

*Leave of Absence*

*Tuesday, December 12, 2006*

**SENATE**

*Tuesday, December 12, 2006*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Conrad Enill, Sen. The Hon. Arnold Piggott, Sen. The Hon. Hazel Manning and Sen. Angela Cropper, who are all out of the country.

**SENATORS' APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 12<sup>th</sup> December, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

*Senators' Appointment*  
[MADAM PRESIDENT]

*Tuesday, December 12, 2006*

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 4<sup>th</sup> day of December, 2006."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Conrad Enill is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a member of the Senate, with effect from 12<sup>th</sup> December, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Conrad Enill.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 8<sup>th</sup> day of December, 2006."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

*Senators' Appointment*

*Tuesday, December 12, 2006*

TO: NILEUNG ROLAND HYPOLITE

WHEREAS Senator Hazel Manning is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate, with effect from 12<sup>th</sup> December, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Hazel Manning.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 4<sup>th</sup> day of December, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Angela Cropper is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Angela Cropper.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 12<sup>th</sup> day of December, 2006."

*Oath of Allegiance*

*Tuesday, December 12, 2006*

**OATH OF ALLEGIANCE**

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

Joan Hackshaw-Marslin, Rose Janneire, Nileung Roland Hypolite, Althea Roche

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Development Bank of Trinidad and Tobago for the nine-month period ended September 30, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo)*]
2. Annual audited financial statements of CWC World Cup (2007) Trinidad and Tobago Limited for the financial year ended September 30, 2005. [*Sen. The Hon. C. Sahadeo*]
3. Annual audited financial statements of CWC World Cup (2007) Trinidad and Tobago Limited for the financial year ended September 30, 2006. [*Sen. The Hon. C. Sahadeo*]
4. The Customs (Caribbean Common Market) (Origin of Goods) (Amdt.) Regulations 2006. [*Sen. The Hon. C. Sahadeo*]

**Customs (Caribbean Common Market)  
(Origin of Goods) (Amdt.) Regulations**

**The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo):** Madam President, may I also advise that the Statutory Instruments Committee considered the Customs (Caribbean Common Market) (Origin of Goods) (Amdt.) Regulations and found that there was nothing to which the attention of the Senate should be specially drawn. The minutes of the committee were circulated to Senators.

5. The Civil Aviation [(No. 15) Air Navigation Services] Regulations, 2006. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

**Civil Aviation [(No. 15)  
Air Navigation Services] Regulations**

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, may I also advise that the Statutory Instruments Committee considered the Civil Aviation [(No. 15) Air Navigation Services] Regulations and found that there was nothing to which the attention of the Senate should be specially drawn. The minutes of the committee were circulated to Senators.

**ORAL ANSWERS TO QUESTIONS**

**Alumina Smelter Plants  
(Memoranda of Understanding)**

**2. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries:

- (a) Could the Minister provide the Senate with copies of the Memoranda of Understanding and/or agreements entered into between the Government of Trinidad and Tobago and ALCOA, and the GORTT and Alutrin, regarding the establishment in Trinidad and Tobago of Alumina Smelter Plants; and
- (b) Could the Minister also state the exact price that the Government intends to charge the companies for the use of the country's natural gas?

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, the answer contains a written document, which I have circulated to Senators as part of the answer.

In 2004, the Government of the Republic of Trinidad and Tobago, pursuant to its strategy for national development and economic diversification authorized the National Energy Corporation (NEC), in conjunction with SURAL, an independent aluminium fabrication company headquartered in Venezuela, to invite ALCOA, the largest aluminium company in the world, to participate in the development of an aluminium industry in Trinidad and Tobago. Arising from this decision, the NEC, SURAL and ALCOA, on May 24, 2004, executed a Memorandum of Understanding in which they undertook to explore the feasibility of an aluminium smelter facility with a target capacity of 250,000 metric tons per year and a capital cost estimated at US \$1 billion.

The MOU was valid for a period of one year, subject to a binding definitive agreement for the establishment of the smelter or extension by mutual consent of the parties. However, in January 2005, both SURAL and ALCOA sought variations to the project. ALCOA requested that the project scope be increased from 250,000 metric tons per year to 341,000 metric tons per year. ALCOA also indicated that it was prepared to undertake the project on its own and likewise sourced its own financing of the capital estimated at US \$1.6 billion.

SURAL proposed to the Government, without prejudice to the ALCOA project, a smaller smelter with the capacity of 125,000 tonnes per annum. The smelter will be owned by Government and SURAL in a 60:40 ratio and a total production would be available to five downstream plants comprised of a rod mill, continuous bar, wire and cable, a wheel plant and an auto parts plant.

Government agreed to the proposal by SURAL and ALCOA and to forego its ownership option in the ALCOA-sponsored project. Consequent on the expiration of the term of the initial MOU and the approval of new projects, Government took the following action.

- (1) NEC was authorized to proceed with the development of the SURAL integrated project for the smelter with a capacity of 125,000 metric tons per annum; and
- (2) It approved a revised agreement, in principle, among the Government of the Republic of Trinidad and Tobago, the National Energy Corporation and ALCOA for the development of a 341,000 metric tons per year aluminium smelter project.

The agreement, in principle, was executed among the parties on February 14, 2006. The subsisting agreement is the agreement in principle, among the Government of the Republic of Trinidad and Tobago, the National Energy Corporation and ALCOA.

Hon. Members, this agreement with ALCOA contains sensitive commercial arrangements, which are confidential among the parties. In keeping with the confidentiality provision in the agreement, the Government is constrained from disclosing such information. Accordingly, the agreement presented to hon. Senators excludes confidential information. This is the information in Article 2.1. All the other information has been presented to Members of the Senate.

The pricing of natural gas for the project has not been finalized and as in all commercial agreements between the supplier, NGC, and the consumer, this is confidential. However, the eventual gas price will be based on factors such as the

provision of a reliable supply of electricity by the power producer; product pricing through a formula linked with the London Metal Exchange (LME) price for aluminium and the support to have downstream activities.

**Sen. Mark:** Thank you very much. Madam President, could the hon. Minister indicate why the Government of Trinidad and Tobago has foregone its ownership option in the Alcoa-sponsored project?

**Sen. The Hon. Dr. L. Saith:** Having taken a 60 per cent shareholding in the SURAL project, the Government felt it had taken enough equity in an aluminium smelter and, therefore, although it had a small option in ALCOA, decided to forego that and take the full 60 per cent in the smelter with SURAL.

**Sen. Mark:** Madam President, would the hon. Minister indicate whether there is an existing Memorandum of Understanding and agreement between SURAL and the NEC, representing the interest of the Government of Trinidad and Tobago and, if such an agreement exists, whether he would be prepared to table such an agreement or Memorandum of Understanding?

**Sen. The Hon. Dr. L. Saith:** Madam President, there is no Memorandum of Understanding. I indicated that NEC was authorized to proceed with the project. We have, in fact, formed a company, Alutrint, which is an existing company. The shareholding is owned, 60 per cent by the Government and 40 per cent by SURAL and that entity is proceeding with the project. There is no need for a further Memorandum of Understanding.

**Sen. Prof. Ramchand:** Will the hon. Minister tell the Senate what are the advantages to the people of Trinidad and Tobago of the confidentiality provision in the agreement and what would be the disadvantages if that provision did not exist?

**Sen. The Hon. Dr. L. Saith:** Madam President, I believe it is a different question, but I would still indicate to the hon. Senator that, in all these commercial transactions, there are certain elements of the commercial viability of the agreement, which sometimes both sides feel or one side feels should remain confidential to the parties. It is not unique to these agreements and, therefore, while it may not be advantageous or disadvantageous to any side, it is part of an agreement; it is part of the way we deal in the world.

I made the point some time ago that if this were an agreement between BP using the gas and ALCOA, it would not arise. There are agreements which have commercial implications and those which remain confidential. The only element, if you read this whole agreement, which is confidential. The others are available to you.

**Sen. Mark:** Madam President, will the Minister identify for the Parliament the various elements comprising sensitive commercial arrangements that he would not be able to make public to the Parliament and people of Trinidad and Tobago?

**Sen. The Hon. Dr. L. Saith:** The elements contained in Article 2.1.

**Sen. Mark:** Will the Minister inform us whether, as a signatory to the Extractive Industries Transparency Initiative, whether the Government must make public, through a transparency process, the moneys it receives and the moneys that companies pay in the extractive industries like oil and gas—the Government is a signatory to that initiative—and by not disclosing this sensitive information, whether this Government is not in violation of those principles?

**Sen. Jeremie:** Madam President, it is not a pleasure for me to rise yet again to correct Sen. Mark. The Extractive Industries Transparency Initiative is a pact; it is not an international multilateral agreement. The Government is not a signatory to that agreement. It is an initiative of Transparency International and countries are graded for the purposes of the Corruption Perception Index, which Transparency International along with the World Bank puts out every year. In terms of compliance, the Government is graded as to whether or not it has signed on to the initiative, but we are not obligated to any rule of international law.

I want to make it quite clear that Transparency International is not an international law body. We are not obligated by any rule of international law to sign on to it and we are not obligated by any rule of domestic law to sign on to it.

**Sen. Mark:** It is a misinterpretation. I urge you to let me recast. I think that the Attorney General has misunderstood. Trinidad and Tobago is a member. Over 20 countries have committed to the Extractive Industries Transparency Initiative's principles and criteria—Africa, Europe and Central America, East Asia and the Pacific, Latin America and the Caribbean, Bolivia, Peru and Trinidad and Tobago. So Trinidad and Tobago is a signatory and a member of the EITI and there are principles dealing with publication and disclosure. I am asking the hon. Attorney General: Is this Government not violating the principles and criteria governing the EITI?

**Sen. The Hon. Dr. L. Saith:** Madam President, I am sure that the information the hon. Senator wants should be in the form of a question. I know the Minister who has responsibility for this will be able to answer it, but I do not think we should be using this question to get that answer.



**Sen. Mark:** *[Inaudible]*

**Sen. The Hon. Dr. L. Saith:** It is a separate question.

**Madam President:** Please ladies and gentlemen. I think I agree with Sen. Dr. Saith.

**Sen. Mark:** *[Inaudible]*

**Sen. The Hon. Dr. L. Saith:** Madam President, I take strong objection to the Senator saying we are covering everything. This is a Senator who chairs a committee of Parliament and, knowing full well that the Minister is a member of his committee, sets his meeting for Thursday morning when Cabinet meets. So he is in no position to talk about covering.

**Sen. Mark:** What is the relevance? Let me object to that, Madam President. Give me the chance to respond to that.

**Madam President:** Please, Senator, sit down! This is going too far.

**Sen. Mark:** Tell him to withdraw the statement. He is imputing improper motives and I take objection to that. I want to make a statement in response to what he has said because he is misleading the Senate. I quote the relevant Standing Order to get my opportunity to speak on this.

**Madam President:** I am waiting on some quiet. I think the questions and comments have gone too far. We are allowing ourselves to get out of hand. I will just allow the supplemental questions to continue. Sen. Mark, please, I ask you to restrain yourself.

Sen. Dr. Kernahan was next, then Sen. Prof. Ramchand. We have had too many supplementals already.

**Sen Mark:** *[Inaudible]*

**Madam President:** But supplementals can be controlled. Do not tell me what I can do. I am going to allow a few more and then we are finished.

**Sen. Dr. Kernahan:** Madam President, given that ALCOA in its CEC cited the NEC as its prospective landlord, will the hon. Minister tell us whether the NEC actually has legal rights over state lands which it proposes to lease to ALCOA?

**Sen. The Hon. Dr. L. Saith:** I will have to check.

**Sen. Prof. Ramchand:** Madam President, I have just skimmed through the agreement and I picked up that it may be subject to approval by ALCOA's board.

Will the hon. Minister tell me whether it is subject to the approval of the EMA? Is it in the text or is it understood?

**Sen. The Hon. Dr. L. Saith:** Madam President, I am sorry that the hon. Senator did not have time to skim through all. He will find in here that they are supposed to comply with all rules, laws and regulations of the country. Perhaps when he has more time, he will find the things that are useful to him.

**2.00 p.m.**

**Sen. Mungalsingh:** Madam President, given that ALCOA has almost completed an investment decision in this project, ALCOA must have submitted an investment proposal or a feasibility study to the hon. Minister. In that feasibility study, they would—[*Interruption*]

**Madam President:** Ask the question, Senator.

**Sen. Mungalsingh:** In that feasibility study, would the Minister be aware of what target prices they were setting for natural gas, and what was the extent of their investment for pollution control and the detailing of such pollution control?

**Sen. The Hon. Dr. L. Saith:** Again, I think if the Senator takes time to read the agreement, it says at this stage that ALCOA is investing US \$15 million to prepare the study, which will enable its board to take a decision as to whether this project goes or does not go. I am sure they have not reached the stage of what is the specific pollution control.

The process is that you do a feasibility study. If the feasibility study demonstrates that the project is viable, you move to the next stage. Moving to the next stage includes getting all the regulatory approvals, including a CEC from the EMA as to how to deal with whatever are the environmental issues. That is where we are at the moment.

**Madam President:** One last question and that is Sen. Dr. T. Gopeesingh.

**Sen. Dr. Gopeesingh:** Could the Senator indicate whether SURAL is an aluminium manufacturer, because on the answer it is stated that SURAL is an independent fabrication company? If it is a fabrication company and not a manufacturer, why did the Trinidad and Tobago Government decide to have an undertaking with SURAL when it is a fabricator, rather than a manufacturer? That is question one. Could the hon. Minister—[*Interruption*]

**Madam President:** You are only allowed one question at a time.

**Sen. Dr. Gopeesingh:** This is a supplement to that. I want to—[*Interruption*]

**Sen. The Hon. Dr. L. Saith:** Let me answer and you will ask your supplemental after.

SURAL, at the moment, is a company—*[Interruption]*

**Madam President:** Which is why I am allowing a few questions more than I should have allowed.

**Sen. The Hon. Dr. L. Saith:** SURAL is a fabricator of aluminium products. They are seeking to have an assured supply of raw material. Therefore, they are partnering with the Government to set up an aluminium smelter to get that assured supply.

The Government is interested because it can build a plant and be guaranteed that all its output, the total output of that plant, will be used in downstream industries.

**Sen. Dr. Gopeesingh:** On that downstream industry, he said that the gas pricing in section (b) states that the eventual gas price would be based on factors such as the provision of a reliable supply of electricity by the power producer. Could the hon. Minister indicate who will supply the electricity, and if there are no downstream industries coming forward, how would the price of gas be determined? You said that the pricing of natural gas for the projects has not been finalized and it will be determined based on the two areas. If we do not have downstream industries and we do not know who are producing the electricity, how would the price of gas be known?

**Sen. The Hon. Dr. L. Saith:** Madam President, I am taking my time to do this because there has been so much—*[Interruption]*

**Madam President:** And I am allowing it because I want to—*[Interruption]*

**Sen. The Hon. Dr. L. Saith:** —misunderstanding and misinformation.

An aluminium plant does not use gas in its process. What it uses is electricity. The price of gas is in fact calculated after you have set the price of electricity. You have raised two points. What happened? Who is producing electricity? That is an exercise that is going on now. That is why I said you cannot impute a price of gas.

If there are no downstream industries on this plant—if you read the MOU—there will be no plant. The MOU is quite clear. *[Crosstalk and interruption]*

**Madam President:** Could we move on to the next question please? I think we have had enough.

**Sen. Mark:** On a point of order, Standing Order 32(4), I would like you to look at Standing Order 32(4).

**Madam President:** Read it.

**Sen. Mark:** It states:

“A Senator who has spoken on a question may again be heard to offer explanations of some material part of his speech which he alleges has been misunderstood or misrepresented, but he shall not introduce new matter.”

**Madam President:** That is not a point of order.

**Sen. Mark:** That is a point of order.

**Madam President:** Where are you looking at?

**Sen. Mark:** Under Standing Order 32(4). Sen. The Hon. Dr. Lenny Saith made a remark and I think it is important that—[*Interruption*]

**Madam President:** If you want to come under a point of order you come under Standing Order 35. Let me know which Standing Order you are on.

**Sen. Mark:** I am simply asking you to give me an opportunity to clarify a statement that was made by Sen. The Hon. Dr. Lenny Saith, in my capacity as Chairman of the Public Accounts (Enterprises) Committee. He has put it on record. Then, ask him to withdraw it. You cannot allow him to make a statement. [*Interruption*]

**Madam President:** Please, Senator, sit down for a moment.

**Sen. Mark:** Madam President.

**Madam President:** Sit down. Minister, you wanted to—

**Sen. The Hon. Dr. L. Saith:** I am not going to withdraw a statement of fact. Madam President, the Senator chairs a committee of Parliament. What I have stated are facts.

**Madam President:** Minister. If it is in fact that happens, whether the assertion is right or not, if it is a fact that you hold meetings on Thursdays, then there is nothing to withdraw.

**Sen. Mark:** He is misleading you and the Senate. The PA(E)C meets on a Wednesday. That is the statutory date. It is only because of circumstances, the last Thursday we had to put the meeting on a Thursday. [*Interruption*]

**Sen. Montano:** On a point of order, he is questioning your ruling.

**Sen. Mark:** For him to come and say that, he is misleading the Parliament and I will not allow Lenny Saith to do that.

**Madam President:** Senator. [*Interruption*]

**Sen. Mark:** You have questions to answer. Do not provoke me. You have serious questions to answer and I will deal with you at the appropriate time.

**Sen. Dr. Gopeesingh:** He has serious questions to answers. [*Interruption*]

*Vide end of sitting for written part of answer.*

**Madam President:** Members on both sides. Let us move on please, to Question No.14.

**Sen. Mark:** I have my friend to deal with now. [*Interruption*] Not to deal with, to ask a question. You try to deal with people, but people will deal with you just now. [*Interruption*] May I proceed? In this season of goodwill, may I be allowed to ask my question?

#### **Chief Justice's Court Matter (Details of)**

**14. Sen. Wade Mark** asked the hon. Attorney General:

- A. With respect to the recent court matters involving the Honourable Chief Justice, could the Attorney General provide the Senate with a list of the names, status and rank of all attorneys-at-law who represented:
  - i. Director of Public Prosecutions (DPP) and/or the Deputy Director of Public Prosecutions;
  - ii. The Commissioner of Police; and
  - iii. The State?
- B. Could the Attorney General also provide the Senate with:
  - i. A list of all the fees paid to these attorneys;
  - ii. A breakdown of all the expenses involved in connection with this matter in the Privy Council in London; and
  - iii. The names of all the attorneys including state attorneys who addressed the Privy Council?

**The Attorney General (Sen. The Hon. John Jeremie):** Madam President, I take serious objection to the Senator on his legs; not sitting on his behind, but on his legs talking—[*Interruption*]

**Madam President:** Language.

**Sen. Mark:** Ask him to withdraw that. I am sitting on my seat. I take objection to the hon. Minister making these kinds of—[*Interruption*]

**Madam President:** Please, both of you, sit down. Both of you sit on your seats, please. Mr. Attorney General, I ask that you please be more moderate in your language.

**Sen. The Hon. J. Jeremie:** Sorry, Ma'am. Sitting on his sit-upon. I am sorry. He was not sitting on his sit-upon, he was standing and questioning me.

**Sen. Mark:** Madam President, why is he talking like that?

**Sen. The Hon. J. Jeremie:** In any even—[*Interruption*]

**Madam President:** Let me hear what is happening. I do not know, please. [Interruption]

**Sen. Mark:** Ask him to get to the issue. He is irrelevant. Under Standing Order 35(1), I ask you to rule. He is irrelevant.

**Madam President:** Please, continue. Senator, I do not want to put out anybody today.

**Sen. Mark:** Put him out.

**Madam President:** Do not tell me.

**Sen. The Hon. J. Jeremie:** Madam President, the answer to question No.14 is not yet ready, the matter having been resolved in favour of the State in the Privy Council, a mere two weeks ago.

The question seeks information about requisitions and fees paid to attorneys. As I understand it, the Privy Council ordered that the losing side, that is the Chief Justice, should bear the cost of the appeal. The answer is not ready and I need two weeks to formulate a proper answer.

**Sen. Mark:** You are wasting time. Take your seat.

**Madam President:** Sen. Mark, are you in charge of this Senate?

**Sen. Mark:** No Ma'am, you are.

**Madam President:** Then I think you should respect that.

**Sen. Mark:** He was trying to disrespect you.

*Question, by leave, deferred.*

**Madam President:** Question No. 15, please.

**Sen. Mark:** You wait. Let me ask the question.

**Madam President:** Senator Mark!

**Sen. Mark:** He is trying to rise and I am speaking.

**Integrity Commission  
(Investigation of Complaint from PSA President)**

**15. Sen. Wade Mark** asked the honourable Attorney General:

- A. With respect to the complaint made to the Integrity Commission by the President of the Public Services Association against the Minister of Health regarding a conflict of interest in the Chronic Disease Assistance Programme (CDAP), could the Attorney General inform this Senate if the investigation has been completed;
- B. If the answer to (A) is in the affirmative, could the Attorney General indicate to the Senate what were the findings of the Integrity Commission;
- C. If the answer to (A) is in the negative, could the Attorney General state:
  - i. The reason(s) for the delay in bringing this investigation to a conclusion; and
  - ii. The expected date for the completion of this investigation?

**The Attorney General (Sen. The Hon. John Jeremie):** Thank you, Madam President, at least on this occasion there was no “deal with” to preface the question.

The answer to question No. 15 is not yet ready. That question concerns the Integrity Commission, as do the questions raised last week and as question No. 16 does. I am sure my friend would like to rise to ask Question No. 16.

It is not yet ready. I am seeking a response from the Integrity Commission, which is a separate body and an independent commission. I understand my friends met with them yesterday.

**Sen. Mark:** That is not your business. Take your seat.

Could the hon. Attorney General advise if he would need a week? He has not indicated.

**Sen. The Hon. J. Jeremie:** I think two weeks will be sufficient to answer this question. I am not sure he would like the answer but two weeks would be sufficient.

**Sen. Mark:** You are anticipating. You have your finger in every pie. You are directing the show, okay. Madam President, you heard what he said? I would not like the answer? I do not know.

*Question, by leave, deferred.*

**Integrity Commission**  
**(Investigation of Complaint from Maha Sabha)**

**16. Sen. Wade Mark** asked the hon. Attorney General:

- A. With respect to the complaint made to the Integrity Commission by the Maha Sabha regarding the award of a radio broadcast licence to a company owned by Mr. Louis Lee Sing, could the Attorney General inform the Senate whether the investigation has been completed?
- B. If the answer to (A) is in the affirmative, could the Attorney General inform the Senate of the findings of the Integrity Commission; and
- C. If the answer to (A) is in the negative, could the Attorney General inform the Senate:
  - i. The reason for the delay in bringing this investigation to a conclusion; and
  - ii. The expected date for the completion of this investigation?

**The Attorney General (Sen. The Hon. John Jeremie):** His manner seems to be improving as we go along. As I said last week, the answer to this is ditto.

**Sen. Mark:** Meaning what, Attorney General?



**Sen. The Hon. J. Jeremie:** Two weeks, Madam President.

**Madam President:** Attorney General, you have three answers to bring in two weeks.

*Question, by leave, deferred.*

**Madam President:** We move on to Question No. 19.

**Trinidad and Tobago Housing Development Corporation (HDC)  
(Details of)**

**19. Sen. Basharat Ali** asked the hon. Minister of Housing:

- A. Could the Minister advise whether the Trinidad and Tobago Housing Development Corporation is exempt from the Central Tenders Board Ordinance in accordance with section 29(1) of Act No. 24 of 2005?
- B. If the answer is in the affirmative, have rules been laid in Parliament in accordance with section 29 (4) of the said Act?
- C. If the answer is in the affirmative, please advise the date on which they have been laid?

**Madam President:** Who is answering that?

**Sen. The Hon. Dr. L. Saith:** Madam President, the information I have is that the answer to that question is not yet ready. May I seek one week deferral?

**Madam President:** Okay, one week. Could we move on please?

*Question, by leave, deferred.*

**DEFINITE URGENT MATTER.  
(LEAVE)**

**Madam President:** Sen. Dr. Gopeesingh, I am in receipt of your request for a Motion under Standing Order 12(2) and I studied it intently. I found that although the matter may have been of public interest it, however, was neither definite nor urgent and, therefore, it does not qualify under Standing Order 12(2), but can be raised under Standing Order 11(2).

**Sen. Mark:** How was that?

**Madam President:** It came from Sen. Dr. Gopeesingh.

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**Sen. Mark:** Madam President, do you not think that you ought to inform us because we are not aware. I think the President has a duty to let us know the nature of the Motion. That is all.

**Madam President:** No, Senator, it is not done.

**Sen. Mark:** It is not done, okay, Ma'am.

**Madam President:** Please continue. You know that very well, Sen. Mark and you are trying to be difficult.

**MISCELLANEOUS PROVISIONS (MINIMUM AGE FOR  
ADMISSION TO EMPLOYMENT) BILL**

[Second Day]

*Order read for resuming adjourned debate on question* [December 05, 2006]:

That the Bill be read a second time.

*Question again proposed.*

**Madam President:** Hon. Senators, those who have spoken are: Sen. The Hon. Danny Montano, Sen. Wade Mark, Sen. Prof. Ramesh Deosaran, Sen. Dr. T. Gopeesingh, Sen. Dana Seetahal, S.C., Sen. Anthony Sammy and Sen. Basharat Ali.

**Sen. Prof. Kenneth Ramchand:** Thank you very much, Madam President. Thank you Sen. Dr. Kernahan for letting me go before you. I want to begin by restating what the Bill is seeking to do. The Bill is seeking to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago. Let us be clear. Previously, you could not have employed children unless they were 14 years old and over and now the law wants to extend its protection to children who are 16 years and over. That is all we are doing. It is an amendment from 14 years old to 16 years old.

The first thing I have to say is that while this is necessary, it is far from what we need today; far from what the daily abuse of childhood and children, in our degenerating society, calls for. We are spending two days, at least, in Parliament, on a limited aspect of a major issue in our country. We should be more concerned about the way we treat children and the way we devalue the experience of childhood and how, as a society, we have become the kind of adults, that would do or allow to be done, the things that are being done to our children.

Recently we had the monstrous spectacle of a child carrying out the most abominable acts against another child. We had an adult ravaging, savaging and pulverizing a child.

Before that, former Independent Senator, Martin Daly, week after week, was pouring out his heart and appealing to the nation about the case of Akiel Chambers; a case about which we share a communal guilt. It was a case in which adults failed the children, parents failed the children, the police failed the children, the investigators failed the children and the State has failed the children. It is not only Akiel; it is every child, born or unborn. The Akiel Chambers case should have triggered a massive national debate about the care and protection of children in our society, and nothing has been done. What we have now is this putrid, trivial, little Bill in this context of moving from age 14 to 16. The proposed extension is good, but it is not good enough.

I am grateful to Sen. Mark, who was able to open the door and allow us all, on a technicality as it were, to discuss some of the concerns that are expressed in the Children Act. It was good for the Senate and the nation to hear from Sen. Mark, that there is a dangerous slipway between the employment of children and the exploitation of children. It is so easy to slide from the employment of children to the exploitation of children.

It was chastening—and I hope it struck many consciences—to listen to his elaboration of the concerns that are highlighted in The Worst Forms of Child Labour Convention of 1999.

I ask again, why should one have had to resort to technicalities, to bring the care of the child into this debate? Why, given the recent horrific examples of the violation of the rights of the child and the physical and bestial violation of children and babies, should this debate not have been a more comprehensive debate about the child?

I will wait for the proposed package of children's legislation and I will try to confine myself to the Bill before the Senate. Try as I might, I have to warn that the Bill necessarily leads us into matters like the relationship between poverty and child labour and the effects of the provision of education upon the incidence of child labour. I do not see how we could discuss this very narrow Bill, without touching upon those questions, but I will try my best.

Child labour is not declining in the world, if anything it is increasing. We can flatter ourselves that, according to the statistics, the most of it and the worst of it is to be found in Asia, Africa and Latin America. Because in those countries, the

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death of so many parents, on account of HIV/AIDS, has created many orphans and many situations where children, who may be HIV infected are now the people who have to take care of their siblings. There is child work, child labour and child responsibility increasing in those countries that are being ravaged by AIDS.

There are countries where the pattern of family values, the traditional pattern of family relationships and the attitude to the female puts a special gender pressure into child labour, and girls are put to work in unacceptable circumstances. They are the ones who suffer the worst form of exploitation. There is a “rule” in the background that girls are for domestic work; we can send them out to work in people's houses. When they go into the houses of relatives and others, the worst kinds of exploitation takes place. We can flatter ourselves that we are not as bad as other countries, but we are bad enough.

Sen. Mark has quoted from the conclusion of a Trinidad report on child abuse in this country. According to him, I have not read the report so I am depending on Sen. Mark's account; according to Sen. Mark, the report looked at scavenging, agriculture, domestic work, prostitution and pornography. Sen. Mark quoted from the report's conclusion concerning the harsh and dangerous conditions children face daily. He gave us a prophetic little sentence. It is a sentence that conceals so much and says so much: “In spite of their adjustment to their circumstances, all child workers yearn for more fruitful lives and dream of nice houses and better jobs.” We are not just making them suffer, we are killing their dreams.

I want to come to my main objection or my analysis of the Bill and to point out what I think everybody else has noticed; that the Bill is restricted to the formal sector of the economy. The Bill is acting as if the only thing we have to deal with is the known and accepted forms of employment, and what we are doing in our liberal spirit is making sure that children—who are known to be in paid employment, by businesses, firms, et cetera—should be protected to the extent that we are moving the age limit to 16. The assumption in this Bill is that child labour is paid employment, in recognized and visible places. We are dealing with child labour only in the formal and visible sector of the economy.

We know that the most dangerous and offensive kinds of child labour take place in the informal sector, in homes, farms and gardens, on the street selling all kinds of plastic stuff and fruit and vegetable vending on the highway. It is in the informal sector of the economy and areas of darkness in the society, that child labour becomes the abuse of children, sexual exploitation trafficking, and so on. I find it very unsatisfactory that we say we are dealing with child labour and all we are dealing with is the formal sector and the visible sections of the society.

I hope, when we have a proper debate about what we are doing to our children, a more satisfactory approach to child labour would be developed. I hope that we would be allowed, in the debate, to recognize the role that adult education has to play in cultivating a different attitude in the sacredness of the child and the value of childhood qualities; those childhood qualities of joy, spontaneity, happiness and trust. Those are the childhood qualities that we are destroying as we bulldoze and crane our way on the materialistic and economic highway. We are destroying our souls and that is reflected in the way we treat our children. I hope that we will have a proper debate where the state of the nation, heart and soul of the nation can be looked at, through a discussion of how we treat our children.

One or two particular points. Section 91(1) of the Children Act says:

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

Is it the implication that family will not exploit family or that family has a right to exploit family? If that is so, I do not think that is true. That is not the practice. In any case, I feel that this exception is in breach of Article 32 of the Convention of the Rights of the Child.

Article 32 recognizes the right of children to be protected from work, threats to their health, education, physical, spiritual or moral development. Even if you are working in your family shop and you are going to school— let us say that you are not physically abused, the number of hours that are taken away from you to work in the family shop will impact on your education. I am not a big lawyer but I can argue that and we can win the case that the exception, not only does not understand the reality but is in breach of Article 32. I feel we have to do something about it.

I agree with several speakers that we need to make an immediate amendment to the Education Act, to make school attendance until the age of 16, or the completion of fifth form education compulsory. That is very problematic. When you make it compulsory, you have to find a way to enforce it.

Can we create a network of parents and teachers? I have asked teachers in schools whether the children who were absent brought excuses. They would say that they do not. They write their own excuses. The parents do write the excuses or they do not bring them. If they are absent four days and they come with an excuse, it is an excuse for one day. Nobody is checking on that. I know that it will be very difficult to enforce any law that says that you have to go to school up

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to the age of 16 or up to the time when you complete your fifth form education but I feel we have to make a try. If we make a try for that, we would have to look at the education system and police that there are dropouts all along the way. We have to look at those dropouts and see if we can find a way of doing something for them. We cannot let them drop out. Compulsory education means you cannot drop out. If I tell you that you cannot drop out, I have to find out why you are dropping out and when I find out why you are dropping out, I have to provide for you. Maybe you have come from a home where you were being brutalized and you cannot handle school or maybe you have a learning deficiency. Whatever the reason, we have to find it along the way to make sure that every child, up to the point when fifth form education is completed, is taken care of. Compulsory education implies being taken care of; we have our eyes on you and we want to make sure that you would have some kind of life.

There are many other complications to the compulsory education proposal but I really feel that the PTAs, school boards, teachers and families have to be recruited to make compulsory education work.

We have to ask if a child is undergoing compulsory education and the child comes from a poor home, and it is necessary to help the family budget by sending the child out to work, will we oppose that? I would. I would say that if we have compulsory education, one of our responsibilities is to make sure that no home will find it necessary to send the child out to make money to help the household budget. If you want to be more liberal and say: "Well, it would not harm the child's education to do three hours work per week and the \$0.50 they are getting for the three hours work per week, makes an immense difference in the family budget." I would laugh. I would also say that you must have regulations. If you are going to allow children who are going to school to undertake paid employment, you have to make regulations. Are they allowed to work on school days? Are they allowed to work on weekends? Are they allowed to work during school holidays? If they are, what kind of employment would be acceptable? If we are not going to say that you cannot work at all, then you have to have some very strict regulations about the hours that they can do and the kind of work that they can do.

Of course, we must have welfare programmes that will help those families. All the literature shows us that the question of child labour is connected with the question of the elimination of poverty and the creation of opportunities for employment for adults. If the adults had jobs, then there would not be the necessity for children to go to paid employment.

I am quite happy to hear it when a child decides that over the August holidays, he is going to work for Mr. So and So for two hours per week because he wants to buy a bicycle, let us say. If a child does that kind of work, it must be a project the child has undertaken and it will be under supervision. It should not be to help the family budget.

Madam President, I am trying to keep within the terms of the Bill, but you know that it is impossible.

**Madam President:** I will pull you back.

**Sen. Prof. K. Ramchand:** I wanted to work in a phrase about how you have the milk of human kindness and you care for children and that is why you have allowed us to stray from the strict path of the Bill. I am sure that is so. You know I have great discretion and respect and I would not go too far.

I would like to propose a very drastic interim measure. We are dealing with the formal sector. I want to finish speaking about the formal sector and spend more time on the informal sector, where the real problems exist. If you have a problem with the formal sector we should ask “why do people employ children?” The answer is that they can pay them less and because the hours are more flexible. You do not have to pay them overtime. That is simple. I would pass a law that if you are employing a child, the same terms and conditions that apply to the adult would apply to the child. If we pass a piece of legislation like that, all those people who are employing children will say: “I had better employ an adult, I might as well.” Do not make our children cheap labour. Do not make them flexible, exploitable labour. If you want a child to work because you cannot get an adult, pay him what you would pay the adult.

Madam President, I do not know if that is a drastic suggestion, but that is the suggestion I close with. If you want to deal with child labour, in the formal sector, then pass a law that says you pay the child what you would pay the adult and give the child the same conditions of work you would give the adult.

If we were to do something like that, I think that would free us to focus on the real problems of taking care of children in our society.

Thank you.

**Sen. Dr. Jennifer Kernahan:** Madam President, thank you for giving me the opportunity to make a contribution on this Bill before us, a Bill to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago.

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Trinidad and Tobago has ratified ILO Convention 138, which deals with the minimum age for admission into employment, and Convention 182, prohibiting and calling for immediate action for the elimination of the worst forms of child labour. Therefore, our obligation, under these Conventions, is to comply fully with the requirements of the Convention and to ensure that all measures are in place for the implementation of the Convention.

This Bill before us seeks to provide for the establishment of a minimum age for admission to employment; an age which, under the Children Act, a young person is still considered to be a child.

Not all work done by children is considered child labour. In order to begin my contribution I would like to define what is considered child labour, according to a publication *Action Against Child Labour* by Hasships, Melaine and Jan Kanish, 2000. I quote.

“The term child labour is work carried out to the manifest detriment and endangerment of the child, in violation of the rights of the child, international law as defined in the ILO Conventions and national law of the particular country. It is defined as both paid and unpaid work and activities that are mentally, physically, socially or morally dangerous and harmful to children.

It is work that deprives them of opportunities for schooling, in that it requires them to assume the multiples of schooling and work at home and in another workplace and work that enslaves them and separates them from their family.”

There is a very rigid definition of “child labour” in that it constitutes work that is harmful mentally, physically, socially and keeps them away from school and enslaves them or separates them from their families.

Child labour is recognized as one of the scourges of the 21st Century internationally. The ILO has estimated that there are 201 million children between the ages of 5 and 11, who are in economically active work in the world.

What is our status? UNICEF has estimated in a document *Bureau of International Labor Affairs*, the US Department of Labor June 2006, that 4.1 per cent of children between 5 years and 14 years in Trinidad and Tobago were working in 2000. This document indicates that children are engaged in agriculture, scavenging, loading and stocking of goods, gardening, construction, car mechanics, fishing, domestic servants, handymen and street vendors and they are also engaged in the sex trade.



Some of these activities, as Sen. Prof. Ramchand said, are usually reported as part of family business. The ILO document goes on to elaborate that:

“Reports also indicate the involvement of children in commercial, social exploitation.”

This is, as you would appreciate as a woman in the Senate, an unacceptably shocking state of affairs in this country, where we have all the resources we need to take care of our children. It, therefore, begs the question where, in the frenzy of the erection of billion-dollar smelters, multi-million dollar stadia, carnival centres, waterfront projects and government campuses, do we find that children are being looked after? Who is looking after our children after five years?

It is alleged that the Ministry of Labour, Small and Micro Enterprise Development and the Social Services Delivery Unit of the Prime Minister are currently responsible for enforcing child labour provisions. However, given the statistics and the revelations that will come later, which other Senators also have revealed, it seems that the Minister of Labour, Small and Micro Enterprise Development and the Prime Minister have better things to do than to occupy themselves with the issues that affect children.

According to the US Department of Labor, this same document I quoted before, it says, with respect to enforcement of child labour positions, that enforcement is weak because there is no comprehensive government policy on child labour and there are no established mechanisms for receiving, investigating and addressing child labour complaints.

We have a Bill before us which, I am not sure that it addresses these critical questions. You are bringing more legislation to Parliament and the enforcements are internationally recognized as being weak and non-existent. There are no mechanisms to receive these complaints and deal with them in a proper manner.

This view of the ILO is supported by authors Desmond Hunte and Cheryl Lewis in an ILO document report of December 2004, *Trinidad, the situation of Children in Landfill sites and other Worst Forms of Child Labour: A Rapid Assessment*. This document was previously referred to. This also supports the UNICEF document. I quote:

“While Trinidad and Tobago recognizes the need for effective abolition of child labour, at present the laws relevant to children participating in the labour market are not strictly enforced. The inconsistencies in the various laws relevant to the care and protection of children encourage manipulation and diverse interpretations on the part of those who wish to circumvent them.”

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The short story is that our children are up for grabs. The laws that are there to protect them are not enforced, vague, inconsistent and unscrupulous people choose to circumvent them and exploit our children.

What is even more shamefully revealing about the Government's total apathy to protecting the children of our country, in spite of its crocodile tears every time something horrible happens to a child in this country, is the fact that, as Sen. Prof. Ramchand mentioned a while ago, the package of children's legislation brought to this Parliament since 1999, designed to set up the institutions and mechanisms to help to protect children, has been ignored by this administration. While we see them walking up and down the place in Chaguanas and Penal kissing babies and hugging children, they are literally kissing them to death. That is a kiss of death.

These Bills: the Children's Authority Bill, 1999, the Children (Amdt.) Bill to officially recognize and give effect to the children's authority—a whole package of children legislation—are here waiting on Government, waiting for the world to change, as said by John Myer. They have not changed in five years. They insist on a course of ignoring the future of this country.

This Bill before us is a legalistic approach to the problem and it does not scratch the surface of what is required at this point, to deal with the known extent of the problems that we have before us. I would like to quote a document which gives us an idea of what we are talking about. This is called *Proposal for Pilot Action Programme, Rehabilitation of Child Labourers Engaged in Scavenging Activities in Landfill Sites*. When we are talking about children in the abstract about labour, we do not get the picture because we do not have the information of what these children go through. It says:

“Recent research in the phenomenon of children engaged in the worst forms of child labour in Trinidad has identified hordes of children scavenging in landfill sites. Driven by poverty, physical abuse, delinquent fathers, single parent households and poor parenting practices, child labourers in these extreme occupations are drawn by potential incomes that can assist them and their families and provide them with some measure of independence.”

There is an inexorable pull on these children to be exploited, to want to work and to go out there to help their families. Bringing legislation to Parliament and saying that children can only legally work from 16 years old, will not cut it. There are economic forces out there that are stronger than legislation.

It says that:

“In spite of a comparatively high GDP per capita...driven by its extensive energy reserves and petrochemical industry, and a Human Development Index ranking at 49, Trinidad and Tobago has approximately 21% of its population living in poverty. Almost half of this group is considered to be extremely poor,...Seventy-four (74%) of Trinidad and Tobago’s population live in urban communities...

A large number of children experience abuse and neglect, and some lose family support altogether, ending up as wards of the state in the child protective services system.”

This brings us back to the whole question of the package of children legislation, which we need to ensure that for the children who are at risk, the infrastructure is there to identify these children and take them out of the system in which they are at risk, protect them and help them to develop socially and economically, so that they will not have to face the horrors out there in the landfills, scavenging and doing all kinds of work, both in the formal and informal sector, as Sen. Prof. Ramchand said.

One of the problems we have is that, as we have said in this Senate before, when we have 25 per cent of female-headed households in this country—it states:

“...it is among the female-headed households that children are named as a source of economic support.”

We are talking about 25 per cent of the households, headed by females and those children are immediately at risk because they have to go out there to help their mother support the household. It does not start at 16, it starts at 4, 5 and 6 years old. Those children are at risk from the time they can walk.

This administration has to realize that it cannot bring legislation in 2006 like this to Parliament. This is very superficial. It does not deal with the spirit of the ILO Conventions 138 and 182. It deals with the superficialities. They said children should not work until they are 16 years old. That is not our reality. Our reality is much more deadly than that for children.

We have to recognize that there are a number of socio-economic problems as well as legal issues that we must address in order to deal with the question of child labour and increasing the age at which children can legally work will not solve this problem.

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The Minimum Age Convention, in Article 1, to give us an idea of what is missing in this legislation and the fact that as usual, this administration has missed the whole point clean, says:

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

Article 1 talks about a national policy. You cannot do things piecemeal. You cannot do things when some institutions and some ministries are in sync with what is happening and others are not. It has to be done within the framework of a national policy, where all the stakeholders are on board and all the institutions and relevant ministries are on board, to deal with the problem in a holistic manner. This is why Article 1 talks about a national policy designed to ensure the effective abolition of child labour, not the nominal abolition of child labour on paper and then you go out there and say: Oh yes, we have done this. We have brought the legislation to Parliament and everything is hunky dory in Trinidad, and everybody out there between the ages of 4 years to 15 years old working 10 hours per day in all kinds of spurious employment. This is what they are accustomed doing.

I have a report of the committee on the status of children. You will be surprised to see the kinds of reports that go out there on what this Government has purported to do.

We have a situation where we need a national policy and we need a holistic approach to the problem.

We have situations where the World Bank in a youth and policy publication stated that the incidence of unemployment and poverty rate among young persons is approximately 30 per cent. We are talking about socioeconomic issues. We are going all over the place boasting about 5 per cent and 6 per cent unemployment in Trinidad and Tobago and full employment. That is why we could bring Chinese labourers because we do not have labourers and unemployment here. We have to deal with sectoral unemployment. The World Bank has indicated that the unemployment and poverty rate for young persons ages 15 to 19, this is the critical ages, the ages at which our children are turning to drugs, guns, gangs and violence. Why? Unemployment is 30 per cent. Thank God we have international

reputable institutions that will give us the real figures. [Interruption] This is 2002. All the documents are here and they will go to *Hansard* and they could always check them. The World Bank went on to say:

"This poverty is combined with unhealthy family relationships and changing family structures, which place these youths at further risk. Of major concern is the fact that economic growth is not leading to lower poverty rates."

It brings us back to our dilemma. [Interruption] That was a continuation of that report. All these issues bring us back to the fact of how are we going to deal with that 30 per cent unemployment rate among young people. Some of them are between the ages of 18, 19 or 16.

How does this administration propose to deal with the compulsory school age which is 12 years, when a World Bank report also estimated that only 89.3 per cent of children of primary school age are attending school? That means over 10 per cent of the children of primary school age are not attending school. That is another sector that is at risk for child labour.

The report also said that the completion rate for secondary schools may be as low as 45 per cent. There is a whole pool of children of secondary school age, who are not completing school and they are at risk for exploitation for child labour.

### **3.00 p.m.**

What do these figures mean? These figures mean that hundreds, maybe thousands of children are vulnerable and are actually trapped in the web of child labour well before the age of 16, and they will continue to be trapped, until when? Until this Government is voted out of office.

How does clause 4 help these children? How does this legislation which talks about children under the age of 16 years shall not be employed or work in any public or private undertaking, and how does the whole question of factory inspectorate help these children? Who goes into the communities and into the homes to understand what is happening to these children? I have neighbours; I have seen these children go to school and you wonder if they are really in school or not, because sometimes you see them at home for three days; then you see them put on a nice jacket and they "gone up" the road; then you see them another two days at home because when they are home they are "minding" the goats and seeing about the fowls, chickens and this and that. These children are clearly at

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risk. But where are the social workers; where are the people who are equivalent to factory inspectorates in the formal sector who are looking at the question of children who are home and working at home or in the informal sector?

The ILO Convention that we have signed and that we are required to comply with in terms of our laws and institutions, and so on, requires all these issues to be looked at for us to fully comply with the Convention. It is for that reason, apparently, Cabinet, in 2004, created the National Steering Committee on the Prevention and Elimination of Child Labour. This Committee, apparently, is responsible for developing, one, a comprehensive national policy to eliminate all forms of child labour; two, the designing of a plan of action; three, reviewing and recommending legislation; four, implementing Government programmes and; five, improving inter-organizational coordination. There is also supposed to be an Interministerial Coordinating Committee for children in need of special protection under the Ministry of Social Development, which creates a system to monitor children in need of special protection, analyze data, develop policy and promote cooperation between Government ministries, NGOs and the private sector.

Madam President, I have been calling the Ministry of Social Development for the last year to find out what is the status of the national policy to eliminate all forms of child labour and to find out what is the data they have collected so far in terms of monitoring the children in need of special protection. The answers I got indicate to me that there is no such policy in place and they had promised international institutions that they would put such a policy in place, which I will come to just now. I defy Sherlock Holmes to unearth in that Ministry any data on the needs of special children. Sherlock Holmes could not do it. I am not saying it does not exist but maybe it takes people with better investigative powers than I have to unearth it and to actually see it in action.

Madam President, let me just give the example of what I was saying in terms of how this Government goes out there and makes all these promises and commitments and we do not see the results here. I have a document here; it is called "Advancing the Campaign Against Child Labor; Efforts at the Country Level, U.S. Department of Labor, Bureau of International Labor Affairs, 2002." I looked through this document and I saw a list of countries that are a part of the collection of data for combating child labour. What it says here and I quote:

"Many countries have also taken steps to collect and assess data on child labor. Such efforts not only enhance understanding of the problem, but can contribute to the development of more effective and efficient interventions at the country level."

This programme was launched in January 1998. I saw a list of participating countries; I got so excited and I looked to see where Trinidad and Tobago was in this scheme of things. They had the countries categorized by when they started to put together this data. Under countries for which surveys are planned for 2004 and later, we have Burkina Faso, Costa Rica, Egypt, India, Indonesia, Madagascar, Mali, Morocco, Russia, Senegal, Syria, Trinidad and Tobago—hooray—Venezuela and Vietnam. I said, well, yes, they were in sync in terms of 2004; they were supposed to set up this committee; they made this commitment to the international bodies and so on.

Madam President, given the fact that I cannot unearth any data, I suspect that when they say 2004 and later, that that is a code word; 2004 and later means later like in never. That is the code, apparently, they are using, because we are in 2006.

The Bill before us deals with one small step towards the elimination of child labour, the legislative formalities; the question of putting the ages in place, but much more is needed to deliver these children from bondage and from the torture they are exposed to daily; a lot of these children. We have seen Amy; we have Sean; we have seen Akiel; we have seen people who were at risk and who needed to be monitored—data collection—and they were not and they are not with us anymore. They died the most horrible, horrific deaths. What is this Government waiting on? It is almost five years in office. Stop kissing the people's babies because it "ain't" make any sense.

To eliminate child labour, what do we have to do? This Government has to develop national plans of action. They promised to do that; that is part of the Convention. You have to take steps to promote the collection of child labour data. Where is the data? You have to pass child labour laws, which prescribe at what age and under what conditions children may work and prescribe child involvement in certain types of work categories. You have to implement targeted interventions to remove children from exploitative work. It involves the socio-economic issues that you have to deal with apart from the legislation; apart from the formal sector; apart from the factory inspectorates. You have to enhance the capacity of the local actors, such as the NGOs, the Government, the employer and volunteer organizations, to address this issue; to ensure its sustainability. You have to build capacity; you have to train the labour inspectors; you have to get the involvement of the NGOs; you have to involve local organizations in the implementation of targeted strategies; empowerment of the local communities.

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Where are the strategies? The Minister of Labour, Small and Micro Enterprise Development came and read his introduction to this Bill in this monotone about all the different laws that are going to be amended and so on. But where are the strategies? We have the legalities. But where are the strategies, which will make the legalities a reality? I am waxing poetic now, Madam President. Where is the active involvement of organizations such as the Coalition of the Rights of the Child?

On World AIDS Day a couple weeks ago, I went to a forum in which representatives of the Coalition of the Rights of the Child were present and there is absolutely no enthusiasm, no hope, no excitement on the part of this organization, that it is actually part of any process to advance the rights of the child in this country. In fact, Diana Mahabir-Wyatt, who was present at this symposium talked about all the problems that we have with protecting children and she lamented the fact that we have eliminated community police from the communities. She said in no uncertain terms that this was a proactive force in identifying problems before they happen. That was her first line. She said that the community police constitute a first line of defence for women and children who are at risk in communities, because you have to start small in small areas where you know the people. You are there every day; you work there; you are dedicated to that job; you know the people; you know the issues; you know the people who drink; you know who beat their wives; you know who is prone to beating the children; you know who you could cool down; who you have to put in the cell in the station for the night and might come out the next day. You know all the issues, so you are able to deal with that situation in a humane manner; in a manner which is less confrontational without having to accede to the courts, where one magistrate has to hear 400 cases for the day and they do not care about the fact that the wife's face is all battered and bruised because he has no time to care.

Diana Mahabir-Wyatt was also saying that their organization was involved in training and sensitizing even the Magistracy in terms of how they could deal with the issues of women and children when they are before them, because they understood the problems that they had, the number of cases and the workload, but yet you had this need to sensitize people as to the whole mechanics of what is happening in these communities and with children and why you have to, at least, be a little more sensitive.

Madam President, I was coming to the report of the CRC's 41st Session: Committee considers report of Trinidad and Tobago, dated Thursday, January 19, 2006; a Committee on the rights of the child considers report of Trinidad and



Tobago. It is this year; the year in which we do not have any package of children legislation since 1999. We signed this convention and this is the report of Trinidad and Tobago:

"The package..."

Referring to the children's package.

"was enacted by Parliament in October 2000. The Children's Authority of Trinidad and Tobago is responsible for, among other things, investigating complaints of staff, children and parents of children with respect to any child who is in the care of a community residence, foster home or nursery. A National Plan of Action and associated committee were also established to monitor the implementation of the Convention."

In which country? In which country are we talking about here? This is in January this year. This is the report that they go out there and give people; that we have a package of Trinidad and Tobago children legislation enacted and the authorities are working and accepting referrals. Please, why do we have to do this? Why can we not really, genuinely see about the children so that when we go out there we do not have to practically play games with the truth, to put it mildly? This is horrible!

Madam President, because of the unavailability of data with respect to children in need of special protection, I do not know if the Minister can unearth that data for us. It is clear, as the ILO studies have said in the Rapid Assessment Survey—The Rapid Assessment Survey suggests and I quote:

"The four worst forms of child labour studied, namely scavenging, agriculture, domestic work and prostitution and pornography do exist in Trinidad."

We know that. We do not know the numbers but we know that they exist and that they should not, in terms of the type of country we have, with the type of resources we have.

Sen. Prof. Deosaran spoke to family situations; that parents should be accountable for their children and should be a stronger force in terms of protecting their children from exploitation and from child labour and so on. We have a situation, as the ILO document said, where family structures are deteriorating in the society and I just want to quote some of the actual findings of this Rapid Assessment Survey with respect to the family situation, so we will get an idea. Not every child lives in a home with two parents, a grandmother and

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grandfather next door and has all the right influences; is well cared for; has breakfast, lunch, dinner and somebody to do his or her homework with. That is the ideal and it is fast becoming the minimum number of cases in our country.

I was talking to a young teacher the other day; she teaches a third standard class and it is appalling the kind of adult responsibilities that the very young have to assume right now in Trinidad and Tobago. She sees it very clearly, basically in homework. She says when you look at the homework books, you know who has parents at home; who has monitoring at home; who does not have any monitoring at home. She was telling me of a nine-year-old child who lives alone with his father who is a policeman. He never does any homework or anything like that, because he is home alone on evenings. His father works shift and he has no supervision, therefore he is totally lost at sea. If he does not understand something he has nobody to help him. He has to go home; make his dinner; he has to clear up the place; wash the wares and his father will come home maybe around 12.00 or 1.00 o'clock in the morning.

You see it clearly from a very tender age in primary school. Even when you have one parent who is trying, these children are essentially at risk because they are not able to perform and do as well as people who have the supervision. That is why the socio-economic aspects, all the social aspects, you have to bring in terms of homework centres, monitoring and helping these children come up to scratch; you have to deal with that because when you hear the "shout", these children fall back very badly after a while in school and when they have reached 13, 14 years, they are ready to drop out. Nobody can tell them anything because they feel so bad; they are so far behind; they cannot catch up with the class and they start to think: "Well, the next best thing for me to do is to go and get a job, get some money and start my life, because this school thing is a waste of time."

That is why we have such a high dropout rate. Forty-five per cent of children do not go to the secondary schools because of these social problems that we have. We need the intervention strategies. We need this administration to come here with the intervention strategies that will deal with these things and would not allow the 9-year and the 10-year-olds to want to leave school, to go and work. This is just a microcosm, a snapshot of the family situation that we are talking about here.

This report says that 28.6 per cent of the children are living with mother, father and another sibling; 23.8 per cent are living with a non-relative and 7.1 per cent are living alone. Could you imagine that in such a small sample that they would have done, that you have 7.1 per cent of children who are living alone? You are talking about children here, living alone!

How do we start to deal with these children? How do we start to protect these children? Where are the mechanisms to identify these children and help them? Where is the Children's Authority? Where is the infrastructure to support the Children's Authority, which is designed to do just that? This is a serious issue in families. We do not all have ideal families and, as Sen. Prof. Ramchand said—and I totally agree with him—what is happening here is that the AIDS pandemic is further going to exacerbate the situation, because you have families whose children are going to be left parentless because their parents are going to die of AIDS; of HIV infection.

I met a young girl last week. She came into the office with a baby who was three months old. She is positive; her partner is positive and she has to wait until the baby is six months, apparently, to go and get the baby tested to see if the baby is positive—a cute little boy who is facing the prospect of having no parents by the time he is five or six years old, perhaps; if they get treatment, maybe longer. You can multiply that by how many? How many do we have to multiply that by to get a picture of what is happening in this country with respect to children? That little boy is going to be a child at risk. Who will identify him? Who will pull him out of that milieu? Who will protect him? Not those on the other side who are busy building smelters to kill people.

This document here, I just want to quote two small case studies that bring the very graphic understanding of what is happening to our children. I quote one case study:

“David was born in Arima. His father died when he was 6 months old, and his mother migrated to the United States. He is now 17 years old and has been working in the Arima ‘dump’ for the past 3 years. His greatest wish is ‘that my mother could come back home, because I miss her very badly. Although she sends me clothes and money, I would really like to give her a big hug and a kiss’.”

That is a case study; he is 17 years old. We have another case study:

“Nicholas is 15 years old and has been working at the Forres Park ‘dump’ since he was 10 years old. His mother left home when he was seven years old because his father was violent. He left for the same reason because his ‘father will beat them with anything he could get, wood, iron, anything. Once he threw an engine at me’. His greatest wish is ‘to go to heaven and meet his grandfather and never come back and for my mother, brothers and sister to come and meet us’.”

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This is the condition our children are living in, Madam President, while they are sitting and fiddling on the other side. Five years have passed and there is no children legislation, no data, nothing is happening; there is total silence and total abandonment of the children of this country.

There are case studies which deal with the sex trade and the exploitation of children which are too graphic for me to read in this Senate. We just have to use our imaginations to deal with what is happening with those children who are forced into these trades. One of the young persons in the case study said there is a man who controls a number of children and you can just imagine the rest who sell these children into prostitution and so on.

There has even been, according to the Rapid Assessment Survey, speculation and rumours about the sale of children, particularly when so many children go missing. I have personally heard of the sale of children; of that rumour on the streets and I pray to God it is not true. What if it is? That is the question. What if it is, that we actually have trafficking of children going on in this country? I just close my mind to that because I am hoping it is not true. But the question is: What if it is?

This Bill, this very superficial document that has come to Parliament here this afternoon to deal with serious, serious questions, to deal with the national security—because these children are cold killers by the time they reach 10 years, when you leave them in these conditions. They would as soon shoot you as blink. So it has to deal with national security; it has to deal with personal security; it has to deal with the future of this country because that is human resources that are being lost in this country. Many of them are very bright; they can do very well within the right environment and they are being lost in this country because of the neglect of this administration.

We are very disappointed in this Bill before us. Even if you are talking legal, it is deficient. I have a document here; it is called *A Review of Child Labour Laws of Trinidad and Tobago—A Guide to Legislative Reform*, by Clive Pegus, June 2005. It is an ILO Regional Child Labour Project; International Labour Organization Subregional Office for the Caribbean. Documented enough?

**Sen. Dr. Saith:** Yes.

**Sen. Dr. J. Kernahan:** This document says:

“This study, commissioned by the International Labour Organization Subregional Office for the Caribbean, reviews the laws on child labour in Trinidad and Tobago, within the context of ILO Convention No. 138 on the

Minimum Age for Admission to Employment and No. 182 on the Worst Forms of Child Labour and its relevant ILO Recommendations ... Its main concern is to identify apparent gaps and inconsistencies in the laws relating to child labour...”

**Madam President:** Hon. Members, the speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

*Question put and agreed to.*

**Sen. Dr. J. Kernahan:** Thank you, Madam President. It says:

“Its main concern is to identify apparent gaps and inconsistencies in the laws relating to child labour in Trinidad and Tobago and to provide a guide for legislative reform to ensure compliance with the requirements of the ILO Conventions.”

This is a comprehensive document which deals with all the inconsistencies and gaps in the legislation and it speaks to some of the issues I have raised and some others. It goes on to say:

“Policy

ILO Convention No. 138 requires Trinidad and Tobago to have a policy for the elimination and prevention of child labour.”

It says here:

“...there is no coherent explicit policy on child labour.”

It makes the recommendation that the National Steering Committee—which I alluded to, which was supposed to be put together—be given all the support required to complete its draft policy on child labour as efficiently as possible. Collection of data through surveys and other methods is one of the needs. You need a forum for government, employers’ and workers’ organizations and NGOs to reflect on the strengths and weaknesses of the policies and programmes existing. We need to identify priority target groups in the programmes of action. We need to identify the main programme areas and types of interventions in the programmes of action and the adoption of a national policy and programme of action geared towards the elimination of the worst forms of child labour. This is the sort of overview.

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He is looking at the actual laws that need to be amended to comply with this and to comply with the conventions. Some of the laws he has mentioned here, as well as laws that were mentioned in this Rapid Assessment Survey document, I have not seen in this Bill before us. According to the Rapid Assessment Report, the Solicitor General was asked by the Ministry of Social Development and had given a comprehensive report on all the legislation that needed to be amended to bring these conventions into force in our country and some of the laws that were mentioned in this document, I have not seen. I do not know why they have brought some and left out some. If later means that they will do it in parts and maybe they are hoping that we will have the “second coming” and they will get some sort of epiphany and they will do it. I do not know what are they waiting on. It is anybody's guess, because it says here and I quote:

“An order made by the Minister of Education to raise the compulsory age for the completion of schooling from twelve years to sixteen years was necessary on or before the 3rd September, 2005 in order to ensure compliance with the ILO Convention No. 138.”

In 2005 that was necessary and we still have the Minister of Education coming to this Parliament telling us about meeting committees on an ongoing process which will never end [*Desk thumping*] because they told the International Convention, 2004 or later. So they are really taking that “later” very seriously.

The other observation made by this young bright lawyer; it says here:

“The Recruitment of Workers Act may have to be amended to provide strict limitations of the hours spent at work in a day and in a week, the prohibition of overtime and a minimum consecutive rest period of twelve hours’ night rest in order to fulfil the requirements of the ILO Convention on light work.”

I am not a lawyer; I am going by what the expert says. He makes another observation. He says:

“In addition, Trinidad and Tobago may also consider the adoption of a legal provision, similar to the Bahamas, on the prohibition of employment during school hours. The Bahamas law prohibits the employment during schools hours, of all children and young persons attending school, regardless of whether they are of compulsory school age.”

Very relevant and very laudable law. I am certain that the Minister has this document in his possession. So why has he brought such deficient legislation to this Parliament?

He talks about the need to look at the law on artistic performances. He said:

“There is no legislative provision or policy in Trinidad and Tobago to give effect to the requirements of the ILO Convention No. 138 regarding the engagement of children in artistic performances. Trinidad and Tobago may wish to consider an amendment to its Children Act to allow for the person seeking to engage in services of the child performer to obtain a permit from the relevant authority...”

He goes on and he looks at hazardous work and he says that while employers have a legal duty to provide a safe place of work, there is no specific legislative provision which declares hazardous work for children and young persons as the worst form of child labour. So he is suggesting that we have specific legislation to declare hazardous work for children as one of the worst forms of child labour and outlaw that.

**3.30 p.m.**

Madam President, another issue he raised is that:

“The Government may wish to amend the Children Act to prohibit the employment of young persons in work, the nature of which or the circumstances in which it is...likely to harm their safety, health or moral development.

And he went on to talk; “I spoke recently about the trafficking of children”; he said that there is a similar Bill in Guyana which explicitly prohibits the trafficking of children, which “makes the recruitment, transportation, transfer, harbouring, or receipt of any child”...a criminal offence.

Other Caribbean islands apparently have very serious legislation on the books and so on to implement these Conventions and to ensure, really, that our children are properly protected. And I hope that this legislation is enforced because I have a nightmare here that we would put all this legislation and not enforce it, but we have to put it, and we have to enforce it because our children are in dire straits. I commend you, Madam President, to read that Rapid Assessment Report to see the depths of degradation to which our children have to be submitted in order to eat.

I have very close connections with the YMCA and a young girl who is the programme coordinator there, she was a street child herself and now she is working with street children. These organizations; these NGOs are working very hard, but they always complain they do not get proper funding; they do not get proper assistance; the inter-ministerial committees do not work; they do not

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function; they are left out there on a limb hanging by themselves. They are not serious! This is not a serious administration when it comes to protection of children. Do you know why? Because they are not 18 yet. Maybe, they would only get serious when they reach 18 and they could vote for them, but as long as they are under that nobody cares about them. I believe this is really the mindset of this administration why they have not brought serious legislation to this Parliament to deal with the protection of our children.

So, Madam President, I would commend this document by Clive Pegus to the hon. Minister to look at it again, and I know there are other recommendations in terms of children involved in military work which the rapid assessment spoke about that is not in this legislation. So I am saying to the hon. Minister, with all due respect, that your legislation is deficient, it is superficial, it does not deal with the issues and it does not deal with the spirit of the Conventions. It deals with the form and one of the most superficial parts of the form, at that, Madam President. I am saying that the children in this country deserve better and they will get better when this administration calls the general election next year.

Thank you. [*Desk thumping*]

**Sen. Brother Noble Khan:** Thank you, Madam President, for allowing me to share a few words on what is before us here: “An Act to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago”.

This is a very important piece of legislation and my mind goes back to the 1930s where we saw a series of what has been referred to as the Truck Acts, if I am correct, where we saw the emergence of quite a bit of laws coming on our books and one would recall that in the 1930s too, was the time when you had the mushrooming of trade unionism and things like that.

I would also like to touch too, on the question—we are dealing with age here, and significantly the age 12. It was not by mistake that I think that the age 12 was made as the upper limit for compulsory education. If we were to look into the literature that goes back, I seem to recall too, where the land owning class had found that at that time age 12 was sufficient as far as we could go in raising the age limit. Of course at that time it was the high days of the estate type system, though the era for its passing had come but here you had still, even like a game cock in the gayelle getting struck in the head, you know it will die but it will still flutter up to see if it can hit. So you find these sets of legislation still at that time emerging and it was in the interest of the economic class at the time.



We have seen after the 1930s coming into the 1940s too, the framework for the future of globalization and the economic model that we have today galloping forward, that too, our laws continue to be, at least, lagging behind. We have heard much insofar as ILO (International Labour Organizations) laws relating to children and a host of other things that emerge—social legislation. And we have, incrementally, seen this taking place in our country and in developing countries too, but one would like to see that going at a faster rate. I would tell in other forms of legislation we are dealing with age here, my mind goes to marriage Acts. There are two significant marriage Acts which I make reference to, the Muslim Marriage Act and the Hindu Marriage Act where age plays an important part again. It might be a surprise to us as a young person, a child you can say at age 12 can become married under the Muslim Marriage Act and a male at 16 with permission. The Hindu Marriage Act allows for 14 for the girl and 18 for the boy, while the other marriage Acts allow for 18/18, the age. You could also understand to what I am adducing here is that the majority of the people who were linked with the labouring class at that time were out in the fields and you could almost see an element of the laws being made to facilitate, that as we know it today, as exploitation.

Today we see this is coming forward here to raise the age from 12 to 14. I do not know if this was contingent of what has taken place in the Caroni area where as you know labour was the mainstay in that area. But I know our Minister of Education and our Minister of Labour, Small and Micro Enterprise and Development is a gentleman in whom we can look forward to a change, as far as social amelioration is concerned and there are other Ministers too, I may mention, but you presenting this Bill we hope to see that too. With respect, as you know, transformation is very important. When we think of transformation of the human personality it is not only on the basis of faith, that faith causes transformation too. But you will find under this economic system and the urge to work also act as a catalyst too, and this is important; how we guide this form of transformation is important.

We know it is an internal process, it allows a journey towards a goal. The goal for whom? These are questions that will arise and of course you will have the people who are pushing this under the economic model which we follow which I have indicated emerged out of the '44 experiences out of Bretton Woods and what have you, and what you have been seeing are just changes to refine it. So that the 10 per cent as far as the world population is concerned still commands 90 per cent of what is produced. We are very fortunate in that we are trying to

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monitor what God or Allah (Subahanaha wa ta'ala) has given to us, that is our natural resources. The most precious of our natural resources are our people and the most vulnerable are our children.

This is a little aside with your permission, Madam President. I was called by someone who was very agitated, speaking of what is taking place with our street children and much has been said but I will not go into details of what took place, but I know Mr. Marshall, I think is his name, did a very seminal work insofar as street children is concerned, not only in Trinidad but also towards the Caribbean. So we are seeing here emerging out of our economic system many of our people also, it is not exclusive, there are other social inputs into it that will have this phenomena coming up in our society. There again, it is because of the age. The age and the children are both in this Act so I am taking the liberty. I am sure with your permission you will allow me to touch on this for a little while, because in the movement forward, it must evoke personal enthusiasm, but how will we guide that?

We would think in terms of how we guide, insofar as our laws are concerned it must not be a burden. Nothing makes us so vulnerable towards psychotic and even satanic attacks as concern for our sustenance and our future and perhaps when this becomes very, very clouded, very opaque, you will find the emergence of many negatives arising in our society. Of course the best thing to deal with that, one would think, is the emerging in our society of feeling, a direction, a guidance of our young and even our adults into a way of what some would refer to as the straight and narrow road where moral and ethical values will be imbued in our people and that of itself will be self-propelled. Notwithstanding that, we have laws emerging in any society and this is what is before us.

So again I would like to raise the question of conscience, if only to raise the question of conscience to our nation. And when I speak of conscience here I think the evocation of consciousness beyond what has been called certal desire which this law seems to allow. Nothing might be wrong with that, but it is the monitoring towards that effect; towards discursive thought so that we meet the challenge of the economic base. I think that our nation, we are not yet on a model that will lead us to a proper economic base. It has not emerged and our thinkers, though it may be there it is not finding expressions—I will be charitable; some of our thinkers may be proffering it, but it is not appearing; it is not coming through and I strongly urge that we look at that. This globalization, this goal that they

seem to throw at us here, that we must become like them; when we come like them it is for them, it is not for our people. Just think in terms of that. This age 15 and this work, these set of laws that we are just touching were meant for the colonial days [*Desk thumping*] and they still persist.

The economic system as I have inferred here becomes more refined from the crude form that we know it in the past. Refined, but again, for whom? We have seen and I have made mention of it today, the offshoot of that is our children and they are least able to defend themselves, and towards that end here we could think in terms of—with your permission, Madam President—the system, the gateway to all of this, and I think the Government is on the right path. The gateway to it is on education and it is good to stress on that. This Government or any government will know that; the world knows that. It is to get it right and put it on the frame and I think that is why we are here. I think the Government there or any government will think in terms of trying to get it right, but know it is not an easy task because so far we have seen street children which we have referred to and, God forbid, but you have to face it, we are producing a set of illiterate graduates at the different levels of school, not only at tertiary level. I would not go so far because I do recall even from many, many years ago they had a course called, “Use of English”, I do not know if it is still there, because we were weak on that. I do not know why we do not have more use of English, throughout.

These are some of the things that have come to my mind, just to touch on it, this appears to be just going on the surface. But I proffer these thoughts that may not fall under this law at the moment through any amendment or so, but in our thinking forward, please give it a higher priority. I feel I have that confidence in our Minister who is preparing this Bill and I thank you very much, Madam President, for allowing me these moment. [*Desk thumping*]

**Sen. Harry Persad Mungalsingh:** Madam President, Sen. Prof. Ramchand has brought to this Parliament the most important issue which is the informal labour market. I propose to expand with statistics on this very large segment of the labour market.

Madam President, this Bill represents another piece of social legislation in the myriad of legislation we as a tiny nation of 1.25 million people have, albeit from the Ministry of Labour, Small and Micro Enterprise Development. We must have the most laws per person on the planet and that in itself is reflective of two things:

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- (a) A deeply divided, small minded race-built uncontrollable society;
- (b) Our lack of understanding after 50 years that you cannot legislate behaviour.

It is good to hear the Minister of Labour, Small and Micro Enterprise Development indicate that the very first assignment he undertook in his Ministry was to compile and review all the legislation that govern labour organization and administration. Every Minister should do this. If this were done by the Minister of Finance then this tiny little nation would have had the much needed finance banking and insurance reform by now. Any student, however of social structure will tell you that the most urgent need for the majority of all in this tiny nation is electoral and governance reform, not to be confused with public sector reform and finance, banking and insurance reform.

This Bill in concept is a good Bill apart from the areas which other Senators have pointed out that require redrafting, especially Sen. Mark. Sen. Mark pointed out the need for harmonization with legislation overseeing the compulsory age limit for school attendance. With respect to this the Minister of Labour, Small and Micro Enterprise Development did not justify in his presentation how he came up with the figure 16. Why not 18 which the ILO supports and which the Minister of Education indirectly supports? I support 16 on the very simple principles of our culture, all our children have the opportunity of secondary education, secondary schooling which ends more or less at 16 and thirdly, we just do not have enough A level and tech-voc places for some 60 per cent of the graduating classes from secondary schools.

I do not mean to draw attention to the Minister of Education but she is daydreaming to think that we can have compulsory education to age 18, as even if we had all the infrastructure and trained teachers the results of CAPE, GEC and other accreditation bodies indicate that our students, especially in the race-built communities just would not be able to cope. I would be happy to send by email to any Senator the definition of a race-built community and the listing of these by electoral and polling districts. Sixteen is in fact correct for the reasons listed above and the Minister of Education should harmonize with this.

Every Senator spoke about the inadequacy of the penalty for an offence. I raise two other points:

- (a) I just do not understand the need for employers to maintain—and I speak as an employer—special records of individuals between 16 and 18. If we are allowing individuals to work in the public or private sector after

they have achieved the age of 16 then these individuals are workers, as Sen. Prof. Ramchand said, just like anyone else and they are protected under all the industrial laws of Trinidad and Tobago, including wage rates;

- (b) Secondly, it would be very difficult to monitor section 94A, which is Sen. Prof. Ramchand's point, especially on construction sites and especially given the culture and family structures that exist on the East-West Corridor. For instance, you may very well find a man, who is not a guardian or a parent, in accordance with this law, bringing a dropout of a son of a woman with whom he is merely having sex on the outside with.

I speak from experience as an employer.

Listening to other Senators, Madam President, one may think [*Interruption*] that all work is bad. As a tiny nation, notwithstanding all our faults we knew how to work hard and there is no romantic illusions about this. The Minister of Labour quite correctly covered work within the family context and very adequately so.

Sen. Dr. Gopeesingh indicated how he worked as a child in the rice fields. Madam President, I have been working since age three. My family was one of the most diversified, complex, tiny businesses a researcher may ever study. We sold chickens, ducks, goat meat in season, milk to about 25 households every day and maintained and harvested acres and acres of sugar estate for Tate and Lyle. We maintained our account on credit, barter and cash with brown paper and pencil. Today I am a national scholar and a graduate of the London School of Economics and Yale University. [*Desk thumping*]

Madam President, just to show it is not only chance, just to show the other side it is not only chance. [*Interruption*] My son, who is in Parliament today, and who came in for Christmas holidays has been working in my business since age 12; he is also a national scholar, he just graduated with First Class Honours in Actuarial Science and is presently pursuing a Masters in its field. [*Desk thumping*]

**Sen. Ramroop:** Free tertiary education for all. [*Laughter*] [*Desk thumping*]

**Sen. H. Mungalsingh:** I therefore put it to this honourable Senate that the uncontrollable nature of this society and the urgent need to protect our children commenced in 1961 and was based on particular policy decisions of successive administrations and whilst understandable were dead wrong. How on earth all of these administrations could make such awful mistakes, only God knows!

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There is a nuance here that you must understand; 1970 and 1990 were not events that stigmatized our moral substance. Struggles and the shedding of blood throughout history are required to change hardened and cemented interests which are unjust to the very majority of society. However, the moral centre of the nation was deeply affected by the policies of this current Government since 2001. I do not have to repeat the data on:

- (a) The impoverishment and decimation of the middle class;
- (b) The wealth transfer from the poor to the rich through Government fiscal policy which I have been complaining about in paid advertisements for two and a half years now;
- (c) The breakdown in law and order, and on that point, Madam President, I take opportunity to warn the Government that selected and deliberate stage managed media presentation of justice would not cover over the uncontrolled breakdown of law and order, especially in the race-built communities. I forecast another social eruption for the sake of *Hansard* in 2010 to break the stronghold of vested and cemented business interests that the vast majority of the population are just finding it unable to bear, especially in the unequal access to finance and banking and the helplessness of individuals on fixed incomes.

**Madam President:** Senator, come back to the Bill.

**Sen. H. Mungalsingh:** Yes, Madam President, I will get back to this Bill. If work is good why do we have to protect our children? Madam President, you may be well aware that my wife and I have spent over \$600,000 of our own money to campaign for constitutional reform as private citizens. I am happy to note that this is now on the national agenda. One of the aspects of this campaign was the conduct of a statistical poll in the race-built communities. Again, I would be happy to email to any Senator who so desires the definition of a race-built community and the listing of same by electoral and polling district. This would amaze you and you would get a full understanding of the following and it would help to provide some of the statistical data that the hon. Sen. Dr. Kernahan was trying to get.

We are trying to understand why is there a statistical probability when the motivation behind the poll—we visited 600 families and I will get on to how we visited them. I was trying to explain why was there a statistical probability of .88 in one race being providing a Prime Minister and .12 providing for all others.

**Madam President:** One minute Senator. Please, one minute? [*Crosstalk*] I really would like you to get back to the Bill which is on the minimum age and all that statistics about Prime Ministers and whatever, really do not contribute to the Bill. I will really like you to get back to the Bill.

**Sen. H. Mungalsingh:** Thank you very much, Madam President. What I am trying to seek—I would leave that out; perhaps you are dead right, that is irrelevant, but it was the motivation behind it and I accept your ruling with sincerity. But what I wanted to get at is to tie Sen. Prof. Ramchand's point of this vast base of informal labour market and what exists in that labour market and that you just cannot legislate behaviour in that labour market, so let me move on and forget my motivation; my personal thing.

**Madam President:** You will have another chance.

**Sen. H. Mungalsingh:** We will have other occasions for that. [*Interruption*] We polled 16 communities from Caranage to Belmont; this is to provide the data that Sen. Dr. Kernahan and Sen. Prof. Ramchand wanted.

**Hon. Senator:** Irrelevant!

**Sen. H. Mungalsingh:** No, I am not irrelevant this time, Senator.

**Madam President:** Let me just hear what this poll is all about.

**Sen. H. Mungalsingh:** We polled 16 communities from Caranage to Belmont; to St. Ann's Hills; to Pointsettia Avenue, Morvant; to Belmont; to Maloney; to La Horquetta; to Edinburgh 500; to Embacadere; to Pleasantville. This is important in forming this Bill, as so many we want to protect come from communities like these. This was one of the most difficult exercises I have ever carried out as follows—these are the rules that govern these areas, Sen. Prof. Ramchand, through the Chair. To go into these areas you need permission from specific individuals who control these areas. You must have protection and be accompanied. You must use individuals specific to the areas and approved by the individuals who control the areas. These areas are foreign countries unto themselves with different cultures and laws operating.

Polling cannot be done by telephone; that is designer polling like the Ansa McAL poll. I do not know if the MORI poll conducted by the Government even covered these areas, Madam President, as I doubt— [*Laughter*]

**Sen. Prof. Deosaran:** Thank you for giving way, but there has been a misconception across the country and I think this is a good opportunity to let the

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country and the Parliament know, I am not responsible for the Ansa McAL poll; I am not attached now to the psychological centre. I think I better make that point clear.

**Madam President:** At the same time, Senator, please; you did not say what these polls were about. Is the poll concerning child labour?

**Sen. H. Mungalsingh:** Yes it is.

**Madam President:** Well then you should say so at the beginning and then leave out all of that and give us the statistics of your poll—whatever it was, the statistics you wanted to give us; leave out all the other aspects of it, please.

**Sen. H. Mungalsingh:** Madam President, I will try my best, but my colleagues on the other side are extremely intelligent people and if I just give cursory information they will think that I am just coming here to make up data or to play politics.

**Madam President:** I will accept your cursory data. [*Laughter*]

**4.00 p.m.**

**Sen. H. Mungalsingh:** What I said is that polling cannot be done by telephone—I will skip this. I want to make one point however, which relates to the Bill and relates to a very, very important point that Sen. Prof. Deosaran has made. Sen. Prof. Deosaran has been a voice in the wilderness—I do not know how many years—on this matter and no one will take him on and I cannot understand why.

The point is, the urgent need for funding for the generation of field generated social statistics for policy formulation. Right now we are making policy, talking about this child; talking about meeting this one; talking about this story; talking about this and that and the other. All of us here, every single individual is a professional and we cannot get \$50 million to give to the University of the West Indies to get policy data for people like Sen. Prof. Deosaran and Sen. Prof. Ramchand to inform Government to make proper policy. So I need to stress the point for *Hansard*, this is not irrelevant. Otherwise, the hon. Minister of Labour, perhaps I am elevating you in the next administration or the administration in 2012, but the hon. Minister of Labour would have had such clean data from the University of the West Indies—

**Sen. Dr. Saith:** Or the University of Trinidad and Tobago, UTT.



**Sen. H. Mungalsingh:**—which could have informed him how many children are affected; how many dropouts we have in Embacadere, how many of that and that is what we need to make policy. For God's sake, let somebody put it in *Hansard*. [Laughter] So I cannot help but stress the need for \$50 million to be given to the University of the West Indies to provide not telephone polling data and designer polling foolishness, but to provide field generated social statistics for policy generation.

Madam President, just one quick point on it again. Right now the CSO and Central Bank are extremely limited in range and capability and specialize only in particular statistics. Take a little walk downstairs to the library and you would see what statistics they give you. They give you deaths; they give you marriages; they give you that; they give you that; you will never have a clue of what is taking place in this country.

I come straight to the data you asked me for five minutes ago. The results of our survey which I do not mind if it is contested, and again, I do not mind if the results of this survey are contested were as follows. This is from the 600 families we visited, which you asked me to leave out in my contribution:

- (i) Four in 10 females between ages 14 to 28 were single mothers;
- (ii) Seven in 10 females between the ages of 14 to 18 already had sex with her boyfriend or was sexually active with their boyfriend;
- (iii) 61 per cent of those we interviewed depended on the State for a living.

Of course, Madam President, not one owned the land—listen to me please, Sen. Jeremie. [Laughter]

**Sen. Jeremie:** Sen. Mungalsingh, I apologize profusely. I was just asking Sen. Mark, your colleague to invite me to his Monday night forum. I apologize. [Laughter]

**Madam President:** Sen. Mungalsingh, the Attorney General will be attentive now.

**Sen. Jeremie:** Completely.

**Sen. H. Mungalsingh:** Of course, Madam President, not one owned the land or the apartment in which they were living, though everyone had a piece of paper or claimed authorization, especially in the St. Ann's hill. The most startling effect, Sen. Dr. Kernahan through the President, one in two boys under age five saw their fathers once or less per week. Their main worry in life was of

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course, money, and amazingly their second worry was not family life, or their wife or children, but the police and jail.

**Sen. Montano:** Madam President, I am enjoying what the Senator is saying, I would like to respond but could he tell me what section of the Bill he is talking about so I could take notes? At this point, I have not heard anything that has anything to do with this Bill and I will really like to have an opportunity to talk about the Bill.

**Sen. H. Mungalsingh:** Beautiful response, Madam President. What we are talking about, is that amorphous area outside of the Bill, that apparently the Minister of Labour did not even consider that Sen. Prof. Ramchand was talking about, that right now he has half the population outside and living outside the law and he does not know it. Then he is saying that he does not know what I am talking about. I am talking about half of this population, East Indians and Africans who you have no control over; no law controls them.

**Sen. Jeremie:** We do not want to have control over them.

**Sen. Montano:** Madam President, the Ministry of Labour has no control over any workers except the employees within the Ministry itself. I do not know where the Senator is heading with all of this.

**Madam President:** Sen. Mungalsingh, a Minister or a Ministry does not control the population as such, I think your words there are wrong. But I, too, am waiting for your statistics as far as children who are being used in the non-formal area as labour. I am waiting for that statistic; I have not heard it as yet.

**Sen. H. Mungalsingh:** Well, as I said in my opening remarks, Madam President, I know that—that is why I would keep accepting your rulings. The main area that I wanted to go in was part of our labour force which is substantial; which we have absolutely no control over; which there is—and I really was hoping that the Minister would grasp the substance because I know what I am talking about, is how is he going to define policy. I am trying to help him; I am trying to help the poor guy. [*Laughter*] I am genuinely trying to help him, you know. I am trying to help him to—

**Madam President:** May I suggest, Sen. Mungalsingh, that you maybe send your findings to the Minister and he can then use them for policy, if you have those findings.

**Sen. H. Mungalsingh:** Given the spirit of what is taking place in the Senate, I will skip some of the statistics, because I was going to try and help him but I will move on.

Madam President, I hope this honourable Senate has a clear idea now of the following:

- (a) This Bill whilst good is just one corn grain in a gallon of corn soup.
- (b) Work is good.
- (c) We desperately need to protect our children because something went wrong in 2001.
- (d) The Government policy towards race-built communities whilst sustaining them in power has backfired big time.
- (e) Protecting our children requires more than this Bill and all the other Bills to come, but requires a political will, that has a moral centre.

Unless this nation has a moral centre, we will continue force-ripe development centre as we have experienced over the last 50 years. All of us here are force-ripe in some way or the other. To redress the situation, there must either be a change of Government or this Government must make a violent change of thinking with respect to its moral centre.

And secondly, we desperately need lots more money for statistical research to inform policy. Race as planks of power will destroy our children.

Finally, I take this opportunity to wish all my colleagues a blessed Christmas and to ask that we join hands in creating a new society in 2007.

Thank you. [*Desk thumping*]

**The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams):** Thank you, Madam President, for the opportunity to make a short intervention to respond to two things that I heard here this afternoon. But before I do that, let me just say that the debate so far shows that there was a lot of passion on both sides about the subject. Regardless of how we saw it or what we did, it indicated to us that we were very passionate about our children and that is a good sign and as a nation we should be. And therefore, we sat here trying to look between the lines to see what has been said, to see how best we could improve the lives of these children.

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However, one of the things I noted clearly, is that a lot of allusion was made to the children's package of legislation which is supposed to be here and as Chairman of the Legislative Review Committee, I just want to assure you that the legislation has been prepared. We are reviewing it very quickly, so it should be here in a short time and we need to take our time to go through the legislation.

One of the things I am hoping is that when that legislation gets before the Parliament, there would be no animosity again towards it, that we look at it seriously as a Government, because last evening I heard certain things said concerning the legislation and the children and to me it did not show that we were all on board in trying to advance the cause of our children. That is the only way we can get good legislation when that package comes here, therefore I would say even beforehand, that we look at some of the points so that when we get the legislation we could make constructive criticism. It is so important for the future of Trinidad and Tobago that we get that legislation correct.

Just today, we were looking at this child labour and one of the things that I was happy about—I do not know, I saw the Senator trying to give us statistics—I was not interested and I do not think most of you all were interested in knowing how many children were involved in child labour because I am sure you all agree that one child in child labour is one child too many, and therefore, [*Desk thumping*] I did not get people asking how many here, how many there.

One child too many, and therefore, we were doing two things, trying to eliminate what we have and trying to prevent it and I think that is the line which I heard most persons saying. We got a full broadcast of how it is caused; what are some of the underlying causes for child labour, but we also saw on the other side that Government was not doing anything. I want to agree with Sen. Dr. Kernahan that we have to take a holistic approach and that is why I really want to look at, a holistic to it.

The legislation is just one aspect of it and even though we have got the legislation now, we need to look back at some of the things that are happening right now in the Government to show that we recognize this problem and what we are doing to help to eliminate this whole thing of child labour and I think it is important to do that. So therefore, I would just look at one aspect of it, what is the other side to the legislation. Now the legislation takes us up to 16 years and the Minister of Education clearly said, that they are going to adjust the law which, you quite rightly said it should have been done last year. Yes, it would go on to 16, compulsory age for compulsory education to 16.

But I want to say that education according to the legislation does not necessarily mean the education in the formal setting in the junior secondary or the secondary or the primary school or the university; all the training programmes that you have for the children even after the primary school, all of that is considered part of training. So let us not just look at primary, secondary, tertiary education alone, because I am getting the feeling that some people are saying that there can be the fallout from that and what next. We also have to look at the other programmes that we have in place that will cover that period of time for the children.

We also have to look at the other support that we have in place because if you are saying that poverty is one of the causes, single-headed households, especially female, and may I tell you that the literature may have told you male as well, if you are saying that is one of the causes. You are saying that children orphaned after HIV and AIDS, we have a whole lot of them here as another cause. Some of the literature told us high cost of education; quality education, as you would have read in that same literature could be a cost when they cannot afford it, they will go out into the field to work. And a number of other causes that we have there including poverty, why children go out in the field.

In fact, there was another one with peer pressure, which I did not hear mentioned here, and the desire of these young people to move into a certain kind of society, desire to get the brands, as you would know. All those things, when I say so, I am thinking as a young person. All those are reasons as well, and therefore, when we look at what we are doing we have to look in a holistic way at what has the Government been doing in these cases.

Let me just tell you something I learned. There had been a lot of research done. A lot has been done on the Beetham which will cover some of what you have been talking about, the scavenging and some of the other things. A lot of the young people in child labour, I understand, only come out at nights, they go out on the road and do a lot of selling and therefore, this industry is called a "hidden industry". It is quite difficult, no matter what you say, to come up with statistics as to how many persons are involved, this is a hidden industry. It is also part-time, they go in and they go out of it.

I understand that there is a division of labour. Someone told me yesterday that at the landfill site in the Beetham for example, where a lot of children used to go, SWMCO had an intervention and they had put in a number of security guards around the landfill so that it would prevent the children from going there. That worked, but what happened? The parents went, collected the items, took it to the

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homes and there was a division of labour where they scrapped it. So it is not something that is quite easy to pinpoint, and therefore, there is the need for us to do some community work, to look for those vulnerable households and the vulnerable communities.

One of the things that I wanted to talk about and it really goes back to the Prime Minister who I called a visionary. When he came to our social sector committees and he introduced that term which I am sure you have heard, "the generic social worker"—so in terms of making this holistic that is one of the other areas that we are putting in place, that generic social worker. That is, we divided up this country into areas and the social worker is responsible for a number of households in the community. That person knows exactly all who live there, their ages, income and everything concerning that family because that is necessary because you have to monitor this very closely, otherwise all that we are doing here will come to naught if we cannot monitor it. More and more as I sat here that generic social worker came to my mind.

We must put that generic social worker in place and I know the committees are working very hard to do it because too many times, for example, a house had what we call "shock in your household", that is when the breadwinner dies almost suddenly, and therefore, those who are there are now forced to try to go out. But unless you have that kind of person in there, working along, to know exactly when this happened and the trauma that they are suffering and as a Government you could respond, then that young person or the person who is there probably will leave school and be forced to go out into the communities.

So that when we talk about holistic approach, yes, this is the legislation, but as we look at this legislation, we are putting in systems to cope with the other side of it. Some are already there and I really wanted to advance this whole thing of the generic social worker because when this occurs and when we have put that in place, we are going to be able to monitor all the households throughout Trinidad and Tobago.

Right now you are depending on, I cannot remember the name of the statistical approach that you are using to do it, but that is too vague, even though you come up and tell me so many children here, and so many children here, the figures do not tell us too much. We have to identify who are those children and the particular circumstances under which these children live because they have so many different things that they need to do to move them out. We have to come up with the support; it could be counselling, it could be whatever.

Last week, we visited the Excel school located in the Beetham and we took in computers and so forth into the school for the children. All these things you have to note and put in place as part of the system that we are putting in place to assist with this whole thing of child labour.

I did not understand my colleague, Sen. Prof. Ramchand this evening. I do not know why Sen. Prof. Ramchand, before I forget, thought it best that if we want to employ those children, we should pay them the same rate as we pay the adult. I could not understand why he would say so. That is not what it is. I hope I did not get you wrong, probably I did.

**Sen. Prof. Ramchand:** You got me wrong. I am just saying that if the employers feel that we employ children so it would cost us less and we can work them harder and make them to suit our will; exploit them; then, make it that when you want to employ a child you are not saving any money, you have to pay the same as if you are employing an adult.

**Sen. The Hon. J. Yuille-Williams:** Still child labour.

**Sen. Prof. Ramchand:** What?

**Sen. The Hon. J. Yuille-Williams:** It is still child labour whether you pay them twice as much. I do not think it was the cost for the services that we were talking about, those children at that age should be in some developmental work.

**Sen. Prof. Ramchand:** Madam President, sure I am going there, all I am saying is that once you tell—let me use my old, “commie” term—the capitalist that if you are employing a child, you have to pay him the same as you pay an adult, being a good capitalist, he would take the adult.

**Sen. The Hon. J. Yuille-Williams:** I would not debate that any further, but I just did not agree with what you were saying because the law will have to deal with that person; the legislation will have to deal with that person for employing that person whatever it is, because that is what the legislation is saying. The legislation is saying that we will deal with all those persons who employ children—*[Interruption]*

**Sen. Dr. Saith:** At any price.

**Sen. The Hon. J. Yuille-Williams:** Yes, at any price, whether it is, for more or for less. That is the point, and therefore, when I sat and listened to you, I said no.

**Sen. Prof. Ramchand:** Madam President, just for the *Hansard*, I absolutely do not want those children to be employed.

**Sen. The Hon. J. Yuille-Williams:** All right, I am happy to hear that this is withdrawn from the *Hansard* because knowing you, I do not think you would have wanted to leave that there. So, the point that I was trying to make therefore, is that there is a holistic approach to it. The legislation is going to do its part as far as those who are in the formal sector as you see; those whom you can see in the establishment. But what about the others that we have out there whom we have to find; why are they working in certain areas that we are not going to capture, which you cannot capture there? We have to look at those children who are out there and we have to prepare for those children to bring them back into as we will say, the formal sector because those are the future of Trinidad and Tobago and we have to get that developmental work going there for them.

What it is actually doing and even at the Ministry, we are looking at some of the causes that we have there to see how we are going to attend to them. Where we found that we have single females, some of them five or more within the household, we had to find special types of training for those because they needed to work. Therefore, you will notice some of our programmes are dedicated to those persons and that is why it is done like that. So we have dedicated certain programmes to these mothers in some instances—I will come to the fathers after—to give them training.

In addition to it, because we know that they had children, we are now setting up the kind of child care system along with the work situation so that the parent will be able to come out to work, because if you do not do that they will not be able to access the training. And while they are accessing the training, we have to give them money. So all of that we are putting in place and we have several programmes like that.

Let me compliment the Attorney General, although he is not hearing me today, but the Attorney General's office just won the Prime Minister's award for having one of the day care/after school/vacation centres where parents can leave their children—workers, whether they are lawyers or cleaners—while they work and I want to compliment him for seeing that. [*Desk thumping*]

When we did our executive programme, Scotia Bank also set up a place where the children can go while their parent works. Therefore, what we have to do with our training programmes and we have asked all our persons with training programmes now, especially where the women are coming in, to set up that day care section so that while the parents work, the children could be taken care of. That is one of the things we are doing, so that the children, the teenagers and so on are not forced to baby-sit while the parents come out or they are not forced to



go out to work because here we are trying to prepare the parents for that and that is one of the things when you talk about holistic development, we are doing that.

We have also looked at the children who, when they leave school they tend to go off into various other activities and people use them—because you know that children can carry things easily and people would not suspect what they are carrying and they take it for other persons. I do not want to go into that, what they could be doing and they get themselves involved in all kinds of criminal and little activities, they do things like that.

Parents are out working and they have come out; they have left school sometimes the junior secondary or wherever they leave and there is no place to go and the same homework centres that you are talking about, even within the Ministry we have expanded the programme so they know a safe place where they can go; they can get a meal; they can have persons—and we have used all those retired persons within the community to work with them; all those hours we are keeping them there from getting into trouble and from people exploiting them because some of them need that kind of care. Half the time when the exploitation comes it is because there is nobody around, they find all these hours to go out there; so that on the other side, you need to bring programmes in place to assist those young people.

All the programmes that you talked about, the HYPE, the MUST and all those programmes within those hours and whatever programmes you may have, those are programmes that you have and you consider those training programmes as well. But it would be doing a lot more than that and that is why the Government insisted that you give those in training a stipend because there is that need, you could say what you want, there is that need.

When we first had these programmes, we gave them a certain stipend and then we realized, especially with the mothers, that that stipend was not a stipend for travelling; that was what they were using to purchase their groceries and so. Therefore, you had to increase that stipend and now even the non-traditional when they come in, we have to buy their gears and everything for them so that they do not take the little money that you are giving them to buy this, so they are still without. So we have to look at what we are doing in this social sector to help.

Again, there are several NGOs in the communities and you have to look at the importance of the NGOs. They are the NGOs in the communities and as I always tell NGOs, you know your community, you know the people in there and we facilitate the NGOs and we try to do it as best as we can. So, they too can run programmes within the communities to assist; they too can do a lot of counselling.

This morning, I attended RBTT Award Ceremony where I saw Rape Crisis getting a commendation for the work that they have been doing with victims of abuse. We give a subvention; probably that is why we are trying now to look at all the subventions to see those that we need to increase so that they could do more work, because as I said before, you are not going to catch all these people at all. People are going to use them off the records and you have to do that. So we are going to have those persons that we are now using as we finance the NGOs to assist in the programmes that we are actually doing.

Then you have the young people who for some reason or the other have problems and some of those children's problems, when they go to the schools they rather not stay and they go out to work. I am sure the Minister of Education would have been able to tell you the kind of guidance and counselling that has been put into the schools where we could help to attend to those. The street vending children. Those who like to sell papers before they go to school and do a lot of things before they go to school, in fact, when I went to Mucurapo Junior Secondary, they told me that a number of children there would go out and do a number of things and then come to school. They would have done it for more than one reason, most likely they are trying to help the household. They are trying to help their parents. As a government, with that generic social worker, we will have to see what that household needed, why they had to do that and we have to help that also so they could release the children. That is what we have to do, so we are looking at that.

We are setting up these transformation development centres around. We had stopped the programme and we are starting the programme again and that is the place where you can go in—nice surroundings, we have just finished some of them—and have meals. Would you understand that sometimes they do it because they cannot afford the meal for the day? That is why—remember I said some of them will go in and out? They go into the labour force and then they go back to school on some days and other days when they just do not have it because—let me tell you, it is hidden and they are not always consistent. Some of them do not have to go five days a week. Some when they just do not have it, they know exactly where they have to go to do that day's work to buy something, and therefore, it takes much more than we are talking here this afternoon, how we are going to do. What I really wanted us to understand—

**Madam President:** Senator, may I interrupt you a moment? I know you realize it is 4.30 p.m. and we would normally take the tea break, but we have decided that we would go right through because on the adjournment we also have a little reception. So we would go right through and then we will take the break.

**Sen. The Hon. J. Yuille-Williams:** Sorry, I will not keep you too long since I do not want to spoil your—

**4.30 p.m.**

**Sen. Dr. Gopeesingh:** Madam President, I just want to ask the hon. Minister: What human resource capacity do you have available in terms of determining the type of information you need in coming up with your solutions to this? Do you have adequate social workers to deal with this situation?

**Sen. The Hon. J. Yuille-Williams:** I do not know if you could ever have adequate; right now we have community development officers and they are limited. We are using the non-governmental organizations (NGOs) we have out in the fields to assist us. The whole system of the generic social worker is certainly going to expand that base; that is what we are looking at. At the end of the day, the whole social system is going to change. We are changing the whole face of it, because you will need so many more for all the communities; that is one of the serious things. Therefore, I would not say that we have adequate; I would have to say no. As Sen. Prof. Deosaran would say, you would not imagine that there is a rich source of people in communities and non-governmental organizations (NGOs) that work in communities. That is a source we have to tap into at all times to assist us with the data, but, in those cases, we can miss persons and we do not really want to do that.

Let me just go quickly to one aspect of that. We always talked about single heads of households and their being females. We are finding out now that there are a number of males who are in charge of households; their children too have also found themselves in the labour market. These men do not have the necessary parenting skills as well. If you do not have the skills to hold on to these children, you are going to find that the children would just be going ahead.

We have now introduced programmes in respect of the males; we are doing the same things we do with the females and trying to bring it a little closer together. It is fairly new to us in terms of how we focus, because originally we focussed mainly on the females, but with gender equality and equity, we recognized that we had to do differently. The research will show that there are large numbers of households headed by males to which we need to attend. *[Interruption] [Sen. Prof. Ramchand rises]*

We are collaborating with other ministries: the Ministry of Health and the Ministry of Education, with the assignment of teachers. One of the interesting things that we found when we went down to the Beetham was that we were not

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able to get some of our best teachers to go into some of the most vulnerable areas. That is one of the things absolutely necessary, because those are the persons with the skills to hold some of those children in these places.

Let us look at some of the things we had done. We had partnered with the Young Womens Christian Association (YWCA), which had done a lot of work with the Beetham people. They have done a lot of projects. The Solid Waste Management Company Limited (SWMCOL) has been one of our partners. They have now understood the whole business of child labour. For our out-of-school programmes, we have partnered with the Child Welfare League, which is one of our serious partners. All we are doing here today, we gave that information to them, because they are in a position to also assist.

Concerning our adult social programmes and our drop-in centres, around Trinidad we now have about 14 drop-in centres. As you realize, we have a system for domestic violence. These drop-in centres are important for us, so persons can go there if they are in need. What happens to the kids who are out in the streets at night? The research has not been done, because this is a serious group of persons who hide all day, because they know that you are looking for them, but they are encouraged in the streets at night. They do sales, do whatever they want and go back in. They are not in any developmental type of work, so, actually, there is still a lot of work to be done. I do not want people to feel that because the legislation has raised the minimum age to 16, this is all being done at that level. This Government is conscious of the fact that this is an industry that you have to look at very, very closely.

People say that it is worldwide, but we have reached a stage where we have to look at preventing any further children from going in and those who are there, try to bring them back from the labour market. When the hon. Minister speaks to us about the penalties, it will tell us what will happen to those persons who want to employ those children. [*Interruption*]

**Sen. Prof. Ramchand:** Madam President, I owe the hon. Minister a further explanation. Of course, I want the law which says that you cannot employ them, but from my notes I realize that I was thinking about persons between the ages of 16 and 18 years, because a child is up to 18, therefore, there is a gap between 16 to 18 years where persons will be free to employ them. That is what I meant; if you want to employ them, pay them as if they were adults, because the law does not prevent that, at this point.

**Sen. The Hon. J. Yuille-Williams:** Madam President, from where I stand, and I am being honest about this, we have seen and we are looking very closely at the children who are in the artistic field. I remember one day a man coming to me with his child; she was a monarch. He passed through the office and said that he was going to a function where she would have to sing, and she was in school uniform. I said to myself, "But she is out of school." Yes, he was going to sign for her, but you understand what I mean. We have to look at all areas very closely, because we are interested in all our children and nobody should take advantage of any one of them.

Supporting the legislation is one step in a particular direction, but we recognize that there is a lot more we have to do. We support the legislation. We ensured that those who want to take advantage of our children would be penalized for so doing. We ensured that parents who pushed their children in that area were penalized, but at the same time we recognized that we had to help the parents. Yes, you know that your child is going into that establishment to work and you have allowed him to go; that is one side of the coin, but we are very conscious that we have to help that parent, either through the social system, training or giving money for the children, whatever; so that parent will be able to survive and allow that child to benefit as any child his age.

From the research, and I am sure Sen. Dr. Kernahan would have seen that, a lot of the children said that they would love to go to school, but the situation was such that they could not, because they became breadwinners. I am hoping that we support this legislation and recognize that this is just a small part of the Government's response and that there are other things we are doing in an industry which is very difficult; it needs the support of everyone in the community. Whether you are a parliamentarian, teacher or just a community worker, this is one type of industry in which, if we have to save the children, all of us must get together. The children belong to us and it is our responsibility, when we see what is happening, to come up with solutions.

I am sure Sen. Prof. Deosaran would tell you that with all the research he has done and all the strategies he has tried, there is no one strategy and no one type of research you can do. That is why I am hoping that the generic social worker will carry us closer to the point where we could identify those vulnerable children in those vulnerable communities and so the Government can be of greater assistance.

Thank you, Madam President.

**Sen. Raziah Ahmed:** Madam President, I rise to continue from where the hon. Sen. Yuille-Williams ended. Basically, what she has said to us is a lot of theory and I am extremely disappointed that at a time in our history when we are boasting of so much money and so much gross domestic product (GDP) and so much growth and development, we are still talking theory about how we will fix the problems, when the time is now and our children cannot wait. [*Interruption*]

**Sen. Yuille-Williams:** The only reason I did not stand here and go through all the programmes in detail, was because of time. I would have gone through every programme in detail and every system and every cent, but because of time and recognizing that we had an invitation from the President for a special function, I did not. It was no theory; I quoted no theorists at all; I gave straight facts. I would have continued, because I had it all prepared, but I recognized that, at this point, we were missing tea and, therefore, to the Parliament at this level, I could give examples and I was sure the parliamentarians would have understood what I meant. [*Desk thumping*]

**Sen. Dr. Saith:** These are programmes, not theories.

**Sen. R. Ahmed:** Madam President, I cannot help but feel that I am being shortchanged here, because I am speaking at a time when Senators should be at tea. [*Crosstalk*]

**Madam President:** Please, continue.

**Sen. R. Ahmed:** Nevertheless, I do not know if the intention is for me not to speak for an hour, if I want to. [*Laughter*]

The Minister spoke about the establishment of homework centres. I recall hearing in a recent debate that there were six homework centres. I pass by a certain homework centre in Central Trinidad; I have never seen a child there, whether it was 4 o'clock, 5 o'clock, 6 o'clock or 7 o'clock. The homework centre is always in the dark. [*Interruption*]

**Sen. Yuille-Williams:** This is a serious debate. I was referring also to the Retirees Adolescent Partnership Programme, where I have taken retirees from the community to work with children during the day. Some of them go to school in the morning, whatever time; we have several of those all over the country. There is one right opposite my office. The Ministry of Education also has homework centres. The Soroptomist was there, a lead agency in that, and seven others who we pay to do it. I was talking about places where those children could go.

It was not just six in the dark; let us be honest with ourselves. I can take you to them: Maloney, La Horquetta; we have all those centres; go down to South Trinidad. That has nothing to do with the dark; they are in the light. We took persons from the communities. It is not only about academics; they do sports; they do life skills and culture; we cater for them. [*Desk thumping*] We give them a meal; we give them their books; we give them everything. I am being honest with it; children are too precious for us to play with what we do about them; let us do this if we want to help them. [*Desk thumping*]

**Sen. R. Ahmed:** Madam President, I was speaking about my own experience with one particular homework centre by which I pass and I have seen no activity, other than a sign which says, "Homework Centre".

**Sen. Dumas:** Do you slow down when you pass? [*Laughter*]

**Sen. R. Ahmed:** Because of traffic, I usually crawl pass and that is why I have all the time in the world to scrutinize.

**Sen. Yuille-Williams:** Perhaps they were on a field trip that day.

**Sen. R. Ahmed:** I have never seen a teacher, or even a light bulb in the place after it gets dark. [*Crosstalk*]

In this debate, I will argue the point that the law by itself is useless, if we do not have the resources and the political will to implement it and to include in the legislation the kind of remedy and recourse to justice that will force the persons who are responsible for perpetrating ills against our young labour force to fix their bad ways.

In fact, those clauses in the Bill which refer to the security and protection of this unique cadre of our labour force, these young people who must work for whatever reason do not adequately deal with remedy and implementation. This unique cadre of our labour force that is being made legal is teenagers; they are a vulnerable group. The Minister recognized the vulnerability and weaknesses in the system and promised that things would be done to fix it.

I am forced to look out into the global arena and to look at the leading economies on the cutting edge of where everything is going; where we have the brand names like Adidas, New Balance, Nike and Puma, that have gone, in recent times—and who are probably still there—in places like the Donguann Province in China, employing as many as 50,000 persons, the majority of whom are younger than the legal minimum age of 16 years, working in the factories in

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China. These are leading First World companies and employers who still have the ability, in spite of legislation in countries such as China, to go into those countries and set up sweat shops to make sporting goods for children in developing countries, such as ours, to run after. What did the world do, what did all the legislators, the United Nations (UN) and the United States do? Precious little, Madam President.

This was brought to the attention of the global community by university students who were doing a case study. Do you know what the response of the companies was? They shrugged off the protests that went on at campuses in the US for an extended period, in much the same way that the ill-fated aluminium smelter protests are being shrugged off. We make laws, but these laws are not upheld and we are not serious about upholding them to protect our children and our environment. We are doing things because we have to do certain things, because we are party to certain conventions.

There is something that nobody has spoken about as yet: this thing called globalization. In this location and niche we are in, that is, the Caribbean Single Market and Economy (CSME), there is now the free movement of labour across borders within that window. We have a situation in Trinidad and Tobago where the parties to the CSME will have free movement of labour across borders. We have introduced laws for 16-year-old children to move across those borders, because they are seeking legitimate employment and can do so legally in Caricom countries.

We have a situation in Trinidad where we have an economic indicator about which we are boasting. That economic indicator is extremely low levels of employment and a boast of near zero unemployment. In fact, one particular sector which is responsible for skewing the statistics in favour of low unemployment figures, is the shortage of labour in the construction industry, so that inside and between the lines of the CSME release of the movement of labour across borders is the fact that now we have a rationale to import labour.

This law makes it legal for us to import 16-year-olds to fill the greatest vacancy and gap in employment in this country, which is the construction sector. Do you know what is hurtful and painful in the construction sector? These young people are strong and able-bodied and they would be taken advantage of and they would never have pension plans, health plans, dental or vision plans because they are not full-time sustainable employees.



[MR. VICE-PRESIDENT *in the Chair*]

I am afraid that under the CSME, when we bring in these young children, because we are this developing country with near zero unemployment, we will perpetuate what the brand name companies are doing in China, taking advantage of the young children who come from the Caricom islands, in this kind of construction labour where they would never have a pension benefit or any kind of compensation benefits. We will be the giant of the Caribbean who will be doing what the brand name companies from the developed world and multi national corporations (MNCs) are doing in the emerging economies, such as China and India, in the sweat shops.

That is where this piece of legislation, in all the clauses that speak to remedy, correction and recourse to justice, is a repeat of some old plantation economy legislation, as was referenced by a former Senator this afternoon. It does not address the problem in globalization that has emerged where Trinidad and Tobago, as a leading economy in Caricom, will fill the role of exploiting the younger and poorer countries and their young labour force that will flock to these islands because there are jobs aplenty.

That is the real danger; this legislation fails to protect those young children who would come across the borders in search of employment. As has been said before, if we are bringing legislation, we must not just bring holistic legislation to deal with our own people, but we must consider the poorer Caricom nations and the smaller islands that do not have the kind of developments that we boast about, and who look to us for help and support. Therefore, if this legislation is to be meaningful and it is to make sense, then the clauses with respect to remedy and recourse must, as a matter of human conscience, put into the document something to protect the rights of these young people to pension and health benefits and the kinds of compensation packages that normal standards of employment offer to people.

The globalization that is the reality we live in is where contract labour, whether you are a professional, a cement worker or brick layer, is the order of the day. If we are talking about employing children and we know that in our construction sector we have a shortage, we cannot continue to employ these young able-bodied men, especially, to do any kind of work, without adequate compensation benefits. Therefore, we must put into law something to protect the retirement years of these young people who will flock to us from every place.

Mr. Vice-President, the problem with qualification, the problem with trying to make legislation to appease international conventions, is that it converts us, the

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persons who sit in this honourable House, into some kind of drafting machine. I sit here sometimes and I hear Senators talk about commas and punctuation marks and whether this thing is numbered correctly; that is not my job.

**Sen. Jeremie:** What is?

**Sen. R. Ahmed:** I believe I took my oath in front of the nation to look after the best interest of the future generations of this country. [*Desk thumping*] I am not here to make sure that we conform to some International Labour Organization (ILO) Convention. I am here to ensure that the laws we make—[*Interruption*]

**Sen. Yuille-Williams:** Before you go on, am I hearing you say that we should not conform to international conventions? We adhere to a number of international conventions. In fact, I have done a number of them in my office; there are things that we must do. Are you saying we should not, as a nation, conform to the dictates of international conventions?

**Sen. R. Ahmed:** Mr. Vice-President, there was absolutely nothing I said in the last several sentences that could lead to such a conclusion.

**Sen. Montano:** That is exactly what you said.

**Sen. R. Ahmed:** I am not saying that we should not conform. I am saying that my job is not to sit here and do little corrections and to think about clauses and punctuation marks.

**Sen. Jeremie:** We heard that.

**Sen. R. Ahmed:** The laws that we bring, whether they are in keeping with international conventions or not, must be in keeping with the rationale that we have to secure the best interests of our children; that is what I am saying. We did not come here just to fix something for the sake of international conventions. Yes, your party conforms; you sign off on it, but that is not our sole duty, so do not expect me to come here and say, "Let us just fix that." [*Interruption*]

**Sen. Montano:** Who said it was?

**Sen. Abdul-Hamid:** You are arguing with yourself.

**Sen. R. Ahmed:** The Bill is short in form and construction, because it totally ignores the future of our people. As was said earlier, all the clauses that seek to enforce legal remedies, are ancient things from the old colonial days and the old plantation economy model. We have not been brilliant enough to think about what is going to happen with our children in the future and not only our children, but the children in the Caricom region who are going to come in here, as 16- and

17-year-olds looking for employment, often without the protection of their parents or elder members of the family they would have left behind in the smaller islands. That is my point, Mr. Vice-President.

We can no longer waste taxpayers' money and time to bring piecemeal legislation, if we do not think the whole thing out and bring a proper document that becomes law in this land that would sustain for a long, long time. We do not want to come back here next year to fix the fact that we have an influx of young people coming from the poorer Caricom countries that we really have no legislation to address. I am seeking the protection of those persons and the law needs to put into effect compensation benefits for the long-term, for retirement and health, before we can pat ourselves on the back and say, "Okay, let us have a merry Christmas and a prosperous new year." [*Desk thumping*] [*Laughter*]

If we are seriously interested in protecting our young workers, according to developed country status, we must go beyond the maintenance of a register of persons under the age of 18 years, according to section 92 of the Act, where it speaks to the fact that employers must keep a register of persons under the age of 18 years and we will appoint inspectors. We will also commission inspectors with the power of entry. What is that? To look at what, birth date statistics? To help who? Why are we commissioning inspectors to go into employers' premises to look at the register? What good does that do to any of our young people?

What we want is an inspector who can go in there and make sure that these young people have a good health plan in exchange for the hours of labour they are giving to whatever sector they are giving it to. [*Desk thumping*] We have to ensure that whatever compensation package these young people are getting, even from the age of 16 years—because the truth of the matter is that many persons who have to start work at age 16, usually have to continue working for the rest of their lives and they curtail their education and other pursuits because there is an economic need for them to continue working. So we shortchange these young people when we bring them in at 16 and 17 years. The law does not say that we must give them a pension and health plan. That is the First World standard that we exchange for the labour that we give.

A former contributor to this debate also raised the whole question of what is called "distributive justice;" the sense that young people who come into the work force at age 16 or 17 years may feel they are not being treated fairly, if the pay is not equal to older persons in the work force. That is a serious problem in human resource management; this whole concept of distributive justice, where young people come in and work for a lower wage than somebody who is 10 years older,

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although they may be doing the same job. For example, in the construction sector; the same mixing of cement, laying down of bricks, putting down tiles or doing carpentry, the younger person may be paid much less per labour hour and leave the job with a sense that there is no equity in the system. Do you know what the danger is? The danger is a behavioural tendency that has emerged in the current scenario of our young people to display aggression and intolerance in a manner that we have never seen before.

Other contributors in this debate have spoken about child abuse and so on; I am turning to the other side of the story, where it is a documented fact that some young people are responding in a manner of aggression that we do not welcome. If there is distributive injustice in the system, if there is a perception that young people are working just as hard and getting less money, then we have a problem.

Additionally, we have the problem of the young female worker in a scenario where, traditionally, for many, many years in many sectors, females earned lower wages for the same type of work than their male counterparts. These are problems we must consider if we are making it clear that the movement of labour across borders now extends to 16-year-olds. They can leave their parents' home in Barbados or Grenada and come down here looking for jobs.

Apart from the issue of pay and the perceived unfair distribution of earnings, there are also issues of foreign culture in the labour force, especially in the young and youthful labour force. I think it was about two years ago that there was a major fire downtown Port of Spain which affected a particular restaurant and it was widely reported in the media, at the time, that the workers who were involved with the restaurant or living above it, could not speak English.

[MADAM PRESIDENT *in the Chair*]

That is testimony to the current existence of another problem, that of non-English speaking workers in this country as a single cultural phenomenon that we have not even started to address.

With respect to equity in the labour force, I want to reference a column from the *Sunday Express* of November 26, 2006 that, according to what is evidenced here, was written by Emile Elias, where he speaks to problems in the labour force. This is what he said:

"I now call on Mr. Manning to keep his promise to the JCC and stop Calder Hart from breaking the law, and pursuing his obsession of all things Chinese (even to the extent of them now building his home swimming pool)..."  
[*Interruption*] [*Sen. Yuille-Williams rises*]

**Madam President:** A point of order, Senator.

**Sen. Yuille-Williams:** Relevance, Madam President. The Senator likes to slip these things in and she is conscious of what she is doing and continues to do it. A serious debate on child labour and she has gone to talk about Calder Hart. Let us be serious about what we are doing. [*Crosstalk*]

**Madam President:** Senator, that is very irrelevant. Come back to the Bill, please.

**Sen. R. Ahmed:** I am talking about the cultural phenomenon of foreign labour within a system. [*Crosstalk*]

**Sen. Yuille-Williams:** We can take so much and no more.

**Sen. R. Ahmed:** What about the exploitation of young females in the sex trade? [*Crosstalk*]

**Hon. Senator:** Do you want to leave it at 14 years?

**Sen. R. Ahmed:** Underage sex workers from Latin and South America are employed in this country. [*Crosstalk*] English is not their first language. Can this piece of legislation do anything to address that problem?

**Madam President:** The Minister will deal with it.

**Sen. R. Ahmed:** Not one item, not one clause, not one line, not one phrase in this legislation can protect any of those young females. What are we doing? We are only saying, "Okay, let us go to this house—"

**Sen. Montano:** Madam President, the Senator is misleading the Senate. The Bill says very clearly that children under the age of 16 years cannot work period, cannot work anywhere. Sex work is work and they cannot work there. If the Senator has information about brothels and whatever else, then she should let the Labour Inspectorate know, because this matter was raised last week. I spoke to the district labour officer and asked him, "Do you know of any brothels?" He does not know any. I do not know of any. If you have any information as to where they exist, then tell the Labour Inspectorate and they will deal with it. [*Crosstalk*]

**Sen. R. Ahmed:** I am sure there are investigative reporters who have done the work. Nevertheless, as far as the legislation goes, it seems this is just about a minimum age and inspectors with a right of entry to inspect ID cards and registers; that is that, matter closed. That is what this legislation is about. [*Crosstalk*] There is no vision in it. There is no thought given to the tender minds that are being destroyed. We got some theories about social deficiencies, and the poverty and

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economic need that curtails the education of these young people are not being addressed with the same speed that we seem to be making money by pumping our natural gas into the ground of some other country.

What do we have? "Merry Christmas, go home and have a happy good year; we doing what we want; we fixing it, everything else is irrelevant." [*Crosstalk*]

**Sen. Dumas:** You suffering because we are enjoying Christmas? You are anti-Christmas or what?

**Sen. R. Ahmed:** We are not merely the drafters of the law. We are guardians. I love Christmas and I love the Christians; they are my brothers.

**Madam President:** Senator, speak to me, please. [*Laughter*] [*Crosstalk*]

**Sen. R. Ahmed:** Yes, my brothers and sisters; I love all of them and I love all of you. That is why we must be careful in our duty to safeguard the children that we love. [*Desk thumping*] [*Crosstalk*]

My point is, in summary—[*Interruption*]

**Hon. Senators:** Oh, gosh!

**Sen. R. Ahmed:** They cannot deal with the amount of love I have for them. [*Laughter*]

**Madam President:** Give the Senator a chance, please.

**Sen. R. Ahmed:** Our job is to make sure that the law when we bring it does not conflict with other laws; that it is complete; that it is whole; that it takes care and closes the gaps; that there are no loopholes. This debate has shown that there are several loopholes in the legislation, but I am getting the message from the other side that "dey hurry to go" for the wonderful reception that you have planned for us. [*Desk thumping*] [*Laughter*]

As I close, Madam President, [*Crosstalk*] I want to remind this honourable Senate that we must, of necessity, do things right the first time. I will work with the hon. Minister—[*Desk thumping*]

**Sen. Yuille-Williams:** Thank you.

**Sen. R. Ahmed:**—in every capacity, with every nerve and sinew of my body to build this beautiful country, but I really believe that we will do a better job than you can ever do. [*Desk thumping*]

Thank you, Madam President.

**The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano):** Madam President, two days on a fairly simple, straightforward piece of legislation. First of all, I thank all Senators for their contributions. For whatever value the contributions were, I thank them for taking part in the debate.

Child labour is a problem for every single country in the world. It has not been eradicated anywhere, as far as I am aware. It has been minimized and reduced in a lot of the more developed nations and it is the lesser developed nations of the world where the problem exists to the extent that we are aware.

Since the industrial revolution more than 150 years ago, the conditions for child labour worldwide have been improving and I dare say that everywhere on the planet the conditions for children are improving, at least slowly, with the help of multinational organizations such as the ILO, the UN, the World Bank and other organizations like that.

I think it is important to understand that child labour is, first and foremost, a function of poverty. Poverty is as a result of a lack of development in the country; a lack of economic structure; a lack of economic activity and a lack of education. In that regard, I ask honourable Senators, where exactly is the Government failing in that regard? We have provided the strongest economic activity that this country has ever had. We have provided free secondary universal education for every child in the country. [*Desk thumping*] We have provided free tertiary education and expanded the range of opportunities for tertiary education. [*Desk thumping*] We have provided in excess of 100,000 free breakfast meals for children every single morning on a school day. [*Desk thumping*] I will like to understand clearly where the deficiencies are on the part of this administration.

We are a population of barely 1.3 million and while we may have certain economic resources that are available to the State, and Senators understand this well, to extend that, to translate that into social services, into the persons who can effect social policy, that is where the challenge lies; not only for this Government, but for the government that came before and the one that came before that and it will challenge the government that comes after us.

I was disappointed with the tone of the debate here, both on the previous occasion and this afternoon. This Bill sets out to do one thing and one thing only; that is to raise the minimum age for work to the age of 16. It does not seek, it makes no attempt to interfere in the education policies or health policies or any

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other social policies; it has one objective. I make no apology for that. I stand here as the Minister of Labour, Small and Micro Enterprise Development, not as the Minister of Education or the Minister of Social Development. This Bill achieves the objective for which it was designed and that is to raise the minimum age of work to 16 years. [*Desk thumping*] It makes no pretence to do anything else.

I mentioned nothing about any other pieces of legislation other than in the context as they related directly to working below the age of 16. Other Senators took us on a journey all over the planet talking about the age for marriage and all sorts of things. I was very aware of that when I was the Minister of Legal Affairs. We looked at the different ages and we had met with the different religious organizations. There is a fair amount of resistance, believe it or not, to moving the age for marriage and, therefore, we moved very cautiously. I believe that one of the Senators got it wrong; there is one religion in the country where the age that is accepted is 12 years. In my thinking that is socially unacceptable, but there are many in the country who believe that is acceptable. That is a difficult issue to cross. This Bill does not go there, Senators. It does not even pretend to go there. It deals only with work.

Some of the comments that were made both on the last occasion and this afternoon, were I not the person I am, I would take offence to them, because nothing that anybody said here before or during the debate prompted this Government to bring this piece of legislation. The Government brought this piece of legislation because it was the right thing to do; that is all.

Sen. Ahmed spoke about doing it because of ILO conventions. We value the services of international organizations like the ILO, because they can bring their vast experience to help us form our policies, but once we understand certain things, we will do things because they are the right things to do; simple as that, Senator. Nobody asked us to change it from 14 years to 16 years. Your party was in government for six years, what did it do? They left it at 14. This administration has changed it to 16 years, because we believed that was the right thing to do. [*Desk thumping*]

The most rational and sensible contributions I heard this afternoon came from my colleague, the Minister of Social Development; [*Laughter*] the Minister of Community Affairs. [*Laughter*] I beg your pardon. That was a slip of the tongue; the Minister of Community Development, Culture and Gender Affairs and Sen. Bro. Khan. They made rational discourses on the situation, clearly demonstrating an understanding of the Bill in front of us and the social issues that surround necessarily the issues of child labour.



Let me talk specifically about some of the contributions that were made. Let me talk a little about Sen. Mark. I am going to be as brief as I can; I know that everyone is anxious to go and do other things. [*Crosstalk*] The Senator mentioned the new section 92(3) and the fine of \$1,000. He said that should be \$100,000. I think the Senator misunderstood what that clause was all about. That fine is for not maintaining a register, not for hiring children. Notwithstanding that, we have taken on board some of the comments of Senators and I have an amendment that will be circulated any time now that will raise that fine somewhat. Recognize that this is the fine for not maintaining a register. This is not a fine for hiring children.

The Senator also mentioned section 92A(1), where he suggested that the Minister will be appointing inspectors. I did rise later on to explain that point, but the Senator was not here when I gave the explanation. Because it was repeated, let me repeat my explanation. Under this Bill, the Minister is not empowered to appoint any inspector; that is done by the service commission. The Minister that is responsible can only designate an appointed officer as an inspector; that is his only authority under this Act. I refer the Senator to the Occupational Safety and Health Act where the Minister responsible has the same authority, that is, to designate an inspector and not to appoint.

Sen. Mark spoke about the Chinese Wok Restaurant; it is important that I deal with this issue. It has nothing to do with the Bill, but he raised it. It was done in such poor taste; of course, he abused his parliamentary privilege.

**Sen. Jeremie:** As usual.

**Sen. The Hon. D. Montano:** Let me just quote what he said:

"Madam President, there is a restaurant called Chinese Wok in Chaguanas. Minister of Labour, Small and Micro Enterprise Development, I will like you to send your inspectors there. The merciless, brutal and callous exploitation of workers takes place there. Do you know how much they pay the workers there? Less than \$6 an hour, even though the minimum wage is \$9; no vacation leave, no sick leave, no casual leave..."

That is the *Hansard*. Madam President, you must know that as a responsible citizen, if someone is aware of significant breaches of the law there are places you can go to do something about it. Why the Senator would choose to come here and make statements like that, which clearly are designed only to be sensational, that could presumably and possibly jeopardize the reputation of a business, if they are innocent, and the employees, with reckless disregard for his responsibility as a Senator, a Member of the Senate of this country.

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I did send my inspectors. Allow me just to read the report for you. The report was done by Mary Lyn Lewis James, Labour Inspector I:

"Accompanied by my Senior Officer, Mr. Chandranath Dhanai, Labour Inspector I, we visited on 7th December, 2006 and met with Mr. Randy Shah, Manager. He informed us that there were thirteen (13) employees...They are paid fortnightly...

During our discussion with Mr. Shah, the owner Mr. Wood Lam Wong telephoned and spoke to Mr. Dhanai. He questioned the reason for our visit and asked whether we were on the compound conducting an inspection based on the remarks made by Senator Wade Mark, which appeared in one of the daily newspapers on the 6<sup>th</sup> December, 2006. Mr. Wong denied the allegations mentioned by the Senator.

Approximately, forty-five (45) minutes later, the owner's wife, Mrs. Sandra Wong, arrived at the business place and discussions continued with her. Wages and attendance records were inspected for the period January 2006 to present and five employees were interviewed.

Our Findings Were As Follows:

- (1) Employees worked approximately seven (7) hours per day for six days per week with a half hour (1/2) lunch break."

That translates to 42 hours.

"There would be times that workers would work more hours.

- (2) A fixed salary is paid ranging from \$780-\$1080 per fortnight."

That works out in the lower case to \$9.28 an hour and in the higher one to \$12.86 an hour, based on the 42-hour work week.

"The rate of pay was not stated on the wages records. However, in examining the hours worked in relation to wages paid, no employee is receiving less than nine dollars (\$9.00) per hour."

Sen. Mark said it was less than \$6 an hour; complete untruth.

“Sick Leave

- (3) There was conflicting information received from employer and employees with respect to sick leave. The employer stated that the National Insurance Board pays the employees. Workers stated that they are not paid for sick leave. Further investigation is required.

## Vacation Leave

- (4) Two weeks vacation leave is granted to workers after completion of twenty-four (24) months worked. The workers will be granted their additional two weeks vacation leave at a future date." [*Crosstalk*]

**Sen. Mark:** The Minimum Wages Order says one year.

**Sen. The Hon. D. Montano:** Not always; it is not the picture that you painted.

## "Public Holiday Pay

- (5) The business is not opened on public holidays. Workers are not paid for the public holiday unless they work the day before and the day after the holiday."

**Sen. Mark:** Oppression.

**Sen. The Hon. D. Montano:** The report continued:

## "Maternity Leave

- (6) One employee indicated that she received no wages from the employer when she proceeded on maternity leave last year.

## Other

- (7) (i) When the business is slow management closes the business approximately one (1) to two (2) hours early and workers receive their normal salary. [*Crosstalk*]
- (ii) No deductions are made when workers arrive late. "

In other words, they get paid for the time they are not there.

"(iii) A lunch meal is provided at no cost to the workers.

(iv) The waiters and waitresses are allowed to keep their tips." [*Crosstalk*]

**Sen. Mark:** They lied to you; you are a mamaguy man.

**Madam President:** Please, give the Minister a chance.

**Sen. The Hon. D. Montano:** "(v) Service charges are divided among the kitchen staff."

**Sen. Mark:** "He get mamaguy".

**Sen. The Hon. D. Montano:** The report continues:

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"In response, Mrs. Wong indicated her willingness to correct the breaches and agreed to discuss the findings with her husband with the purpose of correcting the irregularities/breaches and making adjustments where necessary."

**Sen. Mark:** He believed them, but I wrong.

**5.30 p.m.**

The point of the matter is, it may not all have been perfectly rosy but it certainly does not qualify for this type of language: "merciless, brutal and callous exploitation of workers." That is reckless language.

**Sen. Mark:** You have 11 inspectors in the country and you have 40,000 people—

**Sen. The Hon. D. Montano:** The Senator says we have 11 labour inspectors. We have 17 on the premises right now.

**Sen. Mark:** Six more.

**Sen. The Hon. D. Montano:** When I came in 18 months ago, we had 22; we now have 17. We are in the process of hiring 12 more. We got Cabinet approval to increase it by 12 and that process is taking place as we speak.

He referred to section 94 and talked about "guilty of an offence". He did not seem to understand what that was. An offence, in this case, would be under the Summary Offences Act. We have taken that on board and while several of the Senators who spoke had talked about the punishment involved, we have also circulated an amendment to section 96.

Sen. Prof. Deosaran says that he welcomes the Bill but asks for more justification at this time. If I thought that there was one Bill that this Government has brought in the past six years that did not require any justification, it would have been this one. I do not understand what the Senator is talking about; I do not understand what I could have said that would have made any more sense than what I did say. He says he welcomes it but wants more justification. More justification to raise the minimum age to 16? The Senator, of course, is very involved in crime issues and likes to talk about policing.

One of the difficulties that we experience with child labour is that, as Sen. Yuille-Williams explained, a lot of this is invisible. It is not only an underground economy; it is almost an invisible economy and to find it is extremely difficult. You can send your inspectors out and if you go to established businesses, they have a way of hiding it that you do not find it easily. Our inspectors are already

out there and it is extraordinarily difficult. It exists in isolated pockets in certain situations that are hazardous, for instance, at the Beetham dump. That is the type of situation that is completely untenable, and that is where it happens. What the Minister spoke about was that you need these generic inspectors in the communities who can report back and give you information. Without that, it is virtually impossible to police. We would have to have manpower to police this in the thousands and we cannot do that. The effort would not justify the result. The way that it was explained by Minister Yuille-Williams is exactly the way that it must be done and that is why I value the contribution that she made, because it explains in a rational way exactly the nature of the problem and how it has to be solved.

The Senator also suggested that we should investigate brothels and massage parlours and so on. As I mentioned earlier, I did speak to the Director of Labour Administration and asked him if he knew of any. Well, he did not know of any.

**Sen. Seetahal S.C:** Ask the police.

**Sen. The Hon. D. Montano:** That is exactly what I told him to do. I said: "Go and ask the police and go and do an investigation and come back and tell me what you find." That is all I can do.

Sen. Dr. Gopeesingh was one of the Senators who talked about the different age requirements for different things. I spoke a little earlier about marriage and all that sort of thing. This Bill does not seek to do that. It does not seek to harmonize anything other than to harmonize the legislation that is concerned with work to make it the minimum age of 16 and we have done that. So there is consistency in what I have done. I have not attempted to go roaming all through the books and through all the laws. Is that what we are going to do, make the age for drivers' licence 16 and make the age for marriage 16? I do not think we want to do that.

He spoke about a greater fine for the breach. I do not think that he understood and I hope with the amendment that I have suggested to section 96, that Senators will accept that. He also suggested that businesses that register with the NIB should register with the Ministry of Labour, Small and Micro Enterprise Development. He is confused about the role of the Ministry of Labour, Small and Micro Enterprise Development. The Ministry of Labour, Small and Micro Enterprise Development does have a service called the National Employment Service and it would be nice if companies would register with the National Employment Service and register all their job vacancies with the NES. Unfortunately, they do not and we have no mechanism and it is unrealistic to make them do that. We do what we can. You would have seen advertisements in the newspapers earlier this year trying to encourage that kind of cooperation.

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He spoke a little about the number of children in the labour market. According to the CSO, there are 300 children at the age of 15 in the labour market—they do not measure the age of 14; they measure the age of 15—of which, according to the CSO, 200 are actually employed on a full-time basis. Once this Bill is passed they will lose their jobs. He also went on to talk about calypsonians having 17 children. I would remind the good Senator that they had a Minister who I think was one of those. He proclaimed to have 25 children.

**Sen. Dr. Gopeesingh:** It is 11 and he is taking care of them.

**Sen. Seetahal S.C:** Could I just ask, through you, Madam President, since the Minister talked about calypsonians, since I spoke last week I was thinking about these young calypsonians who sing in tents over Carnival who are under the age of 16, I do not see any provision in the statute for them. So maybe that could be something we could consider. Secondly, while you are talking about inspectorates and the labour inspectors, I just wondered if you could not probably go to some of those security firms and do another inspection, since you are so quick at it. I thought that was very commendable so maybe you could visit some of the security firms. [*Desk thumping*]

**Sen. The Hon. D. Montano:** Let me just go backward a bit. On the last point with the security firms, we are already there. We have already instructed a number of them to change their practices because they are not in compliance with the law as it is. We cannot be everywhere. We do have limited resources, but, yes, we are on top of that situation. On the question of the children who are singing and so on, I am going to leave that issue for the bundle of children's legislation that is coming, because that is a little more complicated.

Sen. Ali asked why we are amending the Factories Ordinance. It is because it is on the books. It is going to be repealed in August, but it is on the books and we cannot ignore it or else it would be in conflict with the rest of the legislation and then it would be difficult to prosecute anybody. So it all has to be uniform.

Madam President, I am trying to go quickly at this point. Sen. Prof. Ramchand, I just want to start off by saying one thing—

**Madam President:** Will you give way, Minister?

**Sen. Ali:** Madam President, the hon. Minister did not respond to the suggestion that I had about section 91(2)(b) where I suggested that the Minister there should be the Minister with responsibility for Science, Technology and Tertiary Education rather than the Minister of Education.

**Sen. The Hon. D. Montano:** I looked at that and I did not agree but we can discuss it at the committee stage and we can explore that a little more fully.

I was very taken aback by Sen. Prof. Ramchand's contribution; I want to say that. What he said, really, was, I think—in the 11 years that I have been in the Senate—perhaps one of the most ungracious statements I have heard. He said that this was a putrid, trivial, little Bill and I was very shocked by that.

**Sen. Prof. Ramchand:** Madam President, the language was strong but I said it was trivial in the context of the larger issue which I would have preferred us to be dealing with.

**Sen. The Hon. D. Montano:** Madam President, I made no pretence as to what I was trying to do when I got on my legs last week, and the words were “putrid”—we are talking about children here—“trivial, little Bill.” That was the most ungracious, harsh language that I have heard in 11 years. [*Crosstalk*]

**Madam President:** Please, Senators!

**Sen. The Hon. D. Montano:** He says he wants the whole thing done. I made no pretence. I was not doing that; I was not going there. I was dealing with the minimum age for work. That is all and that is what I started off—

**Sen. Prof. Ramchand:** Madam President, I made it clear at the start of my contribution that I knew exactly what the Bill was trying to do and I offered the opinion that I thought the Government would have done better to engage in the larger debate. So you are telling a hungry man who comes in and you give him Crix, but he wants a steak and you tell him the Crix is very good. I have no doubt the Crix is very good.

**Madam President:** The Minister is replying to things that were said and I do not think Senators can be jumping up every time to justify what they said when he is now rebutting what was said. [*Desk thumping*] So, please, let us just cool tempers and allow the Minister to talk.

**Sen. The Hon. D. Montano:** I would just like to remind the Senator that the Government started this debate. We brought this piece of legislation here. We brought the Occupational Safety and Health (Amdt.) Bill in January this year and that was the first time that we signalled that we were going to the age of 16. The Government started the debate here. It did not come from anybody else. The Government understands what its responsibilities are in this regard and we are fulfilling our responsibilities. [*Desk thumping*]

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He asked why we should have an exemption for family undertakings. Let me just explain to you why there is an exemption for family undertakings. Child work, according to the ILO, is children's participation in economic activity that does not negatively affect the health and development or interfere with education—can be positive. Economic activity can be positive as long as it does not negatively affect the health and development or interfere with education. The ILO defines child labour as work that is damaging to the mental, physical or emotional development of a child. The ILO's policies do not say that all work is not acceptable; it is saying in certain circumstances.

There are other countries that have a much longer list of exemptions than ours. One of them may very well be ultimately this business of children singing and working, that sort of thing, but for the time being we have left it as it is. They have at least felt that families, more than anybody else, would tend to look after their own. But the fact of the matter is it must not be damaging to their emotional, physical and mental growth and development.

Sen. Dr. Kernahan said that this was a legalistic approach to the problem. I do not know how else to do it. I do not know how else to make the minimum age for working as 16 other than by legislation. That is the only thing I am trying to do here. What do I do? Beg everybody? It is legislation, plain and simple; there is nothing else for me to do. She said that we have missed the point, that we need a national policy. She, herself, referred to the National Steering Committee on the Prevention and Elimination of Child Labour. They have been mandated to come up with a national policy, and here is the draft. The first goal in the objectives of this draft is this piece of legislation. There are other things that we have done insofar as goals are concerned, but the number one item on their list is this piece of legislation. So you say we do not know what we are talking about?

The Senator talked about trafficking in children. I have no knowledge or information about that and if she has any knowledge of that then she should take that to the authorities. I do not know what else I could possibly say. I never heard of that in this country. That is news to me and if she had any information then she should disclose it to somebody in authority.

I would like to thank Sen. Bro. Noble Khan for the comments he made. He was extremely gracious. He seems to be one of the few Senators that understood the, albeit admittedly, narrow focus of this Bill. It was to do one thing and one thing alone and he commended us on that. He understood and respected that the Government has a social conscience and is doing other things in other spheres to achieve the broader objective and I thank him very much for that.



Sen. Mungalsingh said that he worked since the age of three. That is a tragedy, Sir. I am sorry to hear that, but I am pretty sure that your children did not have to work at the age of three. They would have benefited from the policies of this administration in a previous incarnation, with free education and the type of economic environment so they did not have to work at the age of three.

Sen. Ahmed started to go into the ether. She started to say that we are going to employ 16-year-olds—“we”. I am not sure who “we” are, but “we” are going to employ 16-year-olds under the CSME. The Government is not importing labour from anybody anywhere. The Government does not do that. There are companies that are privately owned that bring people in from wherever. They hire them; we do not hire them. We bring experts from abroad who are well over the age of 16. We do not have to worry about that. I do not know who in the private sector is looking to bring 16-year-olds from Jamaica, Guyana, Barbados or wherever, to work in the construction sector, because you can be assured that they do not have the skills to do the job that is required here. I do not know why anybody would want to go and hire a 16-year-old.

Then she said that we should legislate health and pension benefits for 16-year-olds who come in to work here. I would like to remind the Senator that health care in this country is free. We have had free health care since 1956, as far as I am aware. That is one of the things I signed on for as a member of the party that represents this Government. As for pension benefits, that is something else. The Senator said we do not need inspectors to go in and check the register; we want them to ensure that they are paid properly. That is a complete, total lack of understanding as to what this Bill is all about.

The labour inspectorate already does that. They go and check the minimum wages. It is unfortunate that far too many employers in the country believe that the minimum wage is the Government-approved wage, and it is not. The minimum wage is the minimum wage that you are allowed to pay a worker in this country. It does not mean that the Government approves that and that is some kind of officially approved rate of pay. That is not the case. That is just the absolute minimum and we do check for that. The section that the Senator was referring to has a legitimate place in the legislation.

Madam President, I am exhausted. I would just like to wish all the Senators all the best for the season and for the New Year.

I beg to move. [*Desk thumping*]

**Madam President:** I will not speak if there is noise.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Sen. Seetahal S.C:** I just have one suggestion. In clause 2(2) after “the rule of law” in the second line, there is a comma there that causes an ambiguity, in my respectful view. Therefore you either delete the comma or you make it a semicolon. But I think you should delete the comma.

**Sen. Montano:** Say that again. Where are you?

**Sen. Seetahal S.C:** Clause 2(2). There is a comma there, which is not normal before “and”. “And” is conjunctive. You should delete the comma. It causes ambiguity. It sounds like a small thing but it could be a big thing in interpretation.

**Madam Chairman:** All right.

**Sen. Mark:** Madam Chairman, I did, in fact, ask the hon. Minister to consider where he would place the Industrial Training Act. There are provisions in that Act that deal with apprentices, where fathers and mothers can instruct their children who are under 16 to go and work as apprentices. That would fall under the Minister of Labour, Small and Micro Enterprise Development in terms of his overall responsibility. I did indicate in my contribution I would like him to look at that particular provision in the Industrial Training Act that deals with apprentices. There seems to be a contradiction between what we are doing here and what these people could still do outside of the law and they could put children to work based on the instructions of their parents. I just wanted to find out if the Minister had looked at it.

**Sen. Montano:** No, but we will look at it before we bring the bundle of children’s legislation and we will finalize it at that point.

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3 ordered to stand part of the Bill.*

*Clause 4.*

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

**Madam Chairman:** We have some amendments to clause 4(c) which were circulated to hon. Members. The proposed amendment is:

- |             |    |  |
|-------------|----|--|
| Clause 4(c) | A. | In proposed section 92(3), delete the words “one thousand” and substitute the words “two thousand, five hundred”;  |
|             | B. | In proposed section 92(B)(4), delete the word “judge” and substitute the word “Judge”.   |
| 4(g)        |    | Delete clause 4(g) and substitute the following subclause:<br><br>“(g) by deleting section 96 and substituting the following section:<br><br>‘96. A person who commits an offence under this Part shall be liable on summary conviction to a fine of twelve thousand dollars and twelve months imprisonment.’” |

**Sen. Seetahal S.C:** I have a suggestion, please. It is the same exact thing. I am suggesting that we add after \$2,500, “or to imprisonment for six months.” It is normal to have an alternative.

**Sen. Mark:** May I just add to what Sen. Dana Seetaha, SC has said? I had proposed a very heavy and hefty fine of \$100,000. What I am suggesting is that if you want this to serve as a deterrent, I do not believe that \$2,500 is adequate, even for a register, because what employers simply would do is ignore the labour inspector; they would not produce a register; they are employing children on their premises and you have no evidence of it because they simply do not keep it, and when you take them to court they simply pay \$2,500. But the crime would have already been committed.

So I am suggesting that as a deterrent \$2,500 seems to be a bit small and I would like to suggest to the hon. Minister if he could look at a \$10,000 fine.

**Sen. Montano:** I take the point but I think that the point is better expressed by the solution that Sen. Seetahal S.C. is making. The people who are likely to be involved in this, \$2,500, it might as well be \$2 million. The monetary fine is not going to do it because they cannot pay it anyway, but the jail term is a real threat, and I think that is where the deterrent best lies. So I would be very much inclined to support the amendment suggested by Sen. Seetahal, S.C.

**Sen. Dr. Gopeesingh:** Madam Chairman, there are small companies as well that employ people—

**Madam Chairman:** This is what he is saying, small companies.

**Sen. Dr. Gopeesingh:** But that should be a deterrent for them as well, because if they can pay \$2,500, that is no problem.

**Madam Chairman:** I think you missed the Minister's point.

**Sen. Dr. Gopeesingh:** No, no.

**Madam Chairman:** He said that the people who this would refer to, mainly, would find it hard to even pay the \$2,500.

**Sen. Dr. Gopeesingh:** No, they would find it easy.

**Sen. Montano:** That is exactly it. I think that is what we should go with. Experience will teach us how we need to deal with this as we go forward, but I think that the suggestion from Sen. Seetahal, SC is valuable.

**Madam Chairman:** "...or imprisonment of six months".

**Sen. Dr. Gopeesingh:** Is it "or"?

**Sen. Seetahal SC:** "And" is "or" in this context anyway so you can put "and" if you wish.

**Madam Chairman:** And the other amendment to that clause, was that a typo? So it is not an amendment.

**Sen. Prof. Ramchand:** Madam Chairman, I did, in my contribution, make a suggestion concerning 91(1), where we are deleting 91 and substituting the following section. It is on page 2. I did make the suggestion that it is possible that during the term time a child in a family enterprise may be asked to do too much work during the school week and may be asked to do too much work on the weekend, and if the Minister does not have any fears that that could happen, we could let it stand, but I still feel, either now or at a later stage some regulations concerning the number of hours the child can work in the family business during term time should be stipulated.

**6.00 p.m.**

**Sen. Montano:** Madam President, I take the point, but I think that we will get there later than sooner. I do not think that the people who are doing this are in a position to make that kind of adjustment as yet. We need to deal with the reality of the situation.

**Sen. Prof. Ramchand:** You take the point that it could interfere with their education.

**Sen. Montano:** I take your point and it is not lost. It is something that we had talked about but I do not think that we can do it here and now.

**Madam Chairman:** We have another amendment to clause 4(g).

**Sen. Seetahal, S.C.:** The amendment is after the word “path”; consistent with what we have just changed it should be “is liable”. “Shall be” is about 100 years old and is no longer proper drafting. “Is liable on summary conviction to a fine of \$12,000 and to imprisonment for twelve months”, this is how it is usually stated. To complete the consistency, “and to imprisonment for twelve months” rather than “twelve months imprisonment.” That is how it is usually stated.

**Sen. Ali:** Madam Chairman, before we leave, I would like to go back to 92(B)(5). The second word “judge” is in lower case. I do not know whether that is intentional or it should be upper case.

**Madam Chairman:** That is another typo.

**Sen. Seetahal, S.C.:** Madam Chairman, you had said “and imprisonment”. I am clarifying for purposes of the drafters. It is “and to imprisonment for 12 months”.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clause 5 ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed, That clause 6 stand part of the Bill.*

**Sen. Seetahal, S.C.:** I beg to move that clause 6 be amended by deleting the first “not” and the word “and” between “sixteen years” and “provided”.

I did not read clause 6 and check the original Act. What I am reading here are two negatives. I am wondering whether it makes sense. Subsection (1) whatever it is I do not know “shall not apply in any case where a person has not attained,

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the age of sixteen.” It would mean that it does not apply to children under 16 and “provided that the work is an integral part of a programme.”

If it does not apply to children why is there also a provision that the work is an integral part of a programme of training? It would not be necessary. Once you reach the age of 16 you could be employed in the normal way. I thought we should check that in case we are making some kind of inconsistent legislation. If you have attained the age of 16 you are allowed to work in the normal course of things.

**Madam Chairman:** If you put it in the positive you get it better.

**Sen. Seetahal, S.C.:** “It shall apply to a person who has attained the age of eighteen and provided that the work is...”. If you have attained the age of 16, it does not have to be a provision that is an integral part of training because you are allowed to work in the normal course of things. Maybe, if you look at subsection (1) it would make sense.

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill, as amended, be reported to the Senate.*

*Senate resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### ADJOURNMENT

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate be now adjourned to a date to be fixed.

May I take this opportunity to wish all Members of the Senate and the staff, season’s greetings, Merry Christmas and a happy and prosperous new year and especially to Sen. Mark, a fruitful new year.

**Madam President:** Hon. Senators, we have two matters on the Adjournment. One is Sen. Dr. Gopeesingh’s and we will go with that one first.

#### **Renal Dialysis Programme**

**Sen. Dr. Tim Gopeesingh:** Madam President, the matter I raise on the Motion on the Adjournment is the status of the Government’s Renal Dialysis

Programme including the details of any contracts awarded by the Ministry of Health in respect of the said programme.

There are over 3,000 citizens in Trinidad and Tobago with end stage renal disease requiring renal dialysis and kidney transplant or else they would die. Some have to receive dialysis two or three times a week. This is as a result of the high incidence of diabetes in the East Indian population and the high incidence of hypertension in the Afro Trinidadian population and both diabetes and hypertension in thousands of patients. These diseases are exacerbated by poor diet; sedentary lifestyle; lack of exercise; obesity from the \$2 billion fast food industry and the more than one million bottles of soft drink that are sold daily in Trinidad and Tobago, causing severe renal failure over a number of years.

We ask: Is the hon. Minister of Health and his team playing games with the lives of thousands of our patients? The Minister must tell us whether they are now proceeding through a third tendering process for two dialysis treatment centres promised from as early as 2003, three years ago. Not one centre has been established. In the same way he promised to build a hospital in Point Fortin in 2002; a burns unit at San Fernando Hospital in 2002; an intensive care unit at San Fernando in 2002; a national oncology centre in 2002; a national health insurance system to start in 2002; one employer in 2002 and administration reform of the Ministry of Health. All these were promised in 2002 and in 2003, none of these things has been fulfilled.

Four years later the hon. Minister of Health has not delivered. Empty promises for two renal dialysis treatment centres. Old talk! Budget speech mamaguy, fooling the population while patients are dying every day from their failed promises. Is it that the lives of the citizens of Trinidad and Tobago have no value to the Minister of Health and his administration? Does he seem to care about the hundreds of men, women, children, infants and babies dying from the lack of proper medical care?

I have picked out 10 articles appearing on the newspapers, about one-tenth that have gone on over the last three years since the Minister has come on. They are as follows:

<b>Newspaper</b>	<b>Date</b>	<b>Headlines</b>
<i>Newsday</i>	Friday, September 08, 2006	Public health care woeful
<i>Daily Express</i>	Friday, September 08, 2006	Problems aplenty in the health system

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<b>Newspaper</b>	<b>Date</b>	<b>Headlines</b>
<i>Daily Express</i>	February 01, 2005	Port of Spain Hospital in a sickening condition
<i>Newsday</i>	Friday, January 21, 2006	People are dying while Government fiddles
Yet still, the Minister blames the merger for NWRHA problems.		
<i>Newsday</i>	Sunday, November 26	Lives in the balance, bad vibes in health
How can the Minister stay and feel comfortable?		
<i>Daily Express</i>	Monday, May 05, 2003	No surgeon at hospital
<i>Newsday</i>	Monday, October 11, 2004	Dialysis machines at a port coming soon for renal centres
<i>Newsday</i>	Monday, January 10, 2004	Return of Enterobacter
<i>Guardian</i>	November 17, 2004	Patients sleeping on the hospital floor Commission finds serious problems in the health sector
<i>Newsday</i>	Thursday, November 09, 2006	Matters of life and death
<i>Daily Express</i>	Tuesday, December 12	Another public health care tragedy

I am sure that the Minister must feel uncomfortable in the presence of his colleagues when he is presiding over a health sector that is deteriorating on a daily basis. He has been making promises from as early as 2002, for the renal dialysis centres while thousands of patients are waiting for dialysis and he is fiddling. There are other headlines as, "Girl 13 dies waiting for surgery". This week she



was waiting to have surgery because of the lack of an intensive care unit bed at San Fernando Hospital. He promised a new intensive care unit in 2002. Four years later. This child had no right to die. They say that they want to partner with Johns Hopkins University. How could you have a deteriorating health sector? You cannot even run the health sector in collaboration with the University of the West Indies and you want to partner with Johns Hopkins University.

Today, “teen sent home to die and relatives blame the hospital.” How can a minister stay comfortable in his heart? That is unforgiving. I am not making up these facts about the promises. In the Budget Statement of 2003 the Prime Minister said:

“Mr. Speaker, we are equipping the health facilities with appropriate health technology, including haemodialysis and mammography machines in light of the prevalence of such chronic conditions as kidney failure and breast cancer and they are ranking among the top causes of mortality in the population.”

In 2003, the Prime Minister spoke about haemodialysis machines. He said,

“In addition, we will install approximately 20 dialysis machines in the major government treatment centres and expand the capacity for cancer treatment with the establishment of a National Oncology Centre for cancer patients.”

It is 2006 and he has not commenced anything on the national oncology centre.

“We are revisiting the National Health Insurance System to ensure that the poor and terminally ill are not excluded from access to life saving health care in the face of escalating medical costs.”

Budget promise by the Prime Minister after consultation with his ministry. In 2004, he promised again. Mr. Speaker, the Prime Minister “remains committed to improving the quality of health services available to the nation.”

What I showed here today, is this quality health care service? This is only one-tenth of the clippings you will find on the health sector in total decay. The health sector is no more. In 2005, he came back with the same things. I wonder if these people do not have any shame. They said the same thing in 2003, 2004, 2005 and 2006. In 2005 he said that in order to increase accessibility of renal dialysis services to the general population we would be providing before January 01, 2005, two renal dialysis treatment centres—he said that in 2004—one in the north and one in the south, each providing treatment for 200 persons. He said that this would be supplemented by a renal transplant surgery programme to provide renal surgery at the Eric Williams Medical Sciences Complex at Mount Hope.

*Renal Dialysis Programme*  
[SEN. DR. GOPEESINGH]

*Tuesday, December 12, 2006*

In 2006, he said that the promotion of healthy lifestyles and easy access to quality health care are critical components of the thrust towards developed nation status. In 2007, we expect that the construction of the Point Fortin and Scarborough Hospitals, the National Oncology Centre and the new wing of the San Fernando Hospital would all be completed. Not a thing on Point Fortin Hospital promised from 2002. Five years later the Prime Minister is making this statement. Who is he trying to fool? They study these things. He keeps making the same promises. Why did he not say that he had nothing to say for the health sector rather than try to fool the population?

Minister of Health, it is your responsibility to correct your Prime Minister. If you feel that the Prime Minister is going to make a statement of promises that you are aware of and you have not delivered, you should not have participated in that. There is no national oncology centre; no burns unit at San Fernando Hospital; no Point Fortin Hospital; no Scarborough Hospital and no new wing at San Fernando General Hospital. All were promised in 2002.

The Prime Minister said that the development work at our health care facilities has been complemented by a drive to enhance the quality of service delivery through the purchase of modern state of the art diagnostic and treatment equipment and measures to expand the availability of qualified personnel. All old talk while people are dying. Empty promises for two renal dialysis treatment centres.

The Minister of Health must explain to our citizens his failure and the Government's failure to implement these renal dialysis treatment centres for the 400 patients as promised in 2003. We understand that the tenders for these renal dialysis treatment centres were re-evaluated by the Central Tenders Board in 2005. The tenders were approximately \$40 million, \$70 million and \$120 million per year by the three tender people. The company selected then was the same company which received the contracts for the \$53 million CT and MRI machines and the coronary and geography unit at the Eric Williams Medical Sciences Complex. A dedicated purpose to give the same company all these contracts. The contract was awarded by the Central Tenders Board for approximately \$75 million per year for three years to set up these renal dialysis centres. That is a total of \$225 million. It was rejected by whom and for what reason?

It is highly unusual that the Central Tenders Board will complete a tender process and the award not being weighed. We understand that further to that corrupt fiasco a second tender for the renal dialysis treatment centres was made. After evaluation of these tenders this second process was aborted and no award was made. The Minister must explain to the population why all this corruption in

the health sector is continuing and the secrecy in the award of these contracts. While hundreds of patients are dying from renal failure needing dialysis and kidney transplant, the Minister and his team fiddle in their mess and the sordid quagmire in the health sector, while promises are made from 2002.

The Minister has much explaining to give to the population about all these underhand wheeling and dealing in the health sector while there is a perception of arrogance and an actor. The Minister of Health is posing for photographs and daily advertisements. While a four-year-old child dies at surgery, hundreds die from no dialysis and kidney transplant; a 13-year-old teenager dying waiting for an intensive care unit bed. You know that arrogance and self awareness do not go hand in hand. Only 250 out of the thousands of kidney failure patients are being dialyzed while hundreds are dying and waiting for the Minister, full of promises and nothing being delivered while he continues to fiddle and be an actor.

We can understand why the Prime Minister fell out with you because of your non performance. We call for the Minister of Health to be summoned for a detailed forensic enquiry into the operations of the health sector and the management of the Ministry of Health. He should do the honourable thing and resign, for Minister Rahael, his predecessor Imbert and the PNM administration have failed to take care of our citizens. Never before in the history of Trinidad and Tobago has our health been as woeful and sick. Hon. Minister, it pains me as a doctor to request that you step down for you and your administration have demonstrated your incapacity to deal with the health sector.

Thank you. [*Desk thumping*]

**The Minister of Health (Hon. John Rahael):** Madam President, as usual it is a pleasure being in this honourable Senate, but unfortunately, sometimes we have to listen to these kinds of contributions that can certainly take us nowhere. It is a pity that the hon. Senator did not have the opportunity to be a minister of health during the term his party was there. I know he wanted it badly. He used to attend meetings and tell the former minister of health, I was with the Prime Minister last night and he told me to stay quiet.

Nevertheless, I am going to respond and expose the Senator for the amount of misinformation that he continues to provide to this honourable Senate. The last time I was in the Senate I also exposed the hon. Senator for reporting that the Tissue Transplant Programme did not start and has not started. I showed the Senators the newspaper clipping that stated he made that statement, when in fact he was fully aware that the Tissue Transplant Programme had started; it was very successful and we had done eight transplants. [*Crosstalk*] I am not giving way.

**Sen. Dr. Gopeesingh:** He is misleading the Senate again.

**Madam President:** Come on Senator, you had your say. Whether you were right or wrong the Minister did not interrupt. Allow the Minister to speak.

**Hon. J. Rahael:** You misled the Senate with everything that you said. Sit down! Sit down!

**Madam President:** Minister, please sit down. Sen. Dr. Gopeesingh, I am very disturbed with your behaviour. Nobody knows whether you spoke the truth and nobody stood to deny what you were saying. Let the Minister speak, please. This is a Motion on the Adjournment and this is not what we expect.

**Hon. J. Rahael:** Madam President, I hope that I would get injury time. The hon. Senators are here and they can judge what I say for themselves. It is also recorded in *Hansard*. The hon. Senator talked about 3,000 patients in need of dialysis. I do not know where you get these figures from. The last time I talked about your maths. You really have a problem with maths. I have a document from the Renal Support Group of Trinidad and Tobago on the survey of haemodialysis units and patients attending. The figure is 438. It is accurate that it is the intention of the Government of Trinidad and Tobago to put up two state-of-the art dialysis centres, one in north and one in south and it is taking longer than I would like.

He went on to explain that in 2004 and 2005 we went out to tender; a certain number of tenderers bid; it was through the Central Tenders Board and three were shortlisted for \$40 million, \$70 million and \$100 million. That is accurate, but he went on to say that the Central Tenders Board awarded the contract when that was not so. The Central Tenders Board after going through the tendering documents and the entire procedure, for whatever reason, aborted the entire process.

### 6.30 p.m.

Madam President, as a matter of fact, we were taken aback with the fact that they aborted the tender process. Again, we went out for tender early in 2006. We went through the entire process. Again, after the tenders were submitted and the evaluation was done we got objections from some of the other tenderers. Being so careful—because you are right, this is a large sum of money we are talking about, \$70 million to \$100 million per annum—to ensure that full transparency took place and to ensure that no one could accuse the Ministry or the Government of not satisfying all that is required, we went out for tender a third time. *[Interruption]* I will come to that because I want to know what you did when you were Chairman. *[Interruption]* Well, I will talk about what I did. *[Interruption]*

**Sen. Dr. Saith:** Madam President, may I appeal to you, there is a standard of behaviour on Motions on the Adjournment where the person who moves the Motion has 15 minutes to present, without any interruption, and the Minister responding has 15 minutes to respond, without interruption. Madam President, I am pleading with you to make sure that those conventions are maintained in this honourable Senate.

**Madam President:** Yes. I just made that point. This is a Motion on the Adjournment. The mover had his time to speak and now he has to keep quiet and let the other person speak. [*Desk thumping*]

**Hon. J. Rahael:** Thank you, again, Madam President. The situation as it now stands is that we went out for tender again. We tendered on November 08, 2006. The tender closed on November 17, 2006. The evaluation of the proposals was done on December 01, 2006. The award of the contract is now awaiting the North-Central Regional Health Authority Board's approval.

We have been able to move the process and, again, I repeat, in the interest of transparency, we wanted to be extremely careful that there were no stones unturned to ensure that there was full transparency. It leaves me to wonder, Madam President, whether the hon. Senator has shares in any one of those bidders who made a tender. From his attitude here this evening, it seems that there may be some—

**Sen. Dr. Gopeesingh:** Madam President, he is imputing my character, please! What is he trying to say, that I have shares and this is why—[*Crosstalk*]

**Madam President:** Senators, please!

[*Madam President pounds the gavel*]

**Sen. Dr. Gopeesingh:** Madam President, I have no shares in any company. I make it absolutely plain; I have no shares in any company.

**Madam President:** Take your seat, Senator.

**Sen. Dr. Gopeesingh:** I am not in the business of medical health.

**Madam President:** Minister, please, do not go that way!

**Sen. Dr. Gopeesingh:** Do I have CDAP pharmacies?

**Madam President:** Come on, let us go.

**Hon. J. Rahael:** Madam President, the fact of the matter is that that is the process. Now, what have we done in the interim? That is what is important.

*Renal Dialysis Programme*  
[HON. J. RAHAEL]

*Tuesday, December 12, 2006*

Madam President, what we have done in the interim is that persons who could not have afforded to get dialysis three times a week, through our medical aid programme, we are contributing \$3,500 every month to those patients who cannot afford to pay for the dialysis. [*Desk thumping*]

In addition to that, this is an expensive treatment, with a \$650 minimum per session. You are supposed to be dialyzed three times a week that is approximately \$3,000 per week, without the other medication that is required. We are talking about \$2,000 per week; that is easily \$8,000 to \$10,000 a month for one to be properly dialyzed and to get the right treatment.

There are many persons, Madam President, and hon. Senators, for whom the \$3,500 were simply not sufficient. Through, again, our social workers, those who have applied for full contribution towards being dialyzed, we have now engaged John Hayes and Community Hospital, two NGOs, who have spare capacity to dialyze patients. In fact, presently, we have approximately 52 patients in these two institutions for whom we are paying the full cost to be dialyzed.

Madam President, the Senator comes and talks about caring! The Senator talks about this Government and this Minister not caring about the people of Trinidad and Tobago! Let me tell you! I do not think that there has been any other government or Minister of Health that has cared more than this Government and this Minister! [*Desk thumping*] Do not come to this honourable Senate and try to make those statements.

Madam President, let us talk a bit about diabetes and the causes about diabetes. What we should be really doing is educating our population and that is what we are trying to do. We are trying to inform the population about the causes that bring about becoming diabetic and about hypertension for heart attacks or strokes.

Madam President, more patients are being dialyzed in the public health institutions. We have doubled the number of machines at the San Fernando General Hospital. We have increased the number of machines at the Eric Williams Mount Hope Medical Complex by eight. [*Desk thumping*] When it comes to caring, there is absolutely no question about this Government not being so. [*Desk thumping*]

Madam President, it is very sad to report that one in every seven persons above the age of 35 suffers from diabetes. I repeat, one in every seven. What is even worse is that one in every three who have diabetes is not aware of it. The estimated population with diabetes who are accessing treatment and care at our public health institutions is 80,000 patients. I repeat 80,000 patients throughout our public health institutions.

Madam President, when I talk about CDAP there are over 109,000 citizens who are diabetic in Trinidad and Tobago and who are accessing medication through CDAP. We are making sure that to avoid citizens of Trinidad and Tobago ending up with end stage renal failure because once you are diagnosed with diabetes there are treatments. I know you are very much aware of that, Madam President, but I must say it for the benefit of other Senators. What we want to do is to make sure that you do not end up with end stage renal failure. We make sure that medication is provided to every citizen of Trinidad and Tobago regardless of income, class, creed or race. [*Desk thumping*]

It is the same with hypertension. When we come here and we talk about the good things we are doing—we are not perfect and the health system in every country in the world—I challenge anybody to tell me which country in the world has a perfect health system. In the United Kingdom, the United States and Canada, when we compare the services that we provide for our citizens, at no cost, we are better than those developed countries. [*Desk thumping*]

The last time I was in this honourable Senate I talked about the number of cardiovascular surgeries that we do in Trinidad and Tobago. We talk about tissue transplant. We did that, not you! Not the previous administration! What did they do? They installed some new oxygen system and instead of paying \$48,000 a month they gave it to another contractor for \$100,000 per month, and you come here and you want to talk about corruption and mismanagement. Not in this system; not in the Ministry of Health; not in this Government! [*Desk thumping*]

I would like, Madam President, through you, and the hon. Senators, really, for each and every one of us to go out there and be champions of the health sector of Trinidad and Tobago. If we see someone smoking, we need to let them know the dangers of tobacco smoking; excessive use of alcohol; their diet. You are right, all these fast foods that we eat and doubles that we eat are not good for us. I am not saying not to eat them; I am saying that the frequency with which we eat them would bring about hypertension, diabetes and can cause end stage renal failure, strokes, heart attacks and a variety of illnesses.

Madam President, I hope I was able to give a snapshot of what we are doing. I would like Senators to check with the Renal Support Group in Trinidad and Tobago or any organization that has to do with renal failure and ask them—in the past four or five years what this Government has done, is more than all the other governments have done previously with respect to dialysis and end stage renal failure.

*Renal Dialysis Programme*  
[HON. J. RAHAEL]

*Tuesday, December 12, 2006*

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

**Madam President:** Senators, I know that you are hungry and that you are thirsty, but I ask you to be patient because we have another Motion. Please do not go away because I expect to see all of you.

**Coast Guard Vessels  
(Purchase of)**

**Sen. Wade Mark:** Madam President, I refer to an article in the *Newsday* dated Friday, November 24, 2006 written by Sean Douglas. It is entitled:

“Govt: \$129M for boats”

In this article and I quote:

“Minister of National Security...disclosed that Cabinet has agreed to buy two boats as an interim measure while awaiting the construction of three offshore patrol vessels (OPVs).

He said the two boats will cost \$129 M. The boats are eight years old,...”

Roll-on roll-off boats. He went on to say that these boats are required in order to deal with the delay that the three OPVs would take, re: 20 to 24 months.

These two vessels, surprisingly, are in the United States of America, and some technical team visited these vessels and gave the all clear that they should be purchased.

Dr. Lenny Saith is reported to have said that:

“...the Government had selected the UK’s interim facility proposal, in addition to selecting the UK Government to supply the OPVs.”

which are to come.

What is interesting here is that the Government has taken a decision to purchase three offshore patrol vessels from a company in England called Vosper Tornycroft, acronym VT. Madam President, one would have thought that if the Government has entered into a relationship with VT, then the two interim vessels ought to have come from the United Kingdom. It so happens that these two vessels are coming from the United States of America.

We are being told by the hon. Minister that it is going to cost this country \$129 million. I am talking about secondhand boats. I am talking about roll-on roll-off boats. I have a picture, which I will pass to you, to give you an



understanding of the boats that we will be purchasing. They are really barges or tugs. *[Interruption]* We have been informed! I would like the Minister to clear the air whether these are the boats that they are going to purchase.

Madam President, we understand that these are the secondhand boats and a new boat by the same company, fully equipped to carry 100 passengers and eight crew members is costing US \$50 million. Even a new one is costing US \$50 million a piece; the two would be at US \$100 million. *[Interruption]* That is the information we have acquired.

**Sen. Dr. Saith:** US?

**Sen. W. Mark:** TT \$50 million for each new vessel.

**Sen. Dr. Saith:** But you said US \$50 million.

**Sen. W. Mark:** No, no, no I am saying TT; if I said US \$50 million, I am wrong. It is TT \$50 million. *[Interruption]* These are the facts here. It was a slip of the tongue.

Madam President, we would like the hon. Minister to let this country know why there is this big difference in cost for two roll-on roll-off barges. We would like the Minister to tell us why his Government refused this vessel from the Italian Government. I think the name of the firm is Fincantary. This is a boat that they were going to offer to this Government at a cost of US \$5 million, which was equivalent to TT \$30 million. We would have saved close to \$100 million if the Government had gone this particular route. We would like to ask the hon. Minister, what is the link between these two barges and a gentleman, whom I believe the Minister ought to be aware of, he was the consultant they brought down to do the final evaluation and who recommended to the Lenny Saith Interministerial Committee that they should purchase and give the contract to VT, one Mr. Robert D. Inniss. He is a retired US captain. He was brought here to do a final evaluation as to which company out of two: the Italian or the English should be given the contract.

Madam President, we are asking questions. If VT is the English shipyard company that has been selected by the Government of Trinidad and Tobago, we want to know why Captain Inniss or what is the link between these roll-on roll-off vessels that are purchased for TT \$129 million. We have been reliably informed that a conservative estimate for these two secondhand vessels should be \$60 million and no more; \$30 million each. Let the Minister say that these secondhand vessels cost more.

*Coast Guard Vessel (Purchase of)*  
[SEN. MARK]

*Tuesday, December 12, 2006*

We are being told, Madam President, that there is a lot of alleged corruption in this matter and we want the Minister to clear the air on this matter. I am only dealing with two interim vessels at this time. I would have more to say at the appropriate time on the three vessels that they are purchasing from VT and what the implications are for our republic.

We would like to know from the hon. Minister of National Security why he has gone to the United States to buy these two vessels when the contract has been awarded to VT of London. What is the link between VT of London and the United States? What role did Captain Inniss play in this matter? The \$60 million that these boats are supposed to cost—we are paying \$130 million—we want to know where that difference has gone. Whose pocket has it entered? We want to know if there is a kickback in this matter. I am saying that there is a kickback. I am alleging that there could be a kickback and I am saying to the hon. Minister to clear the air on this matter.

We would like to know why this Minister, when making the final selection, only visited the shipyard of VT in London with his former permanent secretary, Mr. Bartholomew, when this Minister, I understand, had the option of visiting the shipyard in Germany and Italy. Why did he choose—[*Interruption*] This is what I was made to understand. I am asking questions. I am not casting aspersions. I want the Minister to answer because this is a colossal waste of taxpayers' money and we want answers from the Minister. We want to know if, for instance, the Italian—I have here and I have much more to produce at the appropriate time. I have a complete cost breakdown that this Italian firm offered to purchase and to supply the Government—\$2 billion. We want to know if this Government is operating above board. What is the link between Mr. Robert D. Inniss and this Government? His phone number is here. I have it. You can get him at 504 957 9761. Call him and find out what his link is with this Government!

Madam President, this is a very serious matter. This is a matter in which we are seeing Act 1, Scene 1; two interim vessels for \$130 million. There is another scene coming in the next 24 months where they are going to be purchasing three offshore patrol vessels for billions of dollars. [*Interruption*] I will have more to say on that at the appropriate time. All we ask the hon. Minister to do today is to tell us. In this deal, were senior British politicians involved? Were senior politicians in the ruling party involved in this deal involving VT? We are asking questions. Why did the Minister visit, so regularly, the High Commission Office here in Port of Spain? All we are doing is asking questions. We understand that he was a frequent visitor to the High Commission Office. Were coast guard

officers—I have names; I do not want to call them now—What role did senior coast guard officers who, I understand, went on a joyride to London; they were wined and dined and they ended up recommending VT as the preferred bidder. All these things we are being told.

Madam President, we call on the hon. Minister of National Security; this is a major scandal occurring in this Government. We call for a forensic investigation into the purchase of these two vessels. [*Interruption*] We have more to say about you; wait, wait, we are coming for you. Do not be worried. Madam President, his turn is coming. Jail is involved with him too.

All we call, at this time, is for the hon. Minister to give this Parliament an undertaking that there will be a forensic enquiry into this matter. That immediately those contracts that are going to cost this country billions of dollars, we want to know whether the Government is prepared to revisit that obscenity in which it has engaged.

We are becoming a laughing stock of the world and this is only Part 1, Act 1. We are going into another scene very shortly, but we give him the opportunity this time to tell the country why he is paying \$129 million for two vessels that conservatively cost \$60 million and two brand new ones will cost US \$100 million, so you still have a deficit of \$30 million. So we are asking— [*Interruption*]

**Sen. Dr. Saith:** US?

**Sen. W. Mark:** TT \$100 million. All we ask of the hon. Minister is to clear the air and provide us with the information. The public demands clarification and we call on the Minister to do his duty and provide the country with transparency and accountability in this matter. [*Desk thumping*]

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Madam President, in April 2006, Cabinet agreed to the procurement through a government-to-government arrangement of three offshore patrol vessels to strengthen the fleet and enhance the operational capability of the Trinidad and Tobago Coast Guard.

This had become necessary given the specific challenges of the illicit drug trade; the illicit trade in arms and ammunition, and the increase in activities in this country's oil and gas industry.

Cabinet also agreed to establish a ministerial committee to direct and guide the procurement process and the Technical Secretariat and Evaluation and Contract Negotiating Committee to lend support to the Ministerial Committee.

*Coast Guard Vessel (Purchase of)*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, December 12, 2006*

Following deliberations by the Ministerial Committee, and based on the advice of an independent procurement expert, a highly qualified and experienced retired United States Coast Guard captain, a Request for Proposal (RFP) for the OPVs was issued by the Government of Trinidad and Tobago in June 2006, to three governments: the Government of Italy, the Government of the United Kingdom and the Government of Sweden.

Two governments eventually submitted proposals, the Government of Italy and the Government of the United Kingdom. With the assistance of the independent procurement expert, the Evaluation Committee commenced its deliberations, and undertook a comprehensive review in September 2006 of the proposals submitted by the two governments that responded to the RFP.

The outcome was the identification in accordance with the criteria established in the RFP of the offer by the Government of the United Kingdom as the most attractive proposal. The Evaluation Committee, therefore, recommended that the Government of Trinidad and Tobago accept the United Kingdom Government's proposal.

Cabinet subsequently agreed that the Government of the United Kingdom be deemed the preferred government for the design, construction and supply of the three OPVs and the associated arrangements, and authorized the commencement of negotiations with the Government of the United Kingdom.

It should be noted that in accordance with the terms and conditions of the RFP, the UK Government's proposal included the following:

- The supply of three new offshore patrol vessels
- A maintenance support programme
- Training in operations and maintenance
- The provision of suitable interim vessels.

In the context of this Motion, I wish to emphasize that given the urgency with which the Government of Trinidad and Tobago required the additional maritime capacity, and in view of the known facts that regardless of the source of supply, it would take up to two years for the first of the three OPVs to be constructed, outfitted, equipped and commissioned, the Request for Proposals included a requirement for the provision of vessels to be used in the interim, whilst the permanent OPVs were being constructed. These interim vessels which would be furnished with state-of-the-art equipment, would build capacity in the coast guard

by strengthening its surveillance platform in the short term, and at the same time facilitate the training of coast guard personnel in the operation of vessels of that type, which are quite similar to the OPVs.

Further, Madam President, the Government of Trinidad and Tobago has made a commitment to Caricom to be part of Caricom Regional Security Plan for Cricket World Cup 2007 (CWC 2007). This requires Trinidad and Tobago to provide vessels and aircraft for surveillance of the territorial waters and exclusive economic zone of the island states located in the southern Caribbean region, during the period March to April 2007.

It is critical therefore that the capacity of the Trinidad and Tobago Coast Guard be strengthened in time to ensure that the Government can fulfil this commitment. Therefore, both the Government of Italy and the Government of the United Kingdom were required to and did submit proposals for an interim facility.

In the case of the proposal from the Government of the United Kingdom, it included the provision of two fully equipped interim vessels. The vessels in questions are high-speed, fully operational commercial vessels currently used in the international energy sector and, modifications are therefore required to make these suitable for military applications

#### **7.00 p.m.**

I wish to advise this honourable Senate that the proposed interim vessels have been inspected by a team comprising expert officers of the Trinidad and Tobago Coast Guard and the independent procurement expert, and found to be in very good condition. Based on considerations of their design specifications, useful life and capability when modified, these vessels are considered to be an excellent interim option. In fact, the inspection team has advised that based on a logical and professional analysis of what is available elsewhere in the world and what has been proposed by the Government of the United Kingdom, the country will receive good value for money with the acquisition of these vessels and our maritime capability will be significantly enhanced.

With respect to the actual cost of the interim vessels, I wish to advise the Senate that the details, specifications and the associated costs of outfitting, modifying and equipping these vessels for military operations are being finalized at present and I am, therefore, unable to give further details on this aspect of the matter at this time. However, barring unforeseen circumstances, we expect to be in a position to conclude contractual arrangements for the interim vessels by the end of this month after which further details will be available.

*Coast Guard Vessel (Purchase of)*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, December 12, 2006*

Madam President, I wish to assure you and Members of this honourable Senate that the process for procurement of the interim vessels was thorough, professional and in keeping with all established criteria and standards and best international practice.

Hon. Senators can rest assured therefore, that the Government of Trinidad and Tobago did explore its options and the country is getting good value for money and a viable and effective solution for its immediate maritime requirements with the acquisition of these interim vessels.

Madam President, let me just indicate that Sen. Mark referred to the purchase of these vessels as roll on-roll off, eight years. His Government purchased a 30-year-old vessel during their time in office.

Madam President, I thank you very much.

### **Seasons Greetings/Condolences**

**Sen. Wade Mark:** Madam President, I join with my hon. colleague, Sen. The Hon. Dr. Lenny Saith in extending seasons greetings to you and your family, and to my colleagues on the Government Benches and their respective families, as well as my colleagues on the Independent Benches and their families, along with my own colleagues here, as we move into the Christmas season. I also take this opportunity to extend to members of staff of the Parliament and their respective families warmest seasons greetings as well as to all the Hansard reporters, the workers, our couriers, the police officers, members of the media, the Marshall; I extend to all of them, warmest seasons greetings and wish all of them, their respective families a very holy, peaceful and safe Christmas.

I do not know what 2007 holds for us. I just saw recently where one government went into exile, completely for a long time, in St. Lucia. I do not know if that is a sign of things to come. I do not know. All I can tell you, Madam President, is that 2007 is going to be an election year and 2007 will be our final year here, and I would hope that when all is said and done we do have a very safe, peaceful, holy season, a very positive and productive 2007.

Madam President, I want to tell you and my colleagues today, I was a bit sad as you would have seen and very quiet at one time, but my mother would never have allowed me to leave here—she always told me “complete your chores, complete your business and then move.” At 12.30 p.m. today my mother passed away. So Madam President, my Christmas would be very, very sad but I did not

want to interrupt you or Dr. Saith or my friend. I said, at the end of the Sitting I will bring it to your attention and to my colleagues' attention. I just wanted you and my colleagues to know.

Thank you very much.

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, before I extend holiday greetings, let me on behalf of all my colleagues on the Independent Benches extend our sincerest condolences to Sen. Wade Mark and his family on the passing of their dear mother.

I know what it is to lose a mother, and I also know how boys, sons are close to their mothers. Sen. Mark, when you began to say what your mother told you I could not imagine that was the news you were going to bring. And, so I think we owe it to you, and to admire your composure and strength in the midst of the loss to remain with us to the end of the session. I commend you very highly. All of us—this is not politics anymore, this is human compassion and human feeling, this is brotherhood and love, and I do not think we could extend it to you at a time more appropriate than at this Christmas time.

So on behalf of the Senators on the Independent Benches, let me say to you our sincerest condolences and we do hope that you will continue to show the strength, the fortitude to bear the loss. I can tell you from experience only time would heal. No words, nothing else will heal but time. I cannot say to you have a Happy Christmas; I cannot say to you have a Merry Christmas and enjoy it, because that would be unrealistic. But I want to say to you that all of us would remember you in our prayers. We will continue to support you and we trust that, that kind of knowledge will console you and help to blunt the pain of your loss.

And now, Madam President, let me on behalf of Members on the Independent Benches extend to all of us in this Parliament and their respective families, the members of staff, those who are in the Chamber with us and those who are downstairs, those who work on the grounds and those who protect and make us feel safe, let me say to them, let us have a very peaceful and safe Christmas.

Let me say to Trinidad and Tobago, the public out there, the people for whom we claim to try our best to serve, do have a peaceful and safe holiday season. Let me appeal on behalf of all of us on the Independent Benches, to the young people who are probably prone to the devious behaviour to put their weapons down, to put their hearts in the right place and to be influenced by the good that the season brings, and the love and sharing and the everything else and the understanding so that we would close the year with love, peace and happiness, and we could look

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forward with hope to a 2007 that will bring us closer together, that will make us realize that we are our brother's keeper, that we can stand in the shoes of each other and feel the pains and enjoy the successes and happiness of each other.

Madam President, on behalf of all of us here and our families, we say to the public, to you and to everyone else, do have a peaceful and safe Christmas and let us look forward to a hardworking, productive and successful 2007.

Thank you very much.

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, may I join with Sen. Dr. Mc Kenzie in conveying our sympathy to Sen. Mark. Sen. Dr. Mc Kenzie has a way of words that is much better than I have. I just want to say that whatever she said reflects very much the feeling on this side of the Senate. We are political opponents, but we are human beings and there are times that transcend our political differences.

Given my age, I lost my mother some time ago, so I know what is involved and all I can say to Sen. Mark is that we deeply feel his sorrow and we wish him strength in what he has to undergo in the future.

Thank you very much.

**Madam President:** Let me first of all convey my condolences to Sen. Mark. I cannot imagine with such news and such grief that you had the strength to be able to sit through the Sitting today, and to participate in this debate. And I think we really all admire you for that. And I hope that strength will be able to see you through what is going to be a difficult time because as Sen. Dr. Mc Kenzie said, losing a mother is never easy. I lost mine five years ago in the middle of an election campaign and I still miss her to this day. So we wish that you will find some peace within your heart to be able to deal with this and to be able to accept that with all of us it is inevitable.

To the rest of the Members of the Senate, let me join with everybody else in wishing you a very happy and peaceful season. I want you to take time off to rest and to refresh yourselves so that you will return here next year refreshed and able to participate fully in the work of the Senate.

Christmas is a time like Divali and Eid, when there is renewed hope and love in our hearts and we should let that hope and that love guide us in the new year. Let us take time to spend with our families especially our children and our neighbours and things like that.



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To all members of the staff, to the police officers who stay with us every week, the members of the media, I also extend to you and to your families all the best for the season and for the new year. To each one of you, I wish you happiness, health and prosperity. Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.15 p.m.*

**WRITTEN ANSWER TO QUESTION  
Alumina Smelter Plants  
(Memoranda of Understanding)**

**2. Senator Wade Mark** asked the hon. Minister of Energy and Energy Industries:

- (a) Could the Minister provide the Senate with copies of the Memoranda of Understanding and/or agreements entered into between the Government of Trinidad and Tobago and ALCOA, and the GORTT and Alutrint, regarding the establishment in Trinidad and Tobago of Alumina Smelter Plants; and
- (b) Could the Minister also state the exact price that the Government intends to charge the companies for the use of the country's natural gas?

*Pursuant to his reply to question 2, earlier in the proceedings, the Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith) caused to be circulated to Members of the Senate the following document:*

TRINIDAD AND TOBAGO

AGREEMENT IN PRINCIPLE

THIS AGREEMENT is made the 14th day of February, 2006 among THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO ("the Government") acting through the Minister of Energy and Energy Industries with the approval and authority of Cabinet whose principal office is situated at Level 9, Riverside Plaza, Besson Street, Port of Spain, in the Island of Trinidad, NATIONAL ENERGY CORPORATION OF TRINIDAD AND TOBAGO LIMITED a company incorporated under the laws of Trinidad and Tobago with its registered office at Corner Rivulet and Factory Roads, Brechin Castle, Couva, in the said Island of Trinidad ("NEC"), and

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ALCOA INC., a corporation organized under the laws of the State of Pennsylvania, United States of America (“Alcoa”).

WHEREAS:

- A. The Government wishes to encourage the development of the aluminum industry in Trinidad and Tobago (“the Republic”).
- B. Alcoa, a world leading producer of primary aluminum and fabricated aluminum, wishes, directly or through subsidiary entities, to expand its operations in the Republic in the manner hereinafter set forth.
- C. The Government recognizes that it is necessary to provide Alcoa, directly or through NEC, the obligations of which it stands behind, with contractual assurances to facilitate the establishment of the Smelter Facilities (as hereinafter defined), and to enable Alcoa to make its investment decision for the Smelter Facilities, on the following terms.

NOW THEREFORE in consideration of the mutual obligations and conditions hereinafter set forth IT IS HEREBY AGREED AS FOLLOWS:

#### **1. UNDERTAKINGS BY ALCOA**

In consideration of the undertakings of the Government contained in this Agreement, Alcoa agrees and undertakes as follows:

1.1 Alcoa shall proceed with due diligence to complete at its cost, estimated to be an additional USM million or more from the date hereof, all preliminary work and negotiations with third parties in connection with the establishment at the Site (as hereinafter defined) of (i) an aluminum smelting facility having a capacity of approximately 341,000 metric tons per year and *an* associated anode plant and cast house (“Smelter”), (ii) facilities for the production of approximately .240,000 metric tons per year of extrusion billet and forging stock (such facilities being the “Intermediate Facilities” and, in combination with the Smelter, the “Smelter Facilities”), (iii) downstream facilities, its own and/or aluminum processing facilities of a third party the location of which in the Republic was facilitated by Alcoa (“Downstream Facilities”), and (v) a power plant capable of meeting the needs of the Smelter Facilities and Downstream Facilities, including without limitation, the supply of the plant, equipment, and materials for construction (the “Power Plant”). Additionally, Alcoa shall undertake to determine the cost and viability of relocating the operations of the Tembladora Transfer Station to a new port as contemplated in Section 2.3 below.

1.2 Upon execution of this Agreement in Principle by the parties hereto, Alcoa shall authorize the next level of funding as set forth in Section 1.1 above, and commence the contemplated expenditures, the purpose of which is to complete the scope, cost estimates, and necessary definitive agreements. Alcoa will meter its spending according to progress on key project milestones which shall be agreed upon by Alcoa and the Government as soon as possible after execution of this Agreement in Principle.

1.3 Upon successful completion of the above steps and of the undertakings of the Government and NEC as indicated, Alcoa shall seek approval from its Board of Directors for the full project. Alcoa shall keep the Government informed of Board actions taken with respect to the Project. Following and assuming Board approval, which is expected in the second quarter of 2006, Alcoa shall commence design and construction activities for the Smelter Facilities, Intermediate Facilities and Downstream Facilities, and shall sponsor development of the Power Plant.

1.4 Alcoa commits to the effective use of the Site (as described in Section 2.2 below) for Industrial development, potential expansion, local business development, wildlife enhancement, agricultural, educational, and other uses consistent with the culture and interest of local stakeholders.

1.5. In addition to the Smelter, Alcoa shall construct Intermediate Facilities, capable of producing approximately 240,000 metric tones per year of extrusion billet and forging stock, and "downstream" fabricating facilities.

1.6. Based on and in reliance upon NEC's undertakings in Section 2.2 below, Alcoa commits to comply with all internationally accepted standards for the protection of the environment in its use of the Site.

1.7 Alcoa will demonstrate the importance and effectiveness of the fiscal incentives contemplated in Section 2.4 below to the viability of the Project, and the Government will assess the significance of the Project to the Republic. Alcoa will be open to alternative means, such as other financial incentives, which the Government might prefer and which are of comparable benefit to the Project.

1.8 Alcoa agrees to work with the Government, the community, and the education system in the Republic to develop appropriate training facilities and associated resources.

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1.9 Upon execution of this Agreement in Principle, Alcoa will expedite the completion of its Application to the Environmental Management Authority for its Certificate of Environmental Compliance.

1.10 Alcoa will consult with the individuals designated or to be designated by NEC on Alcoa's public relations activities in the Republic.

1.11 Alcoa may perform its undertakings hereunder acting alone or with the participation of one or more third parties, on such basis as they shall determine. Similarly, the benefits of the undertakings of the Government and NEC set forth in Section 2 below may be enjoyed, directly or indirectly, by Alcoa alone or together with third party participants. The owner and/or operator of the Power Plant is not a third party participant within the contemplation of this Section 1.11.

## **2. UNDERTAKINGS BY THE GOVERNMENT AND NEC**

In consideration of the undertakings of Alcoa contained in this Agreement, the Government, acting directly or through NEC; warrants, represents, agrees to and undertakes as follows:

### **2.2 Location of the Smelting Facilities and Power Plant.**

- (a) NEC, upon execution of this Agreement in Principle by the parties hereto, shall immediately commence to acquire, through the purchase and/or other agreements or other actions, the site on which the Smelter Facilities will be located at the Cap de Ville Estate and consisting of approximately 1500 acres (the "Site").
- (b) NEC shall, upon final approval of the Project by the Alcoa Board of Directors and the Government, enter into a long term (minimum 30 year, with a lessee option to renew for an additional 30 year period) lease to Alcoa or its designee of a site consisting of approximately 450 acres for the construction and operation of the Smelting Facilities, plus approximately 60 acres for the Power Plant (unless the parties agree to another location for it) (the "Leased Site"). The terms of the lease shall be determined as soon as possible following execution of this Agreement in Principle, shall be consistent with the financial viability of the Project, and shall contain an option for Alcoa or its designee to lease additional property to accommodate the expansion of the Smelting Facilities. Prior to the execution of the lease and as soon as possible after execution of this Agreement, NEC

shall secure and grant to Alcoa the right of access to the Site to facilitate the work described in Section 1.1 above

- (c) The Government, through NEC or other appropriate entity, shall provide or shall facilitate the provision of, as the case may be, all amenities to the boundaries of the Site, including adequate electricity, gas, telephone services, water and sewerage facilities and suitable roads in time for construction, provided. However, that the provision of amenities shall be in all cases at Government expense. Such amenities as are within the direct control of the Government will be provided by the Government; the provision of those outside the direct control of the Government will be facilitated by the Government.
- (d) NEC and Alcoa shall jointly manage and plan for the development and use of the remainder of the Site and to this end, have agreed to the following principles. .
  - (i) Land in the Republic is scarce and therefore precious;
  - (ii) Because of its scarcity, land in the Republic must be utilized effectively;
  - (iii) Notwithstanding (i) and (ii) above, no use of the remainder of the Site will be made which jeopardizes, compromises, or interferes with the compliance of the Smelting Facilities with the environmental laws of the Republic and/or permits issued thereunder, or Alcoa's Internal Environmental and Safety standards, or with the normal operation of the Smelting Facilities and the Power Plant:
  - (iv) NEC and Alcoa shall use best efforts to accommodate and to not take any actions contrary to all of the foregoing principles in its management of the remainder of the Site;
  - (v) In its management of the remainder of the Site, NEC and Alcoa will seek advice and consultation with appropriate Government agencies and neighboring communities.

2.3 The Government recognizes the need for an economic means for importing raw materials and exporting finished product to and from the Site and agrees to provide one. To this end, the Government has commissioned marine studies to determine the effect of a new port at Cap de Ville capable of

accommodating at least 10-meter draft vessels, or, if the functions currently performed at the Alcoa Tembladora facilities as desired by the Government are to be handled by this new port, 12—14 meter draft vessels. NEC shall advise Alcoa regularly on the status of the port studies and of its decision on developing the port prior to the submission of the Project to the Aiwa Board of Directors as contemplated by section 1.3 above.

2.4. The Government is presently reviewing and evaluating the ways in which it presently encourages and supports industrial development in the Republic, including and especially tax relief under the Fiscal Incentives Act, Income Tax Act, Corporation Tax Act, Customs Act, VAT Act, Municipal Corporations Act. Aiwa, through any entitles or other legal arrangements that it incorporates or organizes in the Republic including without limitation arrangements for additional facilities built by or for the benefit of Alcoa, such as any Downstream Facilities or up-stream production facilities, will receive economic relief at the maximum level, in terms of level and term, in such form as the Government determines, consistent with Section 1.7 above and after giving due consideration to (i) the investment scope (i.e. the capital expenditure to be incurred and the foreign exchange to be generated), (ii) the socio-economic impact (i.e. the employment creation potential, the proposal utilization of new technology and the involvement of local content) and (iii) the strategic importance (the uniqueness to the proposed project and potential for down-stream development) of the investment. Alcoa will receive no less beneficial or advantageous fiscal and tax treatments than any industrial aluminum facility presently or hereinafter located in the Republic.

2.5 In the case of matters within the power and control of the Government, its ministries, and agencies, the Government shall grant all approvals, and other necessary consents, permissions, orders, licences, permits and approvals (“the Approvals”) whatsoever that may be required (including but not limited to approvals under the VAT Act, the Environmental Management Act, the Town and Country Planning Act, the Immigration Act, the Trinidad and Tobago Electricity Commission Act) to develop, contract, establish, commission, operate and maintain the Smelter Facilities, Intermediate Facilities, potential Downstream Facilities, and the Power Plant and/or to implement and give effect to the intent and scope of this Agreement, subject to the compliance by Alcoa with the necessary statutory and other usual requirements.

**3. GENERAL.****3.1 CHOICE OF LAW**

Subject to Clause 3.2, this Agreement shall be governed by and construed and all disputes herein shall be determined in accordance with the laws of the Republic and international conventions and treaties with any country or international body expressly recognized by the Government.

**3.2 ARBITRATION**

Any dispute or difference between the parties shall be determined by arbitration in London, England in accordance with the International Chamber of Commerce Rules. The Government waives sovereign immunity and agrees that such waiver, its submission and consent to arbitration and the jurisdiction of any court of competent jurisdiction shall be governed by the State Immunity Act, 1978 of the laws of England.

**3.3 CONFIDENTIALITY**

The Parties agree not to disclose to any person any Confidential Information during the term of this Agreement save for:

- (a) disclosures required by law, an order of any court or by any securities exchange, regulatory or other governmental body to which a party making the disclosure is subject or submits, wherever situated, whether or not the requirement for information has the force of law;
- (b) disclosures made to any employees, officers, directors, professional advisers, lenders, contractors or auditors of or to the parties in each case for the proper performance of their respective obligations, duties or services; or
- (c) disclosures whereby a party has given prior written consent to the disclosures, which consent shall not be unreasonably withheld or delayed, provided that all such persons to whom this information is disclosed are informed in writing in advance of the confidential nature of such information and a party shall obtain from such persons such assurances

“Confidential Information” shall mean all information, technology and data acquired or obtained by a party from another party relating to the Smelter or this Agreement, provided, however, that Confidential Information shall not include

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information, technology or data which is available or which becomes available to the public (other than as a result of a disclosure by the party asserting the right to disclose the Confidential Information).

### 3.4 NOTICES

- (a) Any notice or other communication to be given or made under this Agreement shall be addressed; in writing and shall be given or made as follows;
- (i) by personal delivery or reliable international courier, it being the intent of the parties that any delivery within the Republic shall be by personal delivery and any delivery from or to the Republic shall be by reliable international courier service; or
  - (ii) by facsimile containing the text of such notice to the facsimile number of the party as previously provided in writing by such party, each such notice so given or made shall be effective upon actual receipt by the relevant addressee.
- (b) The relevant name, address and facsimile number of each party for the purposes of this Agreement are as follows:

NAME OF PARTY	ADDRESS
The Government of the Republic of Trinidad and Tobago	c/o Minister of Public Administration and Information, and Energy. The National Library Building Cor. Hart and Abercromby Street, Port of Spain, Trinidad Facsimile: (868) 623-8027
Aiwa Inc.	390 Park Avenue New York, NY 10022-4608 Attention: Group President, Global Primary Products
National Energy Corporation of Trinidad and Tobago Limited	Corner Rivulet & Factory Roads Brechin Castle, Couva, Trinidad Attention: President Facsimile: (868) 636-2906



- (c) A party may notify the other party of a change to its name, address or facsimile number by written notice to the other parties in the manner aforesaid.

### 3.5 ASSIGNMENT

- (a) Alcoa shall not assign this Agreement (other than to an affiliate (as defined in the Companies Alcoa) without, the prior written consent of the Government which consent shall not be unreasonably withheld, conditioned or delayed.
- (b) Any assignment of this Agreement by Alcoa shall operate to vest in any such assignee all rights and powers herein conferred upon and granted to Alcoa.
- (c) The Government hereby consents to (i) the assignment by way of security by Alcoa of its rights and benefits under this Agreement (or any one or more parts hereof) and (ii) the grant or creation of a lien, charge or other security Interest by Alcoa in this Agreement (or any one or more parts thereof), in each case to their lenders or any agent or trustee on their behalf or any transferee or assignee thereof.

### 3.6 NO ORAL MODIFICATIONS; CHANGE IN LAW

This Agreement may not be changed orally, and no obligation of any party can be released or waived except by a writing, signed by a duly authorized officer of each of the parties to which such obligation is owed. The terms and conditions set forth in this Agreement in Principle shall be "grandfathered" and unaffected by changes in the laws of the Republic.

### 3.7 FORCE MAJEURE

Should an event of force majeure (meaning an event the cause or causes of which are not within the control of the party claiming force majeure, and which cannot be overcome by the exercise of reasonable diligence, such as any act of God, war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, insurrection, strikes, lock-outs and other Industrial disputes or actions, occur which affects the performance of the party's obligations under this Agreement, such party shall be entitled to a reasonable period of time to remedy the cause or causes of its inability to perform its obligations and use its best endeavours to remedy the cause of such delay to minimize the effects of such event of force majeure.

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3.8 FURTHER ASSURANCES

Each of the parties hereby undertakes and agrees with each other to provide and procure all acts, matters and things and to execute and deliver all agreements, deeds and documents to implement and give effect to the intent and scope of this Agreement.

3.9 ENTIRE AGREEMENT

This Agreement contains the entire agreement among the parties relating to the Smelter Facilities and supersedes all previous agreements, oral or in writing concerning the Smelter Facilities.

3.10 TERM

This Agreement shall remain in effect until the earlier of (i) the date three (3) years from the date first above written or (ii) the date this Agreement is superseded by a Project Agreement or other definitive agreements; provided, however, that notwithstanding the foregoing language, this Agreement shall not terminate so long as Alcoa or any one or more affiliate (as defined in the Companies Act) their respective successors and assigns shall continue in the due performance of its obligations set forth in Section 1.1 above, which performance shall not have been interrupted for a period longer than three years.

IN WITNESS WHEREOF the Government, National Energy Corporation of Trinidad and Tobago and Alcoa have executed this Agreement with due authority as of the day and year first hereinabove written.

SIGNED by: Senator Dr. the Honourable Lenny K. Saith,  
Minister of Energy and Energy Industries  
for and on behalf of THE GOVERNMENT OF THE REPUBLIC OF  
TRINIDAD AND TOBAGO in the presence of

SIGNED by: for and on behalf of ALCOA INC. in the presence of

SIGNED by: for and on behalf of NATIONAL ENERGY CORPORATION OF  
TRINIDAD AND TOBAGO LIMITED in the presence of