

SENATE*Wednesday, December 03, 2014*

The Senate met at 11.00 a.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Timothy Hamel-Smith, is out of the country.

PAPERS LAID

1. Ninety-Ninth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]
2. One Hundredth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. G. Singh*]

ORAL ANSWERS TO QUESTIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, the Government is in a position to answer question no. 8, question no. 9 and question no. 18. We would like a deferral of question no. 7 for two weeks.

The following question stood on the Order Paper in the name of Sen. Camille Robinson-Regis:

San Juan Terminal Mall**(Details of Contract)**

7. With respect to the contract with RK2 Engineering for certain works at the San Juan Terminal Mall, would the hon. Minister of Transport indicate:

- (a) whether the contract works have now been completed;
- (b) if not, the reason for the delay and when are these works to be completed;
- (c) if completed, would the Minister state on what date;
- (d) the original contract price and what sum has already been paid to the contractor;
- (e) whether the said sum is VAT inclusive; and
- (f) whether RK2 Engineering has been contracted/engaged to perform any other work(s) for the PTSC, since May 2010, and if so, would the Minister kindly indicate the site(s) and amount payable under each such engagement?

Question, by leave, deferred.

Financial Intelligence Unit

(Details of Suspicious Activity Reports)

8 Sen. Camille Robinson-Regis asked the hon. Minister of Finance and the Economy:

- A. Would the Minister indicate how many Suspicious Activity Reports (SARs) have been sent to the Financial Intelligence Unit for the years 2010, 2011, 2012, 2013 and July, 2014 respectively?
- B. How many of these SARs were sent to the Financial Investigations Branch (FIB) for each of these successive periods;
- C. Has any person or entity been charged for any offence related to money-laundering following any such SAR and/or activity by the FIB?

The Minister of Finance and the Economy (Sen. The Hon. Larry Howai): Thank you, Mr. Vice-President. For the years 2010, 2011, 2012, 2013 and July 2014, the Financial Intelligence Unit has received a total of 1,710 suspicious transaction activity reports. A breakdown by year is as follows: 2010, 111; 2011, 303; 2012, 258; 2013, 554 and for the period October 2013 to July 2014, 546. I should add, Mr. Vice-President, that the year—the reporting year for the FIU is October to September which coincides with the fiscal year of the Government, so the figures that I am reporting are in respect of those time periods for those respective years.

Part B, as it is known, the Financial Intelligence Unit does not disseminate Suspicious Activity Reports. A Suspicious Activity Report is analyzed by the FIU and an intelligence report is disseminated to the law enforcement agency if the case warrants. For the years 2010, 2011, 2012, 2013 and the period of October 2013 to 2014, the Financial Intelligence Unit has disseminated a total of 163 intelligence reports to the Financial Investigations Branch. A breakdown by year is as follows: 2010, 3; 2011, 12; 2012, 14; 2013, 63 and for the period October 2013 to July 2014, 71.

Part C of the question, Mr. Vice-President, the FIB has stated that the 12 money laundering charges have been filed to date with the assistance of the FIU. In 2011, one person with three money laundering charges arising from a fraud matter; in 2014, three persons with nine money laundering charges. So the three and the nine would be the 12 money laundering charges arising from a fraud matter.

There are no convictions as the above matters are still pending in the courts. The fraud charges were laid by the Fraud Squad. However, during the FIB investigation of these matters, the FIU provided intelligence and analytical

support. Thank you. [*Desk thumping*]

Mr. Vice-President: Senator.

Sen. Robinson-Regis: Thank you very much, Mr. Vice-President. Minister, would you be able to say if the investigations—if there is need for more investigators in order to have more of these matters come before the courts of Trinidad and Tobago because the numbers are pretty large but the numbers that actually go to the courts are very, very small? So would you be able to say whether there is that need?

Sen. The Hon. L. Howai: Mr. Vice-President, well, the investigations are actually conducted by the FIB which falls under the Ministry of National Security, so, perhaps, the Minister of National Security would probably be better placed to answer the question in terms of the resources for that Unit. I should add, though, that on a weekly basis, we have an inter-ministerial team that does meet with all of the different agencies with a view to try to move this forward, and from my understanding of the current situation from these inter-ministerial meetings, in fact, the Ministry of National Security is currently seeking to significantly increase the size of the investigating units.

Sen. Robinson-Regis: Further supplemental to the Minister. Thank you very much, Mr. Vice-President. Minister, given the small number of matters that go to the court, has this had an effect on the efficacy of the FIU and the SARs themselves?

Sen. The Hon. L. Howai: Mr. Vice-President, I do not think that it has had an issue—it is an issue in terms of the efficacy of the operations of the FIU, I think it is more a question of how do we take these intelligence reports, and actually when it gets to the FIB, get the FIB to perhaps convert these into meaningful charges that could be laid and could be prosecuted. So I do not

think it actually affects the FIU per se.

Sen. Al-Rawi: Further supplemental, Mr. Vice-President. Hon. Minister, relative to the 1,710 Suspicious Activity Reports or suspicious transactions activity reports, are you able to put a dollar figure next to that size of reporting?

Sen. The Hon. L. Howai: There is a dollar figure in the annual report but I do not have it with me at the moment. The information, though, would be publicly available through the annual reports of the FIU.

Sen. Al-Rawi: Further supplemental. Minister, was that in the range of the \$600 million upwards of a half a billion dollars—I cannot remember—if that is what you are referring to?

Sen. The Hon. L. Howai: This 1,710 would be for all the years, eh—
[*Interruption*]

Sen. Al-Rawi: I see.

Sen. The Hon. L. Howai:—from 2010—2014. I could not say what the total would be if you added all of the four, five years together, but it would be available in the various reports.

Sen. Al-Rawi: Further supplemental. Hon. Minister, relative to the capacity for investigation coming out of this particular figure which we thank you for, is the hon. Minister able to assist us as to whether the FIU has yet received clarification on the grey areas in the legislation and in particular, the Schedules to the Proceeds of Crime Act which is causing some degree of complication as to who ought to be investigated or not?

Hon. Senator: “Dah ah new question.”

Sen. The Hon. L. Howai: Yeah. I do not have the answer to that, Mr. Vice-President. Of course, we can deal with it as a separate question, but

again remember the investigations are actually done by the FIB as opposed to the FIU. The FIU would review the reports and then pass those over to the FIB—the intelligence reports over to the FIB which would then be responsible for actually carrying out the investigations. If there are some grey areas, I would need to go back and get some specifics on those.

Sen. Al-Rawi: Thank you.

Mr. Vice-President: Any further supplemental?

Dr. Dwayne Gibbs and Mr. Jack Ewatski

(Details of Payments)

9. Sen. Camille Robinson-Regis asked the hon. Minister of National Security:

With respect to ex gratia payments made to Dr. Dwayne Gibbs and Mr. Jack Ewatski, the former Commissioner of Police and Deputy Commissioner of Police, would the Minister indicate:

- (a) the date upon which these payments were actually made;
- (b) from which Head and Sub-Head of his Ministry's budgetary allocation were these funds drawn;
- (c) whether the Police Service Commission recommended that the Government make ex gratia payments to the two former police officials;
- (d) whether all former Commissioners and Acting Commissioners who demitted office within the past five (5) years were paid all of their entitlements upon demitting office?

The Minister of National Security (Sen. The Hon. Gary Griffith): Thank you, Mr. Vice-President. I wish to state that hon. Members are advised that the ex gratia payments made to the former Commissioner of Police and

Deputy Commissioner of Police, Dr. Dwayne Gibbs and Mr. Jack Ewatski, these cheques were dated September 28, 2012. The ex gratia payments to Dr. Gibbs and Mr. Ewatski, they were made under the following vote: Head 64: Trinidad and Tobago Police Service, Sub-Head 04, Current Transfers and Subsidies, Item 007, Households, Sub-Item 01, Ex Gratia Awards. The Police Service Commission did not recommend that the Government made ex gratia payments to the two former police officials. The recommendation was made, in fact, by the National Security Council and was subsequently approved by Cabinet in July 2012.

According to information received by the Trinidad and Tobago Police Service, the only other Commissioner of Police who demitted office within the last five years—and this is pertaining to the question about whether all other former commissioners who demitted office within the last five years were paid all of the entitlements upon demitting office, the answer is that the only Commissioner of Police who demitted office within that five-year period, Mr. James Philbert, he was paid—all entitlements were paid upon departure in accordance with the provisions of the police Pension Act. Thank you, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: Any supplemental?

Sen. Al-Rawi: Supplemental, Mr. Vice-President?

Mr. Vice-President: Please do, hon. Senator.

Sen. Al-Rawi: Thank you. Hon. Minister, with respect to these ex gratia payments, did you say that the Police Service Commission did not make the recommendation?

Sen. The Hon. G. Griffith: “Yuh correct.” They did not.

Sen. Al-Rawi: Sorry, would you put it on the record?

Hon. Senator: He did it already.

Sen. Al-Rawi: Just for clarification.

Sen. The Hon. G. Griffith: Yeah. The Police Service Commission, they did not recommend that the Government make the ex gratia payments. This was made from the National Security Council and was subsequently approved by Cabinet.

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you aware that the previous Minister of National Security came to this Senate and said on the record that it was the recommendation of the Police Service Commission—
[Interruption]

Sen. The Hon. G. Griffith: Or.

Sen. Al-Rawi:—that these ex gratia payments be made?

Sen. The Hon. G. Griffith: This one?

Sen. Al-Rawi: No, Sir, Mr. Warner.

Sen. Robinson-Regis: The previous, previous.

Sen. The Hon. G. Griffith: Mr. Vice-President, no, I am aware of that. What I can state is that it would be inappropriate for the Police Service Commission to recommend such because the role and function of the Police Service Commission has to do specifically with appointments, discipline, transfers and so forth, and their responsibility has to do with terms and conditions. When it pertains to salaries and contracts, that would be dealt with by the CPO, the Minister of Finance and the Economy and so forth, so this cannot be done through the Police Service Commission.

Sen. Al-Rawi: Further supplemental. Hon. Minister, would you be in a position to tell the Senate whether these ex gratia sums, in fact, totalled to the exact amount of the outstanding number of months left on the contracts

for each of these persons?

Sen. The Hon. G. Griffith: Mr. Vice-President, no, I would not be able to give that answer at this time.

11.15 a.m.

Sen. Robinson-Regis: Supplemental, please, Mr. Vice-President. Minister, would you be able to indicate under what circumstances the National Security Council made that recommendation? Is that within the National Security Council's remit?

Sen. The Hon. G. Griffith: Mr. Vice-President, yes as stated, pertaining to the Police Service Commission, they are not the ones responsible in any way pertaining to ex gratia awards. This has to be dealt with specifically through the Ministry of Finance and the Economy and the CPO. So, upon that, it is only the National Security Council and Cabinet that can approve such ex gratia awards.

Sen. Al-Rawi: Hon. Minister, further supplemental. Would you, perhaps, be in a position to advise who would have chaired that National Security Council meeting from which this action item arose?

Sen. The Hon. G. Griffith: Mr. Vice-President, no I would not. At that time I was not in the National Security Council. I know that the National Security Council is chaired by the hon. Prime Minister. I do not know if she chaired that meeting at that time, so I would not be able to give that answer.

Sen. Robinson-Regis: Further supplemental, Mr. Vice-President. Minister, are you saying, therefore, that the CPO made the recommendation?

Sen. The Hon. G. Griffith: Mr. Vice-President, no I did not. What I am saying is that ex gratia awards, that any matter pertaining to that, would be dealt with, through either the Ministry of Finance and the Economy or the

CPO. In this particular situation, the recommendation was made by the National Security Council and subsequently approved by Cabinet in July 2012.

Vehicle Management Corporation of Trinidad and Tobago
(Details of Management Positions)

18. Sen. Avinash Singh asked the hon. Minister of Transport:

With respect to the Vehicle Management Corporation of Trinidad and Tobago, could the Minister please advise this Senate on:

- (a) whether the CEO contract at VMCOTT was terminated by the new Chairman of the Board; if so, on what basis was it done;
- (b) whether the Chief Operating Officer position at VMCOTT was in existence prior to 2010;
- (c) whether the Chairman of VMCOTT is an Executive Chairman; and
- (d) whether the Managers at VMCOTT met the minimum qualifications for their positions?

The Minister of Transport (Hon. Stephen Cadiz): Thank you, Mr. Vice President. Question No. 18 deals with VMCOTT, and the answers are as follows: (a), the answer is yes; (b), a decision by the board of directors; (c), no; (d), no; (e), yes. [*Laughter and desk thumping*]

Sen. A. Singh: Mr. Vice-President, supplemental. Could the hon. Minister indicate if this position was advertised?

Hon. S. Cadiz: And what position would that be?

Sen. A. Singh: The Chief Operating Officer position, Mr. Vice-President.

Hon. S. Cadiz: I could not say whether it was advertised but the Chief Operating Officer's position was actually determined in March of 2010, but

I do not know if it was advertised. I would assume it is would be advertised but that is information I would have to get.

Sen. A. Singh: Further supplemental, Mr. Vice-President. Could the hon. Minister indicate who the current Chief Operating Officer of VMCOTT is?

Hon. S. Cadiz: As Minister, I am not too sure of who all the officers are in these agencies and I would have to get that information for you.

Sen. A. Singh: Further supplemental. Could the hon. Minister indicate what is the job description for this position and the salary range?

Hon. S. Cadiz: I would assume that that is another question that would have to be filed, Mr. Vice-President.

Sen. A. Singh: Further supplemental, Mr. Vice-President, can the hon. Minister indicate if all the managers qualify for their position at VMCOTT?

Hon. S. Cadiz: The question under (d) was whether or not the managers met the minimum qualifications, and I have already said yes.

Sen. Al-Rawi: Sorry, further supplemental.

Mr. Vice-President: Go ahead, Senator.

Sen. Al-Rawi: Thank you, Mr. Vice-President. Hon. Minister, perhaps you could—I do not know if you are in a position to answer this but, with respect to part (a), your answer was no. Correct?

Hon. S. Cadiz: No, it was yes.

Sen. Al-Rawi: The answer was yes, he was terminated?

Hon. S. Cadiz: Yes.

Sen. Al-Rawi: Following from that, hon. Minister, would you be able to inform the Senate as to whether there was any ligation pursuant upon the termination?

Hon. S. Cadiz: As far as I am aware, no.

Sen. Al-Rawi: Hon. Minister, further supplemental. Was there any ex gratia payment upon termination in these circumstances?

Hon. S. Cadiz: Again, these are questions that would have to be filed, Mr. Vice-President.

Sen. Al-Rawi: Sorry, you consider that a new question?

Hon. S. Cadiz: Yes.

Sen. Al-Rawi: Sorry, yes you do. Thank you. Further supplemental, Mr. Vice-President. Hon. Minister, are you in a position to inform as to whether the Chief Operating Officer is the same Chief Operating officer from the period 2010 to 2014?

Hon. S. Cadiz: Again, Mr. Vice-President, I have answered all the questions on question No. 18. If it is that there is further information required about the operations of VMCOTT, I would strongly recommend that the hon. Senators file the questions as they see fit. [*Desk thumping*]

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you the Minister, who has conduct and charge of this particular entity?

Sen. G. Singh: You cannot ask that.

Sen. Al-Rawi: It is a question?

Mr. Vice-President: You do not have to answer.

Sen. Al-Rawi: Why not, Mr. Vice-President?

Mr. Vice-President: A question has been posed relative to the Minister of Transport. So all of us here are fully aware that the Minister is not a sitting Senator of the House and he is here answering the question in the person of the Minister. So why are we asking if he still is? I do not think that is relevant.

Sen. Al-Rawi: Thank you, Mr. Vice-President. If I may just explain why.

The reason is that the hon. Minister appears to know nothing about this particular Ministry. That is why, so, forgive me if it was rhetorical.

Hon. S. Cadiz: Mr. Vice-President, the questions that were asked under question No. 18 were very specific questions and each question, with a specific answer for each question.

Sen. A. Singh: Further supplemental, Mr. Vice-President. To part (c), the hon. Minister indicated, no. I just wanted to know, has the Minister ever instructed the Chairman of VMCOTT to send out a letter via the Acting CEO, to all managers and board of directors, for the managers not to comply with sub-committee directions and requests for information to carry out their work must be sent to the chairman for approval?

Sen. Ramlogan SC: “Dah ah whole new ting.”

Sen. A. Singh: That is part (c).

Sen. Ramlogan SC: That is a whole new category.

Hon. S. Cadiz: Mr. Vice-President, with all due respect to the hon. Senator, part (c) asks whether the COO, whether that position at VMCOTT was an existing position prior to 2010. That is the question. That has nothing to do with further instructions after 2010, regarding any part of the operation of VMCOTT. And the answer to (c) was simply no, that it was not a position prior to 2010. I added, however—I did add—[*Interruption*]

Mr. Vice-President: Hon. Senators, please allow to Minister to explain.

Hon. S. Cadiz: The answer to the question was simply, no, it was not a position that was already existing. Was it existing? No, it was not. That is the answer. I did, however, add that in March of 2010, VMCOTT did in fact create the position, March of 2010. Prior to 2010, the answer is simply no. There is nothing else you can expound on or talk about after that. No is no.

[Both Senators A. Singh and Robinson-Regis stood at the same time]

Sen. Robinson-Regis: Supplemental, Mr. Vice-President.

Mr. Vice-President: “Ah studying who tuh recognize.” You all are standing at the same time.

Sen. Robinson-Regis: You could recognize him.

Mr. Vice-President: Seeing Sen. Avinash is the one who posed the question I would give him the opportunity.

Sen. A. Singh: Thank you, Mr. President. I was specifically talking about (c) and I was not indicating part (b), we are way past part (b). The question again, was the Minister—*[Interruption]*

Mr. Vice-President: Sen. Avinash, with all due, you posed the question, the question was answered by the Minister. There were further supplementals of which he answered. I would prefer that we do not go to back to the original or substantive question. If you have any supplemental questions that you wish to continue, do so. Thank you.

Sen. A. Singh: Thank you, Mr. Vice-President. I seek clarification for part (c) again because the Minister did not seem to answer it.

Sen. Ramlogan SC: “What clarification yuh want?”

Mr. Vice-President: Please, please. The Minister will ask for clarification of the question, please.

Hon. S. Cadiz: All right, whether the Chairman of VMCOTT is an executive chairman? The answer is, the chairman of VMCOTT is not an executive chairman.

Mr. Vice-President: Are there any further questions.

Sen. Robinson-Regis: Thank you, very much Mr. Vice-President. With regard to (a), the Minister answered that the CEO was terminated by the new

chairman of the board, but I am not sure that the Minister answered on what basis it was done. Would the Minister be able to indicate on what basis?

Hon. S. Cadiz: Mr. Vice-President, the basis, it was done as a decision of the board of directors.

Sen. Al-Rawi: Further supplemental, Mr. Vice-President. Just to try and get to the root of this, part (a) of the question asks on what basis—it was done. Was it a constructive dismissal? Was it for cause? Was there fraud? Surely the hon. Minister would know what the basis is, not that it was a decision of the board. The decision of the board is just a fact. Is there a basis, yes or no, hon. Minister?

Sen. G. Singh: That is a new question.

Sen. Al-Rawi: That is the question. “What you mean new question?”

Mr. Vice-President: Hon. Senators, we understand. I do believe that all of us here understand the question that has been asked and it really spoke, in terms of the basis of how it was done. On what basis was it done?

Do you have the answer, Mr. Minister on the basis on which it was done?

Hon. S. Cadiz: I have nothing further to add, Mr. Vice-President.

Sen. Al-Rawi: Further supplemental, Mr. Vice-President, and I am sure you would appreciate this as a man with trade union experience yourself. Is the hon. Minister, telling the Senate that the hon. Minister, in answering this question, has nothing to add at all, in relation to the basis for dismissal, which is the specific question before you? Is that an answer, Mr. Vice-President?

Mr. Vice-President: Please, please. Mr. Minister, with all due respect, the question seems to be very simple according to the question posed there. Part (a) indicates quite clearly:

“whether the CEO’s contract at VMCOTT was terminated by the new Chairman of the Board; if so, on what basis was it done?”

So, therefore, if you do not have the basis on which it was done you could say so and further then questions would be given. But it is quite clear and specific of which they are right to ask. [*Crosstalk*] Please, I am not hearing. I was just saying that the question posed by the questionnaire, it is quite simple, on what basis? If the basis of where he was fired or terminated is not know you could say so and further information could be given. Thank you.

Hon. S. Cadiz: I can provide that, Mr. Vice-President. If there is any further information that is required I will provide it.

Sen. Al-Rawi: Thank you further supplemental, Mr. Vice-President. I thank the hon. Minister. May I ask humbly is this a commitment to provide the answer, and if so on what date? Perhaps the hon. Minister is deferring a part of this question. I have no problem with that if he needs to get his facts. I am just asking on what date we can expect that answer?

Hon. S. Cadiz: Mr. Vice-President, if it pleases the hon. Senator, I can submit it in writing, the decision of the board.

Sen. Al-Rawi: Much obliged. Thank you.

Mr. Vice-President: Is there any further supplemental? It seems no. Please.

STATEMENT BY MINISTER

Petrotrin’s Financial Position

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Vice-President. I rise to make a statement on the financial position of Petrotrin in light of low refinery

margins over the last two years and the recent fall in oil prices and the expected further shrinkage of refinery margins.

Petrotrin lost TT \$346 million, which is unaudited in fiscal 2014, and just broke even in fiscal 2013. This was due to losses by the refining arm of the company. The upstream side of the company remained profitable in 2014. Losses in the refinery are principally due to the collapse in the gross refinery margin. The gross refinery margin is the difference between the cost of a barrel of crude oil and the value of the refined products that are derived from the refining of that barrel of crude oil. The gross margin, like the oil price, is a variable over which we have no control.

The fall in the gross refining margin at Petrotrin is a feature of a worldwide oversupply of refinery capacity compounded by the shale oil revolution, which has seen American refiners benefit from cheaper crude oil and lower natural gas prices. As a result, Mr. Vice-President, the US refinery utilization rates in July 2014, peaked at 94 per cent, the highest they have been since 2005.

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American refineries are, therefore, more competitive than their counterparts outside of the United States.

These depressed margins have led to the closure of some sixty (60) refineries worldwide over the last five (5) years, with a further eleven (11) currently being contemplated for possible closure in other parts of the world. In our very own Caribbean region two (2) refineries have closed in recent years.

In Europe thirteen (13) refineries have closed in the last five years.

Petrotrin and indeed the country is not immune from this global scenario. Petrotrin is now facing the spectre of falling oil prices which jeopardises the profitability of its upstream business. Oil prices as we all know have plummeted more than 30 per cent since June 2014 and are currently at their lowest levels in four years.

As a consequence, Petrotrin has had to cut some TT \$340 million out of its operating budget for fiscal 2015 compared to fiscal 2014. Even with this significant cut in operating expenses the company will still incur another projected loss in fiscal 2015 at current oil prices and current refinery margins.

Petrotrin's salaries and wage cost inclusive of benefits and allowances are 54.5 per cent of its recurrent budget. This compares to the benchmark of 35 per cent to 40 per cent for national oil companies around the world.

The other major challenge Petrotrin faces is the debt burden of the company.

In 2002, the total debt of Petrotrin was TT \$ 3.3billion. By 2010, when the former PNM administration left office, it had increased almost four fold to TT \$12.4 billion almost a 400 per cent increase in total debt. The main driver of the increase in debt burden in that period included the issuing of two bonds, one in 2007 for US \$750 million and the other in 2009 for US \$850 million. These bonds were issued to support projects in the refinery, including the gasoline optimization programme, which experienced significant cost escalation and schedule slippage. These bonds have burdened the company's expenditure.

As at December 01, 2014 the company's total debt (unaudited) is TT

\$14.38 billion. This figure is comprised of TT \$6billion in short-term debt, and TT \$8.38 billion in long-term debt. The weighted average interest rate on total debt is 5.54 per cent.

The repayment figure for the long-term loan payments for 2014 and that is only in that year 2014, is TT \$1.26billion. For 2015, that figure is TT \$1.23 billion. In addition to falling refinery margins and falling oil prices, the company must therefore also contend with servicing its international debt obligations arising out of these two bonds. The company, I want to tell the Parliament, has met these obligations.

Despite this Petrotrin has never been a burden to State and, in fact, contributes annually between TT \$2 billion and TT \$5 billion directly to the national coffers, by way of taxes and indirectly through employee taxes to the State, support for a wide network of contract services and by being the principal source of employment for a wide community of contactors and service providers.

All analysis show the way forward for the company, is to increase crude oil and gas production, and that can come from Petrotrin's own efforts as well as from ventures such as its Lease Operatorships, Farmout Operatorships, Incremental Production Service Contracts and Joint Venture programmes. Improved production is also expected to be realized from the company's Trinmar Operations, and more specifically, from the Jubilee field and the ongoing South West Soldado project. These projects will take time to yield maximum benefits.

Additionally, the company is scheduled to retain additional drilling capacity in both its Land and Trinmar Operations from January 2015, to

improve its production and reserves position. In the interim, Petrotrin must tightly control cost. To do otherwise, would be to endanger the company. We must not kill 'the goose that laid the golden egg'.

Petrotrin has tremendous potential for increasing its oil production and is actively pursuing multiple initiatives in this regard. It has started to put in place the building blocks to achieve this potential.

By mid-2014, the company had required 540 square kilometres of 3D seismic data, in its Trinmar and north marine acreages in fulfilment of its new licence obligations, and in its ongoing thrust to explore for and exploit the resources intrusted to it by the State. Further, the company has also acquired the largest 3D seismic data set over of land in its licenced acreage, and that is 312 square kilometres of 3D seismic, and is actively pursuing exploration and development drilling leads in this regard. The combined cost of these two seismic programmes is TT \$0.8 billion.

There are further plans for development drilling on land and in Trinmar in 2015. In addition, the flagships South West Soldado project is well advanced. The project comprises three (3) phases, with total Capital Expenditure over the next five years, estimated at TT \$3.5 billion. Phase 1, which is currently in implementation mode, is estimated to cost approximately TT \$2.3 billion. It is estimated that incremental production from South West Soldado will be approximately 6,000 barrels of oil per day which will be realized by the end of 2015.

Overall, it must be recognized that the company is at a sensitive stage in the implementation of its turnaround plans. Its revenues have been impacted by falling oil prices and falling refinery margins. At the same time

it must service its debt especially the debt arising out of the two international bonds of 2007 and 2009 vintage.

Petrotrin, is one of this country's major employers with some 4,300 permanent employees and 1,200 temporary workers on its payroll. The company supports a pensioner base inclusive of spouses and beneficiaries of about 5,400 persons. The company runs a medical system for employees, retirees and their dependents totalling some 25,000 persons and provides support for numerous sporting and cultural groups around the country."

Mr. Vice-President, this is a time when the employees of Petrotrin must continue to work towards building the company. This is not a time for acrimony at Petrotrin. This is not a time to breakdown Petrotrin. This is a time to build up Petrotrin. [*Desk thumping*]

Mr. Vice-President, in closing, I would say this is also a time for the employees of the company to recommit to building up the company, to stabilizing it and putting it on a growth path for the future.

Thank you very much. [*Desk thumping*]

FOSTER CARE REGULATIONS, 2014

The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau): [*Desk thumping*] Thank you, Mr. Vice-President. I beg to move Motion No. 1 standing in my name. I seek the leave of the Senate to debate along with this matter, Motions No. 2 and 3 on the Order Paper which relates to the same subject.

Assent indicated.

Mr. Vice-President, I would want to begin by saying that I really appreciate being here. Historic for me because it is the first time I am at this

Chamber, [*Desk thumping*] among my parliamentary colleagues. I also do wish that when in this Parliamentary gladiatorial Chamber, that when I leave, I would leave with some degree of patriotic euphoria, knowing that collectively we have agreed to this Motion. Thank you. [*Desk thumping*]

The three sets of regulations before this honourable Chamber, together with the Acts under which they are made, will facilitate the operationalization of the Children's Authority, thereby enabling the Authority to deal with the nation's children who are in need of care and protection. [*Interruption*]

Mr. Vice-President: Minister, sorry. Minister, I just want to inform you, you started reading the Motion before you, but you did not indicate "whereas", which will form part of how the Motion is supposed to be read. So could you please restart by saying "whereas"? Thank you.

Hon. C. De Coteau: Thank you, Mr. Vice-President.

Mr. Vice-President: Take it in good stead because this is the first time that you have been present here.

Hon. C. De Coteau: No, no, no they are educating me. Every day you learn something new.

Mr. Vice-President: No, it is not a matter of education, this is how the Senate operates. We help each other. [*Laughter*]

Hon. C. De Coteau: Thank you, Sir. I am always receptive to learning.

"Whereas it is provided by section 53 of the Children's Community Residences, Foster Care and Nurseries Act, 2000 (hereinafter referred to as "the Act") that the Children's Authority of Trinidad and Tobago may with the approval of the Minister of Gender, Youth and Child

Development, make Regulations in respect of the imposition of requirements as to the accommodation and equipment to be provided in residences, foster homes and nurseries, medical arrangements to be made for protecting the health of the children in community residences and foster homes, the provision of information to the Children's Authority of Trinidad and Tobago by the Managers as to the facilities provided for the parents or guardians of children in community residence and foster homes to visit and communicate with the children and where not so provided to authorise the Authority to give directions as to the provisions of such facilities, and all such other matters and things as may appear necessary or expedient or are required to be prescribed for effectively carrying into operation the provisions of the Act;

And whereas it is provided by section 53(2), that Regulations made under the Act shall be subject to affirmative resolution of Parliament;

And whereas the Children's Authority has on the 14th day of November, 2014 made the Foster Care Regulations, 2014;

And whereas the Minister of Gender, Youth and Child Development has on the 18th day of November, 2014 approved the Foster Care Regulations, 2014;

And whereas it is expedient that the Foster Care Regulations, 2014 now be affirmed;

Be it resolved that the Foster Care Regulations, 2014 be approved.

I beg to move. Thank you.

So Mr. Vice-President, if I may again begin where I was stating that

the three sets of regulations before this honourable Chamber, together with the Acts under which they are made, will facilitate the effective operationalization of the Children's Authority, thereby enabling the Authority to deal with the nation's children who are in need of care and protection.

Mr. Vice-President, it is imperative to provide a historical insight into why we are here today. As a country, we felt the pain and horror of losing some of our most vulnerable children, who were subjected to the worst forms of atrocities and savagery. In this regard, we can all recall, Akile Chambers, Amy Annamunthodo, Tecia Henry, Sean-Luke Lum Fai, Hope Arismandez, Daniel Guerra and many others.

We have reached the stage in our society and some of us may hypothesize, it might be an ideal hypothesis on many of us, that because of our collective neglect to recognize that care and protection of our nation's children should be our collective responsibility, it has become necessary for us to be here today do what we have to do.

11.45 a.m.

As such, the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC, being a noted champion and advocate for our children, took the proverbial bull by the horns and decided to place the modernization and implementation of the child protection system at the top of the children's agenda in our country, Trinidad and Tobago.

In this regard, the hon. Prime Minister initiated the appointment of the Child Protection Task Force in December 2013. The mandate given by the hon. Prime Minister to the Cabinet and to the task force was to address, with

urgency, the prevention of abuse, early detection and protection of children at risk.

Mr. Vice-President, a key part of the mandate was to accelerate the full operationalization of the Children's Authority and I do have to apologize for that lisp of mine that makes some words difficult to flow at times.

Sen. Ramnarine: You are still very eloquent.

Hon. C. De Coteau: I am still eloquent. Thank you, Sir.

Sen. G. Singh: It is working in Moruga. You bare ahead of the polls.

Hon. C. De Coteau: It is working in Moruga. I feel humbled. Probably it is the Moruga scorpion pepper. [*Desk thumping and laughter*]

Mr. Vice-President, permit me to provide the context of the new child protection system within which the regulations before the honourable Chamber will be implemented.

Hon. Senators will be aware that the package of children's legislation was introduced in 2000 for the establishment of a new and modern child protection system. At the time, the existing child protection system, which had been in place for some 75 years, had many deficiencies which are well documented in reports dating back to the '70s and perhaps even earlier. These deficits extended to the lack of centralized mechanism for reporting abuse or neglect, inadequate case management, lack of coordination among first responders and service providers, inadequate assessment of children leading to inappropriate placement, systems trauma, insensitivity and lack of regulation of the child protection sector.

The Children's Authority Act, 2000 and Children's Community Residences, Foster Homes and Nurseries Act, 2000, the two main planks of

the legal framework establishing a new system, were intended to address these deficits. The Children's Authority Act, 2000, establishes a central entity, namely the Children's Authority, with responsibility for managing, coordinating and regulating the new system. The Children's Community Residences, Foster Homes and Nurseries Act, 2000 sets out the framework for the licensing and monitoring of the community residences and nurseries by the Authority and for the establishment of a foster care system to be managed by the authority.

The more recent Children Act, 2012 will also significantly strengthen the new child protection system. It may be noted that the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act were amended in 2008. However, the essential structures of the parent Acts remain unchanged.

It is important to summarize the Authority's broad powers, functions and duties as outlined at section 5(1) of the Children's Authority Act, Chap. 46:10, paragraphs (a) to (i), since these are relevant to the regulations before the honourable Chamber. These include the following:

- To provide care, protection and rehabilitation of the children as specified in the Act;
- To investigate complaints with respect to children in the care of community residences, foster homes or nurseries and the residences, homes and nurseries that may have failed to comply with the standards prescribed under Children's Community Residences, Foster Homes and Nurseries Act;
- To investigate incidents of mistreatment of children in community

residences, foster homes and nurseries;

- To investigate complaints or reports of mistreatment of children generally and remove children from their homes where they are in imminent danger; and
- To license community residences and nurseries and monitor to determine compliance with prescribed requirements and to suspend or revoke such licences.

The mandate of the Children's Authority, as set out in the Children's Authority Act is, therefore, quite broad and this mandate has been further broadened by the Children Act, 2012. The 2012 Act is very much linked to the new child protection system and its implementation relies to a large extent on the commencement of the operations of the Children's Authority. Hence the regulations before us today are also critical to the proclamation and implementation of the Children Act, 2012.

The interconnectedness, the interdependence, the coherence of the three pieces of legislation need to be stressed. The regulations before this august House, though made pursuant to two separate statutes are relevant to the entire child protection system and also to the Children Act, 2012 and the Adoption of Children Act, 2000.

Foster care and children's homes will comprise important alternative placement options for children in need of care and protection under the Children's Authority Act. These placements will in turn be regulated by the Authority under the Children's Community Residences, Foster Homes and Nurseries Act, 2000. There are also several instances under the Children Act, 2012 whereby child victims and child offenders may be deemed to be in

need of care and protection by the courts, thereby invoking the mandate of the Authority under the Children's Authority Act.

Moreover, in all of these instances, it would be within the contemplation of the courts that regulatory control over foster homes and community residences will be exercised, such that they meet the standards prescribed in the regulations. So that, at the end of the day, the beneficiaries will be the children, the courts and the society at large. Above all, we are establishing measurable standards that before were non-existent.

Mr. Vice-President, I will now deal with the regulations before the Chamber today. The regulations before the hon. Chamber will give effect to the provisions of the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act.

We turn now to the Children's Authority Regulations. Section 51 of the Children's Authority Act provides for regulations to be made by the Children's Authority with the approval of the Minister in respect of:

- (1) the burial of children in care of the Authority; and
- (2) matters which are required to be prescribed under the Act and for the purpose of giving effect to the provisions of the Act.

The Act sets out the broad framework for the exercise of the Authority's mandate and the regulations will give effect to the provisions where necessary.

It is necessary to examine the structure of the Act in order to more fully understand the need for the regulations as set out before us today. The framework for the Authority's exercise of its investigative and assessment powers and its powers to receive a child into care is set out in sections 14, 22

and 23 of the Children's Authority Act.

While the circumstances under which it is required to make application to the court for an appropriate order, including emergency orders, are specified in sections 24(j), 25 and 25(a) of the Act, an examination of these sections reveals that the matters that are required to be prescribed in regulations are largely of a procedural nature, meaning that the regulation must state clearly how the provisions under the Act are going to be triggered—how they are going to work for the Children's Authority Act.

Section 22(2) is an extremely important provision that requires procedural measures to be spelt out in the regulations. The subsection crucially widens the reporting options for any member of the public where he or she believes that the child is in need of care and protection and such a person will be able to seek the assistance of the Authority.

Mr. Vice-President, the manner in which the reports are to be received needs to be spelt out in the regulations and this is addressed in Regulation 2. A wide range of options for making reports is provided, including orally, in writing or by electronic or other means. In other words, the public is to be encouraged to make a report and the means by which a report is made ought not to be a deterrent. They must be encouraged.

The requirement in sub-regulation (2) Regulation 2, whereby the Authority is mandated to establish and maintain a record of all the information contained in a report, is an extremely important aspect of making a report, and one which invites the confidence of the public.

Every report must, therefore, be recorded in accordance with that sub-regulation. How the Authority may Act in exercising its investigative and

assessment powers is specified in sections 22(1) and (14) of the Children's Authority Act, respectively.

Section 22(1) also specifies the circumstances under which an Authority may receive a children into its care. In order to give effect to these sections, a procedural mechanism is needed to trigger the exercise of the powers. Sub-regulations (3), (4), (5) and (6) of Regulation 2 identify this mechanism as a receipt of the report. The receipt of the report will trigger a cascade of events with each flowing logically from the prior event as specified under these sub-regulations. That is:

- (1) Investigation;
- (2) Assessment; and
- (3) Receipt of the child into care.

Very important—and they do not exist at the moment. So, if I should use the colloquial expression, it is a vaille-que-vaille kind of approach now—take the child and put the child wheresoever, doing more harm than good. So we are going to follow these procedures: investigation, assessment, receipt of the child.

It is also important to know that a child may be in need of care and protection, but need not to be taken into care. This is an important group of children that may nevertheless require varying degrees of care, protection and monitoring. Once in the system, they can be tracked and monitored to avert future harm.

Powers of referral and application to the courts for an appropriate order are already provided for under the Children's Authority Act and are spelt out in sub-regulation (6) of Regulation 2 in respect of this category of

children. It is evident that the report of a child in need of care and protection and the infrastructure for so doing are crucially important and it is incumbent on the Children's Authority to establish a robust reporting system that could withstand legal scrutiny.

In this regard, the Children's Authority has established a Child Protection Information Management System and all such reports will be entered into this system. A risk assessment matrix has been developed to determine the level of risk to enable a decision to be taken with respect to investigation. This will also be done electronically with several checks and balances incorporated. The system has built-in confidentiality guarantees and only identified staff will have access. A unique identifier will be used to identify the child, which is to be distinguished from the number of cases and the number of times the child enters the system.

As I indicated, the Children's Authority Regulations deal with the procedures for triggering several of the functions of the Children's Authority. One of most important is the Authority's investigative function. These investigative powers relate only to the care and protection of children and are to be distinguished from the criminal investigative functions of the police. It becomes clear, however, that the investigative functions of the police and those of the Children's Authority will be intersecting on a regular basis. For instance, wherever there is reason to believe that criminality is attached to a case being investigated by the Children's Authority, it must immediately contact the police. Further, the assistance of the police will be sought where a child is in imminent danger and has to be removed from his or her home.

12.00 noon

Members may recall that this is one of the functions of the Authority under the Children's Authority Act. In like manner, the police will be seeking assistance from the Authority where it encounters a child in need of care and protection. The police and the Authority will, therefore, need to work very closely together.

Mr. Vice-President, I am pleased to say that one of the recommendations of the Child Protection Task Force was the establishment of a specialized police Child Protection Unit to work hand in hand with the Children's Authority. Mr. Vice-President, this recommendation emanated from the Second Report of the Child Protection Task Force in March 2014, and today the Child Protection Unit of the Trinidad and Tobago Police Service has been established. [*Desk thumping*] At present, the unit has 85 trained officers and the training is ongoing. Training has been completed in a range of specialized areas including: investigating sexual offences, interviewing children and rape trauma syndrome.

During the period November 17 to 21, 2014, officers were trained by the United States Federal Bureau of Investigation in forensic interviewing and additional training in understanding trauma of children will be conducted during the periods December 8 to 12 and December 15 to 18. Meetings will be held with the Counter Trafficking Unit, Interpol and the Victim and Support Unit of the police service to ensure assistance for foreign children who may be victims. At this point, Mr. Vice-President, I would like to congratulate my Cabinet colleague, the hon. Minister of

National Security [*Desk thumping*] and I want to also congratulate the Acting Commissioner of Police for this achievement.

Further, Mr. Vice-President, the assessment of children as required under section 14 of the Children's Authority Act, and which is dealt with procedurally in the regulations under consideration will be carried out at an assessment centre by qualified professionals. Mr. Vice-President, I want to repeat this: repetition leads to some degree of retention. The assessment of children as required under section 14 of the Children's Authority Act and which is dealt with procedurally in the regulations under consideration, will be carried out at assessment centres by qualified professionals. [*Desk thumping*] This is absolutely necessary. It is non-existent at the moment. When a child seems to have some kind of challenges they just throw that child, abandon that child, and that child graduates from the primary level to the YTC level, to the Carrera level or the Golden Grove level. We want to avoid that. [*Desk thumping*]

One such assessment centre is located at the Eric Williams Medical Sciences Complex and has been fully outfitted and staffed by the Children's Authority and is ready to commence its operations. Another is being outfitted at the San Fernando Teaching Hospital and will be completed in January 2015. In addition, the Government, through the Ministry of Gender, Youth and Child Development, has commenced the construction of two assessment centres: one located in Chaguanas and the other at Manahambre Road, Princes Town. This is the Government working for you. [*Desk thumping*]

It will be observed that no regulations have been made for the burial of children in the care of the Authority. The reason for this is that sections 37 and 38 of the Children's Authority Act adequately cover the issues in relation to burial. Since the Children's Authority Regulations specifically address procedural issues, they were developed by the Children's Authority and refined by a committee comprising representatives of the Authority and the Ministry of Gender, Youth and Child Development.

I turn quickly to address the Children's Community Residences Regulations. Historically, and up to the present time, children's homes remain the primary placement option for children in need of care and protection. As noted, there are some 50 children's homes housing approximately 800 or more children of various ages who have been placed in these homes by the courts usually due to abandonment, neglect or abuse. Children's homes of varying sizes and capacities have mushroomed over the past two or three decades in order to fill a need, but have remained unregulated and have resulted in very uneven standards of care in these homes.

The Children's Community Residences, Foster Homes and Nurseries Act, 2000 seeks to fill this gap by giving the Children's Authority the power to regulate community residences. The Act is designed to ensure, inter alia, that children's homes and rehabilitation centres, together referred to as community residences under the Act, would adequately provide for the children in their care. It requires community residences to obtain a licence from the Authority in order to operate and requires the Authority to monitor these residences to ensure that children are given quality care and that

allegations of abuse and neglect are investigated. It will be incumbent on the Authority, through the regulatory mechanisms provided under the Act, to ensure that the children who are placed there are safe and secure, and they are adequately cared for and, as far as possible, enjoy the comforts of normal family life.

The regulation-making power is prescribed under section 53(1) of the Children's Community Residences, Foster Homes and Nurseries Act, 2000, the same provision governing the making of regulations for foster care which I will address shortly. The section gives to the Authority the power to make regulations with the approval of the Minister, in respect of matters related to the management of community residences and the discipline of the children therein; the upkeep and expenses of any community residence and the maintenance and support of children detained therein; requirements as to accommodation and equipment; medical arrangements; facilities for accommodating visits of parents or guardians, and all such other matters and things as may appear necessary or expedient or are required to be prescribed for effectively carrying into operation the provisions of the Act.

Hon. Members will note that although the matters specified are very similar to those specified for foster homes, the structure of the Children's Community Residences Regulations departs significantly from that of the Foster Care Regulations. The reason for this is that in the former instance one is dealing with institutions usually with a manager, a board of management in some instances, staff, formal rules and other factors associated with their management as compared with a family home where a child is residing with foster parents, the biological children of the foster

parents, if any, and possibly other family members.

The structure of the regulations may be different but the intent is similar, that is to ensure that children in both community residences and foster homes are safe, well cared for and have positive outcomes. Social workers attached to the Authority will be assigned to children in foster homes to develop their care plans and to monitor implementation of these plans.

Mr. Vice-President, I wish to assure this august Chamber and, of course, the national community at large that there was an intense consultative process undertaken in the development of these regulations. This was in keeping with the hon. Prime Minister's mandate of "listening and then leading", not making unilateral decisions. Consultations in the form of sensitization seminars, workshops, focus group discussions, meetings and training sessions took place over 18 months culminating in the draft regulations being developed and submitted to the Ministry earlier this year. Key stakeholders consulted included:

- all managers of community residences; they were involved throughout the entire process;
- the Trinidad and Tobago Association of Social Workers;
- the Trinidad and Tobago Association of Psychologists;
- the hon. Chief Justice;
- the Family Court of Trinidad and Tobago;
- the Director of Public Prosecutions;
- the police;
- the Student Support Services Division, Ministry of Education;

- the Chief Medical Officer and senior staff of the Ministry of Health;
- chairperson and management of the North Central Regional Health Authority;
- medical professionals—paediatricians, psychiatrists, district medical officers, registered nurses;
- Childline;
- Rape Crisis and Coalition Against Domestic Violence;
- Families in Action;
- medical social workers;
- UNICEF;
- Youth Training Centre;
- the Tobago House of Assembly;
- the Child Development Agency, Jamaica; and
- the Probations Department

The Children's Community Residences Regulations are also informed by standards developed by the Children's Authority. In order to ensure that all community residences adhere to minimum standards, the Children's Authority, in collaboration with the managers of the community residences and child specialist consultants, developed draft standards which are intended to form the basis of national standards for community residences.

The Authority has developed 21 standards grouped under management and organization; safety and security; premises; and quality of care. They are intended to be both qualitative and quantitative. Subsequent to the development of the standards, a gap analysis was conducted using the

standards as the benchmarks to determine where community residences stood in relation to the standards.

I will now address the specific regulations. The regulations will provide for the regulation and monitoring of community residences to ensure a high quality of care for children in these residences. Regulation 1 provides for a definition section while the procedural requirements for applying for a licence are set out at Regulation 3.

Regulation 3 takes account of the different types of community residences that exist in Trinidad and Tobago distinguishing between an individual, a company and an unincorporated entity. The application form is to be approved by the Authority.

Regulation 4 prescribes the qualifications of a manager of a community residence as required by section 21(2) of the Act. The gap analysis conducted by the Children's Authority revealed that while many managers had academic qualifications others had training and experience and were adjudged to be quite competent. Hence, some degree of flexibility is attached to the prescription. Sub-regulation 4, nevertheless, gives the Authority a wide discretion to require continuous professional development.

Regulation 5 is critical for assessing both managers and employees and seeks to minimize the risk associated with persons with a conviction record. Paragraph (c) of Regulation 4 seeks to prevent community residences from changing their business practice on an ad hoc basis since the licence will be granted for the purpose stated. Templates have been developed by the Children's Authority covering matters in this regulation and these include templates on the statement of purpose or nature of the

service, the community residences' guide and code of conduct. Community residences have already received training on the use of these templates. Approvals from the fire services division and public health are also covered in Regulation 5.

Part III of the regulations which comprises Regulations 8 to 13, deals with the premises and requires that the community residences be adequately lit and ventilated, has suitable furnishings and is clean, sanitized and well maintained. There should be adequate toilets and bath facilities, bedroom fixtures and fittings in good condition. In particular, amenities for children with disabilities need to be provided where such children are being accommodated. The gap analysis revealed that many of the residences met these standards, but that some still lagged behind.

Part IV of the regulations, which encompasses Regulations 14 and 15, addresses the welfare of children, more particularly, the child's diet, clothing, education, recreation and medical care. Children must also be informed of the policies and procedures having regard to their age and understanding within seven days of arrival. This is especially important in light of the fact that Regulations 14 and 15 prohibit unfair treatment, corporal punishment, solitary confinement, unreasonable immobilization and unreasonable physical restraint.

Regulation 15 also needs to be read together with sub-sections 6 and 7 of section 4 of the Children Act, 2012 which seeks to prohibit corporal punishment except reasonable corporal punishment by a parent or guardian. Mr Vice-President, while most community residences do not use corporal punishment as a method of discipline, regrettably, there are some that do.

12.15 p.m.

Many of the children in community residences are already severely traumatized and corporal punishment is likely to exacerbate that trauma. Alternative methods of discipline are available and have been used with success in several community residences. Community residences also received training from the Children's Authority on behaviour management techniques, behaviour management policies and the rights of the children. The standards prescribed for the welfare of the children under regulations 14 and 15 are indeed very important for the kinds of outcomes we wish for children placed in these homes.

Safety and security of a community residence are critical issues addressed in Part V at regulations 16 and 17. Most importantly, Mr. Vice-President, the manager is given the power to prevent contact where such contact is not reasonably practicable or it is prejudicial to the welfare of the child. The importance of the power given to the manager needs to be viewed in light of the incidents over the past year at rehabilitation centres where unsuitable person or persons allegedly belonging to gangs reportedly were attempting to visit or make contact with residents.

Part IV provides for records to be kept by the manager and details the kinds of information that need to be recorded. Maintaining proper records needs to be emphasized since they facilitate monitoring of the child. Events relevant to the child's health, education or other important aspects of the child's life, need to be documented to facilitate effective monitoring. Records are also relevant to the child's care plan and reintegration efforts. The gap analysis revealed that this was an area of weakness for several

community residences.

Part VII, which comprises regulation 19, addresses complaints and gives effect to the function of the Authority to investigate complaints of mistreatment of children at community residences. To facilitate the implementation of this regulation and the standards that it prescribes, the Children's Authority developed templates on complaint procedures and complaint records and all community residences have received training on these issues. Children also have the right to make complaints, and this is articulated in regulation 19 and will be facilitated.

Part VIII provides the manager to notify the Authority of a child's death or serious injury of a child, as well as other emergencies. The notices provided for under Part IX give effect to the requirements under the Act.

Mr. Vice-President, I turn to the Foster Care Regulations. As previously noted, the Children's Community Residences, Foster Homes and Nurseries Act, 2000, establishes a foster care system in Trinidad and Tobago. An administrative system managed by the National Family Services has been in place since 1995. The new child protection system envisages foster care as an important alternative care option for children where family reintegration is neither possible nor appropriate. This is in keeping with the principle articulated in the Convention on the Rights of the Child that it is in the child's best interest to be brought up in a family setting.

Living in a family setting is the norm for most of our children, and where, due to neglect, abandonment or abuse, some children unfortunately require alternative care placements, such children should have the opportunity to live in a traditional family setting and to participate in normal

childhood activities. The goal of foster care should be to offer supervision, guidance, nurturing and healing as contemplated by the provisions of the Act and the Foster Care Regulations before this honourable Chamber.

Foster care also has the flexibility, with appropriate training of foster parents, to cater to the needs of a wide range of children, including children with special needs. Many of the children in the current administrative foster care system are indeed children with special needs. Foster care is intended to be temporary and should lead to permanent placement, such as adoption and family reintegration.

Mr. Vice-President, the essential elements of the foster care framework as set out in Part IV of the Children's Community Residences, Foster Homes and Nurseries Act, include approval and training of foster parents, the maintenance of a register of approved foster parents, the board responsibilities of foster parents, monitoring of foster placements, circumstances under which a foster child may be removed, and persons who are not entitled to become foster parents.

Section 53(1), which is the regulation-making provision, mandates the Children's Authority, with the approval of the Minister, to make regulations with respect to a range of matters relating to foster homes. Such matters extend to the maintenance and support of foster children, requirements as to accommodation and equipment to be provided in foster homes, medical arrangements for foster children, the provisions of facilities to allow visits by parents and guardians, and all such matters and things as may appear necessary or expedient or are required to be prescribed for effectively carrying out operation of the provisions of the Act.

Mr. Vice-President, the Foster Care Regulations before the honourable House were informed by draft foster care standards developed by a committee established by the Ministry of Gender, Youth and Child Development, and comprising representatives of the Ministry of the Children's Authority. A public consultation was held with key stakeholders to review the standards and to obtain their input. The views of foster parents and foster children in the current system were also obtained by ways of focus group discussions with both groups. In developing the standards, the committee conducted a detailed examination of the present foster care system and its deliberations were also informed by wide-ranging research presented by the Children's Authority. Several of the key principles embodied in the standards including background checks, verification of criminal records, interviews, foster care agreement, and circumstances under which immediate notification of the Authority is required are reflected in the regulation.

Mr. Vice-President, I will now consider the specific regulation. Hon. Senators may note that one of the key responsibilities of the Authority in relation to the management of the foster care system is the establishment of a register of approved foster parents as required by section 30(1) of the Act. In this regard, section 29(2) requires the Authority to determine the suitability of the applicant and his or her home to receive a child. This is perhaps the most critical aspect of the foster care system and its very success will hinge on the quality and suitability of persons approved as foster parents. As such, it is imperative that applicants be rigorously screened, and regulations 3 and 4 provide for a very detailed screening process.

The process is multi-tiered and starts with the requirements of the application. The application form is to be approved by the Authority and, hence, remains in the administrative domain. The second tier involves the wide-ranging investigation outlined in sub-regulation (1) of regulation 4, which is to be conducted by a person authorized by the Authority. A written report must then be submitted to the Foster Care Unit for its recommendations and the final decision to be taken by the board of the Authority. Sub-regulation (5) of regulation 4 ensures that the board examines every aspect of the screening process, including the application of the person wishing to become a foster parent, the personal and home assessment, the reports of the household interviews, the background checks, training, and any other matter that the Authority sees fit, including any history of sexual and physical abuse.

In respect of the last-mentioned issue, it would be incumbent on the Authority to exercise the utmost care in placing a child with strangers, so to speak. However, evidence tending to show a history of sexual and physical abuse will need to be very robust and will require a careful exercise of the Authority's discretion. It may be noted that the Authority has already established and staffed the Foster Care Unit, in accordance with section 11 of the Children's Authority Act, and expressions of interest for prospective foster parents have been issued.

Mr. Vice-President, that places a discretionary power on the Authority to approve or reject an applicant. However, no right of appeal is given under the Act where an applicant is refused. Regulation 5 therefore provides that the Authority furnish reasons where the application has been refused, as

provided for under regulation 5.

Mr. Vice-President, critical also to the success of the foster care system will be the monitoring of foster care placements, which is required under the Act. Foster parents and members of the household will be suitably trained in their roles, functions and duties, as required by section 31 of the Act, and, in this regard, training modules have been developed by the foster care unit. However, once matching of the foster parent and the specific child occurs, both the Authority and the foster parent must be on the same page with respect to what is being monitored by the Authority. The mechanism that achieves this is the foster care agreement between the Authority and the foster parents, as provided for under regulation 7.

Regulation 8 specifies the terms of agreement, which extend to the terms and conditions of the approval, the duties of the foster parent and the Authority, the allowance they are going to be paid for maintenance and support of the child, and all such matters as considered necessary by the Authority. Hon. Senators will note that regulation 8 does not spell out the details of the agreement, and this is because the terms and conditions of approval and the specific duties of the foster parent may vary from child to child.

The allowances are also not specified and will be governed by policy prescription, such as obtains at present. The present administrative system provides a tiered range of allowances according to the degree of physical and mental challenges faced by a child. The important point to note is that foster parents will not be paid but will be given an allowance only for the maintenance and support of the foster child. The rigorous screening process

will ensure that approved foster parents are not motivated by financial gain, and the monitoring by the Foster Care Unit will further ensure that the allowance is used for the benefit of the child.

Mr. Vice-President, as I have indicated, the Authority, through its Foster Care Unit, is carrying out all preliminary work to enable the establishment of a register of approved foster parents very shortly after the Act is proclaimed. Mr. Vice-President, similar regulations, especially the regulations governing foster care and children's community residence, have been enforced for many years in other countries such as Jamaica, the United Kingdom, Ireland, Canada and Australia, to name a few. These regulations were considered in detail for the relevance to Trinidad and Tobago. The children's homes regulations of Jamaica were particularly instructive. Other Caribbean countries have not yet developed similar regulations.

Mr. Vice-President, I want to place on the record: it is important to note that upon the affirmative resolution of these regulations and the passage of the Adoption of Children (Amdt.) Bill, 2014, which has been introduced in the other place, the Children's Community Residences, Foster Homes and Nurseries Act and the Children's Act, 2012, will be proclaimed and the remaining provisions of the Children's Authority Act will also be proclaimed. The Children's Authority will then be in a position to commence its operation.

Mr. Vice-President, while the Children's Authority is at the centre of the new child protection system, in order for it to be successful it needs the support and vigilance of the entire society. The Government, under the distinguished leadership of the hon. Kamla Persad-Bissessar, Prime

Minister, is also aware of its critical role—and, you know, when I say that name it rings a bell, it resonates. In this regard, repetition leads to retention. In this regard, the Government has been implementing a series of supporting interventions, such as the conduct of the National Parenting Programme, a national Break the Silence programme, which deals directly with child sexual abuse and public awareness, [*Desk thumping*] and sensitization of the children's legislation, which is introducing the new child protection system.

Significantly, in order to support the effective implementation of the regulations before this honourable Chamber, the Government, through the Ministry of Gender, Youth and Child Development, is providing one-off grants up to a maximum of \$250,000 to the existing community residences to ensure that they can meet the standards prescribed. [*Desk thumping*]

The Government is also constructing two remand centres and two rehabilitation centres at Aripo. As previously mentioned, the Government has commenced the construction of two assessment centres. I would also like to commend the Chief Justice for the initiative towards establishing a juvenile court. [*Desk thumping*] I would humbly ask hon. Senators to support this Motion for the affirmative resolution of the regulations before this honourable Chamber. Mr. Vice-President, this is indeed historic and important for the very protection of the children of our beloved nation, the flowers of our nation. I beg to move. [*Desk thumping*]

Question proposed.

12.30 p.m.

Mr. Vice-President: I will take the opportunity to remind Senators that they could speak on all three of the Motions that have been moved. So any

Senator that is desirous of speaking in the debate may do so now.

Sen. Faris Al-Rawi: Thank you, Mr. Vice-President. May I welcome the hon. Minister Clifton De Couteau to this House, this Senate. In my tenure in this Tenth Republican Parliament, now in the fifth year of it, being a mere five months away from May 2015, it is good to see him finally here. But perhaps it is not his fault because, after all, the Hon. Clifton De Couteau, Minister as he is, is the fourth Minister occupying this particular Ministry. He, of course, follows in the footsteps of one Mary King, now politically deceased, thanks to this Government; one Verna St. Rose-Greaves, now politically deceased, thanks to this particular Government; one Marlene Coudray, who has moved on to a different Ministry, hon. Senator that she is, Minister as she sat then, and now the Hon. Minister, Clifton De Couteau.

Mr. Vice-President, we are here participating in three Motions. These three Motions originate from two pieces of legislation. The two pieces of legislation are: the Children's Authority Act and the Children's Community Residences, Foster Homes and Nurseries Act as well. The hon. Minister spent some time going through the particular clauses of the Bill. In fact, it was a difficult task. It is hard to go through two parent pieces of legislation, three Motions as long as they are, and therefore reflect upon it, because these particular Motions before the House concern interarticulating and intersecting pieces of legislation. The fact is that there are several pieces of law which are affected by this particular Motion, and which work in tandem with the Acts which we are now seeking to bring life to.

They would include the Children's Authority Act, of course, the Adoption of Children Act; the Miscellaneous Provisions Act; the Children's

Community Residences, Foster Homes and Nurseries Act; the family law proceedings legislation—the whole suite of it that exists—and the Children's Act, 2012, which we as a Parliament spent marathon session in sitting to try to pass. But, Mr. Vice-President, what concerns me is that the hon. Minister did not spend much time justifying why we ought to just give easy passage to this Government. Let me explain what I mean.

In 2008, the hon. Kamla Persad-Bissessar, Member of Parliament then sitting in Opposition, in debating the Children's Community Residences, Fosters Homes and Nurseries (Amdt.) Bill, scolded the then Minister piloting the amendment to that particular law, which, in fact, is the parent law, the regulations for which we are now affirming, and said in a scathing tone that the hon. Minister was doing an injustice to the Parliament, because he essentially read the Explanatory Note.

I do not know if that seems to be very familiar to what the hon. Minister has done today, or similar, but suffice it to say, the now Prime Minister of Trinidad and Tobago in contributing for over an hour and 15 minutes, was vehement that that was the wrong approach to take. She insisted, then in Opposition, that it was incumbent upon a Government to explain to the people of Trinidad and Tobago why the Parliament was being moved, and so this occasion bears no difference.

In fact she adopted the usage of ideology that the hon. Ramesh Lawrence Maharaj SC, then in Opposition, gave. He reminded the population, as I do now, that we as a Parliament sit under section 53 of the Constitution making laws for the good order, peace and governance of our society. It is a fact that section 75 of the Constitution provides collective

responsibility, which is built upon individual responsibility.

It is a fact that, therefore, this hon. Minister, in bringing to life due process and work, as the preamble of our Constitution contemplates, really ought to have taken the advice of the same lady, the hon. Prime Minister that he praised today at least on 20 occasions, the Hon. Kamla Persad-Bissessar, in her contribution then. She reflected, as I wish to reflect now, that the expenditure had to be factored. Let me put this into context.

This Government in the Tenth Republican Parliament has spent nearly \$300,000 million of back to back budgets—short of that. [*Desk thumping*] That is equal to approximately 15 years of budgets back to back added on. Add up all of 15 years of budgets approximately and you come under what this Government has spent, and will by the end of its term, have spent in 2015.

This particular Ministry, under four Ministers of Government, with changes in 2011, 2012, 2013—hon. Minister, perhaps you may wish to hold on to your seat tight, because we are headed to 2015 and the year may tick and yet another Minister may fall—has spent a total allocation sum of \$1.484,722,669 billion; that is close to \$1.5 billion. By way of comparison, the Ministry of Justice has spent \$2.2 billion. So the rehabilitation and management of our prison systems, et cetera, \$2.2 billion, and the running of the children's arm through this particular Ministry comes to \$1.484 billion.

I have heard the hon. Sen. Coudray, as she is wont to do in crosstalk, mention rent. I am going to deal with that specifically in just a moment. I am glad she has flagged that. She said in crosstalk that they paid more rent than should have been paid. I am going to come to that specifically in a

moment, to show why Ministers who sit together, side by side in a Cabinet, do not know what each other is doing. It is an incredible situation.

[Interruption]

Sen. Hadeed: What about gas to liquids, you are coming to that one too?

Sen. F. Al-Rawi: Sen. Hadeed will do well to keep his peace today.

Sen. Hadeed: Yes, gas to liquids, come to that one too.

Sen. Faris Al-Rawi: Mr. Vice-President, this Government, having spent \$1.5 billion, anxious to know where bad expenditure is—take for instance the call of a commission of enquiry into the Las Alturas project, some \$26 million they say was lost; that we all know is easily recoverable by way of a lawsuit, which may be statute-barred at today's date—but no call for a commission of inquiry into half a billion dollars in the LifeSport Programme, where one contract alone, worth some \$37 million, “jumping up in de air”. *[Interruption]*

Sen. Maharaj: Mr. Vice-President, Standing Order 35(1). What is the relevance of the LifeSport Programme to the Bills we have with us? *[Crosstalk]*

Sen. F. Al-Rawi: You may sit and let the Vice-President rule.

Mr. Vice-President: Hello, please, please, please.

I am seeing 35(1); it indicates here that the speaker, meaning the hon. Senator, has gone out of what he is debating. Therefore I do not see anything that needs to be ruled on. *[Desk thumping]*

Sen. F. Al-Rawi: My learned colleague, Sen. Maharaj, is quick to jump up in his seat. When you have nothing else to do but jump up, you tend to jump up a lot.

But the fact is, justification for expenditure is critical, and we are dealing with a dichotomy, we are dealing with a paradox—an obscene paradox, if I may say so. I will come to Sen. Coudray's point—and I am jumping right ahead; perhaps I should leave it for later, but I will deal with it now. Sen. Coudray in her maiden contribution to this Senate on October 17, 2012, spoke at page 21 of that contribution as to the situation with the Children's Authority and it having rented a building.

Mr. Vice-President, she said, and I quote at page 21:

“Somebody mentioned it is a very oppressive lease. When you examine the lease, the building has no Town and Country approval; it is built on lands owned by the Port Authority...Yesterday, my friend over there was talking about investigate.”—This needs to be investigated. [*Interruption*]

Mr. Vice-President: Senator, the debate that is taking place here, I read what the Motion that was presented by the Minister of Gender, Youth and Child Development, nothing was mentioned pertaining to rental. The question I am asking is: Is it then that some cross word has been moved and somebody mentioned something? Is it relevant then that during your debate you should deal with that? I do not believe it should, so please continue.

Sen. F. Al-Rawi: Thank you, Mr. Vice-President, for the caution, but let me put it into context. The regulations today that we are debating, all three of them, speak to accommodation for the Children's Authority, for the foster care regulations to be housed, for the cost factor for the manager to be factored; so, in fact, it is littered in the regulations here, and I will make it relevant.

So the relevance is in the regulations; it is there. It is in the parent Act, and the hon. Sen. Coudray on the floor of this Parliament said that it was a:

“...wicked, oppressive and everything else in terms of what this Government is saddled with.”

And she says it still is. She went on to call specifically for her Permanent Secretary to move to get rid of this. That is what she said. She said that the lease there, which is an accommodative expense for foster care homes and for the Children’s Authority, a 12-year lease with a break date as it had in between the 12-year lease of certain dates, was “oppressive”. She says it is, in crosstalk still.

Mr. Vice-President, do you know what the fact is today? Subsequent to the move out of the hon. Minister, the new Minister has rented the same building for the same cost, with the same lease arrangements, and the Government of Trinidad and Tobago is the tenant of that particular building. But let me unmask the elephant in the room: Sen. Maharaj bawls, “Are you the landlord?” No, I was the attorney-at-law acting at the behest of the Children’s Authority, in coordination with Madam Justice Sealy then, who assisted in drafting the lease, and simply because my name was on the lease, unholiness was masked in the eyes of the hon. Sen. Coudray, perhaps.

But her Cabinet colleague, sitting right here in this Senate, goes on to rent the same building, the other half of the building, for more money than it was being rented. So what is really going on in the Government of Trinidad and Tobago? Is it just witch hunting? Does the name “Al-Rawi” cause so much suspicion for some Members perhaps, Mr. Vice-President?

12.45 p.m.

The fact is, to show the glaring inconsistencies, and how one may perceive that people are brought into issue by this Government. It really is just bacchanal approach to the administration of the law. [*Desk thumping*] That is all that it is. It is pejorative in the extreme.

But, Mr. Vice-President, I will get back to the hon. Kamla Persad-Bissessar's contribution. She, in her contribution in 2008, had to say that it was critical that we reflect upon certain statistics. And she mentioned a few very important statistics as evidence as to why the Government then, having allegedly failed to explain what it was doing with its expenditure, why that Government should not be given the blanket authority, unless the population had reflected upon certain statistics. Let me put that into context with this Bill.

In this Bill, Mr. Vice-President, we are dealing with a larger expenditure, perhaps a five or six times' expenditure than a PNM administration. We are dealing with a Government which has had four Ministers in the saddle in this Ministry, and we are dealing with a situation where the hon. Minister of Energy and Energy Affairs today had to make a statement—we have no revenue in Trinidad and Tobago other than oil and gas. Fear is everywhere in this country, and the question is, do we have allocation by way of revenue to deal with expenditure on the books?

Mr. Vice-President, what the hon. Prime Minister, then in Opposition, sitting as a Member of Parliament reflected upon, she reflected upon a number of statistics. She reflected upon the global competitiveness index. She reflected upon the infant mortality rate. She reflected upon the human

development reports, and she said specifically that Trinidad and Tobago was in a serious position. She said the only index that went up was corruption.

So, I said to myself, I think it incumbent upon us, in reflecting on this Bill, to look to see what the movement in these indices resemble under this Government. You know, Mr. Vice-President, I have learnt a very interesting lesson in this 10th Republican Parliament. Be very careful what you say on *Hansard* because you may be fed the very words that you have put out, sometime later.

But Mrs. Persad-Bissessar, then Member for Siparia, specifically reflected upon the indices. She said corruption went up under the PNM. So, I looked to the corruption indices. I was quite surprised to learn that the corruption indices, under this Government, not only did not go down, but went significantly up. They went significantly up. Permit me to just find the factual page which speaks to that. But the fact is—and I am sure that I have it here—if we look to the corruption index 2011, 2012, 2013, 2014 as marked by Transparency International, the corruption index for Trinidad and Tobago. Look at this: 2012—80; 2013—83; 2014—85. That is certainly a climb in my books. So if I borrow Mrs. Persad-Bissessar then, borrow her logic, this Government is in trouble.

I then looked to the World Economic Forum Global Competitiveness Index which she reflected upon in this very piece of legislation that we are considering. Mr. Vice-President, you know what I saw there? When I looked at the period 2010 moving up to 2015, because the reports go 2014/2015 is the last report. Trinidad and Tobago 2011/2012—81; Trinidad and Tobago 2012/2013—84; Trinidad and Tobago 2013/2014—92; Trinidad

and Tobago 2014—2015—89*; let me explain that: the higher up the number you go, the worse for you, but the asterisk on 2014—2015 is because, in 2013 we were 92 out of 144, and in 2014 we were 89 out of 142. In other words then, two people dropped out. So, we are still at the same nineties number.

Let us look further to what Mrs. Persad-Bissessar had to reflect upon. She reflected upon the infant mortality rate. Now, one would expect that after an expenditure of close \$300 billion, \$1.5 billion in this Ministry alone, that the infant mortality rate would have gone down. Far be that from the case, Mr. Vice-President. 1990, and I am looking at *World Health Statistics 2014*. In 1990 it was 22. We go to 2012, we come down now to a figure—look at the movement in these figures. We move now—that was an aggregated figure—22. We come now in the period coming forward, 15, 25, 28. So, the infant mortality rate in Trinidad and Tobago is on the rise.

So if I look at this factor, we spent 15 years of budgets in five years. The corruption index has risen, which is bad for Trinidad and Tobago. The infant mortality rate has risen, which is bad for Trinidad and Tobago. The competitiveness index has fallen, meaning that we are worse off than we are; risen, if I want to borrow the same logic that I used before. We have gotten worse in our performance. So, what has all of this expenditure brought for us? What I can tell you it has brought for us, is a Government which the people of Trinidad and Tobago are in a hurry to get rid of. [*Desk thumping*]

Mr. Vice-President, let us look now to some of the provisions of the legislation. We have here the regulations for the Children's Authority. We have the Foster Care Regulations, 2014, and we have the third bit of

regulation which is the Foster Care—we have regulations and the Children's Community Residences Regulations—the three regulations.

But, Mr. Vice-President, you know what is staggering? Not only did the Minister do exactly what the hon. Kamla Persad-Bissessar said he should not have done as a sitting Minister, which is to just read the Explanatory Note of the Bill, but the hon. Minister has not informed this country that very significant sections of the Children's Authority Act have not been proclaimed.

He has not informed this population that the foster care parent Act, that is the Children's Community Residences, Foster Homes and Nurseries Act, has not been proclaimed. He said it will be proclaimed. He did not give a date, much like the hon. Minister Cadiz in answering a question a little while ago—when stumped at the wicket—said he will answer it in writing, but would not give a date. We have no indication as to when the proclamation is going to happen fully for these pieces of legislation. And why do I say that? Because in the period whilst the last Minister of this particular Ministry, Gender, Youth and Child Development, was at work with a mission to come out of an unholy lease, the work of the Children's Authority stood still.

A new Minister comes in, accepts the lease and then goes on to rent another building as well—same place, same landlord. With the work of this Ministry now restarting, Mr. Vice-President, the question is allocation of resources. And the regulations themselves speak to a very important factor. They talk about investigative capacity. The investigative capacity, Mr. Vice-President, is anchored in the Children's Authority Regulations, and in

the other pieces of regulations, the Foster Care Regulations, and the Children's Community Residences Regulations.

But, Mr. Vice-President, when you look to what has been proclaimed in the Children's Authority Act, there is need for concern, because this Government has an immediate ability to proclaim a very important section of the law. Not like the lack of explanation that was given for the proclamation of section 34 in another piece of legislation, but in this case here, I am looking specifically to the powers and functions of the authority in the Children's Authority Act, Chap. 46:10.

In reading that parent legislation, I was somewhat confused as to why the Government is, right now, content only with 5(1)(h) having been proclaimed. Section 5(1)(h) is the subsection under the powers and functions of the authority. And 5(1)(h) says that:

“The Authority may have and exercise such powers...conferred on...this Act and in particular may—

“advise the Minister on matters relating to the operation of this Act.”

That is all it does.

But subclauses (a) (b) (c), (d), (e)—(c), (d), and (e) in particular talk about the power which may be exercised to:

“investigate complaints made by...person...”

to “investigate complaints or reports of mistreatment of children;”

to investigate “upon investigation, of a child...where...is in imminent danger;”

And we know that the Child Task Force has been investigating. We

know that the Children's Authority has the capacity in the flexibility given to it under this Act, to at the very least, coordinate the assistance for investigations, because it has a very flexible formula. And I wondered after \$300 billion, why it is that we were not immediately proclaiming the balance of the powers in section 5 of the parent Act. And that is critical, Mr. Vice-President, when you understand that the hon. Minister skipped past a lot of tragedies which happened under this Government's tenure. [*Desk thumping*]

The hon. Minister reflected upon a series of gruesome events which coincidentally happened under the PNM's tenure. He did not reflect upon the headline "House of Horrors, St. Michael's Home". He perhaps forgot. He said repetition is good for retention. Maybe there is a retention of a different type going on. But, Mr. Vice-President, the fact is that the St. Michael's fiasco, the death of a child in the residence that the child was in, is a fiasco, particularly when the detection rate and conviction rate under this Government is at an all-time massive low. [*Desk thumping*] The detection and conviction rate, whilst under a PNM tenure, for homicides was at 35 per cent at its highest, under the Homicide Investigation Task Force. We are now down to 3 per cent—3 per cent.

A child was murdered in her home, and CSI passed in and out and did not find the child, as gruesome as it is to speak about it, in her home in a barrel. The parents found her. What does that say for what our resources are doing? I am not seeing Sen. Maharaj jumping up quickly out of his chair now, looking to defend the position. I am hearing no crosstalk from Sen. Coudray.

Sen. Maharaj: Do not call my name for anything. [*Crosstalk*]

Sen. F. Al-Rawi: But lives are at stake, [*Crosstalk*] and when we see that Trinidad and Tobago has sat down and witnessed an Opposition— [*Crosstalk*] Mr. Vice-President— [*Interruption*]

Mr. Vice-President: Please. Please.

Sen. F. Al-Rawi:—“Ah doh know what happen to my friends.” [*Crosstalk*]
I am not provoking them surely.

Mr. Vice-President: Please allow the Senator—hello, Senators, please allow Sen. Al-Rawi to complete his contribution.

Sen. F. Al-Rawi: Thank you, Mr. Vice-President. You know, lacking lustre as they do in their debates, it is incumbent to bring a little life into the House. I do not understand why they do not see it in the light that we brought it. [*Desk thumping*] There is no personal affront to either my good friend Sen. Maharaj or to Sen. Coudray. I am simply demonstrating the inconsistencies of approach, for instance between Sen. Coudray and Minister De Coteau. That is all that I am raising. Because if she wants the explanation—as she is saying, be truthful—ask Minister De Coteau why he entered into something that she did not want.

But anyway, Mr. Vice-President, when we look to the detection and conviction rate in this country, and in particular we look—the hon. Minister “explashed” to his credit in the public domain. He spoke to the tragedies that children were facing. He admitted, quite properly—and the squeaky wheel must get the oil—that the incidents of domestic violence and of crimes against children had skyrocketed under this Government.

Mr. Vice-President: Senator, please. Hon. Senators, the time now is 1.00 p.m. I intend to break for lunch. So therefore, the Senate will be suspended.

We will return at 2.00 p.m. The Senate stands suspended until 2.00 p.m.

1.00 p.m.: *Sitting suspended.*

2.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, when we broke for lunch the hon. Sen. Al-Rawi was on his feet, and therefore Sen. Al-Rawi you have 18 minutes left for your normal speaking time. [*Desk thumping*]

Sen. F. Al-Rawi: Mr. Vice-President, I got some very good words of advice from a learned colleague of this Senate, so I will not yet take my seat, but undertake to be as quick as I should. The fact is, Mr. Vice-President, those words did not come from Sen. Maharaj, mind you, but they did come from someone better looking than he is on the other side, but anyway.

Mr. Vice-President, the fact is, that in dealing and assisting, as we do as parliamentarians, with the laws of Trinidad and Tobago, I think it safe to say that the track record now, that we have had it in gear, if you look at the development of legislation to treat with children, in the package of legislation from 1999 come forward to now 2014/2015, the length of time involved in that process has certainly demonstrated a commitment by all Trinidadians and Tobagonians on both sides of the House to lend support for this. I think it a short point to say that whilst the now Government when in Opposition complained that six years was a long time in the PNM to get a lot done, they have now understood five years into the saddle exactly how long it takes, because, the legislation to be operationalized is the real difficulty here.

We are, after all, today, bringing to life regulations to Bills which are not yet proclaimed and one which is partially proclaimed. We are dealing with two

pieces of law; the Children's Authority, 25 out of the 51 sections of the Act have been proclaimed, and in relation to the residences, which is the parent to the Foster Care and Nurseries, et cetera, that Act of Parliament has not yet been proclaimed. And, I think it is also true to say—and here is where the pejorative falls of entirely, and here is where it is proper to say that all Members of this House, opposite and on this side, are unified in the purpose of making sure we get it right.

Mr. Vice-President, there are few observations on the regulations themselves that caused me some concern. Apart from the one solid point, I think we do not spend, as a society, enough money on our children as we should. I think that the hon. Minister De Coteau was correct when he said that youth offender incidents, a YTC incident can graduate into a Golden Grove incident, can graduate into something else. And when you look at the fact that our education system churns out 17,000 to 18,000 bright, energetic young Trinidadians and Tobagonians out of the SEA level, what we called the Common Entrance level, and then miraculously that number gets halved or put into one-third by the time you hit CAPE, by the time you hit into A levels, as we used to call it, you realize that there is a fracture in our system. And, whilst I reflected upon a large figure of \$1.5 billion earlier, maybe we need more. The fact is, if you have spent time in the juvenile courts—as I have, practising as an attorney sometimes in those courts—or in the family court, I think it a tragedy that our system can abuse the very process of finding a solution that it ought to.

Mrs. Persad-Bissessar in 2008, sitting as Member for Siparia in Opposition then, made a very unusual observation. She said at page 22 of

her *Hansard* contribution that day, “that the Family Court was operating unlawfully and illegally”. She said:

“As we talk about Family Court, that court is operating totally illegally, from”—her—“information. With respect to its jurisdiction, it is exceeding its jurisdiction in that it is doing domestic violence matters. We spoke about this two years ago and they”—meaning the PNM—“continue to do it.”

I think, or meaning the Family Court:

“It has no jurisdiction to do such matters. The Family Proceedings Bill was passed here and it does not include domestic violence matters. They do not want those kinds of people up there. That is a real fancy court. There are four magistrates and they do three cases for the month. They are exceeding their jurisdiction; they are operating illegally.”

This is Mrs. Persad-Bissessar Senior Counsel now, making a very strong observation about the Family Court, and in these parent laws; the Children’s Authority Act, you look at it, the definition of court includes the definition of the court to which family matters is assigned. One would think that having made such a strident and categorically bold statement, as the Prime Minister now, made then, I wonder why it was not corrected in this particular incarnation of the Government. Is it that the Family Court is acting unlawfully? Without its jurisdiction? Out of bounds, *ultra vires*? I wonder if that is the case, and if that is in fact the case, then, why is it that the Family Court is now being expanded to San Fernando?

So, Mr. Vice-President, my point in raising that issue is that I cannot

understand how you can say one thing today and another thing tomorrow. I mean, after all, here is somebody, Mrs. Persad-Bissessar, Member of Parliament for Siparia, on June 18, 2008, saying something which is on the *Hansard* record.

Mr. Vice-President, when we look to the rules, the first thing that I would like to make in terms of observation is, hon. Minister I think it, through you, Mr. Vice-President, a very useful purpose to do a consolidation of the current laws. When you look to the Children's Community Residences, Foster Homes and Nurseries (Amd't) Bill, 2000, and then 2008, those Acts of Parliament, you will note that if you go to the children's authority website and you go under legislation, or you go to the Parliament's website, or you go to the Ministry of Legal Affairs where the laws of Trinidad and Tobago are available online, they only go up to 2009, and there have been amendments to those laws which make it hard to read.

So, when you look to this parent piece of legislation you see that there were significant amendments made in 2008, which are not reflected in the various sites where the law is to be found, and that actually ties in to a huge lacuna that I think the parent law in the Children's Authority Act should look at, and certainly the parent law in the Children's Community Residences, Foster Homes and Nurseries Act should look at as well. In the Children's Authority Act where the provision to make regulations is set out, at section 50, is it? Yes, at section 50, we note that there is in fact no prescription for a penalty. So, section 50 of the law says:

“The Authority may, with the approval of the Minister, make regulations in respect of—

- (a) the burial of children in the care of the Authority; and
- (b) matters which are required to be prescribed”—under this Act—“and for the purpose of giving effect to the provisions of this Act.”

Regulations—“shall be subject to affirmative resolution...”

That is why we are here today.

But, there is no clause inside of here that says if you break these regulations you are going to be subjected to a fine or a penalty, and therefore, the provisions of the interpretation Act applied, which means that the maximum fine that you can offer in law is \$500 only. Is it sufficient as we occupy Parliament's time today, the Senate's time today, that we would only see \$500 fine for the operationality of the children's authority? Or should we be contemplating amendments to the parent Act to make meaningful, the very regulations which we are doing by affirmative resolution today? I think we ought to do that hon. Minister, through you, Mr. Vice-President. [*Desk thumping*]

I think we ought to do that because the regulations that we are looking at today for the children's authority constitute looking at reporting by a child that is in need of care or protection, that any person may orally in writing or by electronic or other means make a report. The authority shall investigate, investigation shall be conducted. But what about the factor of anonymity? Very often people want to make a report but are dissuaded from making a report because they are afraid of the consequences. The parent who wishes not to see the child moved out of the institution because the parent is ill-suited to actually look after their own child—the parent's own child—

somebody who may care, some concerned citizen who works there. Would this have been the case in the St. Jude's or St. Michael's experience that we had recently? The "house of horrors".

I think that we ought to be looking to flesh out the ability for anonymous reporting, or reporting which is done under strict confidence. And it concerns me that we are not contemplating building into the parent law or into the regulations that these reports are to be strictly confidential. That if there is a breach of confidence that there should be a consequence for it, that there should be a penalty for it, and that is where not amending section 50 of the Act itself causes a problem. Because the maximum you could get under the interpretation laws of Trinidad and Tobago is \$500. In other words then, break with impunity is perhaps the message that some people see.

So, hon. Minister, I would really hope that whilst we get this right that we would look quickly to bring an amendment to section 50 of the parent Act and encourage the inclusion in the regulations as well of provisions for confidentiality and for anonymity, and that is particularly so, because notwithstanding the passage of data protection legislation by this Senate in the Tenth Republican Parliament, we have not yet proclaimed the full provisions of that Act. So, we have some of it working, some of it not, which is why we on the PNM have said that this Government, by our perspective, is a tick-the-box Government. Make it up, tick the box, but do not worry about the operationalization, let us just put it in place, we will figure it out later.

But you know what, this particular piece of law that I am looking at

now, the Children's Authority Act, was passed in 2000. The PNM was in tenure for eight years. Yes. The UNC was there for several years. Add it up, we are almost equal, 14 years later the law cannot be proclaimed yet, fully. Through both administration. [*Desk thumping*] That is not to pour scorn on my learned colleagues opposite only, but it is to say that when they spoke in 2008 and in the march up to the election, irresponsibly from our perspective, as to the supposedly ills of the PNM in not operationalizing laws, they have come now to understand that governance and operating laws and making them work for the citizens is a serious perspective, and therefore, one should measure words carefully.

I have been churlish today at sometimes, I have poked a little fun at times, I have said some bruising things, I am sure, to some people opposite who may perceive it that way, but I did not mean it that way. My intent was to point out that. When you measure a portion to give to me there is an equal portion to give back to you, it is almost a consequence of Newtonian physics. [*Laughter*] For every action there is an equal and opposite reaction, and therefore, we must be careful as to how we deal with this.

The regulations, when we look further down to the reference to children, I think that it is incumbent on the hon. Minister to reflect upon sections 6, 11, 18, 22, 34, 35, 46, 48 and 50 of the parent Act. He should do so through you, Mr. Vice-President, because there has been partial proclamation of some, and non-proclamation of others. Take for instance sections 34 and 35 which have been proclaimed which deal with hostels and residences. Well, should we not therefore proclaim section 5 of the Act, which is the powers of the children's authority to investigate? Because, you

have the ability to set up the hostel and residences. It is proclaimed. It is in law. It is what the children's authority is doing, but you have not proclaimed the ability to investigate it under section 5. And therefore, you are giving something without the ability to inspect it. The same situation lies with the fact that the accounts of the children's authority from 2009 to date have not yet been perfected. I saw on the website, hard work is being done, the external auditors have looked at it. I hope it will be laid in the Parliament soon.

2.15 p.m.

But the rules and regulations in section 48 of the parent Act which deals with accounting and auditing, they should have been here today as well, hon. Minister. Why are we dealing with part of the regulations, only?—when we have enough time today in affirmative resolution to actually deal with the rules and regulations for auditing and accounting.

Mr. Vice-President, this is an issue of great concern to this country, because the political football which exists, which I referred to earlier, where you will take a Las Alturas project, where you could recover all your money, to a Commission of Enquiry, but not take LifeSport Programme at \$500 million worth of it. That causes a problem of concern and trust for Trinidad and Tobago. [*Desk thumping*] Take both, I am not telling you do not take one, if you want to take both, take both. What about the provision for—I saw in legislation, quite a number of pieces of legislation that we have debated in this Parliament, 10th Parliament, include immunity provisions for persons acting with responsibility under the laws, the Children's Authority. Well, in such a special circumstance as the Children's Authority, should we

not be contemplating some degree of immunity for persons acting within the right purpose of the law? I think perhaps we should.

Mr. Vice-President, when we look further into the laws and we look now, why is section 18 unproclaimed of the parent Act? Why are we not contemplating it now in the regulations which deal with the secondment of public officers? Section 18 of the parent Act allows you to second persons from the public sector across for a limited period, to populate and work and therefore operationalize this law. Is it not a right opportunity now as we engage as a Parliament to consider rules and regulations with respect to this? Mr. Vice-President, I think we could have done well to have included it.

I know that the work before us today is the work of, not only the hon. Minister and his department, but also the members of the Children's Authority and I salute them all for bringing the work today, [*Desk thumping*] including, the hon. Minister, including Sen. Coudray, who I know did a lot of work while she was there as well, all ribs and picong aside. Sen. Ahmed gave a very good statement the other day in relation to the work that the Children's Authority was doing, and I will not mince words—where there is good work done let us celebrate it. But the fact is, I think that we can do a little bit better with our use of time in some of the factors that seem to have been left out in this.

Mr. Vice-President, when we look to the other pieces of regulations before us, and in particular, that one which I keep slipping as to the name, the long name, Children's Community Residences, Foster Homes and Nurseries Act. Apart from stating again the need for one consolidated piece—[*Interruption*]

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. C. Robinson-Regis*]

Question put and agreed to.

Sen. F. Al-Rawi: Thank you, Mr. Vice-President, thank you colleagues. [*Desk thumping*] As I was saying, apart from the need for one consolidated piece of law so that we can reflect upon the amendments, when I first read the parent law which I pulled off the websites, I was amazed to see that, in that parent legislation we had fines of \$500, \$500, \$500. When I looked to section 10, section 16, section 32, section 34, section 47, section 53, when I looked at those sections I found the offences rather low in the calculation as to what we would punish an offence by. The 2008 law amended that position, but it was not reflected in the consolidated positions.

But, Mr. Vice-President, I come to the point on regulations. Section 53 of the parent Act, and I am dealing here now with the provisions under the children's community residences legislation. You know what the penalty is for that?—\$1,000 for breach of regulations. We are dealing with, today, two pieces of regulations which affect this Act under section 53, regulations. We are making the regulations today; we are laying them for affirmative resolution; we are dealing with community residences regulations which deal with the premises, the welfare of children, safety and security, records, complaints, communications, et cetera. And in factoring how an investigation should happen, what the qualification should be, whether the premises should be properly licensed, who should license it and

speak to its sufficiency, how records should be kept safe, how complaints should be made. The maximum offence is \$1,000.

So you do not prescribe with adequacy any provision for anonymity of complaints under Part VII of the Children's Community Residences Regulations, and the maximum offence is \$1,000—no provision for the inclusion of a jail term. Is that sufficient in light of complaints and security and welfare of children, happening at the St. Michael's Home, described in the newspapers, in the headline as "House of Horrors"? Sexual abuse, physical abuse, death—bringing to light this piece of legislation, you make a complaint, it all goes wrong, welfare of the child not dealt with, \$1,000.

Now, I accept that the laws exist, that we can prosecute someone for negligence, criminal negligence, et cetera. But we do know that the Children's Act, 2012, which we spent a lot of time on, has not yet been proclaimed. That radical piece of legislation which continues this odd trend of a child at age 18 being defined in different circumstances, because you do know under the Hindu Marriage Act, the Muslim Marriage Act, the Sexual Offences Act we have time frames of 12 years, 14 years, 16 years, where we deal with certain types of things, including marriage.

So, on the one hand we are allowing children to be treated as children up to age 18 in accordance with the United Nations Conventions, but on the other hand we were perpetuating other circumstances. So, in default of that law being operationalized yet, proclaimed yet, we are in a situation where we really need to have stiffer penalties available to the Children's Authority. Stiffer offences much like as Sen. Griffith is often wont to say, where you can catch Al Capone on tax evasion as opposed to murder. Let us take avail

of every opportunity we can get to deal with this situation.

Mr. Vice-President, that would therefore require an amendment to the parent Act at section 53 under regulations, and I humbly submit as well, that we ought to be looking at amending the authority, to be notified of death of a foster child, where the penalty is only \$500 at section 36 of the parent Act, and the penalties for failure to license, where the penalty is only \$5,000 at section 47 of the parent Act.

Mr. Vice-President, I also humbly submit that the foster care regulations themselves require for the certification of only part of the story. Sorry, it is not that piece of legislation, it is the regulations with respect to community residences. Under those regulations, section 3(2), section 3(1) requires that:

“A person who wishes to operate a community residence shall apply...to the Authority.”

“...the applicant shall”—have—“passport...photographs...and a...certificate”.

But when we get to subsection (3):

“Where an applicant...is a company”—you only need—“a list of the directors”—and an—“annual return.”

But you do not need to know whether the shareholders or active directors also have a clean bill of health by way of police certificate of character. And insofar as companies operate through the alter ego of their directors at times or their executive directors or through their shareholders or managing directors, I think it is incumbent that we do not let the limited liability incarnation of an operator of a community residence off the hook

that easily. Does it mean that somebody who has had a jail term based upon a conviction does not need to apply individually? You incorporate a company at law under the Provisions of the Companies Act, Chap 81:01, and then automatically you do not need to bring a certificate of character? I think that is a lacuna that we could do without in these regulations.

When we look to the qualifications of the manager at section 4, clause 4 of the draft regulations or the regulations that we have here, I wonder if this is sufficient enough. I know we are in a balancing position as to whether we have the ability to achieve high qualifications or to manage qualifications—it is a balancing act. If you restrict it with too high a qualifications level you may not get people to fill the role. But, is just a qualification alone permissible?

I accept that there are other disciplines as the authority may require, but I come back to the sanction. The theory behind legislative drafting is that laws to be effective—one school of law says, for a law to be effective there must be a sanction. The example you get at law school is, do not walk on the grass. Why? Because you will have to pay \$10,000 if you walk on the grass or just do not walk on the grass. So, the manager not having adequacy of qualifications, add \$1,000 penalty, is that enough? I do not think it is, Mr. Vice-President.

When we look to section 5 of the same regulations, the community residences regulations and we flip over to (d)(ii), we are seeing with respect to property, a certificate of approval is required from fire services and a senior officer from Public Health Department. We know, Mr. Vice-President, that OSHA, the OSH Authority, is a very significant player

that can actually act in wider circumstances than the fire approval may or the public health officer may. And I think it would have been useful to have had the OSH compliance included in these regulations as opposed to just those two.

Mr. Vice-President, I am concerned that Records, under Part VI of the regulations should have some degree of certainty as to confidentiality. Particularly, because the Data Protection Act has not been fully proclaimed, and we have no sight as to when that may happen. In our view, the sections which have not been proclaimed are unconstitutional. We have said that from day one. And if that is in fact the case, then all the much more reason why the regulations here today, under Part VI, Records, ought to factor confidentiality and proper data management.

Mr. Vice-President, Part VII section 19 of the regulations, under Complaints, again:

“A complaint shall be in writing...”

Well, what if it is not in writing? What about the anonymity factor?

What about the protection for whistle blower? What about the immunity factor for somebody who acts properly in investigating something? Should we have them rely only on 1-800-TIPS? On 1-800-whatever the helpline may be. I think that we ought to build in into these provisions, the usefulness of anonymity, hotline approach, telephone line. Why are we putting complaints in these regulations, foster care, community residences regulations which must be in writing, and under the Children's Authority, it may be oral, electronic or in writing?

Two pieces of regulations on the same day being dealt with

together—the hon. Minister concentrating on a little bit of something else other than what I would like him to right now, but the fact is, we have a situation where there is incongruity with the very regulations that we have in our hands, on the left hand and on the right hand. Should we not broaden the approach of the regulations to include oral reports, electronic reports and reports made in anonymous circumstances, putting an obligation upon the authority to investigate reports and to deal with it?

We heard the Minister today, in giving an answer with respect to suspicious activity reports and suspicious transaction reports, speak about some 1,700-odd reports which are to the tune of billions of dollars in suspicious transactions. Are our children not as important as suspicious transactions moving through bank accounts? I think they are more important, Mr. Vice-President. And therefore I urge the hon. Minister when he returns to his full reflections on this Motion, to consider adding in under Complaints the position of the broad approach which we took under the Children's Authority Regulations which we are dealing with now.

2.30 p.m.

Mr. Vice-President, under the Foster Care Regulations, these regulations, again, come back to the confidentiality issue.

Mr. Vice-President: Hon. Senator, you have three minutes.

Sen. F. Al-Rawi: Sure, thank you, Mr. Vice-President. I would not be much longer. These regulations are somewhat better drafted, in my view, a little bit more wholesome. I do not mean that pejoratively. I know it is a lot of hard work for the staff that assisted in the drafting and regulations to come forward. It is a lot of hard work and sometimes not having the

perspective of a little distance to be the devil's advocate on the nitty-gritty of the law, is the very reason as to why we come up with some loopholes. But we really do need to focus on some of the easy wins, the low-hanging fruit in this equation.

Mr. Vice-President, we as a Bench will be very pleased to support this particular move today to affirm the regulations. We do think that we cannot wait to get it 100 per cent right. The very few observations that I have made towards the end are, in my view, critically important, hon. Minister, through you. I really do think we ought to have parity between the Children's Authority Regulations and the other two pieces of regulations that we are looking at.

I urge the hon. Minister to have reflections upon the sections of the parent laws that are in need of amendment, in particular the penalty for breach of regulations, the very things which we are doing now. They are not, in my opinion, adequate and, Mr. Vice-President, I thank you for the opportunity to contribute. I am sure that there will be lots of riposte and lively action in our debate today, but I think that we are unified in the purpose of supporting the best laws of Trinidad and Tobago for our most cherished citizens, our children.

Thank you, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: Sen. Drayton. [*Desk thumping*]

Sen. Helen Drayton: Thank you, Mr. Vice-President. I will be brief. Much has already been said and I support a lot that has been said by Sen. Al-Rawi. Let me open by saying I fully and heartily support these Motions as excellent work in progress. I know a lot of work has gone on over the

past year. It is good to know that progress has been made with respect to the staffing of the Children's Authority. I know some progress has been made with respect to the Children's Assessment Centre and I want to commend the Minister and his team—the Ministers, I should say—for all of their efforts in trying to put children's matters on top of the agenda.

Now, there are a few issues with the Motions, but they are issues which could be rectified over time. I think it is important enough to point them out. I am also concerned about the fact that major aspects of the parent legislation for these Motions have not been proclaimed and that leaves me to wonder, in fact, how soon these regulations, once affirmed by the Senate, by the House—how soon, in fact, these pieces of legislation could be implemented.

Just briefly, as I said, to highlight some matters. If you look at regulation 3 of the Children's Community Residences Regulations, that says regarding applications to operate a children's community residence, under 3(3)(c), where the applicant is a company, I would have much preferred to have seen that the section read, "a copy of annual returns for two consecutive years prior to the year of application". Just to say an annual return suggests that it could be any annual return, whether it is five, 10 years previously. I think this is important because institutions that are in receipt of public money and also those that are in receipt of charitable donations from individual and corporate citizens should have to account for the use of those moneys.

I believe the regulations should focus on reasonable standards for efficiency of operations, as well as aim to build institutional capacity, and one good way of doing that is insisting on proper management which

includes proper accounting, and I think that could only redound to the benefit of the children. I believe, however, that the Children's Authority may have some discretion, when it is scrutinizing applications, to ask for further information.

With regard to regulation 4, having been involved over many years with social work, I fully understand why specific qualifications have not been included and instead the broad statement of a combination of qualifications or training and experience in relevant disciplines. Now, I appreciate that the Children's Authority will screen suitable applicants; they would examine their qualifications before giving a licence to operate a children's residence. I also appreciate that the foremost criteria in looking after the affairs of children, you need the humaneness, the emotional intelligence, the dedication and the commitment in order to do a proper job, not necessarily high-level qualifications.

I am also aware that because of low compensation in the sector, it will be difficult to get people with, say, degrees in some of these critical areas, such as social work. And of course, a major problem is that if we put the academic qualifications too high, there will be existing problems because there are some homes that are well-managed, well-run and as soon as the law is proclaimed, these homes will be running afoul of the law.

So having acknowledged these realities, let me say that we are nevertheless seeking to establish standards for management, not necessarily the caregivers in this particular section, and I believe that we want the best for our children and not a mere minimum. It would have been much better, I think, to have tried and put in something more specific with respect to

management of the institutions, such as at least five years or three to five years management experience, plus the qualifications—you know, a combination of the qualifications mentioned here.

Under Part VII of “Complaints”, regulation 19, I firmly believe that the law should be clear with respect to complaints of abuse and mistreatment of children at residences. I observed that the word “immediately” did not describe, investigate complaints. So here again, I appreciate that certain investigations need time, but if a child is being abused or mistreated in a residence, there will be physical, there will be emotional and there will be oral evidence from a child, and it should not be a question of taking months. I do not think that it is wise that the law should leave it open to encourage delays in this area. I think there ought to have been a specific standard there, which says that these complaints must be investigated immediately.

Turning to the Children’s Authority Regulations under regulation 2(3), I would have preferred to have seen a time frame included for investigations. I do not think, again, it should be left wide open, that because this is an Authority and it is a responsible Authority it is expected that it will investigate matters in a very timely manner if a child needs care and protection. After all, it has just been said the Children’s Authority has been around since, what, 2000 thereabouts, and we are now in 2014. Whilst a lot of progress has been made, it is still operating under capacity and many of its sections have not been proclaimed. So that if someone calls the Authority and says a child needs protection, the law should say the Authority must take immediate action, if even that immediate action means calling the police. But it is very silent in that regard, and I think that this is something

that we should seek to modify as soon as it is possible.

The Minister stressed that he was pleased that with these regulations we are now implementing standards. I do not want to pour cold water on what has been such a commendable effort, but when I look at the standards in the regulations, I think they fall woefully short of standards for dealing with children, and I think we have all admitted that the standards that exist now are unacceptable, and I think we could have done a little better in that regard.

With respect to the Foster Care Regulations, I support this 100 per cent. It is simple, it is straightforward, which is what is needed. I am glad that there was no time frame put in, in this instance because a person who is applying to adopt a child, or to take a child in their care, the Authority needs to have sufficient opportunity to demonstrate that applicant's commitment.

So, Mr. Vice-President, having made these few comments on the Motions and having, on previous occasions, spoken at length on issues facing children, I do not intend to repeat everything that I have said, but there are just about two or three things that I think are worth repeating and that is, one, I urge the Government to increase the mandatory school age to 16 years, or at least be specific and say there must be a mandatory 10 years of education.

In my mind, I think it is irresponsible; I think it is a dereliction of duty of care; I think it is unconscionable that successive governments have allowed so obvious a disadvantage to children to go unheeded. I cannot fathom any reason why the mandatory school age is up to 12 years. It is even worse because it is not just a question of up to 12 years, it says between

six and 12. So the mandatory school age is really six years.

So that this is a type of contradiction that I think we see too often in the affairs of—it is not just governance, but it is also the affairs of civil society and also the affairs of denominational institutions. Just imagine the Government, very recently, spent some money to bring down a young lady called Malala to talk about the importance of education, but I am sure that no one alerted her that our mandatory school age is up to 12 years.

Just imagine the successive governments continue to boast about investments in education which averages \$8 billion annually. So why is the school age up to 12 years? It then invests so much more in fighting crime and yet it cannot see the hole in the bucket through which the moneys fall and they echo from some deep chasm, the poverty, the illiteracy and the crime. It is a huge contradiction, and then it does not see the contradiction and discrimination.

Why can it not at least amend the marriage laws, that the marriageable age for girls, at least bring it on level with boys at 16 years? But the law says that a girl child 11 years is capable of contracting marriage. And here we are with Motions dealing with children and the contradictions are staring us and we are not dealing with it, and I do not understand why. And I think that worst of all, the lack of justice over the deaths of so many children who have been murdered, and in recent times children who continue to be brutalized and abused. It did not start with Akiel Chambers, but his death marked a steady decline in the failure to protect children's lives.

So when you consider that, yes, we have done a lot of work, yes, the Government is making an effort, but it is hard to understand why there is no

comprehensive report on the death of that child at St. Michael's School for Boys. Is any value placed on the life of that child?

2.45 p.m.

So unless we are serious about stemming the tide of this huge social failure which I think is the worst of all of our failures, I think the future could only get angrier, more violent than the present, and the quality of life continue to deteriorate.

That said, Mr. Vice-President, the law governing the Children's Authority, we need to move apace to proclaim those laws and to bring it up to 100 per cent. Hopefully, we are reaching a turning point in prioritizing children's matters rather than treating them as second fiddle on the national agenda because that is what has happened for the past 60 years. So I would say, yes, congratulations, commendations to the Government, you have made some progress in that regard and I think we all should commend you for that. [*Desk thumping*] There are the critical areas I mentioned with respect to the crime, with respect to the education, with respect to the marriage age—that incidentally is a stroke of a pen, it is one line. One line in both Bills to change that law. So the question is: why is it not here?

Mr. Vice-President, I have no hesitation in giving my approval to these Motions. I hope that the issues I have raised that you would give consideration to them, if not, in these regulations. I am sure the Children's Authority would have its own guidelines and policies emanating from these regulations so that it would look critically at the qualifications for management and how it goes about investigating complaints lodged with it with respect to protecting the lives of children. I thank you. [*Desk*

thumping]

The Minister of State in the Ministry of Gender, Youth and Child Development (Sen. The Hon. Raziah Ahmed): Thank you very much, Mr. Vice-President, and let me say how pleased I am to join the debate at this point in time this afternoon on this historical day when we have taken action after some 14 years of a parent Act to finally, in the space of four short years, turn it around so that we could actually bring this thing to the point of proclamation.

I want to thank in particular Sen. Drayton who said that we have made some progress, and to accept wholeheartedly on the behalf of the Government of Trinidad and Tobago the commendations that she gave on behalf of all of the Senators on the opposite side. Thank you very much, Sen. Drayton. And let me acknowledge, too, the presence of my lead Minister in the Ministry of Gender, Youth and Child Development for the sterling presentation in the Senate, and to say how pleased I am to be associated in the Ministry as Minister of State. [*Desk thumping*]

Both Sen. Drayton and Sen. Al-Rawi asked about the proper accounting procedures for the Children's Authority, and perhaps it was an oversight on the part of the Senators, but the financial provisions for the Children's Authority are very clear and very specific in the parent Act, Children's Authority Act 2000. The entire Part VI of that Act speaks to the financial provisions. It speaks to the establishment of a fund in section 46. It speaks to what the fund is supposed to do in section 47, and in 47(2), it speaks specifically to how those accounts shall be maintained—in fact, in accordance with generally accepted accounting principles.

Further, section 48 of the parent Act speaks to the rules for the proper control of the system of accounting and financial management of the Children's Authority, including provision for an adequate system of internal auditing. And in section 48(2) that:

“The accounts of the Authority shall be audited annually by the Auditor General or by a qualified auditor so appointed...”

In section 49, that:

“(1) The Board shall within three months of the end of each financial year submit to the Minister an annual report dealing with the activities of the Authority during the financial year, together with financial statements and such other information relating to the operations and functions of the Authority.”

And that:

“(2) ...a copy of the report and the financial statements and such other information submitted under subsection (1)...be laid before Parliament within twenty eight days of its receipt by him.”

So not only is the Children's Authority guided by the traditional precepts of internationally accepted accounting principles, but we have put into the legislation a time frame for the submission of those reports and the fact that such reports shall be laid for—*[Interruption]* Yes.

Sen. Drayton: Just to clarify, the point we made about accounts was not to do with the Authority but rather with respect to companies that are applying for community residences status. Those companies ought to account for any public moneys. So just to clarify that matter.

Sen. The Hon. R. Ahmed: Thank you, Sen. Drayton. Yes, with respect to that aspect of it, I just wanted to lay the groundwork from the point of view that we do have the proper principles for the Authority's functioning and the accountability to the public for the fund that will finance the operations of the authority. With respect to the annual returns, the regulations speak to the last annual return, and that was considered to be sufficient at the time.

Now, with respect to the qualifications of managers, we spend a lot of time trying to wrap our minds around the fact that we are operating in a very dynamic situation with children. The fact that we have some 900 children in residences, the fact that this is a system that has operated without regulations for so long, and just as Sen. Drayton pointed out, the fact that there are good managers in some of these institutions who may not have a certain amount of qualifications on paper, but who may be well equipped with experience and the human emotional intelligence that is required to work and function effectively in an environment that caters to children who are very often traumatized, if not by abuse and neglect but sometimes simply by such factors as having lost a parent, or having lost a significant family member, or having lost the breadwinner in the home.

We had to factor in the conditions of the current environment and that we did not want to disenfranchise the current community residences that have a population of children that they are caring for in an abrupt situation where they suddenly find themselves unable to find a manager that might meet high qualification standards. So, we put into the regulations a combination of training and experience which is not limited to training evidenced by paper. In fact, in the Minister's opening remarks, he indicated

that an extensive amount of training had already taken place and is currently ongoing with respect to the training of managers and staff at all of these institutions. So it is trying to configure regulations that will accommodate the existing population.

So, you will also find in the regulations for community residences that upon proclamation, each community residence has a three-month period in which it may apply for a licence, and then on the outer limit, the Children's Authority has a six-month period during which time it will investigate and assess the community residence. So that is a total of—on the outside limit, a total of nine months that we are actually giving to every community residence that is operating in this country to fall in line with the new standards that are required. And I think if you could make a baby in nine months, nine months is an adequate amount of time, considering the fact that for more than a year, all of the community residences have been notified both by visits from the Children's Authority, as well as advertisements appearing in the newspaper, as well as by training, as well as by the intervention with respect to the one-off grants. So that basically these residences have had more than a year's notice and upon proclamation, they would, in fact, have on the outer limit, a further nine months in which to get their act together. As a Ministry, we are giving the one-off grants, and I know that we have interviewed several of these homes, and so, that is a process that we believe is manageable.

Therefore, with respect to the whole series of standards that we are now saying comprise the flooring of the quality of life that we want for the children who end up in these institutions, a year and nine months we

considered to be sufficiently reasonable for an institution to get its act together and qualify for a licence, and therefore we do not envisage that there would be a problem with the current institutions if they have a mind to continue in business.

The management qualification issue is something that we have given some amount of laxity to with an exchange for experience. We recognize, as Sen. Drayton pointed out, that it is not easy to get people with university degrees to fill these positions. But, in the regulations, there is provision that there has to be some kind of ongoing training, and the Children's Authority has consented to continue this kind of ongoing training. So we do not believe that we have to set—I mean, in Trinidad and Tobago, the fact of the matter is that we have set qualifications so high for certain positions that we have hundreds of vacancies throughout the public sector with people who are not qualified to fill certain positions, and that is something that we really need to look at as a national problem.

So that in terms of running afoul of the regulations, I think the existing community residences are not going to be in trouble if they are serious about staying in business, and there is only so much time that any Government can give to an institution to get its act together. The fact that these regulations have been around for a decade means that if you want to continue in business, you cannot continue to exist hoping that it never comes into reality. And it is coming into reality because the welfare of our children and the holistic development of all children who currently exist on the social margins are critical to the future development of this country, and the sustainable growth of our people as a nation because we cannot neglect the

future and they are our children.

3.00 p.m.

I also want to thank Sen. Drayton for her full support on the Foster Care Regulations. With respect to the matter that she is concerned about and the unfortunate and tragic death of a child at St. Michael's, I want to remind this honourable Senate that file has been referred to the DPP's Office and is the subject of police investigation. It is outside of our remit to hurry the police or the DPP. We cannot interfere in their investigations, but that is as far as we can go and we have done everything that we can do and have followed the recommendations of the Attorney General, with respect to that matter. So, there is not much more that we can do, with respect to that, other than to urge the authorities responsible to come forward because we too are tired of waiting on resolution for this matter.

I think Sen. Al-Rawi also mentioned that matter. So, again, the response is in the hands of the DPP, and we anxiously await his action, with respect to that file because we are seriously concerned about the state of management at some of these institutions.

With respect to the consolidation of the pieces of legislation that Sen. Al-Rawi spoke to, it is something that we have spoken about. It does require a lot of turning from one piece of legislation to another. But unfortunately, that is the age and environment in which we live. Thank God we have the Internet and it is very easy to put up two and three documents side by side, look at it and be able to deal with it in a very efficient manner, as opposed to having to deal with all these big, fat law books. Now, the ability to deal with the mass of information is now a part of our job and, therefore, we

cannot hide behind the old ideas that we have to have everything running from A to B to Z, because the children are learning a different alphabet, and running at a faster pace; the same children that we seek to protect. And that is why it is so important that we recognize that we cannot allow this matter to lag any longer and that the authority has to become operationalized so that it can begin to take reports.

In terms of the concerns about confidentiality, I think that the Children's Authority, that is really a matter for policy making. Children currently are now referred throughout the sectors, whether it is through our national family services, whether it is from the courts, and it is the remit of the institution and the authority now to ensure that the confidentiality of files is respected, that systems and procedures are in place, that proper records are kept in places where they are not easily accessible. These are policy matters and between the authority and the Minister, according to clause 21 of the Children's Authority Act, they can make policy, with respect to all of those matters that will allow for the Authority to run an efficient ship. So, I do not believe that we need to bring everything into the regulations, because the parent Act, under clause 21, allows the Minister and the authority to write policy in the best interest of the children and its operations.

Let me say that we have a lot of respect for the Children's Authority board and we expect that it will deliver at the highest level of transparency, with full integrity and it will, according to the rights of the child, respect the confidentiality of the files that pass through its doors. So, we have no issue with that and there is no need to put that into the regulations, but certainly it is in the parent Act, and, therefore there is provision for that, all policies,

with respect to the efficient operation of the Children's Authority.

With respect to some of the things that Sen. Al-Rawi said, I just wanted to enquire, perhaps not of him, but more generally, since he was the lawyer for the Children's Authority at the time and he did take pains to establish his connection with the Children's Authority in a legal capacity, I just wanted to find out if he is still a legal representative for the Children's Authority. That would be instructive for me, at least to find out how he is working with the Children's Authority to help all of this come into being in the best interest and welfare of our children in this country.

He did speak about the \$1.5 billion in expenditure at the Ministry. I must speak to the fact that more than 50 per cent of that goes to pay salaries and wages. So, when you talk about \$1.5 billion over four or five years, then we are talking about having paid salaries for that period of time for people to do the work. I am advised by my Senator colleague that figure is not correct either. And the hon. Senator would respond to that part later on.

In terms of the penalties, Sen. Drayton spoke about the penalty for breach of regulations. That was discussed and it was felt that it was not a matter for the regulations to deal with the penalties for the breaches. The ultimate penalty would be that the licence of the institution would be revoked and if there is criminal negligence then there is adequate law to deal with those matters. Whether it is negligence or abuse, under the law there are other laws already in place that will deal with those kinds of breaches. If an institution is in breach and the breach is significant to require a more significant penalty then it would probably be handled by other law under other Ministries and we expect that the apparatus of state will be working to

ensure that criminal offences, and so on, will be managed. So, we did not feel that the regulations needed to have in its script any reference to penalties.

In terms of compliance, OSHA compliance that Sen. Al-Rawi raised, we, again, having to wrap our minds around the fact that we have existing institutions that are community residences, and not wanting to disenfranchise the population of children who occupy those residences, we felt that in this instance our regulations would speak to the need to have the clearances, with respect to sanitation and fire. But to impose the industrial-type regulations on these residences that have traditionally catered to orphan children and children who are abused or before the courts for, very often, petty offences, we felt that at this point in time, the regulations would make it as accommodating as possible, not easy because the standards by the Children's Authority are very well documented. They meet international standards and we are prepared to give our institutions—many of them being run by NGOs, many of them being run by faith-based organizations and many of them struggling with the issues of finance, and so on, we needed to not use the harsh hand of government to “lick them up”.

So we needed to be as compassionate as possible and, therefore, our regulations deal with the essential elements, bearing in mind that the Minister may make regulations according to section 50 of the law, with respect to that aspect of it, so that new regulations can come to deal with, when we get to the point of having brought our existing population of community residences to a certain standard, and we now feel that we have set the groundwork for better standards and if we need them to raise the

standards, the Minister has the right to make these regulations with the Children's Authority. So, it is a work in progress, and I started off by saying that it is a dynamic piece of work.

We have to contemplate what will happen to the next child that turns up in front of a Magistrate. We have to contemplate what will happen to the next child who loses his parents or whose parents go astray with drug addiction and all of the other problems that cause children to find themselves on the street and wondering and we needed to make sure that whatever we do is not punitive and harsh so that we disenfranchise people and to understand that. I appeal to all of you to recognize the fact that this has been long in the making. It has been 14 years and we do not expect that we are going to have the magic formula and roll it out tomorrow like a Christmas present, everything perfect and intact. Because even with the best Christmas presents, you have the children still griping about the fact that they did not get this and they did not get that. So, I do not think that in life, and in this data-driven world in which we operate, that we ever get anything ticked off all exactly.

When it comes to our children who have been the victims of trauma and abuse, we recognize that we have to do what we can now, in the best interest of our children and with the consent of Parliament. I am very pleased to see that both the Opposition Bench and based on Sen. Drayton's remarks, the support for where we have reached and her loud commendations for the fact that we have gotten to this point.

I want to say that childhood is a precious time [*Desk thumping*] but it is also a precarious time. It is a time when we make or break a child.

Childhood is a precious time when children should play and laugh and grow strong and confident in an atmosphere of love and happiness. But sometimes a child's happy, carefree world is interrupted by those who are entrusted with their care, who fail to follow societal norms and who betray that trust and children can often become the victims of abuse, abandonment, neglect among other forms of ill treatment. Sometimes the interruption may be simply due to the illness of a parent or the death of a parent, and sometimes it can be the predators in an underground economy who see children in their innocence for their own financial gain.

Trying to bring an holistic approach to the standardized care and well-being of our children who exist on the social margins is not an easy task. We have consulted with many stakeholders across the board. We have intervened at various levels, and it is the intention of this Government, the People's Partnership Government, under the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC, to bring the best fit at the current time in the best interest of all of our children. We want to mirror best practice and so we are committed to an involvement with ongoing training sensitization workshops with many stakeholders, the Judiciary, the police, existing community residences children's homes, shelters, and industrial orphanages.

3.15 p.m.

The full proclamation requires a number of institutional structures to be in place—assessment centres, homes and the Authority is mandated to advise the Minister in relations to its operations and shall make regulations for its operations. We believe at this point, we have reached a place of satisfaction, in terms of making a turnaround in the intervention of tragedy

and trauma in the lives of our innocent children.

We believe that we have worked very hard in the short space of time, and that we have done well. We accept the commendations of those on the other side. We promise that the changes to be brought about by these regulations mark the beginning of a documented, comprehensive and longitudinal approach to the welfare and rehabilitation of children. [*Desk thumping*] [*Interruption*] Children who end up on the social margins, whether it is for behavioural issues, minor offenses or other misdemeanours.

So, Mr. Vice-President, I want to say that I believe I have covered all of the arguments raised on the other side. We look forward to an easy passage of the regulations.

I thank you. [*Desk thumping*]

Sen. Diane Baldeo-Chadeesingh: Thank you very much, Mr. Vice-President. I listened very attentively to the hon. Minister, very attentively— [*Interruption*]

Hon. Senator: As you should.

Sen. D. Baldeo-Chadeesingh: And, yes as I give respect to all Members of this House. We on this side, we do that. I heard her talk about, you know, she was very boastful and in praise of making a turnaround, the Government making a turn around, rolling out of Christmas presents, and we cannot expect to get all that we want, and childhood is a precious time.

Sen. Hadeed: Very much so. Very much so.

Sen. D. Baldeo-Chadeesingh: Yes, Sen. Hadeed agrees with that—and the Government has done well and this Government has brought the best fit for all our children.

But, Mr. Vice-President, I remember not so long ago something called “the Daniel Decree”; living in tragic times. I remember this poor child, eight-year-old Daniel, and someone wrote a letter to him and promised to unveil “the Daniel Decree”. An announcement of a high-level committee was made, chaired by Minister Cadiz. He was supposed to manage the implementation of “the Daniel Decree”. Has there ever been a meeting? Has this decree been implemented? But childhood is a precious thing.

Mr. Vice-President, I wish to—let me focus on my contribution. Whilst I was listening this morning into this afternoon to all the other speakers, I was drawn to the words of Ban Ki-moon who is the eight and current Secretary General of the United Nations, after succeeding Kofi Annan in 2007. He says:

“Millions of children are victims of violence and exploitation. They are physically and emotionally vulnerable and they can be scarred for life by mental or emotional abuse. That is why children should always have the first claim on our attention and resources.”

I am also drawn to the words, Mr. Vice-President, of Kofi Annan the seventh Secretary General of the United Nations, from January 1997 to December 2006. His words are:

“There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they grow up in peace.”

Further, let me go back a couple years, Mr. Vice-President, Boutros Boutros-Ghali, an Egyptian politician and diplomat who was the sixth Secretary

General of United Nations from January 1992 to December 1996, says:

“The right to development is the measure of the respect of all other human rights. That should be our aim: a situation in which all individuals are enabled to maximize their potential, and to contribute to the evolution of society as a whole.”

Mr. Vice-President, the mission and values of the UN can be seen in an unbroken philosophy from Secretary General to Secretary General in service to the world.

Today we meet to approve three Motions on the Children’s Authority Regulation, 2014; the Children’s Community Residences Regulations, 2014 and the Foster Care Regulations, 2014. Anyone who receives or reviewed the agenda of this Government would recognize that they fell down on the job of serving the children of Trinidad and Tobago. [*Desk thumping*]

Given the timing—[*Interruption*] I await your very robust contribution, Sen. Hadeed. The Bill is low on the legislative agenda of this Government, in the twilight of the Government.

Now, yes, we recognize and Sen. Al-Rawi also stated that the PNM passed sections of the amended Bill in the 2006, to ensure coverage of the children, but then in came this Government 2010, and they did not pick up on the effort. In policing or politicizing the issue, set back protection of the nation’s children by four years. In the last year after so many deaths, this needs passage, but governance that is not timely is worse than broken promises. Not passing a law except to score a tick on the delivered political timetable, that is flawed governance and breaches of the **Convention on the Rights of the Child**.

But, Mr. Vice-President, there was a need to keep the Children's Authority and regulated Bills and regulations on the front burner of this Government's agenda for this country. Unlike the past three Secretary Generals of the UN who took over the baton of world leadership and service in the global arena, never forgot the children of the world who need our protection and continuous service.

The UNC Government, the PP Government ignored the need for continuation of the development of not only the environment in which the children must live in Trinidad and Tobago, but also their safety. Since Trinidad and Tobago is so damaged by the spiralling crime obviously after four years, they are unable to manage effectively. But in particular, Mr. Vice-President, the lack of action on their part of protecting and serving the children of this nation is unacceptable. I wish to refer to the UNICEF report:

“UNICEF: T&T infant and child mortality rates rising
More babies are dying in Trinidad and Tobago...”—this report says:
“...this country”—Trinidad and Tobago—“needed to determine why babies were dying more than they were some five decades ago.”
And “UNICEF”—together and it “supported the University of the West Indies (UWI) to prepare a situation analysis of children...the findings of that document confirmed...that infant mortality rates in this country have not improved.”

It further went on to say that:

“The comparison analysis of child mortality in Trinidad and Tobago with other countries in Latin America and the Caribbean, especially countries with a substantially smaller per capita incomes and lower

per capita health spending shows that Trinidad and Tobago is falling behind its regional countries.”

It goes on this:

“...falls within the lower half in terms of under-five mortality rates and ranks”—Trinidad and Tobago—“72nd in the world along with Guyana from the Caribbean region.”

Strengthening the Bills that give some protection to children of this nation between 2010 and 2014, Mr. Vice-President, has been a failure. I also wish to refer to another article that is out in the public domain. The article says:

“...only 19 of 97 filled...”

An article by Geisha Kowlessar, Thursday January 16, 2014; this year, Mr. Vice-President. I quote from this article:

“Prime Minister Kamla Persad-Bissessar yesterday described as ‘unacceptable’ the fact that out of 97 vacancies at the Children’s Authority, only 19 had been filled to date.” [*Desk thumping*]

Caring for children, PP style, Mr. Vice-President. It further went on:

“She has mandated”—I am speaking in the tense of this article:

“She has mandated Minister of Gender, Youth and Child Development Clifton De Coteau to have the positions filled as soon as possible.”

So what happened after that? Well?

“Fielding questions from the media after the event, De Coteau said that the delay in filling the vacancies centred on salary negotiations. ‘You could not get people of substance accepting those salaries. So there was this challenge.’”

That is a big challenge, Mr. Vice-President, but moneys are being spent and allocated to all other, you know, endeavours of this Government, but the children that they say that they are so concerned about, there is an issue; 19 out of 96 vacancies filled.

However, they are finally here, these regulations. No doubt as a result of some tick off to say that we did this. No human verification of the service delivered that will be added to the voices, mesmerising those who believe repetition leads to truth. That was said by the hon. Minister this morning, perhaps it is. But the need to strengthen the protection of children in a most tragic time cannot be understated. The details of the revision and development of the various departments to support the parent Bill and others, have been painfully slow.

Mr. Vice-President, you know, in going back because since this Government came into power in 2010, I know there was a chronological trend of thought in terms of protecting the child. So in December 2010, I remember very specifically that Dr. Glen Ramadharsingh, Minister in the Lower House said:

“...the...Children’s Authority Act will be reviewed and restructured to ensure that the rights of the child are protected.”

This was in 2010, Mr. Vice-President:

“All the work we in protection of children’s rights is in lieu of...kicking in and becoming fully operational.”

He went on in that same timeline and said that;

The ...“Government was trying to give the authority as much support, resources and help as possible to get it operational...”

In the interim, he said a Children's Task Force has been established to protect the rights of the child."

2010, Mr. Vice-President, but money is the issue.

I also recall some of the other Ministers getting into the fray and there is an article I wish to refer to, it was printed in the *Trinidad Express* on April 01, 2013 titled:

"Tewarie scolds T&T for 'shameful' under-5 mortality
Trinidad and Tobago should be ashamed that...the mortality rate for children under five is still so high"—so said Planning Minister Dr Bhoewarrie.

The UNICEF sent out another report and they outlined the—they did an assessment of the challenges in Trinidad for effective child development and protection, and they outlined three major challenges:

- “1. The high under-five mortality rate...
2. Violence against children, especially between children.”—and the fact that—
- “3. Child abuse is also a serious issue in the Caribbean...”

Also, Gender and Child Development Minister Marlene Coudray at the time, this was April 01, 2013, and I am quoting said—I am just quoting as the article said it:

“Coudray said a 'holistic approach' was needed to safeguard children.

The Children's Authority is doing lot of work—it is not progressing as fast as I would like it to. I am not satisfied with the pace of progress...

She added that the ministry will need to implement administrative, legislative and infrastructural resources to ensure quick and effective implementation...”

But here we are in 2014, well, almost about to meet 2015 really. Little lives were snuffed out and abuse of children continue in homes, schools and in institutions of care under the authority of the State.

3.30 p.m.

Mr. Vice-President, I also recalled—because all of the previous speakers spoke about the boys’ house of horrors and were aghast at what was found in the death of a boy incarcerated at the St. Michael’s Home for Boys in Diego Martin. The Attorney General, Anand Ramlogan, yesterday announced—and this was on July 16, 2014—that he has called on the Acting Commissioner of Police, Stephen Williams and Director of Public Prosecutions, Roger Gaspard, to launch criminal investigations into the operations of the crime.

What has happened since then? I know Sen. Ahmed tried to give an answer, but I am not sure the public is buying into that because I certainly have not. So what has happened since, Mr. Vice-President?

You know, there are so many other issues regarding children in this country. This year—I think earlier this year—there was a front page in the newspaper—I think it was in the *Newsday*, if I can recall—2,500 teens pregnant, and there were an estimated 2,500 teenage pregnancies per year, including several cases at the primary school level. You know, it just goes on and on with so many issues affecting children in our society. *[Interruption]* I do not know. Are you able to help with that?

This long and winding road to the Senate today is unacceptable. The inconsistent messages of those in authority reveal dissidence. So the Ministers and Ministries were cut. They were nipped and tucked with the current fallout—no decrease in child abuse at all is the outcome of this challenged governance of a coalition conundrum.

The authority speaks to the police, the court, the NGOs and state-funded departments specifically for the protection of children, foster homes and residences as well as the Children's Authority, but when you hear all the issues of, you know, children 11 years old, victims of rape, sex offender teacher busted by his pupil—*[Interruption]*

Sen. Hadeed: That was in Tobago.

Sen. D. Baldeo-Chadeesingh: This happened in 2011. Pupils at an all-girls prestige school busted a biology teacher who took up duties last week, revealing that he was convicted in the United States, a few years ago on charges of sexually assaulting five of his female pupils. *[Interruption]* No, this happened on April 30, 2011. You know, Mr. Vice-President, this might be a matter of fun and games for some of the Ministers on the other side, but it really is a serious, serious matter, and we on this side, the Opposition, take this very seriously. So while the intent of the Motions is laudable, there is no evidence that related Bills have an efficient, effective compliance and consequence unit to ensure delivery of services for the protection of children.

As a matter of fact, in preparing for this contribution, I found—this was taken from the United States Bureau of International Labor Affairs, titled “2013 Findings on the Worst Forms of Child Labor” and I thought,

“nah, this cannot be happening in Trinidad and Tobago”.

Well, it goes on:

“...while the prevalence is thought to be limited, children in Trinidad and Tobago are reported to engage in child labor in agriculture and in the worst forms of child labour in commercial sexual exploitation. The Children’s Authority of Trinidad and Tobago...is mandated to protect children’s rights by the Children’s Authority Act of 2000 and the Children’s Authority (Amendment) Act of 2008, is still not fully operational.”

Well, this was exhausted ad nauseam this morning.

“The Government also has yet to ratify a list of hazardous occupations prohibited to children.”

So, this was in 2013.

Hon. Senator: What source you said?

Sen. D. Baldeo-Chadeesingh: The United States Bureau of International Labor Affairs.

“Trinidad and Tobago

2013 Findings on the Worst Forms of Child Labor”

Mr. Vice-President, the lack of a well-articulated system to ensure verification of those authorized to effect legal protection and reduce threats and risk cannot be left to an Act waiting to be assented into law. There was a lot of conversation about children, more so within the last four years because this Government has said many times that it cares for the nation’s children, but when I went and I started to do my research, I found that other persons, many other persons were on the same page as us here on this side.

There was another piece written, titled “Oh, what a crying shame!” Gloria Henry wrote this and she was a past Minister. She talked about, “against a background of...neglect”, there was a pattern that was developing, notwithstanding the fact that the current administration talks about,

“...attaining the Millennium Development Goals by 2015, especially those that focus on the human rights of children.”

She says:

“There have been conferences, seminars, workshops and talk shops over the past several years that put children first but nothing gets moving.”

She says the present Government has repeatedly failed to take action to protect children. I could not have said it any better.

One cannot legislate values and nurture human rights in a court, be it a family or juvenile court. One cannot have medical professionals do the right thing and be change agents for teenage pregnancy when under-reporting seems to be a norm rather than a breach, and the environment in and out schools and institutions of care are less than acceptable. Taxpayer dollars support houses of horror, war raging in schools, abuse in homes, and communities close ranks as children are violated on a daily basis.

And where are the CSO statistics when it comes to these things? What scientific data collected and what information is being used to develop the programmes that are required to sustain and prevent abuse of our children? Are the Ministries integrated in a mission as the UN Secretary Generals? I think not. Not so long ago, as a matter of fact—and I know

Sen. Hadeed also likes me to say the date of when I get my reference material and so on, so I will tell you. It happened December 02, 2014. That is just like a couple days ago.

Hon. Senator: Day before yesterday.

Sen. D. Baldeo-Chadeesingh: Yes, that is right. And in the newspaper yesterday, I found this:

“Residents: Not in our backyard”

Government’s poor implementation. Constitutional rights to the residents’ property are breached with such high risk, new inmates of delinquent homes.

This had to do with the vicinity of Ste. Madeleine, and the Ste. Madeleine residents were up in arms, and in particular one of the residents they spoke with—this was from the same day—said that the other residents in the Ste. Madeleine area are so upset that no consultation took place concerning construction that has already started—this is regarding the transition home. I quote. He said:

“They (Government) choose those spots without asking or having consultation with the other people. Construction start without any sort of information from anybody. We tried to get information and we are only getting a set of run around. It is not that we are against transition homes or centres, the location is in the middle of all of us. We are living there over 20 years...some...are already to retire...”

They just moved in and started construction of this and no consultation. You know:

“Minister Clifton De Coteau, confirmed he did receive a letter dated November 15, 2014 from”—the very—“residents. He said:”— this is

the Minister—‘I have no control over that. The point is it is an assessment centre. They (residents) don’t know and they just assume and they just come’—up with—“a conclusion. I don’t think they understand what is the nature of the transition centre, how it is going to operate and how it is going to function.””

Maybe perhaps, through you, Mr. Vice-President, to the Minister, that is why there is need for consultation. Even the hon. Minister, Minister De Coteau, says:

“I think they (residents) should go to Minister...Moonilal’—now—“because his Ministry is responsible for land allocation. We are responsible for having it built. We requested the land and they gave us that land.”

Mr. Vice-President, perhaps consultation needs to happen all around.

And is the Prime Minister aware of the issues that remain unresolved to date? Again, I go back to the Article 19 of 1997 and where and after how many Ministers have we arrived at this point in the last months of a legislative term? There were four: Sen. Mary King, Sen. Verna St. Rose, Sen. Marlene Coudray and Minister De Coteau—one a year. Our children need focus. Our children need serious interventions and above all, commitment of a Government. Alas, this Government has failed the children. [*Desk thumping*]

What is the range? You know, Mr. Vice-President, it is promises and excuses and, again, when we talk about issues like the Daniel Decree, the future of any family and nation lies with the children. Children generally who grow in conflict are not well adjusted for life and when schools—like in

the example I just gave you—even, are not integrated with programmes and they are not linked with other Ministries and their programmes, what is created is a confused space, as we now have in Trinidad and Tobago.

What are our national values? Legislation is useful, but the strategic implementation of such policies has not been successfully done by the administrative arm of the Government. Again, as my colleague earlier on reiterated, only 19 hired with a budget of \$300 billion over four years, you forgot the children.

As I conclude, Mr. Vice-President, I just have a couple issues I want to share with this House. As I have identified the challenges of protection that still face our children, youth and babies, notwithstanding the laws passed and those that will be passed today, while governments cannot legislate efficiency, governments must ensure efficient operations and verification of services for all, and this is what democracy dictates. But our children in Trinidad and Tobago are in need of a well-integrated system which protects, prevents and ensures that our children are safe, from the womb to adulthood.

Before I end, I want to draw reference to the UK model. In the United Kingdom, there are institutions mandated to serve children that must report to Parliament and are held accountable for any breach or maladministration. In the UK, Canada and the US, there is a liability as well as consequences for such breaches by individuals, as well as MPs under whose remit the children's security falls. In the UK, there is a system called Ofsted. Ofsted is the Office for Standards in Education, Children's Services and Skills. It reports directly to Parliament and is independent and impartial.

How does this work? They inspect and regulate services which care for children and young people and those providing education and skills for learners of all ages. Every week Ofsted carries out hundreds of inspections and regulatory visits throughout England and these are published on their website and it works with providers, both long-term as well as short-term providers.

3.45 p.m.

In Trinidad and Tobago, Mr. Vice-President, while the breaches increase and investigations increase under the Government, there is no effective resolution of these issues; no effective monitoring system, hence many have lost hope; no timely proactive implementation as undertaken to protect our children. Victims outnumber staff, yet no increase in skilled staff has been done in the last four years, and the challenge of flawed planning and interventions results when there is no CSO, Central Statistical Office, functioning for planning and development of this nation.

Mr. Vice-President, comprehensive and effective management of all sectors in particular to protect our children, our future, will ensure the protection children need, and an environment that enhances their development is attained. With an efficient integrated system we can offer and assure our nation that well-developed children lead to a well-developed nation with values of respect of the rights of all.

Thank you, Mr. Vice-President.

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Mr. Vice-President, for giving me the opportunity to speak. I did indicate to my colleagues that I would be very very brief this afternoon. They somehow

hold the view that it is a little bit difficult for me to do that, but today I hope to prove them wrong. [*Crosstalk*] My colleague says it is 3.47, [*Laughter*] so let us see if I could wrap this thing up in less than 10 minute. [*Laughter*]

Mr. Vice-President, this is an important piece of legislation, and as I begin, I would like to quote from the parent Act itself, the Children's Authority Act, Chap. 46:10, and under section 3(a) of this Act it states:

“3A. The objects of this Act are to—

- (a) promote the well being of all children in Trinidad and Tobago;
- (b) provide care and protection for vulnerable children; and
- (c) comply with certain obligations under the United Nations Convention on the Rights of the Child.”

Should we protect the well-being of all children and provide care and protection for vulnerable children? It would appear that there can be no contention that this has to be an objective of the entire society regardless of where we sit in this Chamber. The rights of the child is a matter that must, of course, be at the forefront of every society as it seeks to develop and as it seeks to ensure that there is a level of protection for all vulnerable members of the society.

And, to this end, we ask a second question then: do we need a Children's Authority and will the Children's Authority as an institution in Trinidad and Tobago protect all vulnerable children? And the answer, of course, is no. There are instances where an authority, if we are to be reasonable, will not be able to identify the risk and will not be able to intervene in time, but there are instances where the authority itself can act as

a deterrent to others. The simple fact that there is an effective functioning authority can send a message to members in the society that there is an Authority as a point of resource, so that if you are contemplating doing harm or being abusive to a child, the Authority can, in fact, intervene and there can be some sanctions associated with this putting at risk a child in danger. So that there is clearly a need for a Children's Authority, and on that I think there has to be little or no contention.

Let me again quote from section 5 of the Act, and section 5 says—that is the parent Act, the Children's Authority, and I will confine my remarks only to the Children's Authority and not the other regulations which are before us today. It says, 5(1):

“(1) The Authority may have and exercise such powers and functions as are conferred on it by this Act and in particular may—”—
under 5(1)(e):

“(e) upon investigation, remove a child from his home where it is shown that the child is in imminent danger;”

So, the parent Act, 5(1)(e) indicates that upon investigation—so that this Authority must have the powers to investigate; it must have a complement of staff, of skilled staff, and one hopes that the staffing of this agency will be completed sooner rather than later—it can remove a child from his home where it is shown that the child is in in imminent danger.

Now, under Regulation 5 of the Children's Authority Regulations 2014, it says:

Where the Authority is of the view that a child is in need of care and protection and that its intervention is necessary in the best interest of

the child it shall where appropriate receive the child into its care. When I read 5(1)(e) and Regulation 5 which is meant to support this Act and to make the Act a bit more specific, I see very little difference between what is said in the parent Act and what is said in the regulations. Normally, you would think that in regulations there would be a greater measure of specificity, and we would be able to provide to the technicians, the social workers—those who are intervening—a certain amount of specific directions as to now, in fact, the Authority is to receive the child.

Let me move to add some support to what I am getting to, section 22(1A) of the parent Act, Chap: 46:10. Under 22(1A)(c) it says:

“A child is in need of care and protection where the child—

- (c) whose parent or guardian is prevented by—
 - (i) reason of mental or bodily disease;
 - (ii) infirmity or other incapacity; or
 - (iii) any other circumstances,

from providing for his up-bringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;”

Then, of course, we know that this child is in need of care and protection and can be received by the Authority.

But the problem is, you see, when the Regulation is not very specific—and Minister Ahmed did indicate to us that we can, of course, refer to section 21 of the Act where, in the event that the Regulation is not specific, we know the Minister may give in writing general or special directions to the board on policy matters in the exercise of his duties and

powers under the Act which the Authority shall follow. So one takes it under section 21 that any matters not included specifically in the Regulations that we are approving will still be considered by the Minister who in writing may give directions to the board on policy matters.

What we have here, Mr. Vice-President, is an authority which will have power. This Authority will be staffed by technical experts, social workers, individuals in the know, people who are familiar with child welfare, but they will have the power to receive a child who is in danger. According to section 22 that I have quoted, they can receive a child as well whose parent is unable, for whatever reason, to take care of the child. While the law is very specific on the Authority receiving the child, the law is very silent on how this child is to be removed from his home. I have seen nowhere in the law or in the Regulations—I thought I had seen it in the Regulations, Regulation 5, it says that where the Authority is of the view that a child is in need of care and protection, and that its intervention is necessary in the best interest of the child, it shall where appropriate receive the child into its care. [*Crosstalk*] Yes, it shall receive the child into its care, but before it receives the child into its care, there has to be a process by which the child comes into its care and the child may be on the streets.

One has little or no contention with the Authority simply sending someone and indicating to the street child: “You are not to live on the street, you are to come with me. This is the law”. But we have a situation where the child is living with a parent, the parent is on a wheelchair, the parent is infirmed—that is under section 22—and this child is not being well cared for as adjudged by the officials of the Authority.

I am recommending, since the Regulations have already been written, and I have no contention with the Regulation, except that it is not as specific as I would have liked to see in a regulation, it merely replicates what the parent Act says. I would have liked to see something like this—and I put it for consideration to the hon. Minister that: the removal of the child from his home shall be done in a manner to minimize trauma to the child and shall be sensitive to the emotional well-being of parents, guardians or caregivers. You see, I am envisioning a situation where, according to the dictates of the Act, a child, a minor, is not being well cared for by the parent.

Under section 22 it is very clear. If we were to invoke section 22, we are simply seeing that a child is in need of care and protection where the child:

- “(c) whose parent or guardian is prevented by—
 - (i) reason of mental or bodily disease;”

The parent or the guardian could be someone who is infirmed:

- “(ii) infirmity or other incapacity; or
- (iii) any other circumstances,”

—which is very wide and it gives the authority a tremendous amount of power to remove the child from the home who is not well cared for.

It is the removal that concerns me when a state agency has power. I would like the removal to be done so that the trauma to the child is minimized. It could never be eliminated. I would like the removal to be done so that the emotional well-being of the infirmed parent in a wheelchair—you just do not come one morning and say: “Ah come fuh your child.” No, you have to do it professionally. I imagine an agency that is

staffed by professionals will know this, but all too often we find it is likely that people with power can abuse the power, and it is this potential for abuse I would like to see minimized.

So that I am putting for consideration to the hon. Minister that the removal of a child should be done—we know there are professionals—but as a policy measure we would like the professionals who are doing the removal to do it so that the well-being of the child is taken into account and, secondly, the emotional well-being of the parent or the guardian is also taken into account because, you see, I am envisioning a situation where there is the death of a parent, a single parent, there may be only a 14 or 15-year-old older sibling who is available to look after the young ones. He or she is emotionally attached to the five-and six-year old brothers and sisters.

4.00 p.m.

What we need to do is understand that if we are to remove the child in this situation, in the interest of the child, that the caregiver, the individual in the home, may himself be someone who will be emotionally traumatized as a consequence of the removal, and we need to take that into consideration. It is not contained in the regulations, specifically. I thought it would have been under regulation 5 of the Children's Authority regulation, but since it is not there I am putting it forward to the Government, under section 21 of the parent legislation, that under policy directives the directions of the Minister will ensure that as this agency grows—you see, Mr. Vice-President, we have a young agency. We do not have an established mature institution.

We need to start the road right. We need to establish best practices. We need to temper power of a state agency with an ability to be really

understanding of the needs of the people with whom we are dealing. This means that we will have a law that is not really a draconian law, but rather a humanitarian law. I think if we were to move in this direction and the authority were to establish that kind of persona, the authority that is being established and that is growing will make a dramatic impact into the welfare of the children in this country and also those who care for them. I thank you, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: Sen. Cudjoe. Sorry. Sorry. My apologies.

The Minister of Local Government (Sen. The Hon. Marlene Coudray): Mr. President, I thank you for the opportunity to make a small contribution to this debate. I think that the Minister of Gender, Youth and Child Development dealt very comprehensively with the tabling of this legislation this morning, and, of course, his Minister of State also assisted. I did not think I could sit here as a former Minister of Gender, Youth and Child Development and allow some of the inaccuracies, the misinformation and misrepresentation that was put on particularly by the goodly Sen. Al-Rawi to go unchallenged. [*Desk thumping*]

Mr. Vice-President, I would start by saying that this Government has done more than any other Government in the history [*Desk thumping*] of Trinidad and Tobago for the children of our country. The first misrepresentation made by our learned friend is that there have been four Ministers—he called Mary King as a former Minister responsible for child development. Mary King was a Minister of Planning and the Minister of Gender portfolio was under the former Senator, and nothing to do with children. In 2001, the Prime Minister, our hon. Prime Minister had the

wisdom to create a Ministry to deal with gender, youth and child development, and the goodly Senator—[*Interruption*] It was 2011—and the goodly Sen. Baldeo-Chadeesingh talked about the comprehensive—the need to deal with this thing comprehensively, but we could not be more comprehensive than having a Ministry to deal with children, [*Desk thumping*] youth, men and women, and this is what this Government is about. [*Desk thumping*]

So, I just want to tell the goodly Senator—in the first place, Sen. Al-Rawi has put on the record that the Ministry of Gender, Youth and Child Development has spent \$1.5 billion since we came into existence. Mr. Vice-President, that is not only reckless and, apparently, the Senator has a difficulty in putting the truth, in dealing with the truth in this honourable Senate, and when we go back to the Planning and Facilitation of Development Bill I will talk more about some of the inaccuracies and misrepresentation that were put forward last week. [*Interruption*]

Sen. Cudjoe: Mr. Vice-President, 35(5). This is probably the sixth time she used with word “misrepresentation”. Misrepresent means to falsely deceive, that is imputing improper motive. [*Crosstalk*]

Mr. Vice-President: Please. Please. Please. Sen. Cudjoe, I did not hear any remark or any statement in her contribution that was made that considers to be, therefore I rule that you may continue. [*Desk thumping*]

Sen. The Hon. M. Coudray: Thank you, Mr. Vice-President. Let me elaborate, the misrepresentation is that the Ministry of Gender, Youth and Child Development spent \$1.5 billion since coming into existence, and the records will show, and I quote from the Ministry’s expenditure for the year

2011, expenditure \$36,460,487; for the year 2012, \$122,168,422; 2013, \$140,449,991, and for 2014, \$197,252,093, a total of \$496,330,993. If that is not misrepresentation, I “doh” know what else is. [*Desk thumping*]

Mr. Vice-President, I need to be accurate because I do not want to misrepresent as well. We talked about the rental and the hon. Senator stood up here trying to give the impression, and he said to this House that Minister De Coteau rented half of the building, the other half of the Children’s Authority building for the Ministry of Gender, Youth and Child Development, and that is the furthest thing from the truth. When I stood up here in 2012 and said to this House that funds—I said it in the context that what jumped out at me was the fact that there was \$8 million allocated for goods and services when we were doing the budget, and what jumped out at me, the figure of \$7.5 million was going on rental of office accommodation.

I asked the Permanent Secretary to look into that because no money was being spent on the children but on rental, and the Senator stood up here today and said he was under attack—and he is not here today. He is not here this afternoon. I do not know if he is misrepresented and is hiding, but he said—[*Interruption*] I apologize, Mr. Vice-President.

Mr. Vice-President: No. No. No. I just want to correct that aspect of it. Sen. Camille Robinson-Regis and Sen. Faris Al-Rawi have sought leave from the chair to attend to another business, so he is not hiding. [*Desk thumping*]

Sen. The Hon. M. Coudray: Thank you, Mr. Vice-President. So, I go back to my first position, he is not here. He is not here. But what I am saying is that, you know, the statement that because he was the

attorney-at-law—and I am not sure whether he said—was it attorney-at-law or he was the in-law. I do not know in what capacity it was. He was the attorney-at-law, but I think he meant—that was the only thing I could—

Mr. Vice-President, what I had put on the record here is that the Ministry was put into a situation to rent a building that half of which was occupied. I am sure Minister De. Coteau in his winding up will say that he rented that building, his Ministry, the Ministry of National Diversity and Social Integration, in terms of discussions took the empty half of the building that the Ministry of Gender, Youth and Child Development was paying for, for four years without having used it. That was the accommodation and, pardon, the pun—that was the accommodation that was entered into. Another Ministry took the building, it was not the Ministry of Gender, Youth and Child Development.

So, I want to restate here and to re-emphasize that the Ministry of Gender, Youth and Child Development rented a building in 2009 at a cost \$7.5 million per year, only half of which was put in use. This was why I asked the question in crosstalk, were you so—you know, your planning was so good that you rented in advance, because the Senator claimed that it was for these regulations and to implement this particular issue that the building was rented. So—[*Interruption*]

Sen. Hadeed: [*Inaudible*] it was rented to? “In de thief ah de night when dey was going out ah power.”

Sen. The Hon. M. Coudray: Yeah. Well, I had said that earlier, that the timing was very curious in terms of—[*Interruption*]

Hon. Senator: What was the timing?

Sen. The Hon. M. Coudray: Just on the eve of election in 2010 all these things were signed up, like a thief in the night.

Hon. Senator: Who was the lawyer?

Sen. The Hon. M. Coudray: I do not know: the lawyer or the in-law.
[*Crosstalk*]

Mr. Vice-President, a lot was said this morning in terms of the delay—[*Interruption*]

Mr. Vice-President: Senators, please allow the Senator to make her contribution. Thank you.

Sen. The Hon. M. Coudray: A lot was said in terms of the delay and that this Government is now bringing this legislation to the Senate, but we need to reflect that the law was passed, the Acts were passed, the major Acts were passed in the year 2000, and the Government changed and a PNM administration took office in the year 2001. This was passed in 2000 by the UNC Government, and from 2001 to when this Government came into power in 2010, the intervening years, that PNM had all the time in the world to put whatever it had to put in place but it is left with this Government now in 2010, after four years in office, to bring this legislation to the table, and yet we hear all the criticisms, and at that time the then Government ought to have known the kind of infrastructure that was required to bring the Children's Community Residences, Foster Homes and Nurseries Act into operation to allow the proclamation of this Children's Authority Act.

This was why that Government only proclaimed in 2001, during their eight years, section 5(1), and knowing that very significant infrastructure was required, and in terms of the powers listed under section 5(1), the

assessment centres needed to be built and established, not one of them was established in nine years under the PNM administration.

Hon. Senator: Not one?

Sen. The Hon. M. Coudray: Not even one. The hon. Minister, in tabling this piece of legislation this morning, indicated that the assessment centre was up and running at the Mount Hope Hospital. The interviewing rooms and all these things take time—with interviewing rooms, a two-way mirror, the doctor's examination room; there is a case conference room, offices for social workers, a doctor, psychologists have been hired, equipment are to be purchased and put in place, staff also had to be hired, all these things took time.

So within four years this Government has in fact done this, and I think the one in San Fernando is also coming on stream and this is being—*[Interruption]* This Ministry was established in the year 2011, and during that time all this has been put in place: the two assessment centres, the land had to be identified for the assessment centres, Cabinet approved the money and the construction of—two of them at least have started.

So, Mr. Vice-President, the staff in 2010—they are talking about 10 persons on staff in 2010—yes, there were 10 persons on staff in the year 2010. There are 97 persons on staff now within the period of this Government, *[Desk thumping]* and over 200 positions have been created by the Cabinet to fully operationalize the Children's Authority. So, Mr. Vice-President, we need to put the record straight in terms of some of these inaccuracies being made. There were several issues also mentioned in terms of the anonymity and these are very administrative issues that will not

appear in the regulations but the persons reporting issues and the default under the legislation, need not give their names, these reports can be actioned without the name of the informant being given.

4.15 p.m.

A case management system is being designed and implemented with stringent levels of access that will be built-in, and only persons with the highest level of clearance can access sensitive information in the system. There has been rigorous training of the staff to deal with the confidentiality issues, and the employment contracts—the actual contracts which these people sign—imposes the enduring duty of confidentiality on them.

Mr. Vice-President, let me deal with persons who made more progressive contributions in terms of the debate. Sen. Drayton also mentioned certain issues that had to be dealt with. I think she mentioned three issues, and one had to do with the mandatory school age. I recall in the Children's Act of 2012—because as Minister I had gone to the Cabinet and gotten approval for the mandatory school age up to 16 years, and this is what this Government has done since in office. [*Desk thumping*] That Act will only come into force with the proclamation of this Children's Authority Act. So that all these things are waiting; it is a whole comprehensive position.

This is what I think the Minister went at great pains to talk about this morning, but, of course, some people did not want to hear that. To say that the Government fell down on the children of Trinidad and Tobago—I think this is the only Government that has put the children of Trinidad and Tobago at the top of its agenda. [*Desk thumping*] In terms of our hon. Prime Minister and how she deals with children, the Children's Hospital, the Children's Life

Fund and all these initiatives came, it only happened under this Government.

[Desk thumping]

The only thing I find unacceptable, in the words of—and I quote “the unacceptable”—is the lack of care and attention to our children by the previous Government. I want to thank on behalf of all of us here, our hon. Prime Minister, *[Desk thumping]* in terms of all these initiatives that have been put in place to look after our children. A Children’s Task Force was set up, as many persons would know, and out of the recommendations—and I think the Minister also mentioned that this morning—of the Children’s Task Force a lot of this was fed into some of the amendments that had to be made to the regulations to give life to this piece of legislation before us this afternoon.

So the question of Government’s expenditure—and you know, we are talking about the paradox and the expenditure of \$300million that this Government has spent—and again repeatedly I have heard Members on this side correcting that figure in terms of the Government’s expenditure to date. But even while saying so, we are hearing that we did not spend enough on the children and we did not spend enough on a lot of the issues. I wish they would make up their minds whether they want us to spend or not to spend, but this Government has its own agenda and we are proceeding with it to the welfare of all the people of Trinidad and Tobago. *[Desk thumping]*

Mr. Vice-President, in terms of the St. Michael’s School for Boys and the constant reference to that institution as a “house of horrors”, I just want to put on the records of this House, that St. Michael’s School for Boys did not get so overnight, nor did it get like that in 2010 when this Government

took office. It is constant mismanagement and neglect of that school over the years that has brought it to that stage. It is not this Government.

St. Michael's School for Boys is an institution that was managed by the Anglican Diocese for orphaned, homeless boys. It was not this Government, I think, who put in the mixing of children. This is an issue that this Government has been raising since 2010, the fact that we are taking boys who are homeless and who were put there for a particular reason, and putting juveniles in there and mixing them with the unfortunate children who found themselves homeless. This has been the issue with St. Michael's, and unless this is addressed no Government can deal with this so-called "house of horrors" until we sit and determine how we separate these children.

This Government has on its agenda the establishment, through Minister George, of the juvenile homes that will separate the children who were referred by the courts, from the children who unfortunately are orphaned or homeless, and allow them to continue—it is this Government who is seeing all the ills and trying to correct them. I am saying, it cannot be done overnight, so the constant house of horrors—what people should do is get together and see how we can help the young people of our country, rather than condemn the Government. It is not the Government who has done this, and all citizens will face the consequences of continuing with that travesty that these children face at St. Michael's and other similar homes.

Mr. Vice-President, as I indicated there were a few things I just needed to put on the record, because of the misrepresentation in terms of this piece of legislation that will really do a lot for our children and young

people—we want to tarnish whatever this Government is trying to do by the utterances and the shouting in terms of what we do or did not do.

I want to commend the current Minister of Gender, Youth and Child Development, the Minister of State and the very hardworking staff in that Ministry because I know we spent days and nights, and sometimes on weekends when we had to, in order to bring this piece of legislation on the table, because we know without it the Children's Authority Act cannot be proclaimed, and the changes that are required to protect our children cannot take place, unless this suite of legislation is passed by this honourable House. I want to urge all of us to really look at the intention of this piece of legislation in terms of the benefit to our children, our young people, and support it.

I thank you.

VISITORS

(Parliamentarians ICT Workshop)

Mr. Vice-President: Hon. Senators, before I invite any other speaker, I would like to take the opportunity to welcome Senators from the region who attended a workshop here. They were delegates at the ICT workshop for Parliamentarians of the Caribbean and the Americas and the Atlantic region held at Hyatt Hotel. They are with us here this evening, so I take the opportunity now to welcome them. [*Desk thumping*]

ORDER OF BUSINESS

Mr. Vice-President: Hon. Senators, the time now is 4.22. It is very unfortunate that I intend to take the tea break at 4.30, you will only have eight minutes to speak therefore. [*Laughter and crosstalk*] I was wondering

if we could take the tea break and then come back at 5.00 p.m. The House is now suspended for the tea break and we return at 5.00 p.m.

4.23 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, as we resume, just before we broke for tea, Sen. Avinash Singh indicated his willingness to participate in the debate.

Sen. Avinash Singh: Thank you kindly, Mr. Vice-President. I rise in this august Chamber today to join with my colleagues to give voice to the voiceless and the most vulnerable in society, our children. I take great pride in contributing in today's debate as we all attempt to legislate regulates that will touch the heart, mind, body and soul of the future generations of this great nation.

The regulations I speak of include the Foster Care Regulation 2014, the Children's Community Residences Regulation 2014 and the Children's Authority Regulation 2014, critical pieces of the puzzle that should aid in the proper functioning of the legislation to protect the well-being of the nation's children.

Mr. Vice-President, a very sad energy of reflection drowned my emotions upon researching for this debate, as I was directed to the horror and unbelievable reality Trinidad and Tobago has had to endure in recent times where we lost members of our population, some too young to even comprehend what these types of legislation could have done for them. I do not intend to go into any details, as I will try to be as short as possible.

Mr. Vice-President, it is still in our memories, and I will just refer to a few of the cases: the US citizen Sean Luke, may his soul rest in peace, six years old, died due to rape, buggery and murder by two boys aged 13 and

16. In 2007, seven-month-old **Mikael Malachi Ferreira** was beaten to death; November 22, 2013, baby Jacob beaten to death, one year old, and I can refer to many headlines that we are all aware of, of situations where the nation lost its children.

Mr. Vice-President, I would like to refer to an article that also highlights some of the cases in which our country lost its youth. A story by Radhica Sookraj on the Trinidad and Tobago News Forum identified a few cases in which some of these children lost their lives, and also highlighted was Sean Luke and Amy Emily Annamanthudo.

5.05 p.m.

What was common in most of these cases, Mr. Vice-President, was that in these cases and in these crimes where crimes were committed against these children, many of the crimes were known by individuals even before these children lost their lives. Under the existing Sexual Offences Act, Chap. 11:28, on the mandatory reporting of suspected abuse of minors, and I will just read it 31(1):

“Any person who—

- (a) is the parent or guardian of a minor;
- (b) has the actual custody, charge or control of a minor;
- (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or any other capacity; or
- (d) is a medical practitioner, or is a registered nurse or midwife, and has performed a medical examination in the respect of a minor,

and who has reasonable grounds for believing that a sexual offence has been committed in respect of the minor, shall report the grounds for his belief to a police officer as soon as is reasonably practicable.”

Mr. Vice-President, in this situation here, I will just highlight one in the effort of time, in terms of the case of Amy Emily Annamunthodo. In the article it goes on to say where neighbours of that child, they knew about situations where that child had undergone one year of abuse, but these neighbours were afraid to report these circumstances in fear of their own lives because the person of interest or the person apprehended, the perpetrator, was a close relative to that child, and he was known to be arrogant in that community.

So, Mr. Vice-President, these hideous acts of violence, sexual abuse and crimes symbolize one thing, that we are breeding a race of humans not fit to be called humans, but monsters.

As we go on, we have a religious leader coming to the public domain and offering some information as to reasons why he feels our children are at risk. Mr. Vice-President, Roman Catholic Archbishop Joseph Harris in an article in the *Trinidad Guardian* newspaper June 20, 2014, he blamed the country's spate of child deaths on a number of social inequalities plaguing society. He was quoted saying:

“Until exclusion and inequalities in society between people are reversed it will be impossible to eliminate violence,”

He also went on to say:

“Indeed here in T&T, the call for greater security resonates in all our hearts but as Pope Francis has reminded us, until the exclusion and

inequality in our country is reversed, the insecurity we feel will increase, it will not end.”

Mr. Vice-President, in fact one has to wonder after going through situations and after having many of civil society come forward and respond to cries, one has to really wonder where the priority really lies in terms of this Government's legislative agenda. Because when one reads the Child Protection Task Force Report Number 2, dated March 26, 2014, you would realize that there are massive deficiencies where resources are concerned for the implementation and enforcement of existing or awaiting legislation geared at a minimal functioning of the authority. I shall just give a few examples. In fact, and it was raised here earlier and the hon. Minister of Gender, Youth and Child Development, you know, had a nice quote—repetition leads to retention. So, I will just highlight those that quickly come to my mind.

In fact, apparently a commission of enquiry into why land moves is more important than establishing contracts, determining compensation packages for staff at the Family Court. We know this because the reports say trained and experienced staff, they are leaving the courts as a result of their insecurity in not receiving such contracts.

I could go on, in fact LifeSport \$400 million, and \$2 million to Mr. Jim John or however he is called. Mr. Vice-President, apparently is it more important that the national support services, and the national student support services it was also reported in the task force report, that it is under-resourced with professional staff that the country needs in order to prevent the level of violence and disruption in the nation's schools.

Another quickly—one in my mind—**EB Minteract** Limited, \$34 million man Adolphus Daniel. Mr. Vice-President, that took priority over the children's, ombudsman or the National Children's Registry, both of which were also recommended by the Children's Task Force.

So, I heard the hon. Minister indicate that 85 trained officers—and I applaud that move—but it is still under-resourced. That unit is still under-resourced because in the recommendation made by the Children's Task Force, it was identified that in order to have an effective and efficient unit, the unit should comprise 300 strong, abled, specially trained officers to aid in the fight against crime on our youths, and our children.

Mr. Vice-President, four years of this Government and only 41 professional staff out of 97 recruited in the Children's Authority as of March 2014. When one listens to these few indications that I have made, we can understand clearly and grasp the message the goodly archbishop was trying to indicate to the right-thinking citizens of this population.

Mr. Vice-President, before I move on, I must touch on an issue that troubles not only me, but many of civil society as it relates to the perpetrators of most of these crimes committed against our children. It is becoming more and more common where by these sick monsters after committing the most inhumane crimes, indicate that they feel this mental state of mind that challenges their ability to be normal or to live normal lives. This I find to be most disrespectful towards society, because to many citizens who share this sentiment, the victims of the lost or victims who have had the experience of having loved ones lost, they can really understand. Because, Mr. Vice-President, they would have loss innocent souls that were

snatched of the chance to see another sunrise or sunset. They were taken away from opportunities of life and the ability to grow and mature and contribute to nation building. And I stand in their tiny feet today and speak for them to you, Mr. Vice-President, because I fail to believe that these evil demons were mad when they were raping, bugging, molesting, beating, suffocating and assaulting those tiny bodies until they were motionless.

Mr. Vice-President, do you really think that they did not know what they were doing was wrong? And all of a sudden when the law picked up on their deeds, they are mentally unstable. Maybe they are. Maybe I am wrong, but too often or too many times perpetrators are allowed to access loopholes in the criminal justice system, and one recommendation to ensure fairness, if and when these situations arise, is to have those claiming to be mentally challenged, tested and verified by, at least, five independent medical practitioners or psychiatrists, and even try to source probably a foreign expert to make sure that no one is allowed to insult the intelligence of our citizenry. Because I am almost certain like many professionals in society, you can get anything for a price, even if it is a piece of paper saying that you are mad.

Mr. Vice-President, I came across a very interesting piece of reading during my research, and I would like to share just a few extracts from that finding with hon. Senators in this Chamber. The article is entitled "Confessions of an abused child by Vindra Sinanan", dated October 06, 2008, and it was taken from the *Trinidad and Tobago News*. With your permission, Mr. Vice-President, I would just refer, very briefly, to some of the elements in that document.

This article, as I said, labled “Confessions of an abused child”, was done by Vindra Sinanan. In this article dated the sixth of the tenth month 2008, this person took fingers to keyboard and put her own personal experience on a document so that we and the general population could not make the same mistakes that she would have made or would have to go through same abuse that she would have had to go through.

Mr. Vice-President, I will just go through very briefly, as I said. She indicated in this document that there were signs available, and these signs that I am talking about when we, the population, are too caught up in our daily lives we tend to miss these big pictures, we miss the simple signs. These signs that I am talking about are signs of physical abuse, and most of which only someone close to the victim will be able to detect. Vindra Sinanan, she was abused, and it is only after reading and hearing about situations that took place with the late, the little Hope or even Akiel Chambers that she sought to come out in the open and to express her own concern about the perception on how the public responded to these media blitzes.

She went on to say, and I will quote her:

“As someone who was molested and sexually abused several times before the age of nine, including at the hands of females, it is mindboggling to hear statements such as, ‘how come she...’—meaning the mother—“aint know about that;’ or ‘who tell she leave she child with a man’—it quotes. ‘We did not know this was happening;’ or, even ‘how could this happen?’”

So, Mr. Vice-President, the reaction of the public officials is

somewhat crying wolf after the fact or after the mayhem has already been committed. She is quoted as saying further in the article, that although institutions have, and for example, schools and these institutions, they have sex education programmes, and they are privy to videos about no touch, and still they are offered no security.

Mr. Vice-President, this child attaining the age of nine had to go through all these difficulties, and the problem—and I am just going to raise the point in this article, she went on to say:

“To help stop these unwanted acts we need to understand one thing, and most of the times these acts are perpetrated by someone the child respects or trusts, and even thinks of as a friend. Though what is being done is wrong and the child may know of this, it is still very confusing because the child also knows if he/she tells, the person will be in trouble and nobody wants to get their friend in trouble.”

So, Mr. Vice-President, I would ask, you know, hon. Senators, not going into any more details on this article, that Senators could probably take a read and see for themselves. But the point here, while the Children’s Authority Regulations, 2014 will act as a tool for information and intelligence gathering, we our civil society, we really have to be a bigger role or play a bigger part in caring and protecting the child, particularly reading the signs and implementing corrective action that prevention is better than cure.

Moving on, and turning to the Children’s Community Residences Regulations, 2014. This piece of legislation comes a time when it is most necessary in preventing cases and situations as in the death of 14-year-old

Brandon Hargreaves, but sadly lost his life after he was alleged that he fell and hit his head in the St. Michael's School for Boys while playing. I would not go into much details because I know a lot of the hon. Senators here indicated and mentioned that school.

5.20 p.m.

It must be noted, however, that as of March 2013 there were 51 institutions operating of which only four receiving state funding, and I think the figure is 90 per cent out of the \$38 million, which was reported in the newspapers, were allocated by the Ministry of Gender, Youth and Child Development.

Mr. Vice-President, under the Ministry of Gender, Youth and Child Development, the main philosophy or the work in child development is really based on the main philosophy that, and I quote:

Our children must come first because our future and the future of Trinidad and Tobago depend on the efforts we make today to take care of our children.

The key priorities of this child development under the Ministry, and it is listed as five points and the first one being:

1. to provide a secure and nurturing environment for all children;
2. to provide opportunities beyond academics for children;
3. to promote healthy lives;
4. to provide specialized services for the well-being of each child;
and
5. to develop comprehensive, coherent and harmonized initiatives to promote, protect and respect child rights.

Mr. Vice-President, I raise this because in this abstract here equality means all children and not just those four institutions that are being funded. So, in the future when this legislation is in effect, I would really like to see and be a part of that change where all these organizations and non-governmental organizations are aided with financial resource and financial help from the State.

Now that all children institutions under this regulation would have to be in compliance to the regulations and standards approved by the authority, it is very important that each facility would have to produce a budget and make available its accounts to the authority as well as the public for public scrutinization and public inspection, mainly for public accountability and transparency, especially where public funds would be used to sustain the operations of these residences.

Mr. Vice-President, in the event that existing institutions are not compliant with regulations set forth in this legislation, and this was a concern that the hon. Prime Minister, then Member of Parliament for Siparia had asked about, and I would like to ask the same question. I would like to really know, what will be the temporary course of action? For example, let us say an institution does not have proper ventilation or proper lighting or proper amenities, what will happen to the children currently housed there? While I am on amenities, I would really like to also see in the legislation, seeing that effort was placed into special food for religious—you know, in terms of religion and religious persuasions, I would like to see religious space included in all these institutions for all these children.

Mr. Vice-President, another concern I have—and I will wrap up in a

few minutes—where the prohibited methods of punishments consist of. I think child labour should also be included in this section. Moving on to the safety and security, regulation 16(2):

“Where a Manager is of the view that a person visiting a child at a community residence poses a threat to such child, the Manager shall inform the Authority.”

My question here is, when? And it was also raised by hon. Members before me, because in the Foster Care Regulations it is specific in its duty to notify the authority; 10(1):

“The foster parent shall be required to notify the Authority immediately...”

So, I would like to see that similar drafting of legislation be placed here.

Moving to Records, 18(2), where a photograph of a child is required: I think a yearly or updated photo should be in file. Lastly, in this regulation, I have read in similar laws in commonwealth countries where liability and compensation is a part, and provision is made clear for who will be held accountable, responsible or liable in case the need arises. Will it be the managers of the facilities or will it be the State? For example, as in the case that went by with the St. Michael’s school.

Mr. Vice-President, with respect to the Foster Care Regulations, just one concern I have here, in terms of the application process:

“An application under subregulation (1) shall be accompanied by—

- (a) a medical certificate of fitness;
- (b) photo identification;
- (c) the names and contact information of two referees; and

(d) a police certificate of character issued within six months before the application in respect of each member of the household over eighteen.”

I take concern here as seen in case of Sean Luke where a 13-year-old and a 16-year-old were the perpetrators in that crime. So, I would like to see here any issues with any children that could also pose a threat to that child should be also made available in terms of where the legislation is concerned. At least the information would be necessary in moving forward.

And, Mr. Vice-President, as expressed by all the Members, all my colleagues contributing on the Opposition Bench, we have no problem contributing to good legislation that will positively impact the lives of the most vulnerable resource of our country, and that is our children—the integrity of the future generations that will appreciate the inputs of all our contributions here today in this august Chamber. And as a responsible Opposition, I fully endorse the intentions of these pieces of legislation and regulations, and of course, while respecting our recommendations, Mr. Vice-President, I thank you for the opportunity once more. [*Desk thumping*]

Sen. Shamfa Cudjoe: Thank you, Mr. Vice-President. [*Desk thumping*] I wish to thank you for the opportunity to join this debate on this Motion to facilitate the adoption of what I consider one of the most important packages of legislation or legal instruments to be brought to this honourable House.

Mr. Vice-President, I would like to state that the Opposition Bench supports this legislation in principle. I know my colleagues will have made some recommendations, for instance Sen. Al-Rawi would have tackled the legal side of it and Sen. Baldeo-Chadeesingh and Sen. A. Singh would have

dealt with some other social issues. I would like to take this time to place on the record some of my observations and my concerns. The matter of child care and the development of children is very dear to my heart, so I felt the need even at the very last minute to throw my two cents in.

Mr. Vice-President, the Opposition seeks to—we have an obligation to assist in the development and the endorsement of any measure that would help to improve the quality of life for our citizens and more so our children. I came from a people, a culture and a community that believes that children represent wealth and happiness, they are our most valuable assets and our greatest pride. The psalmist in psalm, I think 127, said:

“Like arrows in the hands of a warrior
are children...in”—their—“youth.
Blessed is the man
whose quiver is full of them.
They will not be put to shame
when they”—speak with the enemies at the gate.

This is 127, I think from verses four through eight, I could be wrong, but I know it is 127.

Anyway Mr. Vice-President, this is a psalm that my father would quote very often. I am the fourth of eight children. We are all one year apart so my parents were very busy and my parents believed that children—

Sen. Maharaj: You want to follow their example? [*Laughter*]

Sen. S. Cudjoe: You know, Mr. Vice-President, when I was preparing this I was expecting Sen. Maharaj to engage me, and he did. I thought of it. But anyway, we will talk about that outside the Chamber. [*Laughter*]

So a lot of Tobago parents, and I am sure some in Trinidad also believe that children are the greatest contribution that you can make to society, and in that contribution you have to raise the children right and send them out into the world with a mandate to change the world and make the world a better place. When parent would have had children and raised them right they would have felt like this is the best thing, this is the biggest contribution that they can make to the development of their country and of their society. It gives them a sense of pride. From my family and from my community money is never really an issue. It is not a significant coefficient in the equation, but the strongest variables are variables relating to implementing a strong moral compass, ensuring that there is sound education and a strong sense of responsibility to clean up the mess that exists in the world.

So, Mr. Vice-President, children represent not just wealth and happiness, but children represent hope, hope for tomorrow, hope for a nation, hope that what we are working on today we are not doing it in vain, that there would be sustainable development and somebody to carry on the legacy.

Mr. Vice-President, if you have ever taken the time out to observe children, let us say you go to a nursery school where there are very young children or a play park, there are so many things that you can learn from just sitting and observing children. It will give you a greater understanding for human nature and a more pleasant perspective on life, because the way they care for each other and share with each other and interact with each other, I think that they exemplify, they represent what we pray for every week,

which is to conduct our business without fear or favour, affection or ill will. This comes so naturally to them, there is no evidence of hatred or malice or racism or anything like that, and it brings me to a very famous quote that Nelson Mandela would have made some years ago, and I quote:

“No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”

Mr. Vice-President, I think that the best practical example of this philosophy could be found in the purity and innocence of our children. So, I have interpreted this to believe that in the final analysis whether children maintain, improve upon or depart from this very innate nature or these characteristics with which they were born, it depends solely on the environment that we have created for them and the kind of experiences that we have allowed them to go through.

Now, this should constantly remind us about our ability to create a better environment to raise our children and our responsibility and obligation to do so. We have a mandate to ensure that the rights of children are protected and respected at all costs. We must provide the necessary systems, processes, infrastructure and legislative framework to guarantee maximum safety and security for our nation's greatest assets and our most precious jewels. But, Mr. Vice-President, as I mention these things I am sure that there are people sitting in their living room, driving home from work or listening over the airways that are saying that we have failed our nation's children terribly, government after government, administration after

administration.

That is why I am always so disturbed to come to this House and listen to people from different sides of the House politicize the issue of crime, politicize the issue of child care, politicize the issue of some kinds of development, because these problems spanned different administrations, and we all—not just as legislators or as Members of Parliament, but as adults, as members of communities, as members of families, as churchgoers, as people in authority—we have a responsibility to each child to ensure that we create the right environment and cultivate the kind of culture where they can grow up feeling like they are children and they could live freely from harm and danger.

So, to sit here—and I listened to the very Minister himself speak about the crimes against children that happened only under the PNM, and then Sen. Coudray said that this is the best thing to happen to—the best administration to deal with children and all that. We all would have run a leg in this marathon. It is a very complicated and complex task. We have our work cut out to do and there is so much more to be done, and I think that by trying to pass the buck from side to side, it is a very unfortunate thing to do and we can get nowhere and we are serving—we are not setting a good example for our people, or for our children.

5.35 p.m.

Mr. Vice-President, I think we need to grow up and above that. If the listener or the people out there in TV land and radio land take a look or cast their minds back to the different headlines over the years, even this year, child beaten to death, child found in barrel, baby killed, the nature of crimes

and the number of crimes against children has been increasing. And we have gotten to a point where these violence against children has been perpetrated most often in silence, and I feel, Mr. Vice-President, that we have gotten also to a point where it is assumed that this violence against children is tolerable. Because, you would hear about a case and everybody would cry and say, oh, this is such a terrible thing to have happened, and in nine days or less we would have forgotten about it and moved on to something else.

I want to point out just like some of the other contributors to this debate, that this is a process that has started over 14 years ago with the Children's Authority Act, of the year 2000 and the Foster Care and Residence Act, 2000. The Children's Authority Act to this date is still partially proclaimed. The Foster Care and Community Residence Act is still not yet proclaimed. And the Children's Act, 2012, is not fully operationalized. So we have our work cut out to do. So for the Government to stand here or sit here and say this is the best thing, we have been working for the children and children are just having a wonderful time under this Government, we know that is just a misrepresentation, yes?

So, Mr. Vice-President, when you check the newspaper records, you know that the Children's Authority as it stands today, month after month they would mention in the newspapers we are going to be up and ready to go in the next month or in the next six weeks, and as we speak today it is not fully operationalized. In January there were 97 vacancies preventing the proper functioning of the Children's Authority, and the Prime Minister would have condemned the Children's Authority for that in January 16

newspaper report. I recognized that by the end of July or September, at the end of September, 57 of those vacancies have been filled, which means that there are at least 40 vacancies still outstanding in the Children's Authority.

So there is much work to be done. So while the announcement has been made that after these regulations have been passed, the Children's Authority will be ready to do its work. That is not so, Mr. Vice-President. That is a misrepresentation, another one. So what we note that, the Children's Authority has been having problems. If you read the newspaper reports, that they are having problems accessing funding, accessing resources and accessing—and they do not have the necessary authority to investigate issues of child abuse and to examine children and to manage the adoption and foster care system.

Mr. Vice-President, it seems like our priority, that this Government priorities have been mixed up. It is clear that their house is not in order. I remember that the Daniel Guerra case, that Sen. Baldeo-Chadeesingh would have mentioned, many Ministers including the Prime Minister was on TV skinning up their face, crying crocodile tears and talking about Daniel decree, and we are going to leave no stone unturned to make sure that all children are protected. What ever happened to the task force that was set up to treat with the Daniel decree as Sen. Baldeo-Chadeesingh would have mentioned, did they ever meet? Where is the report two years later? So to say that this Government has been doing all that it could to protect our children that is a misrepresentation.

Mr. Vice-President, on the contrary, this Government has found the necessary time and resources to do all kinds of other things and to bring all

kinds of different legislation to this Senate, some relevant some not so relevant, but has been very careful in avoiding to treat with the issues that relate to protecting our children. This is four and half years into their term and we are now seeing these issues being brought to the fore, and these are the same issues that the Prime Minister, the then representative of Siparia and Member of the Opposition, would have complained about in the June 18, 2008 debate on the Children's Bill, 2008. So this is not something that is far from the memory or they know nothing about, because this is the same thing that they would have hammered the then Government about. So, four years later to come here and to tell me that you are doing the best that you can and this is a happy day for children under your Government, misrepresentation.

Mr. Vice-President, this Government has found time to bring legislation and to carefully sit and workout all the different intricacies of our run off Bill that they think would guarantee them a space in the next general election, but they would get a "cut tail" they would not forget. [*Laughter*] They brought to this Senate a piece of legislation—around the time it was local government election on municipal corporations—to ensure that they get spots on the municipal corporations, all these things were brought to the Senate, and at that time there was no urgency in bringing the Children's Bill or bringing any of these legislations so other pieces of legislation that seek their interest have been placed before the interest of our children. Whilst the Children's Authority and other bodies complain about access to resources for the proper functioning and the proper operationalization of children issues, this Government has found \$6million to move a truck out of a hole.

This Government has found \$34million to spend on a math class that never happened for a LifeSport Programme.

And so, I cringed when the Children's Authority and these other children bodies say they do not have the necessary resources and they do not have enough money to pay salaries and the buildings are not well taken care of, because money, resources and time are found by this Government to do a host of other things. So all this fancy talk about children so happy under them, a misrepresentation.

This Government has launched all kinds of pre-action protocols and investigation into all kinds of things that they think concern them, but since March/April of this year we are waiting on an investigation on these three boys that had been molested or interfered with—I should say it is alleged at the children's home. I cringed when I see one of the gentlemen, the one who chose to come out wearing a hoodie hiding his face since March. This is the end of the year, this is December. This is nine months and we are still awaiting the report of that investigation. Months after months, the last we heard of it is July, that this Government would provide some feedback on that. Even the death of Brandon Hargreaves at one of the other residences homes, a child, 19 years old. We have heard all kinds of different stories into the death of this child and we are still awaiting the report of an investigation, but you want to talk about Las Alturas and landdate and all kinds of nonsense.

Mr. Vice-President, this brings me to the whole issue of foster care. I feel very passionate about this matter, because I think it is a serious responsibility that the State has taken upon itself to assist in the care and

development of these children. Foster care is a necessary lifeline that undoubtedly save the thousands or should I say hundreds of children that are maltreated in our country. Nevertheless, placing children in the state custody is an extremely invasive governmental intervention into family life. And as such, Government bears a special responsibility for children placed in their care. I think when the State decides to assume custody or assume the duty to take care, to take a child from his biological parents, the State is essentially saying we can do the job better; we can raise this child better; we can provide a better environment for the growth, development and advancement of this child.

And, Mr. Vice-President, when children are placed into foster care only to suffer additional harm, it undermines the rationale for the Government intervention and it is a serious violation of the public trust. I think that it is pellucidly clear in these two matters that came to the fore around March/April in the summer time of this year. We wait with baited breath, because we cannot allow these issues to die a quiet death like all the other issues relating to violating children.

Mr. Vice-President, I want to turn now to some of my concerns about the Regulation. Before I go to that part, the court system, the family court system, the judicial system has failed in protecting these children. We know how long it takes to deal with the backlog in the judicial system for cases to be brought, to be tried. Most times sexual offenders and people who would have violated the rights of children walk free. I remember when the constable or the police officer was held for the Daniel Guerra issue, everybody rejoiced and thought that, okay, we got him and a couple of

months after we watched him walk free.

So anyway, this brings me to two issues I wanted to raise about the Regulations that before us today, Part VII of the Community Residence Regulation: Part VII deals with Complaints, and dealing with subclause (2) under Part VII, that states that, in order to make a complaint you must do so in writing. I believe that somebody who wishes to complain should be able to send an email or to do so orally. But I more prefer to send an email because most young people or the people living in these community houses do not want to write a letter. They probably prefer to send an email and I also want to join with my other colleagues in ensuring that these complains are made in confidence.

Secondly, Part III speaks about regular inspection and maintenance of all the equipment, furniture and amenities at these children homes. But I am concerned that while we have a time stipulated for regular inspection of furniture and so on, what needs to be implemented or what needs to be stated in these regulations is some kind of time or deadline for the residents of the home to be screened medically. So upon entrance, upon entering the home, when a child is admitted, let us say within seven days or within 30 days, this child must be assessed medically, so that we know what kind of medical issues this child might be dealing with. We can even go as far as developmental and educational and emotional assessment, the development of the child and to assign routine care to these children who are housed at these community residence.

We are trying to meet international standards and I recognized that is the practice in the UK and in the US and these other countries that could

afford it. If we cannot do it every three months then probably every six months or ensure that once a year these children are checked medically. I would like to also place on the record that care should be age specific and issue specific. The same rules and regulations and the way of treating, the manner of treating with toddlers in the foster care system would be much different to your manner of treating with adults in the foster care system. We also have a situation in these community residences where some children are sent there because they need to be disciplined and some children are simply sent there because they do not have a place to live. So we have to look at these issues based on the needs of each child. So I think the care that we provide must be issue specific and must be needs specific. We cannot broad-brush each child living in these homes, Mr. Vice-President.

5.50 p.m.

I also feel the need for the caretakers in these homes to undergo some kind of psychological or psychometric test on a regular basis to ensure that they are not just in good medical health but also in good psychological health to treat with these issues, and these children and their issues. I want to focus also on constant or frequent capacity-building and skills-development activities and initiatives for the caretakers of these homes. Most of these homes were traditionally established by church-based or faith-based organizations, so you have some nuns and caretakers from the church, mostly old women, who are probably not trained in treating with the issues of today's young people, such as drug abuse, promiscuity, play fighting and these kinds of things. So I think that today's caretakers need to be equipped with today's skills to deal with today's young people who are

undergoing today's challenges and today's issues.

Now, Mr. Vice-President, we also need to ensure that there is buy-in from the other entities and stakeholders that are related to bringing this whole thing to life, for instance, the social workers and the caretakers at school and the police officers. I commend the efforts of the Ministry of National Security to train a special set of police officers to deal with children and children-related matters. I commend the idea in principle. I am yet to see it brought to fruition. When it does, I will shake the hand of the Minister.

As I said before, a total rehash, or a total improvement, needs to be made to the court system so that the children and the caretakers feel like justice could be served in a timely manner. Now, we also have a case where young men feel challenged, or feel uncomfortable, reporting issues of rape to police officers. It is a kind of difficult thing to explain. I may not understand but I have heard stories about it where police do not really believe when young men say that they were raped, especially if they were harassed by a woman. Police officers want to know, "What you reporting that for, you should be happy". So we need to train our police officers in how to deal with issues of this nature.

Now, Mr. Vice-President, as we treat with these matters relating to foster care and children communities, I think that we should not miss the opportunity to deal with some other matters that are so closely related to the issue at hand. I want to name a couple of the items that would have piqued my interest that I think we should be considering at this point, even though we cannot deal with all my concerns or all the concerns raised today in one

sitting, or in one piece of legislation. I hope that the Children's Authority and the Minister is listening, and later on we will get some kind of relief or some kind of feedback as to what is the status of these matters.

The first one is the sexual offenders' registry. In 2011, and on the political platform, this Government would have promised to bring legislation and to develop infrastructure to treat with sexual offenders, and we are still awaiting some kind of information, some update as to what is happening with that. That is a critical piece of this jigsaw puzzle because if you check the records from 2007 to 2012, there had been over 4,000 cases of violence against children and 1,983 of those cases are of a sexual nature against children.

My second item is security at schools. Lately, there have been many reports about children being violated while at school. In Tobago, we have a case where it is alleged a young eight-year old, or a nine-year old, was interfered with, or was harassed or assaulted in the restroom area at school by somebody who walked onto the compound. I have read two stories—one happening, I think, this week or last week and one about last month or so—of Laventille, or two Port of Spain students being shot at, at school where gunmen walked into the compound and shot these students. So I think we need to look at regulations or legislation to treat with, in a more stringent manner, ensuring that our children are secured, not just at home but also at school where they spend most of their day time.

Mr. Vice-President, regulations and inspections for day cares, nurseries and childcare providers. Every mom and pop wants to open a day care facility because it makes money, but we need to implement some kind

of a system to ensure that these entities are licensed, that they are operating according to best practices and that there are enforcement officers checking the safety, security and the conduciveness of the people working in these entities, and the facilities where our children are kept.

This is not just a matter for the State but it is also a matter for each parent. There are several cases where children are burnt at day cares. I know earlier this year one of our national footballers would have lost his child due to a day care accident. So I think the State and parents, we all have a responsibility to establish some kind of regulation or some kind of system to ensure that our children are safe everywhere they go, each hour of the day.

My next area of concern is sexual education in schools. In my daytime job I interact very frequently with young people, providing life skills support—*[Interruption]*

Sen. G. Singh: Daytime job? What is your night-time job? *[Laughter]*

Miss S. Cudjoe: Well, really, I must say, it is my daytime job because, Mr. President, this is my night-time job. The number of nights we spend here into mornings, I can safely say this is my night-time job and I have a decent night-time job.

So, Mr. President, in my full-time job, I should say—*[Interruption]*
Sen. Maharaj. In my full-time job I get to interact by providing life skills, programmes and so on, for young people and you would be surprised as to the number of teenagers that come out of secondary schools not knowing necessary information about safe sex, about STDs, and how to protect themselves and so on. So I know we have been having discourse nationally,

internationally, regionally, throughout Caricom, as to when to introduce sexual education to young people.

From my experience, I would say, better sooner than later because of the kind of talks that I am having with young people. We need to come up with a policy as to how we are going to address this, if we are going to preach safe sex or we are going to preach abstinence. Whatever it is, these young people need to be engaged in this conversation so that they would at least know what options are available to them.

Mr. Vice-President, my next item is street children. We have an issue where young people run away from home and most times you would find young men wandering about Port of Spain. You would not so much find young women, but I understand that young women are being picked up and taken to bars and brothels, so that is why you would not be able to find as many young women as young men. This is what I have read in a report done by a student at UWI. It is available on the Internet. But, Mr. Vice-President, we need to first acknowledge that this issue of street children is a real problem. It is not just something that exists in Brazil and some of our other countries in the region. It also exists here Trinidad and Tobago and we need to come up with a policy and a strategy as to how to deal with street children, with child labour, with child prostitution, and issues of that nature.

Now, my final issue that I wanted to raise would have been adoption regulation but I was able to check some of the Bills on the Parliamentary Website that are supposed to be brought to the Parliament later in this session and I understand that adoption regulations would be brought. I hope

that my assumptions are correct and I look forward to contributing to the debate on that matter.

I want to endorse what Sen. Drayton would have said earlier about the education age for our children of this nation. I want to go one step further by creating some kind of policy to ensure that parents are held responsible for children being enrolled in schools and for absenteeism at school. When I interned in Washington DC, I stayed with an aunt and if her daughter does not report to school for a certain number of days in the month, she can be approached by the police to give an explanation, and it becomes something like a criminal offence. I do not know if we are going to go that far, but I think we need to establish some kind of measure that holds parents accountable and responsible for ensuring that children get an education during the school age, from three years to 16.

Now, finally, I think that we have done a wonderful job in all different areas: in the areas of child care and development and so on; in developing good legislation. We have a record for that. You can find reports, you can find surveys, you can find so many different kinds of legislative instruments. We sit and we talk and we write and we have documents, and I think the same could be said for so many other countries throughout the region. We sit and we plan but we have a very serious problem with implementation and enforcement, with the operationalization of our plan and the enforcement of the laws that we have developed.

That could be seen in our 2006 Unicef Convention of the Rights of the Child Report and our 2011 Report. You can find that on the Unicef Website. When I examined those two documents, the United Nations

commended us tremendously on these different legislations about foster care, about child care, about the Children's Authority, but the Unicef Convention of the Rights of the Child stated that it is deeply concerned about our ability to implement and enforce, and they have gone to the point of offering us technical assistance to bring these plans into fruition.

So I say that we explore the option and develop and hone the political will to put our money where our mouths are, and to invest the necessary time and resources and finances and so on, to insure that these legislations and plans and strategies are brought to life. Too many bodies, such as the Children's Authority and some of these homes, are complaining, even the Police Complaints Authority. Many different authorities that we set up to do this wonderful work complain about no access to funding, insufficient resources to execute their work.

So while we spend all this time planning, I think we need to put our money to use, and I know that we are not starving for finances because we find money to do other things. Mr. Vice-President, if you say childcare is so dear to us; our children are our greatest assets, we need to allocate the necessary resources and set up the necessary infrastructure to make sure that our children's rights are well protected and respected.

This is a complicated issue that requires a comprehensive response from all sectors: legislation, infrastructure, the Judiciary. Everyone must be brought on board or else the entire framework could collapse. This initiative cannot be seen as another check-in-the-box venture. This Government has a history of being a check-in-the-box—a sterling reputation of being a check-in-the-box Government. So you have 50 pieces of legislation and

they say, “Done. Done. Done”. But when you check the operationalization and the implementation of this legislation: nought, ineffective, failure.

6.05 p.m.

Mr. Vice-President, a key example of that, I remember in 2012, in May 2012—I think it was May 23, 2012, we came to this House and we did a marathon session to debate the Children Bill. At that time, Sen. Verna St. Rose Greaves was the Minister of Gender, Youth and Child Development and we sat here, and the Opposition gave its support, its unanimous support. We sat here and we went through the legislation. Sen. Corinne Baptiste-Mc Knight, Sen. Drayton, Sen. Al-Rawi, and many other Senators on this side would have highlighted some issues that they thought we needed to go into committee stage for a longer time to treat with and the Government said, “No, we must do this tonight. Too long our children have suffered and we must do this immediately”.

Little did we know, Mr. Vice-President, that was the night before their rally, the 24th, and I went to the Hyatt around midnight on that night to get a scarf because it was freezing in here, and when I went there, my papers for the 24th was there, and when I pulled out the centrefold, Mr. Vice-President, I saw “Children Bill passed”, done, check in the box while we were sitting here still debating the Children Bill. Yeah, so this is two years after that.

Sen. St. Rose Greaves stood here and she pleaded her cause, she almost “catch power” up in here, and we all moved and we voted, and to this day, that legislation has not been operationalized, and we talk about how dear our children are to us. This cannot be, we cannot allow this to be another check-in-the-box initiative. All hands need to be on deck and we

need to invest in this to make sure that our children are properly protected and respected. Not just to pass United Nations Unicef CRC reports and examinations but for the true safety and security of our children for our longevity, for our sustainable development, and to ensure that all this hard work and all these long hours are not in vain, and to ensure that we do not hear reports of 1,382 domestic violence cases for 2012 to 2013 for this year alone.

Let us look at how dire the situation is. From 2007 to 2012, there had been 124 murders. That works out to roughly 25 murders per year over a five-year period. But for this year alone, from January to now, there have been 42—*[Interruption]*

Hon. Senator: What that have to do with that?

Sen. S. Cudjoe: This is what was reported by the Ministry in the papers so check the newspapers and check the information that you have provided to the papers. But I know for this year alone, the newspaper reports 42 murders of children between the ages of 10 months —*[Interruption]*

Hon. Senator: Or, children.

Sen. S. Cudjoe: Yeah—and 19. So over a five-year period, we had 124, which is roughly about 25 murders of children per year. This year alone we had 42. That is something to be terribly ashamed off, not just the Government but the Opposition, each and every one of us, because we have a responsibility to all our children to keep them safe and secure.

Mr. Vice-President, with those very few words, I hope the Government considers my recommendation, and I hope that we wholeheartedly do what is necessary to bring all these measures to fruition

so that we can make profound progress and a significant contribution to making Trinidad and Tobago, and by extension, this world, a better place for all our children. Mr. Vice-President, with those few words, I thank you.
[Desk thumping]

The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau): Thank you, Mr. Vice-President. I want to thank all the Members of this esteemed House for their various contributions. Because I was brought up to respect people, I would not come into your House, this august body, and disrespect anyone. I am a guest here today and it is the first time I am making my appearance here.

Sen. Cudjoe: And you want to be invited again.

Hon. C. De Coteau: And I want to be invited back. And I am happy to hear my young Senator, Shamfa Cudjoe, saying those things because under other circumstances, I would say some things I know that would wound her for life.

Sen. Cudjoe: You would not do that.

Hon. C. De Coteau: And I would not do that. So that is why I would say to my young colleague, sometimes it is good to listen to your elders and follow their direction like Sen. Drayton. *[Desk thumping]* And I tell you, my young colleague, it is not always when you get an opportunity, you politicize it because what it does, it neutralizes your wonderful contribution. I really want to compliment her because she made some insightful points today but I want to warn you, my dear, politics can do pollute things. You are young, learn from your senior colleagues; listen to what they do, please, please.
[Desk thumping]

Sen. Maharaj: “Dah is why Moruga safe.”

Hon. C. De Coteau: And I would also want to—“I doh fool meh self with that eh.” [*Laughter*] I would also want to say too, under other circumstances too, I would have given Sen. Al-Rawi—or I would have sent him to the use-of-English class so he would understand about making hasty generalizations and invalid syllogisms. I would also remind him of what deceased Lloyd Best said to me once after a tutorial when I gave about 15 pages in my answer, he said, De Coteau, “Now that you have given us so much machine-gun firing, let us get some rifle shot and come to the point”. [*Laughter*] Because at one time, it was scattershot all over the place and I wanted to know where he was going, and then somewhere along the side, good sense prevailed. Somewhere along the line, his cognitive structure was invaded with good sense. [*Laughter*] And then he really complimented us for trying something good. [*Crosstalk*] As I said, he agreed eventually.

Mr. Vice-President, we often make huge mistakes in thinking we got our world from our ancestors when, in fact, we are borrowing it from our children. Rita Pierson, a child psychologist, said every child deserves a champion—an adult who will never give up on them, who understands the power of connection and insists that they can become the best they can possible be. Today, I have witnessed champions in this august body. Champions, all those who made their contributions. There was that intrinsic love and the champion, the children of our nation, and I want to commend them. [*Desk thumping*]

You know, Mr. Vice-President, my colleagues, Sen. Ahmed and Sen. Coudray, I must say, they have effectively dealt with some of the negative

issues raised by some persons—Sen. Al-Rawi and Sen. Baldeo-Chadeesingh. As Sen. Coudray has indicated, the Ministry of Gender, Youth and Child Development started in 2011 with two Ministers, Sen. Verna St. Rose Greaves and Minister of State in the Ministry of Gender, Youth and Child Development, Ramona Ramdial, and a Permanent Secretary. It was indeed a skeletal staff.

In a matter of just three years, the Ministry has achieved a great deal of respect for the children and have placed this Children's Authority into operation, and I think they must be complimented for that. Must be. [*Desk thumping*] You know, sometimes we must see the glass half-filled instead of half empty. We must concentrate on the positives and not the negatives.

Also, in 2011, the Cabinet established a committee to accelerate this process. The committee identified the necessary operational requirements and the necessity to develop a strategic plan. Since that time, the Children Act, 2012—referred to, on many occasions, by the Members opposite has been assented too and will be proclaimed as soon as the present legislative agenda is completed. Let me remind you of the regulations presently before this Chamber and the adoption of the Children (Amdt.) Bill, 2014, which as I stated earlier in my presentation, has been introduced in the other place.

I wish to commend Sen. Drayton for a very supportive and insightful contribution. The esteemed Senator asked: when precisely would this piece of legislation be proclaimed? I want to say that this relevant—the Children's Authority would be proclaimed, as I said, when we have completed this legislative agenda which would be very, very soon. I want to assure the Senator that the proclamation of the several pieces of legislation is

an absolute priority of this Government. It is. [*Desk thumping*] And I do not think only of the Government but of all the Members here in this august Chamber and in the other place.

The infrastructure is now in place, the staff is—and I just want to correct some—

Hon. Senator: Errors.

Hon. C. De Coteau: I would not say errors, they did not know. That as of 4.55 p.m. today, the staff is up to 99 at the Children's Authority [*Desk thumping*] which will enable commencement on the legislative agenda which we are addressing at this moment is near to completion. Proclamation of the Act is simply awaiting the completion of the legislative agenda, as I have said.

Mr. Vice-President, I want to thank Sen. Mahabir. I mean, I listened to his contribution, I looked at it, and I had the pleasure of being in the august Chamber with him today, and I want to commend him for his contribution and to address the very important point of removal of the children, particularly under section 22(1), (a) and (c) of the Children's Authority Act which said—this is the case of where a children may be removed where a parent or guardian is prevented by mental or bodily disease or infirmity from the caring of a child. This is an extremely critical issue and was considered at length. Again, I want to assure the Senator and the rest of the Members of the august Chamber—[*Interruption*]

Mr. Vice-President: The Leader of Government Business wants to move a procedural Motion.

Sen. Singh: Thank you, Mr. Vice-President, I was trying to catch the eye

but the hon. Minister was in full stride explaining that very significant point.

PROCEDURAL MOTION

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continues to sit until the completion of the business at hand.

Question put and agreed to.

FOSTER CARE REGULATIONS, 2014

Hon. C. De Coteau: Thank you, Mr. Vice-President. Let me assure you that the Authority is mandated to act in the best interest of the child. Let me further assure the Senator that there will be trained and experienced social workers who will be carrying their investigative duties and removal of children from homes with tremendous sensitivity. To Sen. Avinash Singh, I want to assure him that all 50 residences would get subventions for the care of the children in their particular care.

Under section 11(2) of the community residences, in instances where a resident fails to meet the standards, a notice of corrective measures would be delivered to the resident, and they will be given a period of time within which to comply before their licence is revoked or children removed. So they are going to be served accordingly. I did talk about my young Shamfa, I really like—she is a young person, I mean she is really, really delightful to hear, and I again would say—hmm.

Mr. Vice-President, I want to appeal to all here today. They have shown clearly that child protection is everybody's business. It is not what I would say, sometimes, you know, we foolishly go with this alphabet of A

for apple, B for bat and C for myself. You may see for yourself but in seeing for yourself, this selfish approach, you may one day end up a victim of those young people whom you neglect.

6.20 p.m.

So it is not the Government's business alone, it is all of our business. As we say "is all ah we business" and as such, I would humbly ask and beseech, although I heard, that they support this Motion. I so move. [*Desk thumping*]

Question put and agreed to.

Resolved:

That the Foster Care Regulations, 2014 be approved.

Mr. Vice-President: This is the second Motion and, therefore, we call on the Minister of Gender, Youth and Child Development. The last two have to go separately.

CHILDREN'S COMMUNITY RESIDENCES REGULATIONS, 2014

The Minister of Gender, Youth and Child Development (Hon. Clifton

De Coteau): Mr. Vice-President, I beg to move the following Motion standing in my name:

Whereas it is provided by section 53 of the Children's Community Residences, Foster Care and Nurseries Act, 2000 (hereinafter referred to as "the Act") that the Children's Authority of Trinidad and Tobago may with the approval of the Minister of Gender, Youth and Child Development, make Regulations in respect of the management of any community residence and discipline of the children therein, and to prescribe the punishment for all offences committed against the rules or discipline of any community residence, the imposition of

requirements as to the accommodation and equipment to be provided in residences, foster homes and nurseries, medical arrangements to be made for protecting the health of the children in community residences and foster homes, the provision of information to the Children's Authority of Trinidad and Tobago by the Managers as to the facilities provided for the parents or guardians of children in community residence and foster home to visit and communicate with the children and where not so provided to authorise the Authority to give directions as to the provisions of such facilities, and all such other matters and things as may appear necessary or expedient or are required to be prescribed for effectively carrying into operation the provisions of the Act;

And whereas it is provided by section 53(2), that Regulations made under the Act shall be subject to affirmative resolution of Parliament;

And whereas the Children's Authority has on the 14th day of November, 2014 made the Community Residences Regulations, 2014;

And whereas the Minister of Gender, Youth and Child Development has on the 18th day of November, 2014 approved the Community Residences Regulations, 2014;

And whereas it is expedient that the Community Residences Regulations, 2014 now be affirmed;

Be it resolved that the Children's Community Residences Regulations, 2014 be approved.

I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the Children's Community Residences Regulations, 2014 be approved.

CHILDREN'S AUTHORITY REGULATIONS, 2014

The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau): Thank you, Mr. Vice-President:

Whereas it is provided by section 50 of the Children's Authority Act, Chap. 46:10 (hereinafter referred to as "the Act") that the Children's Authority of Trinidad and Tobago may with the approval of the Minister of Gender, Youth and Child Development, make Regulations in respect of matters which are required to be prescribed under the Act and for the purpose of giving effect to the provisions of the Act;

And whereas it is provided by section 50(2), that Regulations made under the Act shall be subject to affirmative resolution of Parliament;

And whereas the Children's Authority has on the 14th day of November, 2014 made the Children's Authority Regulations, 2014;

And whereas the Minister of Gender, Youth and Child Development has on the 18th day of November, 2014 approved the Foster Care Regulations, 2014;

And whereas it is expedient that the Children's Authority Regulations now be affirmed;

Be it resolved that the Children's Authority Regulations, 2014 be approved.

I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the Children's Authority Regulations, 2014 be approved.

ADJOURNMENT

The Minister of The Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Mr. Vice-President. I beg to move that this Senate do now adjourn to Tuesday, December 09, 2014 at 1.30 p.m. where we will debate a Bill entitled:

“An Act to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith.”

Mr. Vice-President: What time did you say?

Sen. The Hon. G. Singh: I said 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.26 p.m.