosed with cerebral palsy because they are vulnerable.

Family Division Bill, 2016
[MRS. NEWALLO-HOSEIN]

Friday, March 11, 2016

We had a pilot project—that is the People’s Partnership—which we took for one year. A pilot project does not really normally go beyond that. It is one or two years—the reason why, we were unsure as to how much it would cost, the impact, and therefore we were following a guideline that came out of Chile who has a programme called the Child Care Programme. The reason being is that—yes the hon. Minister spoke about Proverbs 22, raising up a child, and when he grows old he shall keep to his path because of the fact that it has been inculcated in him—we cannot speak about something afterwards when we could start it from before by helping families in the way we have started.

6.55 p.m.

The hon. Minister speaks about, “it came to an end”, but we had provision for it, so much so, Madam Speaker, that even though the programme came to an end in September there are a number of single mothers who have not received their final tranche of moneys that were owed to them. Even though requests have been made, to date they have not received it, and, therefore, all these pieces of legislation must have the necessary support systems in place through the Ministry. Earlier, in the hon. AG’s presentation, he indicated that there was going to be a number of Ministries that were going to be working together, one of which would have been the Ministry of Social Development and Family Services, but we cannot continue to speak about putting these services and working together when in fact a number of programmes that we had before are still under review, or have been cut.

You know, Madam Speaker, under the PP Government we did in fact give every Member of Parliament, no Member of Parliament was excluded. You know why? We believe in equity. We believe in equality. [*Desk thumping*] We believe in fairness. It does not matter that we did not win in any other seat, in any other part, we assisted the people of Trinidad and Tobago, [*Desk thumping*] and so there was equitable distribution with the food cards. And that was given to the Members of Parliament because the Members of Parliament were able to assist immediately, immediately with anyone who came into their office who needed assistance.

Do you know what it is, Madam Speaker, to be able to assist a hungry parent and a child immediately without having to say, “Well, I am sorry, I cannot help you; I do not have that in my pocket”? No. We wanted to be able to allow the Members of Parliament to be able to recognize because it is in their constituency,

Family Division Bill, 2016

Friday, March 11, 2016

they would know. They have their field officers who would be able to say, “Yes, this is a family from a home that is going through a very rough time”, or whatever it is, and give them an offer, hope. That is what we do, we speak about Proverbs, we speak about faith-based organizations, but that is what we do as Christians, [*Desk thumping*] or whoever, Muslims, Hindus—we offer hope. If we cannot offer hope then what will we offer?

We speak about the word but the word of God says, what person, what father would, you know, if their child came to them and ask for something to eat would he give him a stone? Would he give him a snake? And if he who knows how to give good gifts, who is, you know, we? We have to follow in that path of being able to assist our constituents. We have to do that, but if it is that we do not, we cut out services, we cut out the help, and everything is under review, then what is going to happen? Then the courts will be filled, and that is what we want to prevent. We want to be able to offer hope and not have a plaster on the sore. [*Crosstalk*] We want to be able to deal with the root of the problem, and the root of the problem, as we have already indicated from many Members on the other side, who have indicated lower income, unemployment—I mean—[*Interruption*]

Hon. Member: VAT.

Mrs. C. Newallo-Hosein: VAT.

We had—I think it was the Member for Couva North had indicated that when she read a report that a parent held their child’s hand on a stove and burnt it, why? Frustration, and this is what we allowed in the baby grant. The baby grant, you had to go through a parenting programme so that you would understand that, first of all, if you cannot care for the children, you ought not to have them. It also taught you to manage your finances and, at the same time, we allowed you to be on a programme to assist you. So we did not just speak it, we also provided some level of support, and the only reason you would get the support is if you enrolled in the programme, because we looked at the future. We did not look at the situation, we did not just try to deal with the cause, we dealt with the root, because we too, we need the courts. We need it because we have an issue now, but we do not want to be able to just have it at the back end where it is we wait until a problem happens. We want to be able to resolve it. We want to be able to curb it. We want to be able to reduce it, and we also want to bring a level of hope to the population.

Furthermore, the hon. Minister is speaking about employing, working with the faith-based organizations and the NGOs, but when we recognized as a

Family Division Bill, 2016
[MRS. NEWALLO-HOSEIN]

Friday, March 11, 2016

Government, the PP Government recognized, we could not do it alone, and we assisted the faith-based organizations with funding, we were shut down—we were shut down. I do not know if you all remember that. They told us, no, we could not. It was wrong, “we are trying to buy votes”, but it was not that, Madam Speaker, it was because we recognized that the faith-based organizations can assist, they can work. They are on the ground, we are not necessarily on the ground when we are in Government. The Minister of National Security spoke of a nexus, and there is a nexus. There is a nexus between the faith-based organizations and assisting families, families who are in need, the children who are in their areas who need help.

So I just want to remind the Members, the honourable Government, that it was Ban Ki-moon who commended our Prime Minister for being the first in the world to have early childhood education. *[Interruption]*

Hon. Member: What!? First in the world?

Mrs. C. Newallo-Hosein: Universal. Universal early child—and you know why? Because we understood. We cannot wait until a problem happens because, we all know it, we speak it, prevention is better than cure. So we were putting things in place to help raise the children, to help raise families so that we would not reach to this point. We have to deal with whatever is happening in our country now, but, at the same time, we were looking at raising up children, raising up families, whole families, because whole and healthy families will translate into whole and healthy societies.

So I listened to the Member, the hon. Minister of National Security, who speaks about the importance of family. He speaks about the nexus between his Ministry and that of the Bill, and we are saying, Madam Speaker, we are not against the Bill, you know. We are very supportive of the Bill, but there are things about it that we here cannot make a decision on because of that same nexus. The hon. AG had indicated, he said he had consultation, who you had consultations with?—because when we spoke with a number of persons they said, no. They had no idea. *[Interruption]* I will deal with that after. *[Interruption]*

Mr. Al-Rawi: Tell me so I could address it.

Mrs. C. Newallo-Hosein: So, the Minister of National Security—I am going back to the Minister of National Security—had indicated that we brought this in six months, you all were there five years, and the reason being is that we did not bring a Bill hurriedly to this House because it is important. We had extensive

consultations, and these consultations were with key stakeholders who are in the position to guide, to instruct, to inform, and to state whether or not this could work, that cannot work, that is an impossible task, you need to implement this level of infrastructure. So it was important to have extensive consultations with those who know best.

So saying that you brought a Bill within six months does not say anything, because you are bringing something here to us to pass when you should be speaking also with key stakeholders to determine: how feasible is this — [Interruption]

Mr. Al-Rawi: Like who?

Mrs. C. Newallo-Hosein:—how implementable is this. [Interruption]

Mr. Al-Rawi: Like who?

Mrs. C. Newallo-Hosein: For instance, you speak about peer resolution, UNDP had a pilot project in Tobago in October, 2015. Did you know that?

Mr. Al-Rawi: Yes.

Mrs. C. Newallo-Hosein: Did you consult with them as to the report and to determine what were the strengths and the weaknesses of that pilot project? Were there any gaps that should be addressed? Were they a part of the consultation? So these are the questions that we are asking. We are not saying, no, we are against. We are just asking for a JSC to look over these pieces of legislation so that we could go forward with it. [Interruption]

Mr. Al-Rawi: Apart from UNDP—

Mrs. C. Newallo-Hosein: No, there are a number, you have the prisons.

You spoke about a number of Ministries coming together, you spoke about marrying the efficacy of the various Bills; those were your words, marrying them and making it into one, and so that, you know, you can make one move to take care in order to harmonize, and we believe in that. We do not want to keep back anything, but it must be done in a manner that will bring about the successes that we all hope to achieve. We do not want to pass resolutions, we do not want to pass legislation, we do not want to pass anything just vaille-que-vaille. We want to be able to see successes in our society. That is what everyone is hoping for, every single person.

In addition to that, you speak about a number of legislation that will impact upon other Acts. For instance, you speak about YODA, and asking Children's Authority to work alongside prisons, were they consulted? Have they agreed?

Family Division Bill, 2016
[MRS. NEWALLO-HOSEIN]

Friday, March 11, 2016

How will they work? What will they do? So for us to come and say, this would happen and that would happen and there are no consultations as to how it will work, how the process would be. You know, it is almost as though it is just rhetoric, and we do not want it to be that. We want it, if we are passing legislation, that we are in fact making things, putting things in place for a successful transition, a successful life coming out of the mess that they have found themselves in. And that is what we want, we want the same thing as you.

So we are asking about the programmes that have been cut. We are asking about the programmes that are still under review, because as long as you need to put these things forward there must be a social system in place to support families, families who may have lost their jobs. I mean, Madam Speaker, would you believe we had agreed to assist families who had lost their jobs with a fire that took place last year and to date they have not received any assistance although it was passed in Cabinet? [*Crosstalk*]

Mr. Hinds: We had made no provision for it though.

Mrs. C. Newallo-Hosein: So we do not want to be able to say that we are passing anything and there is not any infrastructure, any process in place to support it. We must deal with the root cause. We must be a part of the process. You know, Madam Speaker, we had an inter-ministerial committee that was mandated to find out the root cause of violence in schools, because we need to find out what causes the problem. We cannot deal with what happened after the problem, but we have to deal with it before it becomes a problem.

7.10 p.m.

And so it is important for these pieces of legislation that we do agree. But again, the JSC will be able to go through it with a fine tooth comb and to bring it to fruition with the necessary pieces of legislation accurately done and accurately in place.

Member for Tobago East says that there are things that are fraught with complexities and it is for this very purpose that we are asking for a JSC. Because as a committee they who will be comprised of key stakeholders will be able to identify the strengths and the weaknesses in the package that is before us. They will be able to identify the gaps that may be in it.

And so, Madam Speaker, just another point that I wanted to raise on was the proclamation. We just want to find out from the Government, if they can tell us, when we can expect for this Act to be proclaimed once passed? Is it going to be a

Family Division Bill, 2016

Friday, March 11, 2016

partial proclamation? Would steps be required to prepare the Act for proclamation? What steps is the Government expected to take to expedite the implementation of this very necessary Act? What are the budgetary provisions made? Is it that the USAID is providing moneys? What is the value? Will you be required to put other processes in place? These are the things that I would like to know.

And so, I would just wrap up, Madam Speaker, because I do not want to be too long, but just to advise why it is that we are requesting that this 2016 Bill be sent to a joint select committee? It is really and truly—*[Interruption]*

Mrs. Robinson-Regis: We agreed already.

Mr. Imbert: We agreed already.

Mrs. C. Newallo-Hosein: You agreed already?

Hon. Members: Yes.

Mrs. C. Newallo-Hosein: Very good. *[Crosstalk]* Well, then I thank you very much for taking it to the JSC. *[Desk thumping]* Thank you, Madam Speaker.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I wish to thank all Members sincerely for their contributions this afternoon on this very important matter before us all.

Madam Speaker, the Opposition today has brought some contribution, in essence, asking for a further degree of consultation. And notwithstanding the fact that we have a majority in this House, and notwithstanding the matters I will go over in a short while, the position of the Government is indeed to move along with the Joint Select Committee approach. *[Desk thumping]* And we do so, Madam Speaker, really because it is important that we have the opportunity to agree collectively to very important legislation. It is very worthy to have a second look. I would like to caution before I address some of the matters that this Joint Select Committee will have a lot of work in a very short space of time because there are some external factors that are really driving against any analysis paralysis. With that said, it is incumbent that I address, at least, a few of the matters put onto the record and permit me to do so in a succinct a fashion as I can.

The Member for Princes Town spent, I would say, three quarter of his debate acknowledging the prowess, capability, charm, charisma and worthiness of Kamla Persad-Bissessar, the Member for Siparia. I can take no complaint that he spent a lot of time doing that. That is his own choice as to how he exercises his enterprise.

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

Apart from that he raised the issue of consultation which was shared by the last speaker, the hon. Member for Cumuto/Manzanilla and indeed the Member for Naparima had some form of reflection on that. That was as best as I could discern the substantive contribution from the hon. Member for Princes Town.

The hon. Member for Naparima made some rather sharp comments, spent a great deal of time talking about life as it was back in 1999, 2000 and in the period 2010 to 2015.

Mr. Indarsingh: He saw the light—

Hon. F. Al-Rawi: He said—[*Crosstalk*] You know, I hear this crosstalk again. I hope one day to hear from the Member for Couva South eventually on the floor, but I guess today is not the day. Yet again. We live in hope. One day.

So, Madam Speaker, I heard the hon. Member ask—he did some reflection. He said that—he raised up the finances, the budgetary allocations, he waved around the position that there had been no increase in budget. He said that the St. Jude's and St. Michael's allocation had not moved. In fact, the Children's Authority budget had moved down.

I wish to put onto the record that at the time in which the budget papers were laid and the debate was had, the Minister of Finance was pellucidly clear in saying that there would be a mid-year return, that there will be an adjustment to the budget for a number of factors, the very least of which was how close in proximity and how imprudent it was to have an election in September when the financial year ended on September 31 and the budget had to be read as it did—[*Crosstalk*]—September 30, quite right—and that we had until October 31 to pass the budget. Thank you, hon. Member Chaguanas East.

That being said, the hon. Member did hereby, by way of contribution from the Government, that far be it from an underspending, far be it from leaving St. Jude's and St. Michael's Homes, in fact, this Government by way of Cabinet decision specifically authorized expenditure on St. Jude's and St. Michael's as a matter of urgent priority to the tune of millions of dollars, and went further, as I certified today, in authorizing halfway homes, assessment centres, transition homes, five locations in Trinidad so that there could be anticipation for delivery of the entities with which the Bill must articulate, the law must articulate so we can operationalize it. So we have gone by far past the post of just saying St. Michael's and St. Jude's budget allocation. In fact, we have gone into much broader factors.

But I want to remind yet again, as my learned colleague has just said, we were driven not only to spend all of that money in capital works and expenditure; we were driven not only to do urgent repairs at the women's prisons to cause the disaggregation of children from adults, a situation which lay festering for five years; but we had to spend millions of dollars in damages for constitutional claims brought by no less a person than my predecessor Attorney General, Anand Ramlogan, who proclaimed law onto a system that was not operationalized creating an unconstitutionality.

Hon Member: Deliberately.

Hon. F. Al Rawi: In fact, the comment was made in the court room itself when the advocacy was going on: were you not the person that proclaimed the law? How come you are here in the court doing this? But that is the standard we expect from some, and another standard from others. It is the same standard which compels a Member, like the Member for Naparima, to stand in this Parliament and say, "Jamaica is laughing that Trinidad will no longer have free textbooks". What is the hon. Member talking about? Is it VAT? Textbooks and grant.

The Parliament of Trinidad and Tobago, the Eleventh Parliament as we sit now heard from the hon. Minister of Education that the textbooks that are delivered into the school systems are being paid for fully by the Government. [*Desk thumping*] The work books are being paid for fully by the Government. [*Desk thumping*] A task force has been appointed to look at the propriety of expenditure to achieve a savings. The only thing that happened was an attention by this Government to any issue of waste, mismanagement or corruption. [*Desk thumping*] And if Jamaica is laughing about that, I would be surprised. But it is the same thing, it is the same spinning of the wheel that causes the hon. Member in other places to make some rather incredulous statements. It is the same statements we hear brandished about by an Opposition. As the Member for Tabaquite said, most recently, a supposedly responsible Opposition that said, "yuh taxing; yuh putting VAT on textbooks". I had to stand right here on Tuesday and read out the fact that there is no VAT on textbooks, [*Desk thumping*] educational material, work books, et cetera.

Now, the Member for Naparima said something, he said "facts are stubborn things; they would not go away", quoting Ronald Reagan. I like to quote people right here in Trinidad and Tobago and I would like to say, the hon. Member put out a challenge. He went back to the contributions of Ramesh Lawrence Maharaj

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

then as Attorney General in 1999. He said that the PNM, in his summary, had nothing in relation to children's homes, adoption, children's Acts, et cetera. He said that they did nothing. It took Kamla Persad-Bissessar in the period 2010 to 2015 to do this work and she brought it to life. And he said, I challenge them, essentially, to show me one area where I am wrong.

Hon. Member: No. No. No. I said that the facts are wrong.

Mr. Imbert: Just ignore him. Ignore him.

Hon. F. Al-Rawi: So, Madam Speaker, fortunately for us there is technology available in this Parliament. I went on my iPad to the Parliament website, I pulled up the Children's Authority (Amdt.) Act. I pulled up the Children's Authority (Amdt.) Act, 2003; Children's Authority (Amdt.) Act, 2008; Children's Community Residences, Foster Homes and Nurseries (Amdt.) Act, 2003; 2008 for the same Bill, Children's Community Residences, Foster Homes and Nurseries Act—[*Interruption*]

Mr. Imbert: PNM.

Hon. F. Al-Rawi: Adoption of Children (Amdt.) Act, 2003, Family Court (Amdt.) Act, 2008. [*Desk thumping*]

Hon. Members: PNM! [*Desk thumping*]

Hon. F. Al-Rawi: I have no idea how a Member could stand up like that, throw down gauntlet and challenge and then say, "prove me wrong". Because the hon. Member has essentially said to us, show me. [*Crosstalk*]

Mrs. Robinson-Regis: What point of order?

Mr. Imbert: No.

Madam Speaker: If it is on a point of order, you would have to refer to the point of order. The only other way—[*Interruption*]

Hon. F. Al-Rawi: I would be happy to give way.

Mr. Charles: Thank you, Sir. I just want to ask you, if the Adoption of Children Bill, 1999 was left languishing and it was proclaimed on May 18, 2015?

Hon. F. Al-Rawi: The answer to that is, no. And I will tell you why you are wrong. Because it was amended twice in between and therefore, [*Desk thumping and laughter*] the validity of the 1999 Act—[*Crosstalk*] You see, Madam Speaker, I appreciate that hon. Members might sometimes not understand. But,

you see, there is a large tale in between. Because the hon. Member conveniently stepped past the position when there was no constitutional majority in the PNM and required the cooperation of the hon. Members now opposite. But not only was he wrong about the facts that he put onto the record a while ago, but he left past the circumstances. You know, it is very much like the circumstances raised, a short while ago, in relation to the food card position.

We heard from a most charming Member opposite, a lady whose delivery is very delicate and compelling in her manner and approach.

Hon. Member: Deceptive.

Hon. F. Al-Rawi: But she said, there is nothing wrong with Members of Parliament, we gave them all these food cards to give out. They would know who to give it out to. You see, perhaps we ascribe to different standards, hon. Members. The position in the People's National Movement is that it is improper for Ministers and Members of Parliament to be hand delivering food cards to people [*Desk thumping*] where we create the impression that we are those upon high with manna from heaven, coming to save people's lives when the gratitude is to be paid to the system. [*Desk thumping*] We do not want anybody grateful to the Member of Parliament. We want the people to deal with the propriety of the system because the Member for San Fernando West does not pay for a food card, the Government and people of Trinidad and Tobago pay for that. [*Desk thumping*]

And that is why, Madam Speaker, we took in our distribution of food cards the opportunity to mobilize the requisite Ministry, having mobilized to give out the food cards so that people would be grateful to the public service for acting in the way it should. [*Desk thumping*] That takes you away from allegations of food card via trunk delivery service.

7.25 p.m.

So, Madam Speaker, it is important that we remember that there is propriety. I heard the Member for Princes Town, I do not know what possessed him to bring baby Miracle into this debate. I have been very careful, as Attorney General, even though I have evidence in my hands. I have information like five lawyers getting \$45 million; one lawyer \$90 million. I have not called a name once in this Parliament, but, yet, I hear the tragedy unfold today of calling a baby's name and saying San Fernando West did nothing about it.

And the fact is, Madam Speaker, the Minister of Health, today, spoke to the application going into the Children's Life Fund. I met with the parents. I

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

recommended the application forward. It went in; six institutions were approached; five of them declined to do the surgery; the sixth one agreed to do it; scheduled the date and the poor blessed child passed away. What can a Member of Parliament do beyond that? But, that is again the contextual reality divorced from the reality of life as it prevails when truth is spoken, Madam Speaker. *Macbeth* and theatrics, and drama, and hands waving. I do not know what that has to do with this.

We heard the hon. Members opposite talk about carbon copy of a Bill. “Oh, you did nothing. Absolutely nothing. This is a carbon copy of the Bill. It is our Bill. We are here, we have paternity over the Bill. But, hold on, we do not agree with the contents. We need a joint select committee. We need time to study it.”

Hon. Member: But, it is their Bill.

Hon. F. Al-Rawi: It is their Bill, they are claiming paternity, they did nothing for six months but they need time to consider it now. We heard them talk about “Oh, the AG says he is coming with a legislative agenda”. You know, they forget that when I made a promise and an undertaking which will be kept, to bring a legislative agenda, it being the first time in six years that a legislative agenda will be published, they have the audacity, the temerity, to be suggesting that keeping your word to do something, which they would not do, is something by way of victory on their path. God forbid that there is logic to be discerned in that.

Madam Speaker, for the record, the Bill that was brought by the last Government in May 2015 numbered 38 pages. The consequential amendments were across exactly two pages in double point, double space typing. They amended the Supreme Court of Judicature Act to change from 36 judges to 49; they changed the word “Judge”; they removed “judging chambers”; they amended the Probation Act, they put in one clause; they amended the Children Act, in the definition section they removed the word “juvenile”; they dealt with the child in need of supervision; they removed the word “the”; they substituted the word “a”; they deleted section 61; they made three lines amendment. That is it.

The carbon copy version that they say we brought today is 95 pages long, and the schedule of amendments crosses not three pieces of law, but 18 pieces of law, and deals with over 40-something pages of amendments. Now, I could understand if you had said, well, look significant amendments were made; we need time to consider that. But to approbate and reprobate at the same time is the nonsense, most respectfully, that I am speaking about. It is nonsensical to say it is the same

Family Division Bill, 2016

Friday, March 11, 2016

thing, you did no work and I need time to study it, if you would not recognize the truth in the equation.

Madam Speaker, it was for that reason that more than two weeks ago we sent out the information. I personally went to the Member for Siparia and gave her a printed off hard copy version of the track change amendments of the Bill. I explained to her what they were. I said I would send it to all of your Members. I have instructed the Parliament to put all the track changed versions to show you the 18 pieces of law that were amended. I am willing to answer any question you have. The Member for Princes Town stands up today, the Member for Naparima stands up today and say they had no consultation. In my five years in the Senate I did not have one occasion like I just expressed to you. Not one!

And in passing the Children Bill, 2012, I participated with great vigour and supported the Government right through, in circumstances when—Member for Naparima let me correct you here, through you, Madam Speaker—when the Children Act needed to be supported, when the UNC was piloting it, the PNM made sure we supported it, and every single Independent Senator said no. But they did not do that when it was their turn.

Dr. Tewarie: But we supported—

Hon. F. Al-Rawi: No, but I am correcting your positions about what was done in the period prior to 2010. That is what I am addressing.

And, Madam Speaker, most respectfully, the hon. Member has asked—the Members for Naparima and Cumuto/Manzanilla—they say, “Where is the money coming from?” They said, “You, as Sen. Al-Rawi had certain things to say; you, as Sen. Young had certain things to say”. I am paraphrasing. They said, “Why would you deal with maximum and minimums? Where are you getting the millions of dollars from?” Well, I will tell you. It is coming from the USAID fund. It is coming from the Government of Trinidad and Tobago having publicly stated that we will give the Judiciary financial autonomy for the first time ever [*Desk thumping*] as we have said. It has come by way of budgetary support way over the preliminary figures put in the budget as it was debated when we passed the Appropriation Bill this year.

So, Madam Speaker, that is an important point to note. Very importantly the Member for Cumuto/Manzanilla asked, “What consultation was there?” She said, quite interestingly, the hon. Member wanted to know whether there was consultation with the prisons? She wanted to know if we knew about the pilot project and were there consultations on the pilot project? I would like to tell the

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

hon. Member, this is the consultation report [*Holds up document*] on the pilot project, and there was consultation on it. [*Desk thumping*] I would like to tell the hon. Members when they both spoke about the task force, the task force met in a period which was a very short period of time. I would like to put it onto the record. The Child Protection Task Force met 15 times in the period December 6, 2013 to July 3, 2014, they issued a third report and ended their tenure on July 31, 2014. Last time I checked the election was in 2015. You must have known hon. Members opposite, as you raised the point, that the task force ended in your term, a year prior to the election, and more. But, sincere people opposite stand up today and do not seem to even know what happened under their watch.

You know, when we come to approach matters like this, it is one thing to say, well, look, I have a problem with X in the clause or the enabling environment around it, et cetera. But, to come and make irresponsible statements where you demonstrate, most respectfully, a fundamental lack of knowledge of what you did as a Government yourself is really a dereliction of duty. That is the fact.

Mr. Charles: Talk boy.

Hon. F. Al-Rawi: The Member for Naparima says, “Talk boy. Well, I doh want to spin no wheel.” I could tell you that. [*Laughter and desk thumping*] I hear hon. Members talking about, give people hope, that is why you need to give them food cards. I distinctly remember the Member for Oropouche East telling people, hundred homes a week, thousands to be built. I remember going up to a site where he said there were a thousand homes. Not a blade of grass disturbed.

Miss Mc Donald: Not a stone unturned.

Hon. F. Al-Rawi: Not a stone unturned, bush everywhere; people lining up for the hope outside HDC for the same thousand homes that he was talking about. UNC style hope is not the kind of hope that we hope to offer to the people of Trinidad and Tobago, most respectfully. [*Desk thumping*]

Mr. Indarsingh: Las Alturas hope.

Hon. F. Al-Rawi: Madam Speaker, Las Alturas hope, again, coming from where? The Member for Couva South. Six years in the Parliament, nearly, not a word as Minister in the Ministry of Finance. Nothing! I mean, I find it incredulous to listen to the “kinda ole talk, and listen nah, it is not polite ole talk, you know. It is loud ole talk, you know.” Loud to do as if it is nearly a contribution on the floor. The hon. Member has the right to speak in this Parliament under section 55 of the Constitution, and I pray that one day he would actually do it. [*Desk thumping*]

Madam Speaker, we heard the position about consultation. I just want to put onto the record, that there was consultation, and a very widespread consultation, coming through the honourable Chief Justice, judges, magistrates, registrars, family court staff, social worker representatives, Ministry of the Attorney General, Ministry of National Security, Law Association, police, prison, probation, the Criminal Bar, DPP, Solicitor General, Legal Aid and Advisory Authority, Children's Authority, private bar, judicial officers, representatives, PTA, Ministry of Education, youth development specialists, religious leaders. And I just heard somebody say, "Say that again". But, she did not say the same thing when the Member for Cumuto/Manzanilla was asking, who you consult? One Member hears it, the Member for Couva North. The other Member does not seem to hear it, so I have to repeat it. Put it on to the record.

Madam Speaker, the task force committees that sat on this, I can tell you, worked assiduously for six months. We took the opportunity, I heard the Member for Naparima say—and then I saw the Member for Princes Town nearly fall off his chair—"You did not bring a comprehensive Bill", when 18 consequential laws are being amended at the same time. That was what I found amazing to watch the body language between the Members for Princes Town and Naparima, when—

Mr. Charles: Careful. [*Laughter and desk thumping*]

Hon. F. Al-Rawi:—the Member for Naparima says, "You did not bring a comprehensive piece of law." [*Crosstalk*]

Madam Speaker, my learned colleagues on my Bench are right, I need to focus on the fact that we must not assume that there is consultation across the benches or with the bench to bench relationship. But, Madam Speaker, all that I wish to say is that the good team headed by Master Christie-Anne Morris-Alleyne, members of the Children's Authority, the DPP's office, the hardworking drafts people, all of the ancillary services, they worked up to 16 hours a day; [*Desk thumping*] on weekends, on birthdays; day and night doing the work of the people.

Long story short now, Madam Speaker, what are we to do? Long story short is that we will agree, as we now say again in winding up, to the Joint Select Committee approach, a committee of this House of Representatives, [*Desk thumping*] and one from the Senate, I would honestly appreciate if the hon. Members could consider that the report must be returned by April 29 so that we can purchase the reward of the international funding that the Judiciary has put in place for us. I look forward to contributions in that committee. I know that the

Family Division Bill, 2016
[HON. F. AL-RAWI]

Friday, March 11, 2016

process is that I would beg to move and then seek your permission, Madam Speaker, to actually refer this to a joint select committee. So, permit me, Madam Speaker, firstly to thank you and hon. Members for a very interesting and lively debate.

Secondly, Madam Speaker, I wish to end this debate by begging to move that this particular Bill be referred, and permit me if I get this wrong, I will simply beg to move at this point and then re-join you at the point of asking for the Standing Orders to be applied.

I beg to move, Madam Speaker. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

7.40 p.m.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of the matters before it this evening.

Question put and agreed to.

FAMILY AND CHILDREN DIVISION BILL, 2016

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, as provided by Standing Order 68(1), I beg to move that a Bill to make jurisdiction for all family matters and children matters exercisable in a Division of the High Court to be called the Family and Children Division and to make provision for matters connected therewith, be committed to a Joint Select Committee established for its consideration and report by April 29, 2016.

Question put and agreed to.

Hon. F. Al-Rawi: Madam Speaker, I beg to move that provided it receives the concurrence of the Senate, that the Joint Select Committee comprise the following representatives from the House of Representatives to be matched by an equal number from the Senate.

Madam Speaker, the names from the Government's Bench would be: Mr. Faris Al-Rawi, Member of Parliament for San Fernando West; Mr. Randal

Family Division Bill, 2016

Friday, March 11, 2016

Mitchell, Member of Parliament for San Fernando East; Mrs. Ayanna Webster-Roy, Member of Parliament for Tobago East; Miss Ramona Ramdial, Member of Parliament for Couva North; Mr. Barry Padarath, Member of Parliament for Princes Town.

I beg to move.

Question put and agreed to.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, I beg to move that this House do now adjourn to Friday, March 18, 2016 at 1.30 p.m.

Mr. Singh: What will we be dealing with?

Hon. C. Robinson-Regis: We will be dealing with the Strategic Services Agency (Amdt.) Bill, 2016 and we will also deal with the Draft Elections and Boundaries Commission (Local Government and the Tobago House of Assembly) Order, 2016.

Madam Speaker: Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of the House filed by the Member for Tabaquite. I will now call upon the Member for Tabaquite. [*Desk thumping*]

Flanagin Town RC Primary School (Dilapidation of)

Dr. Surujrattan Rambachan (Tabaquite): Thank you, Madam Speaker, and thank you for allowing this Motion. Madam Speaker, this matter relates to the Flanagin Town RC Primary School. Dilapidated schools do not provide a proper teaching and learning environment, one that is conducive to the proper education of a child and as well for teachers being able to give of their best. And while throughout the country we have been witnessing protests by children and parents about the condition of their schools, in my constituency of Tabaquite, the parents and the community as a whole, teachers and members also of the religious group, they are very concerned about the state of construction of the Flanagin Town RC Primary School. The hon. colleague from the other side, the Minister of Education, Member of Parliament for Arima will agree that governments are responsible for ensuring that the physical environment of a school is enhanced for teaching and learning.

Flanagin Town RC Primary School
[DR. RAMBACHAN]

Friday, March 11, 2016

Madam Speaker, after three years of representation between 2010 and 2013, that is on behalf of the Flanagin Town Community, a new school was approved and a contract for the construction of that school was awarded. In fact, in 2014 work began on that school in Flanagin for which I owe a debt of gratitude to the former Minister of Education. Since that time there has been, what I would like to call start and stop of the project, and this has created a great level of anxiety for the community because the project is now about one year behind schedule.

Madam Speaker, there are about 70 to 75 children who are involved in this school and it will pain you to know that they have never had a school for the children there. In fact, since in the 1930s the children have been housed in the church. So that if you go down to Flanagin Town and you see the dilapidated condition of the church you will understand the environment in which the children go to school. So I am talking about 85 years that the children of that community have been going to school there.

You know, there is one gentleman there by the name of Mr. Vasant. He is an old man now in his late 70s who has given all his life to the children in that area and to the PTA and to the community.

Mrs. Robinson-Regis: Is it Vasant Ganess?

Dr. S. Rambachan: I put his name on the record because his greatest desire—

Hon. Members: Vasant Ganess.

Dr. S. Rambachan: Yes, Vasant Ganess, it is his desire before he leaves this world to really see that school come to fruition. That has been that man's desire, believe it or not. He is living to see that and I want to put on record our appreciation for the manner in which he has served that community and the children.

The school was shut down as I said—

Mrs. Robinson-Regis: He served the community very well.

Dr. S. Rambachan: Yes, he is quite a community person, yes, and his wife and family also.

Mr. Hinds: Oh yeah but he did not vote for you. [*Laughter*]

Dr. S. Rambachan: Madam Speaker—

Madam Speaker: Member.

Dr. S. Rambachan: I am going to ask for your protection.

Madam Speaker: Member, I am sure with your experience if you direct your attention here you would not be distracted. I mean, it is your time and therefore I think having regard to the passion you feel for this Motion, I would ask you not to be distracted and direct your attention here, please. Thanks.

Dr. S. Rambachan: Madam Speaker, there is an old saying, empty vessels makes the most noise. [*Desk thumping*] So that is what we are saying there. Madam Speaker, the school has virtually stopped now although 90 per cent of the foundation is completed. But I got a letter only two weeks ago from the Chairman of the Couva/Tabaquite/Talparo Regional Corporation, Councillor Henry Awong, who is also the councillor for the particular area. He too has visited this project and we both came up with some of the things that exist in that church environment that, you know, it is so disheartening.

The blackboards that the children are using now are filled with holes and they have to keep filling these holes with stuff so that they could use the blackboards. There are some of the blackboards that are being propped up. There are some of the blackboards which have fallen on persons, according to what we have been told. And the benches on which the children are sitting are termite infested and they are very unstable. They are creaky, they can fall any time. And the most important for me is that the Standard 5 class is cramped, very little space.

So 85 years they have suffered and, you know, they have learnt and they have sacrificed, but I think, Madam Speaker, it is time that we do something about this and today in this Parliament I rise on behalf of the people of Flanagin Town, the parents and particularly the children. The only other school that exists close to that is in Brasso Venado and you have to go through a place called Los Attajos way up to Brasso Venado, that is where the weather station is, but they can only—45 students. [*Crosstalk*] Well, they have to travel down there to Caparo and the other side to go to Tabaquite. But the Member for La Horquetta/Talparo is trying to say that maybe they do not need the school in Flanagin Town. Deal with your constituency, “nah” and I will deal with mine. That is why I am there, I am there to deal with it, [*Desk thumping*] and I am dealing with it. And if every week I have to bring a motion here and Motions on the adjournment to deal with matters in the constituency I will deal with it.

Madam Speaker, thank you very much. [*Desk thumping*]

Flanagin Town RC Primary School

Friday, March 11, 2016

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Thank you very much, Madam Speaker and thank you for giving me the opportunity to respond to the Member for Tabaquite in his Motion regarding the Flanagin Town RC Primary School as it affords me now the opportunity to lay bare the truth where this matter is concerned. Madam Speaker, just let me respond very quickly to a statement made by the hon. Member for Tabaquite in which he lamented the fact that the school was in a parlous condition, the blackboards had deteriorated and the benches were termite infested.

Madam Speaker, the simple answer to this question is, what occurred over the last five years when the Member for Tabaquite [*Desk thumping*] was in office. I am sure, Madam Speaker, that the deterioration of this school did not occur over the last six months. Those on the other side had every opportunity to correct the faults that have been identified by the Member for Tabaquite, and they failed. Yes, they failed. [*Desk thumping*]

Madam Speaker—[*Crosstalk*]

Madam Speaker: Hon. Members, hon. Members, I would like everyone to observe the proper decorum, to refrain from unparliamentary language. I therefore call on the Minister of Education to continue his contribution. [*Desk thumping*]

Hon. A. Garcia: Thank you very much, Madam Speaker. The Flanagin Town RC Primary School is a school that is owned by the Catholic Education Board of Management. It was established in 1933 and as the Member for Tabaquite stated, it is now 83 years old. The school currently has an enrolment of 52 students and an academic staff that comprises the principal and the six teachers. Construction of the school building began sometime after the signing of an agreement on May 4, 2014, between the Education Facilities Company Limited, representing the Ministry of Education and the contractor for the project, D. Mahabir & Sons Limited.

Madam Speaker, it is our clear understanding that following the initial site clearance and the site preparation work and the construction site came to a halt since the designs produced by EFCL were inconsistent with the policy of the Catholic Education Board of Management.

Hon. Members: Ohhh!

Hon. A. Garcia: Such designs must be signed off by a registered engineer before the Catholic Board can give consent. And this is what started the delay.

Flanagin Town RC Primary School

Friday, March 11, 2016

7.55 p.m.

The designs produced by EFCL were not acceptable to the Catholic Board of Management. A major problem was the fact that the EFCL design completely blocked access to the church and it was only when changes to the designs were made, the board agreed to the continuation of the project.

However, the contractor suspended work on the project in December 2015 due to outstanding payments. I wish to point out, Madam Speaker, that at the time of suspension of work, the project was approximately 21 per cent completed. The items up to that time included the following: clearance and the preparation of the project site; fencing of the project site; architectural designs which were 90 per cent complete; foundation works, 30 per cent complete and washroom block that was 100 per cent complete.

Madam Speaker, it is no secret that the Ministry of Education, like many other Ministries, has been experiencing difficulties in effecting payments to contractors and this has been due to declining Government revenues associated with the ongoing fall in oil and gas prices globally. However, I wish to assure the Member for Tabaquite, residents of Flanagin Town and, by extension, the national community, that notwithstanding the cash flow difficulties being experienced by this Government and by the Ministry of Education, the Ministry remains committed to completing construction of the Flanagin Town RC School. We remain committed to the completion of this school.

As such, I want to assure that every effort will be made to collaborate with the Ministry of Finance to identify the required funding that will enable a resumption of construction and eventual completion of this school. As was stated before, it is the policy of this Government to replace all outdated and/or old and dilapidated schools with new modern buildings and facilities and construct new schools in areas where they are most needed.

I thank you. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.57 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Miss Ramona Ramdial (Couva North) earlier in the proceedings:

**Measures of Proposed Reduction in VAT
(Details of)**

48. Miss Ramona Ramdial (Couva North) asked the hon. Minister of Finance:

Could the Minister indicate the measures that will be taken to ensure that the proposed reduction in VAT from 15% to 12.5% benefits consumers?

The following reply was circulated to Members of the House:

The Minister of Finance (Hon. Colm Imbert): The reduction in the Value Added Tax (VAT.) rate from 15% to 12.5% will directly benefit consumers on every dollar spent. An individual will now be paying 12.5% on VAT versus 15% that was paid previously. This means that each individual is now paying 2.5% on their total expenditure that is subject to VAT. The recent revision of the VAT rate from 15% to 12.5% has raised public concerns about the fair pricing of food and other consumable. To ensure that the economic interests of consumers are best protected, the Ministry of Finance in conjunction with Consumer Affairs Division (CAD) has identified two strategic areas of work that would help prevent price gouging and ensure that consumers would benefit under this revised VAT system.

These are Price Monitoring and Information Dissemination measures. These measure will ensure that the proposed reduction in VAT from 15% to 12.5% benefits consumers as they will serve as a check and balance on consumer pricing. Listed below are some of the activities/projects relating to these two strategic areas of work:

Price Monitoring encompasses:

- The conducting of monthly retail price surveys by the Consumer Affairs Division. This monthly survey monitors the prices of 116 basic supermarket items from a sample of 40 supermarkets in 20 areas across the country;
- Collecting similar information on price differentials of hardware items and other non-food items;
- Initiating efforts in Tobago to engage in a MOU with the THA. This MOU will strengthen the efforts of agencies responsible for protecting the

interests of Tobagonian consumers and ensure the monitoring of food prices, so as to alert consumers to price gouging.

Information Dissemination:

- Publishing a special VAT report identifying food prices to basic food items before and after the introduction of the revised VAT regime.
- Monitoring of reports made through VAT hotline which will give consumers and retailers the opportunity to clarify any queries/concerns they may have with respect to the revised VAT regime.

The following question was asked by Mr. Fazal Karim (Chaguanas East) earlier in the proceedings:

**Caribbean New Media Group Ltd
(Details of)**

54. Mr. Fazal Karim (Chaguanas East) asked the hon. Minister of Communications:

Could the Minister state the number of persons employed by Caribbean New Media Group Ltd since September 2015 and indicate for each person:

- a) the name;
- b) the job title;
- c) the terms and conditions of employment; and
- d) whether the post in each case was advertised?

The following reply was circulated to Members of the House:

The Minister of Communications (Hon. Maxie Cuffie): Two persons were employed by Caribbean New Media Group (CNMG), on fixed term contracts, since September 2015. Details are as follows:

Name	Job Title	Terms and Conditions of Employment
Julian Rogers	Acting Chief Executive Officer	Duration: 6 months from March 8 to September 7, 2016 Remuneration: Salary \$42,000.00, Telephone Allowance \$2,500.00 & Travel Allowance \$6,500.00

Relna Vire	Acting Manager Finance & Accounting	Duration: 3 months from February 10 to May 9, 2016 Remuneration: Salary \$23,500.00, Telephone Allowance \$500.00
------------	---	---

Save and except for the position of Chief Executive Officer, no other position was advertised.

The following question was asked by Mr. Fazal Karim (Chaguanas East) earlier in the proceedings:

**Security Concerns Within Secondary Schools
(Government's Plan)**

55. Mr. Fazal Karim (Chaguanas East) asked the hon. Minister of Education:

Could the Minister indicate what measures are being implemented to address security concerns within secondary schools?

The following reply was circulated to Members of the House:

The Minister of Education (Hon. Anthony Garcia): The Ministry of Education has adopted a zero tolerance approach to violence and indiscipline in schools. We intend to remove students who engage in acts of indiscipline in our schools and offer placement in alternative programmes where possible.

The Ministry has introduced a number of measures to address security concerns within secondary schools guided by environmental design principles and the preparation of critical incident profiles of schools, especially in high risk areas. These measures include:

- Strengthening and security complement at high-risk schools and the mandatory use of scanners at school entrances;
- Establishment and maintenance of appropriate and secure perimeter fencing and lighting fixtures;
- Deployment of security personnel in specific areas of the school with canine support, if deemed necessary;
- Installation of CCTV and other electronic monitoring and detection devices to provide enhanced security capability;

- Conducting random searches;
- Introduction of additional protocols for access to schools, supervision and reporting incidents and suspensions;
- Partnering with the Trinidad and Tobago Police Service and the Defence Force. This will include the expansion of the Police Youth Clubs and increased police patrols and supports;
- Ensuring that there is supervision for all cases at all times. No student must be left unsupervised.

These measures are being supported by guidelines provided in the National School Code of Conduct/School Discipline Matrix.

The Ministry of Education has engaged the Teaching Service Commission and they have promised to expedite the filling of vacancies for Principals, Deans, Heads of Departments, particularly in the high risk school, in the shortest possible time.

Principals and teachers are being encouraged to promote extra activities such as Student Councils, Cadets, Scouts, Girl Guides, sporting clubs and other extracurricular activities. Training for principals and teachers in areas such as classroom management, conflict resolution, and mediation along with our Parenting-in-Education (PiE) Programme is also being encouraged.

As part of our strategy, we continue with our stakeholder engagements. We have expanded our partnerships with the Parent Teachers Associations, Local School Boards and the Family Services Division of the Ministry of Social Development in order to promote safer school environments.

The following question was asked by Miss Ramona Ramdial (Couva North) earlier in the proceedings:

Forest and Bush Fires (Government's Plan)

- 60. Miss Ramona Ramdial (Couva North)** asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the Trinidad and Tobago Meteorological Service predicting a dry season with “drought-like” conditions, could the Minister state the plans that have been put into place by the Government to deal with forest and bush fires?

The following reply was circulated to Members of the House:

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): The Trinidad and Tobago Meteorological Service has advised that there may be below average rainfall during the 2016 dry season while temperatures are expected to be warmer than average according to the Caribbean Disaster Emergency Management Unit.

The Forestry Division of the Ministry of Agriculture, Land and Fisheries has embarked on a comprehensive plan to mitigate and manage damage caused by forest and bush fires.

As at February 2016, fifteen (15) fires have been recorded, affecting a total of sixty-two (62) hectares of forest lands. These fires were in Cumberland, Tabaquite, New Grant, Marac and Diego Martin.

(a) Specific support from Trinidad and Tobago Air Guard

On February 15, 2016, for the first time, the Bambi bucket was used by the Trinidad and Tobago Air Guard to suppress and contain major forest fires in the Diego Martin area. This support from the Trinidad and Tobago Air Guard will continue through the dry season.

(b) Multi-Agency Coordination

The Ministry of Agriculture, Land and Fisheries is a member of the Multi-Agency Coordinating Group for Forest/Bush Fires Management in Trinidad and Tobago. This Group is chaired by the Strategic Services Agency (SSA) and includes the Trinidad and Tobago Fire Service (TTFS), Trinidad and Tobago Air Guard, National Operations Center (NOC), Local Government Representatives and the Trinidad and Tobago Police Service (TTPS). This Group is responsible for:-

- A structured and coordinated approach to dealing with bush/forest fires;
- Coordinating the response of State agencies to bush/forest fires;
- Coordinating the public education awareness campaign geared towards reducing bush/forest fires, responding to such fires when they occur and providing up to date information on bush/forest fires.

(c) Public Campaign

The Forestry Division has partnered with the National Agricultural Marketing and Development Corporation (NAMDEVCO) in order to utilize their electronic billboards situated at their wholesale markets at Macoya, Port of Spain and Debe to sensitize the public on the danger of forest fires and their negative effects on the natural environment.

(d) The Forestry Division and other State agencies are conducting awareness campaigns at Primary & Secondary Schools throughout the country. These programmes will highlight the impact of forest fires on the environment as well as focus on the prevention and mitigation of risk. The Ministry utilizes the Forestry Division Environmental Express Bus to conduct visits to schools and communities. The bus affords the opportunity for participants to share in the following educational experiences:-

- Lectures on fire prevention tips; distribution of brochures and leaflets;
- Display of firefighting tools, equipment, and uniforms;
- Display of posters on firefighting techniques and prevention.

(e) Community Engagement

The Ministry partners with communities in the co-management of forest areas which entails fire detection and suppression activities; Nariva Swamp Pilot Project is one such area.

(f) Planning and Risk Management

During the period November 2015 to January 2016, the Ministry established approximately two hundred and fifty (250) kilometres of fire trace around high risk areas within the thirty four (34) Administrative Ranges of the Forestry Division.

(g) From March 1, 2016 the Forestry Division's staff will be mobilized in the Forest Fire Programme. This includes approximately two hundred (200) monthly paid personnel and five hundred (500) daily rated personnel

spread throughout the thirty-four (34) Administrative Ranges of the Division. These workers are divided into groups and rostered during the Forest Fire Season from 1st March to 31st May. This period includes weekends and public holidays, from 9:00 a.m. to 5:00 p.m.

- (h) Rehabilitation works are being undertaken at key fire towers situated at Nariva Swamp, St. Michael, St. Benedict and Cumberland. This project is being financed under the 2016 Public Sector Investment Programme (PSIP). The anticipated completion date is mid-March 2016.
- (i) In addition the Forestry Division, under the 2016 PSIP, will procure additional fire protective gear for all its daily and monthly paid staff as well as acquire new forest fighting equipment (fire rakes, back-pack pumps etc.); and
- (j) Early warning and detection systems have been established through the submission of weekly electronic and hardcopy reports on fire occurrences. Data is forwarded to the Acting Conservator of Forests each Monday by noon for review and action.

The following question was asked by Dr. Bhoendradatt Tewarie (Caroni Central) earlier in the proceedings:

**Stability of the TT Dollar
(Government Policy)**

63. Dr. Bhoendradatt Tewarie (Caroni Central) ask the hon. Minister of Finance:

Could the Minister state the Government policy with respect to defending the local exchange rate in order to maintain the stability of the TT dollar?

The following reply was circulated to Members of the House:

The Minister of Finance (Hon. Colm Imbert): Exchange controls were abolished in Trinidad and Tobago in 1993. Since then, the rate of exchange of the Trinidad and Tobago dollar has been pegged to the United States dollar by way of a “managed float” whereby the maximum selling rate for the Trinidad and Tobago dollar is set by the Central Bank from time to time based on a number of variables, including demand and supply.

In this context, the Government of Trinidad and Tobago remains in constant dialogue with the Central Bank on foreign exchange policy to ensure stability of the exchange rate.

It should be noted that US\$7.38 billion was made available for purchase in the commercial banking system in 2015, which was US\$386 million more than in 2014, and US\$2.2 billion more than in 2010, as shown by the following table:

Year	Sales of Foreign Currency to the Public by all Authorized Dealers (US\$000)	Purchase of Foreign Currency from the Public by all Authorized Dealers (US\$000)	Purchases of Foreign Currency from the Central Bank by all Authorized Dealers (US\$000)
2010	5,536,019	4,043,337	1,550,000
2011	6,186,844	4,755,473	1,475,000
2012	6,713,674	4,859,051	1,785,000
2013	7,076,414	5,802,227	1,315,009
2014	6,955,963	5,525,195	1,715,000
2015	7,382,473	4,941,253	2,594,900

The demand for, and availability of, foreign exchange in Trinidad and Tobago has thus been increasing over time.

The following question was asked by Mr. Barry Padarath (Princes Town) earlier in the proceedings:

**Brian Lara Stadium
(Details of)**

70. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

With respect to the Brian Lara Stadium, could the Minister indicate:

- a) whether any works have commenced;
- b) if the answer to part (a) is in the affirmative, state:
 - i. the name of the contractor awarded the contract;
 - ii. the scope of works;

- iii. the process used to award the contract;
- iv. the value of the contract; and
- v. the criteria used to select the contractor?

The following reply was circulated to Members of the House:

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): The Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), as the executing agency for the project, has advised that designs for the completion of the Brian Lara Cricket Stadium have been commissioned. In addition, general activities associated with site clean-up (handyman and grass cutting) services.

With reference to part b (ii) of the Question, the scope of works for the consultancy services includes, but is not limited to: assessment of the proposed corrective/completion works, design solutions, preparation of tender documentation, assisting the contractors in the definition of the user's requirements and deliverables, maintaining records of the deliverables and monitoring the construction activities and their conformance to the accepted designs. The scope of works for the provision of general site clean-up services includes, but is not limited to, landscaping, grass cutting, handyman services, garbage removal and power washing.

With regard to part b (iii) of the Question, pertaining to the process used to award the contract for consultancy services, UDeCOTT has advised that specialist professional consultancy services were required for the project, as such NLBA Architects Limited was selected as it possesses extensive experience in the design and outfitting of premiere cricket stadia in St. Lucia, St. Kitts and Guyana. The contractor for general site clean-up services (B&R Distributors Limited) was selected subsequent to a competitive tender process.

With respect to part b (iv) of the Question, the value of the contract awarded to NLBA Architects Limited for consultancy services is nine million, five hundred and forty-thousand dollars (\$9,540,000) VAT exclusive, with payment details as follows:

Assessment Report	\$1,550.000
Recommendations Report	\$1,550.000
Tender Packages	\$2,450.000
Construction Administration	\$3,940.000
Reimbursable	\$50.000

The contract awarded to B&R Distributors Limited for general site clean-up services is an on-call contract of a value not to exceed one million dollars (\$1,000,000) VAT exclusive.

With regard to part b (v) of the Question, the criteria used to select NLBA Architects limited were based on its demonstrated track record and experience in the provision of specialist consultancy services. The criteria used to select B&R Distributors Limited included technical ability, experience, methodology, adherence to requirements, organizational HSE, financial capability and references.

In addition, the NLBA Architects limited has completed the tender documents required for the various contract packages, which will be issued via requests for proposals in short course for general contractors, electricians, plumbers, landscapers and maintenance providers for generators, air condition systems, elevators and audio visual equipment.

The following question was asked by Mr. Rudranath Indarsingh (Couva South) earlier in the proceedings:

**Administrative Leave in the Public Sector
(Names and Positions of all Persons Sent)**

72. Mr. Rudranath Indarsingh (Couva South) ask the hon. Minister of Labour and Small Enterprise Development:

Could the Minister state the names and positions of all persons sent on administrative leave in the public sector from September 7, 2015 to present?

The following reply was circulated to Members of the House.

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): The Civil Service Act, Chapter 23:01, Laws of Trinidad and Tobago does not contain any regulations pertaining to persons sent on administrative leave in the public sector for the purpose of the Act nor does it contain a definition for administrative leave. Further, no legislation in Trinidad and Tobago currently exists that requires the public sector to report administrative leave to the Ministry of Labour and Small Enterprise Development. There is also no universally accepted definition for administrative leave nor did the Member for Couva South in asking the question provide a definition.

However, in an effort to properly respond to the question posed by the Member for Couva South, the University of Washington's definition was used:

“the term “administrative Leave” describes the situation when an employee is temporarily relieved of his or her normal responsibilities, continues to receive regular pay and benefits, and is normally required to remain at home during regular work hours. ...Administrative leave is not a category of leave, like sick leave or annual leave, but describes a person's work status”.

From the information provided by each Ministry inclusive of the statutory bodies and state agencies under the relevant Ministry's purview, 25 persons were sent on administrative leave from September 7, 2015 to present as follows:

Education Facilities Company Limited (EFCL) - 5

Housing Development Corporation (HDC) - 8

Chaguaramas Development Authority (CDA) – 6

Tourism Development Company Limited (TDC) – 1

Water and Sewerage Authority of Trinidad and Tobago (WASA) – 5

The table hereunder identifies the names, positions and designation of those persons sent on administrative leave.

**Persons Sent on Administrative Leave for the Period
September 2015 to Present**

Name of Ministry/State Agency	Name of Persons on Administrative Leave	Designation of Persons on Administrative Leave
Ministry of Education Education Facilities Company Limited (EFCL)	Deva Sharma	Implementation Manager 'Build 100'
	Ria Narinesingh	Divisional Manager Finance
	Veda Ramnath	Procurement Manager
	Surendra Balgobin	Senior Engineer
	Frank Mahabir	Project Manager
Ministry of Housing and Urban Development Housing Development	Jearlean John	Managing Director
	Indira Mc Farlane-Lee	Chief Legal Officer
	Aaron Chadee	Chief Construction Engineer

*Written Answers to Questions**Friday, March 11, 2016*

Corporation (HDC)	Nicole Amalie Carter	Divisional Manager, Estate Management
	Renatta Laverne Jones	Manager, Settlements and Community
	Rory Moses	Manager, Settlements and Communications
	Lauren Ann Legall	Manager, Allocations and Distributions
	Ann Mahabir	Corporate Secretary
Ministry of Planning and Development Chaguaramas Development Authority (CDA)	Joycelin Hargreaves	Chief Executive Officer (CEO)
	Hugh Thomas	Divisional Manager, Operations
	Brent Meade	Divisional Manager, Co-operative Services
	Wade Lalsingh	Chief of Security
	Peter Campbell	Corporate Communications Specialist
	Rudranath Singh	Programme Manager
Ministry of Tourism Tourism Development Company Limited (TDC)	Alfred Peloi	Site Supervisor, Maracas Bay Beach Facility
Ministry of Public Utilities Water and Sewerage Authority of Trinidad and Tobago (WASA)	Ken Mahabir	Director, Human Resource
	Steve Joseph	Director, Operations
	Gerard Yorke	Director, Corporate Services (Ag.)
	Wendell Diaz	Head, Logistics
	Mervyn Pierre	Manager, Security Services