



HOUSE OF REPRESENTATIVES

FIRST SESSION

NO. 39

TENTH PARLIAMENT

2010 /2011

ORDER PAPER

WEDNESDAY APRIL 13, 2011: 1:30 P.M.

PRAYERS

OATH OF ALLEGIANCE OF A NEW MEMBER

ANNOUNCEMENTS BY THE SPEAKER

BILLS BROUGHT FROM THE SENATE

PETITIONS

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QUESTIONS TO MINISTERS

Questions for Written Answer appear in Appendix II

Questions for Oral Answer

Question No.73 to the Honourable Minister of Foreign Affairs

(By the Member for Point Fortin)

- (a) Could the Minister state whether a request had been made between the period May 25, 2010 and January 31, 2011 to the Government of Jamaica for a citizen of Trinidad and Tobago, to serve as Head of Mission/High Commissioner for the Republic of Trinidad and Tobago?
- (b) If yes, could the Minister provide the name of the person and state clearly the type of qualifications held by him/her, whether, University, Technical or other professional?
- (c) Could the Minister state the outcome of the request?
- (d) Could the Minister state whether the Government of Jamaica refused the request or alternatively whether the Government of Trinidad and Tobago withdrew the request?
- (e) If yes in either case, the reasons for the refusal and/or withdrawal?
- (f) Could the Minister state whether the Government of Trinidad and Tobago has since submitted a new request for another person to serve as High Commissioner?

Question No. 74 to the Honourable Minister of Foreign Affairs**(By the Member for Point Fortin)**

Will the Honourable Minister state:

- (a) Whether the Officer, who assumed duties as Consul General in the Consulate of the Republic of Trinidad and Tobago located on Brickell Avenue in Miami in February 2011, was a “Public Officer” prior to such appointment?
- (b) Whether the present Consul General had been a Foreign Service Officer at any time prior to that appointment?
- (c) Whether there was a Government policy in place up to May 31, 2010 to have the position of Consul General reserved for Public Officers and more particularly experienced and senior Foreign Service Officers?
- (d) If the answer to (c) above is in the affirmative, could the Minister state when and under what authority the policy to reserve such appointments for Public/Foreign Service Officers was varied?
- (e) Could the Minister also state which Officer in the Consulate of the Republic of Trinidad and Tobago will be deemed to be the “Accounting Officer” and whether the Consul General has been or will be assigned responsibilities for executing contracts of any kind and signing of financial instruments on behalf of the Government of the Republic of Trinidad and Tobago?

Question No. 75 to the Honourable Minister of Housing and the Environment**(By the Leader of the Opposition)**

- (a) With respect to the UFF Commission of Enquiry could the Minister state the total cost of any and all expenditure incurred (paid or outstanding), in relation to the participation of the Ministry or any agency under its purview to facilitate the said enquiry?
- (b) Could the Minister identify the recipients and state the total sums paid or due for payment to each individual or entity?

Question No. 76 to the Honourable Minister of Finance**(By the Leader of the Opposition)**

- (a) With respect to the UFF Commission of Enquiry could the Minister state the total cost of any and all expenditure incurred (paid or outstanding), in relation to the participation of the Ministry or any agency under its purview to facilitate the said enquiry?
- (b) Could the Minister identify the recipients and state the total sums paid or due for payment to each individual or entity?

Question No. 77 to the Honourable Minister of Planning, Economic and Social Restructuring and Gender Affairs**(By the Leader of the Opposition)**

- (a) With respect to the UFF Commission of Enquiry could the Minister state the total cost of any and all expenditure incurred (paid or outstanding), in relation to the participation of the Ministry or any agency under its purview to facilitate the said enquiry?
- (b) Could the Minister identify the recipients and state the total sums paid or due for payment to each individual or entity?

REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE HOUSE ON
DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE

STATEMENTS BY MINISTERS

PERSONAL EXPLANATIONS

INTRODUCTION OF BILLS

1. The Anti-Terrorism (Amendment) Bill, 2011.

(By the Minister of National Security)

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE HOUSE AND
MOVED BY A MINISTER OR PARLIAMENTARY SECRETARY

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

1. **WHEREAS** it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01 (hereinafter referred to as “the Act”) that the President may by Order declare that any international or regional organization or agency named or described in such Order shall, to such extent as specified in the Order, be accorded certain privileges and immunities;

AND WHEREAS it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

AND WHEREAS the President has on the 15th day of February, 2011 made the Privileges and Immunities [CARICOM Implementation Agency for Crime and Security (IMPACS)] Order, 2011;

AND WHEREAS it is expedient that the Order now be affirmed:

BE IT RESOLVED that the Privileges and Immunities [CARICOM Implementation Agency for Crime and Security (IMPACS)] Order, 2011 be approved.

(By the Minister of Foreign Affairs)

2. **WHEREAS** it is provided by section 78 of the Police Service Act, Chap. 15:01 (hereinafter referred to as “the Act”) that the President may make Regulations, *inter alia*, to give effect to the purpose of the Act and generally for the good order and management of the Police Service:

AND WHEREAS it is also provided by section 78 of the Act that every Order made under that section shall be subject to affirmative resolution of the House of Representatives:

AND WHEREAS the President has on the 21st day of March, 2011 made the Police Service (Amendment) Regulations, 2011:

AND WHEREAS it is expedient that the Police Service (Amendment) Regulations now be affirmed:

BE IT RESOLVED that the Police Service (Amendment) Regulations, 2011 be approved.

(By the Minister of National Security)

3. **BE IT RESOLVED** that the Senate amendments to the Electronic Transactions Bill, 2011, listed in the Appendix I, be considered.

(By the Minister of Public Administration)

Bills Second Reading:

1. **The debate on the following Bill which was adjourned on Friday April 08, 2011 will be resumed:**

A Bill entitled, “An Act to give effect to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto”.

(By the Minister of National Security)

2. A Bill entitled, “An Act to amend the Evidence Act, Chap. 7:02.”

(By the Minister of National Security)

3. A Bill entitled, “An Act to amend the Customs Act, Chap. 78:01 to enhance border control by providing for advance passenger and cargo information to be submitted electronically to the Comptroller of Customs and Excise and for related matters”.

(By the Minister of Finance)

4. A Bill entitled, “An Act to amend the Exchequer and Audit Act, Chap. 69:01 to provide for payments into and issues out of the Exchequer and Account and for payments of other public moneys howsoever held, by means of electronic funds transfer and for related matters”.

(By the Minister of Finance)

5. A Bill entitled, “An Act to re-enact certain provisions of the Valuation of Land Act, Chap. 58:03”.

(By the Minister of Finance)

6. A Bill entitled, “An Act to repeal the property Tax Act, 2009 (Act No. 18 of 2009), to re-enact the Lands and Buildings Taxes Act (Chap. 76:04) and Part V of the Municipal Corporations Act (Chap. 25:04) which were repealed by the Property Tax Act, 2009 and to reverse some of the amendments made by the Valuation of Land (Amendment) Act, 2009 (Act No. 17 of 2009)”.

(By the Minister of Finance)

7. A Bill entitled, “An Act relating to exemptions from land and house taxes”.

((By the Minister of Finance)

8. A Bill entitled, “An Act to amend the Bail Act, Chap. 4:60 and the Kidnapping Act, Chap. 11:26”.

(By the Minister of National Security)

9. A Bill entitled, “An Act to amend the Land Adjudication Act, 2000”.
(By the Minister of Food Production, Land and Marine Affairs)
10. A Bill entitled, “An Act to amend the Registration of Titles to Land Act, 2000”.
(By the Minister of Legal Affairs)
11. A Bill entitled, “An Act to repeal and replace the Crown Suits Limitation Ordinance”.
(By the Attorney General)

PRIVATE BUSINESS

Motions:

The debate on the following Motion which was in progress when the House adjourned on Friday March 25, 2011 will be resumed:

4. **WHEREAS** Dr. Eric Eustace Williams, renowned academic, scholar, author, intellectual, politician, visionary, regional integrationist, humanitarian and longest serving Prime Minister of Trinidad and Tobago, is widely regarded as the “Father of the Nation”;
AND WHEREAS September 2011 will mark 100 years since his birth in Trinidad and Tobago on September 24, 1911:

BE IT RESOLVED that the Government of Trinidad and Tobago in collaboration with the widest national and regional participation take tangible steps to mark the centenary of the birth of Dr. Eric Eustace Williams, in recognition of his outstanding contribution to all the people of Trinidad and Tobago and the region:

AND BE IT FURTHER RESOLVED that this Honourable House direct the Minister of Education to declare 2011 “Dr. Eric Williams’ Year” and take all the necessary steps to ensure that the work and life history of Dr. Eric Eustace Williams feature prominently as part of the National School Curriculum at all levels of the education system during 2011 and beyond.

(By the Member for Diego Martin West)

5. **The debate on the following Motion which was adjourned on Friday February 25, 2011 will be resumed:**

WHEREAS Parliament was advised that a component of the national security system (SIA) has for years been operating without the requisite legal authorization and may have violated the constitutional rights of citizens as it collected information of an unspecified nature;

AND WHEREAS Parliament has acted swiftly to rectify the situation in the interest of national security and the recognition of citizen’s rights to unwarranted intrusion into their private affairs;

AND WHEREAS the Government has failed to treat responsibly with the body of information accumulated by the SIA:

BE IT RESOLVED that this Honorable House condemn the action of the Government:

AND BE IT FURTHER RESOLVED that the Government report immediately to Parliament on how it has handled, and is handling the SIA files/data so as to give citizens the assurance that the SIA’s actions no longer pose a threat to their interest or that of national security.

(By the Member for Diego Martin West)

6. **WHEREAS** Pension funds are critical to the long term saving rate of a country and for the safety and security of each individual citizen's future;
AND WHEREAS the savings of individuals are a critical component in the growth and stability of the economy and the related financial system;
AND WHEREAS a critical part of an individual savings for his later years is his contribution to a long term pension fund;
AND WHEREAS the average length of time spent by any individual in any one organization has shortened considerably;
AND WHEREAS pension plans are currently designed to reward employees who remain with one organization for a considerable period of time;
AND WHEREAS there is no system for pension portability either in the public or private sector in Trinidad and Tobago;
AND WHEREAS the lack of pension portability is a constraint on the free movement of labour resources and the ability of the working citizen to pursue alternative employment opportunity without a substantial loss of pension benefits:
BE IT RESOLVED that the government moves expeditiously to enact legislation to effect the portability of vested pension entitlements for both private and public sector employees.
(By the Member for Port of Spain South)

7. **WHEREAS** Trinidad and Tobago being a British colony prior to 1962 made use of and retained the Privy Council as our highest Court of Appeal;
AND WHEREAS upon attainment of Independence in 1962, and Republican status in 1976 the people of Trinidad and Tobago continued to make use of the Privy Council as our final appellate Court;
AND WHEREAS in association with the CARICOM States the UNC Government of Trinidad and Tobago with the support of the PNM Opposition advocated, signed on to and funded the coming into existence of the Caribbean Court of Justice (CCJ) as the country's highest and final Court of Appeal for all matters of judicial determination;
AND WHEREAS after successful lobbying by the people of Trinidad and Tobago, the Caribbean Court of Justice (CCJ) is now headquartered in Port of Spain, Trinidad and Tobago:
BE IT RESOLVED that this Honourable House condemn the procrastination of the Government of Trinidad and Tobago on the matter:
AND BE IT FURTHER RESOLVED that this Honourable House direct the Government of Trinidad and Tobago to ratify the necessary protocols so as to establish the Caribbean Court of justice (CCJ) as Trinidad and Tobago's final Court of Appeal.
(By the Member for Diego Martin West)

8. **WHEREAS** in accordance with Standing Order 27(4), on Friday November 26th, 2010, there was referred to the Committee of Privileges a matter of privilege involving the member for San Fernando East;

AND WHEREAS the Committee is empowered by the Standing Orders to consider the matter so referred to it and report thereon to the House and such report may contain the opinions and observations of the Committee;

AND WHEREAS in the course of the proceedings before the Committee, the Committee has in accordance with settled practice permitted the Member to have legal representation before the Committee, such legal representative(s) being permitted to be present at the sittings of the Committee and to advise the Member;

AND WHEREAS the Member for has requested the Committee to permit his legal representatives to address the Committee and make representations on his behalf before the Committee:

BE IT RESOLVED that this Honourable House do authorise the Committee to allow the Member's legal representatives to address the Committee and examine any witnesses before the Committee on his behalf.

(By the Member for San Fernando East)

Jacqui Sampson Meiguel
Clerk of the House

House of Representatives' Secretariat
The Red House
PORT OF SPAIN

April 11, 2011

ELECTRONIC TRANSACTIONS BILL, 2011
List of amendments made in the Senate on Tuesday April 05, 2011

First Column Clause	Second Column Extent of Amendment
2	A. Delete the definitions of “certificate” and “certification service provider”; B. In the definition of “Electronic Authentication Service Provider” delete the words “and includes Certification Service Providers”. C. In paragraph (g) of the definition of “public body” delete the word “and” and substitute the word “or”.
5(a)	Delete the words “the appropriate use of”;
(c)	Delete the words “authorities” and “agencies” and replace with the word “bodies” wherever they occur;
(d)	Insert after the word “;” the word “and”;
7(1)	Delete all the words after the word “retains” and replace with the following - “ - (a) documents; (b) records; or (c) information, to use, provide, accept or retain these in electronic form.”.
(2)	In line 2, delete the word “in” and substitute the word “to”.
9	In line 1 insert after the word “information” a comma.
16	In line 3, delete the word “message” and substitute the words “document, record or other communication”.
19	In subparagraph (b) at line 4, insert after the words “affect its” the words “legal effect, validity or”.
22(1)	Insert after the word “concluded” the words “or a transaction undertaken”.

- 26**
- (i) In line 2, delete the words “information or a record in electronic form or”;
 - (ii) Delete the word “address” and replace with the words “place of business” wherever it occurs.
 - (iii) In the Marginal note delete the words “information or record” and substitute the words “data message”
- 30**
- Delete all the words occurring after the word “integrity” and replace with the words “or conforms with the standard which the parties have agreed to by contract.”
- 31(1)**
- A. In subparagraph (c) delete the word “and”;
 - B. In subparagraph (d) delete the words “detectable.” and replace with the words “detectable; and”
 - C. insert after paragraph (d) the following:
“(e) such other criteria as may be prescribed by regulations.”.
 - D. Insert after subclause (2) the following:

“ (3) The Electronic Authentication Products referred to in the Schedule are the products which can be used to validate an electronic signature under subsection (1);

(4) The Minister may by Order amend the Schedule.”.
- 33**
- A. In subclause (1) –
 - (a) delete the words “the Minister or such authority” and substitute the word “an authority”;
 - (b) delete the words “prescribed by the Minister” and replace with the words “prescribed under this Act”;
 - B. By inserting after subclause (2) the following:

“ (3) An Order under subsection (1) shall prescribe –
 - (a) the powers and functions of the designated authority; and
 - (b) any other matter relating to the designated authority which the Minister deems necessary for the purposes of this Part.”.

34

- A. In subclause (1) –
- (a) insert after the word “Provider” the words “(hereinafter referred to as “the applicant”)”;
 - (b) delete the words “the Minister or”;
- B. In subclause (2) delete subparagraph (b) and replace with the following:
- “(b) proof of accreditation of its operations.”
- C. Delete subclause (3) and substitute the following:
- “ (3) Where an applicant has valid prior accreditation from another recognised jurisdiction, proof of accreditation shall be information relating to –
- (a) the name and address of the accreditation authority;
 - (b) the period of validity of the accreditation; and
 - (c) any other information required by regulations as may be prescribed.”.

D. Delete subclause (4) and replace with the following:

“ (4) Where an applicant has no valid prior accreditation, he shall indicate same to the designated authority who shall require the applicant to submit to an audit of his operations and systems to ensure compliance with the requirements of section 35 and any other standards which the Minister may prescribe by regulations.”.

E. Delete subclause (5) and replace with the following:

“ (5) Where the designated authority is satisfied that the applicant has met the requirements of this Act the designated authority may issue a notice of accreditation to the applicant.”.

F. Insert after subclause (5) the following:

“ (6) The Minister may make Regulations specifying the procedures for registration and accreditation.”.

- 36** A. In subclause (1) –
- (a) delete the words “the Minister or” wherever it occurs;
 - (b) delete the words “previously been accredited” and replace with the words “valid prior accreditation”;
 - (c) delete the words “35” and substitute with the words “34”; and
- B. In subclause (2) –
- (a) delete the words “the Minister or” wherever they occur;
 - (b) insert before the word “prior” the word “valid”.
- 37** Delete the words “as a qualified electronic authentication product” occurring after the word “classes of qualified electronic authentication products”.
- 38** Delete the words “Minister or the”.
- 39** Delete the words “the Minister or”.
- 40** A. In subclause (1) delete the words “Minister or the”.
- B. In subclause (2) delete the word “Minister” and replace with the words “designated authority” and delete the word “he” and replace with the word “it”.
- 41** Delete the words “the Minister or” wherever it occurs.
- 43** A. Delete the words “the Minister or” appearing in the chapeau.
- B. In subparagraph (a) delete the word “registration” and replace with the word “accreditation”.
- C. In subparagraph (d) delete the word “36” and replace with the word “35”;
- D. In subparagraph (e) delete the words “the Minister or”.
- E. In the Marginal Note, delete the word “Minister” and replace with the words “designated authority”.

- 49**
- A. Delete the words “Minister or the”
 - B. Delete the word “order” and replace with the word “require”;
 - C. Delete all the words after the word “40”.
- 50**
- A. In subclause (2) delete the words “ministerial direction,”.
 - B. Insert the following new subclause (4):

“(4) An intermediary or a telecommunications service provider, during an audit, shall not be liable under the Copyright Act in respect of –

 - (a) the infringement of copyright in any work or other subject matter in which copyright subsist; or
 - (b) the unauthorised use of any public performance, the duration of which the copyright period has not expired.

For the purposes of this section, “public performance” has the same meaning as in the Copyright Act.”.
- Chap 82:50
- 51**
- A. In subclause (1)(a)
 - (i) insert after the word “remove” the words “and secure”.
 - (ii) insert after the word “law” the words “or in accordance with established codes of conduct”;
 - B. In subclause (1)(b) –
 - (a) by inserting before the word “notify” the words “in the case of criminal liability,”
 - (b) delete the words “the Minister or such person designated by the Minister (“the designated person”) and”;

- C. Delete subclauses (2) and (3) and renumber subclauses (4) and (5) as (2) and (3) respectively.
- D. In subclause (2) as renumbered:
- (i) In line 3, insert after the word “otherwise” a comma;
 - (ii) In line 5, insert after the word “services” a comma;
 - (iii) In line 6, insert after the word “record” a comma and delete the comma occurring after the word “action”;
 - (iv) In line 7, insert after the word “takes” and the words “in good faith” a comma;
 - (v) delete the words “, or as directed by the Minister or designated person under”;
- E. In subclause (3) as renumbered delete the words “subsections (1) to (3) and substitute the words “subsection (1)”.
- 52** A. Insert the following new subclause (1):
- “(1) The Minister may develop codes of conduct and standards for intermediaries and telecommunications service providers for the purposes of this Act.”
- B. Renumber existing subclauses (1) and (2) as subclauses (2) and (3).
- 53(2)** Delete the word “authority” and replace with the word “body”.
- (4)** Delete the word “authority” and replace with the word “body”.
- 58** In subclause (1), delete the word “based” wherever it occurs.
- 62** In line 3, delete the words “, acquiesced in” occurring after the words “assented to”.
- 63(3)** In line 3, delete the words “up to” occurring after the words “ a fine” and substitute the words “not exceeding”.

- 65**
- A. In subclause (a):
- (i) delete the words “by the Minister”;
 - (ii) insert the word “or” after the word “Act ;” ;
- (iii) In subclause (b) –
- a. insert after the word “upon” the word “an”;
 - b. Delete the words “by the Minister”;
 - c. Insert a comma after the word “Act” and bring out remaining words to the margin.

**Insertion of
Schedule**

Insert after clause 66 the following Schedule:

“

SCHEDULE

(Section 31)

ELECTRONIC AUTHENTICATION PRODUCTS USED TO VALIDATE
ELECTRONIC SIGNATURES

Electronic certificates

April 11, 2011

ORDER PAPER/WEDNESDAY APRIL 13, 2011

QUESTION FOR WRITTEN ANSWER

Question No. 70 to the Honourable Prime Minister

(By the Member for Diego Martin Central)

- (a) Could the Prime Minister provide the House with the following information related to overseas travel of members of Government:
 - i. The number of overseas trips taken by the Prime Minister from November 12th, 2010 to February 28th, 2011?
 - ii. The number of overseas trips taken by the Attorney General between the periods May 25th to September 30th, 2010 and October 7th, 2010 to February 28th, 2011?
 - iii. The number of overseas trips taken by other Ministers, Ministers of State and Parliamentary Secretaries from May 25th, 2010 to February 28th, 2011?
- (b) In each case, could the Prime Minister provide:
 - i. The details of each trip, including its specific reason, nature, destinations and duration?
 - ii. The names and roles of other individuals who accompanied the travelling members of Government?
 - iii. A detailed breakdown of the full cost of each trip inclusive of airfare, hotel accommodation and all allowances?

(Answer due by 12.04.2011)