



# HOUSE OF REPRESENTATIVES

FIRST SESSION

NO. 45

TENTH PARLIAMENT

2010 / 2011

## SUPPLEMENTAL ORDER PAPER

FRIDAY MAY 27, 2011: 1:30 P.M.

PUBLIC BUSINESS

### GOVERNMENT BUSINESS

#### Motions:

2. **BE IT RESOLVED** that the Senate amendments to the Data Protection Bill, 2011, listed in Appendix I, be considered.

(By the Minister of State in the Office of the Prime Minister)

3. **BE IT RESOLVED** that the Senate amendments to the Trafficking in Persons Bill, 2011, listed in Appendix II, be considered.

(By the Minister of National Security)

*Jacqui Sampson Meiguel*  
*Clerk of the House*

*House of Representatives' Secretariat*  
*The Red House*  
*PORT OF SPAIN*

*May 27, 2011*



APPENDIX I

DATA PROTECTION BILL, 2011

List of amendments made in the Senate on Tuesday May 24, 2011.

First Column Clause	Second Column Extent of Amendment
2	<p>A. In the definition of “<b>data</b>” delete the word “<b>physical</b>”;</p> <p>B. In the definition of the word “<b>Head of a Public Body</b>” -</p> <ul style="list-style-type: none"><li>(i) insert after the words “<b>Minister,</b>” the words “<b>the President of the Senate, the Speaker of the House of Representatives,</b>”; and</li><li>(ii) delete the words “<b>a corporation</b>” and substitute the words “<b>an enterprise</b>”;</li></ul> <p>C. In paragraph (h) of the definition of the words “personal information”-</p> <ul style="list-style-type: none"><li>(i) delete the words “<b>acid or</b>” and substitute the words “<b>acid,</b>”;</li><li>(ii) insert after the word “<b>type</b>” the words “<b>or the biometric characteristics</b>”.</li></ul>
8(2)	<p>A. In the Marginal Note: Delete the words “<b>7:07</b>” and substitute the words “<b>90:03</b>”</p> <p>B. Delete the words “<b>at the bar</b>”</p>
9(2)	<p>A. In paragraph (b), delete the words “<b>offer comment</b>” and substitute the word “<b>advise</b>”; and</p> <p>B. In paragraph (g), delete the words “<b>58 or 76</b>” and substitute the words “<b>58, 78, or 79A</b>”;</p> <p>C. In paragraph (j) delete the words “<b>subject always to any special or general directions as the President may from time to time specify</b>” and substitute the words “<b>in accordance with this Act</b>”.</p>
10	<p>In paragraph (f) delete the words “<b>either upon his own initiative or upon the request of the President</b>”.</p>
11(1)	<p>Delete the words “<b>possess the same qualifications and experience required for</b>” and substitute the words “<b>meet the same requirements for qualifications or experience as specified for</b>”.</p>

- 12(1) In the Marginal Note:
- (i) delete the word “;” after the word “**resignation**” and insert the word “**or**”;
  - (ii) delete the words “**and suspension**”.
- 20 Insert after subclause (5) the following new subclause:
- “(6) Where the Head of a Public Body referred to in subsection (3) refuses to –**
- (a) allow the Information Commissioner or any person acting for or under him to enter and inspect premises under subsection (1)(a);**
  - (b) produce a document or record under subsection (1)(b), the Information Commissioner may apply to a Judge for an Order to direct the Head of the Public Body to-**
  - (c) allow the Information Commissioner or any person acting for or under him to enter and inspect the premises and seize any document found therein for the purposes of an audit or enquiry;**  
**or**
  - (d) produce the document or record.”.**
- 21
- A. In the chapeau, insert after the word “**by**” the words “**an Order of the Court**”;
  - B. In subclause (1)(a) delete the words “**an Order of the Court**”;
  - C. In subclause (1)(b) –
    - (i) delete the words “**a warrant**”;
    - (ii) insert after the word “**conduct**” the words “**and seize any document or record found therein**”;
    - (iii) delete the words “**for the purpose of an**” and substitute the words “**relevant to the**”;
  - D. In subclause (2)-
    - (i) Delete the words “**(1)(a)**” and substitute the words “**(1)(b)**”;
    - (ii) delete the words “**a Magistrate for a warrant**” and substitute the words “**the Court for an Order**”.
- 27 In subclause (1), insert after the word “**Parliament**” the words “**within three months after the end of the calendar year**”.
- 28 Insert after the word “**publish**” the words “**in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago**”.

- 40 (2)(a) Insert after the word “**professional**” the words “**or an employee or agent of a health care body at the direction of a health care professional**”.
- 40 (3) A. In paragraph (e) delete the word “**and**” after the word “**;**”;  
 B. In paragraph (f) delete the word “**.**” and substitute the words “**;** **and**” after the word “**Act**”.
- New 40(3)(g) Insert after paragraph (f) the following new paragraph:
- Act No. 8 of 2009 “(g) **Emergency Ambulance Services and Emergency Medical Personnel Act, 2009.**”.
- 42 In paragraph (d) insert after the word “**fairness**” the words “ **and prior notice of such disclosure is given to the person to whom the information relates**”.
- 46(1) Insert after the word “**;**” the word “**and**”.
- 49 A. Renumber clause 49 as 49(1);  
 B. Insert after subclause 49(1) as renumbered the following:  
**“(2) An Order under subsection (1) shall be published in the *Gazette* and two newspapers in daily circulation in Trinidad and Tobago.”.**
- 51 In subclause (2) delete all the words after the word “**means**” and substitute the words “**the title, business address, business telephone and facsimile number and business e-mail of an official or employee of the public body.**”.
- 52 A. In subclause (1) delete the words “**a citizen of or resident**”.  
 B. Delete subclause (4).
- 59 Delete the words “**Commissioner written**” and substitute the words “**Commissioner a written**”.
- 64 In subclause (3) delete the words “**Deputy Commissioner**” and substitute the words “**Deputy Commissioners**”.
- Part IV In the heading “**PART IV**” delete the word “**PERSONSAL**” and substitute the word “**PERSONAL**”.

- 76(2)(a) A. Insert after the word “**professional**” the words “**or an employee or agent of a health care body at the direction of a health care professional**”.
- (3) B. (i) In paragraph (e) delete the word “**and**” after the word “**;**”;  
(ii) In paragraph (f) delete the word “**.**” after the word “**Act**” and insert the word “**and**”; and  
(iii) Insert after paragraph (3)(f) the following new paragraph:  
“(g) **Emergency Ambulance Services and  
Emergency Medical Personnel Act, 2009.**”
- 82 In subclause (3) delete the words “**Deputy Commissioner**” and substitute the words “**Deputy Commissioners**”.
- 94 A. Delete the words “**, acquiesced in**”;  
B. Delete the words “**, whether or not the corporation has been prosecuted and convicted.**”.
- 101(d) Delete the word “**58**” and substitute the word “**57**”.
- Schedule In the title of PART A, delete the word “**an**” and substitute the word “**of**”.  
In the title of PART B, delete the word “**an**” and substitute the word “**of**”.

Senate Secretariat  
Tuesday May 24, 2011

## APPENDIX II

### THE TRAFFICKING IN PERSONS BILL, 2011

#### List of Amendments made in the Senate on Tuesday May 24, 2011

First Column Clause	Second Column Extent of Amendments
3	Insert in the appropriate alphabetical sequence, the following definition:  ‘ “premises” include any building, room, vessel, vehicle, aircraft, enclosure or place;’
6(1)	Delete paragraph (a) and substitute the following paragraph:  “(a) to establish policies and develop a national plan of action, consisting of a comprehensive set of measures-  (i) for the prevention of trafficking in persons and trafficking in children; (ii) for the identification of, assistance to and protection of victims; (iii) for the prosecution of traffickers; and (iv) for the repatriation of victims, in partnership with non-governmental organizations, inter-governmental organizations and other States and to coordinate the implementation of the national plan;”.

Delete paragraph (b) and substitute the following paragraph:

**“(b) to develop plans in consultation with representatives of civil society to provide victims of trafficking where appropriate with suitable housing, employment, educational and training opportunities, psychological counselling, legal assistance or legal information and medical assistance;”**

6(1)

Delete paragraph (c) and substitute the following paragraph:

**“(c) to develop, review, evaluate and revise, if necessary, a national counter-trafficking plan;”**.

6(1)(h)

Delete and substitute the following words:

**“(h) to measure and evaluate the progress of Trinidad and Tobago in the areas of:**

- (i) trafficking prevention;**
- (ii) protection and assistance to victims of trafficking; and**
- (iii) prosecution and enforcement against traffickers, including persons in the public sector who facilitate trafficking in persons and trafficking in children and the role of corruption in such facilitation;”**

6(1)(i)

Delete and substitute the following paragraph:

**“(i) to evaluate all programmes developed**



pursuant to this Act to ensure their effectiveness;”

7

Delete and substitute the following clause:

“7(1) The Task Force shall comprise the Ministers responsible for foreign affairs, labour, social development, national security, justice and education.

(2) The Task Force may co-opt-

- (a) the head of the Central Authority;
- (b) the Chairman of the Board of the Children’s Authority;
- (c) other appropriate public officers, whether on contract or otherwise, with responsibility for law enforcement, intelligence, immigration, social development, health, education, gender affairs, finance, foreign affairs, labour and justice, who shall be appointed by the Chairman on the recommendation of the respective ministers and who shall hold office for two years but may be eligible for reappointment; and
- (d) representatives from non-governmental organizations who shall be appointed by the Chairman on the recommendation of any of the ministers referred to in subsection (1), and who shall hold office for two years but may be eligible for reappointment.

(3) The Chairman may, for the purposes of the performance of the functions of the Task Force, co-opt any other minister as the Task Force sees fit.

8 Delete after the word “**appointed**” the words “**by the President**”.

9 Delete subclauses (4), (5) and (6)

11 A. Delete subclauses (1) and (2) and substitute the following subclauses:

“(1) There shall be established a Counter-Trafficking Unit within the ministry responsible for national security, which shall be headed by a Director who shall be –

(a) a public officer appointed by the Public Service Commission; or

(b) an officer on contract engaged by the Permanent Secretary in accordance with the Guidelines on Contract Employment established by the Chief Personnel Officer for such purpose and who shall hold office for three years, but may be eligible for reappointment.

(2) There shall be a Deputy Director who shall be-

(a) a public officer appointed by the Public Service Commission; or

(b) an officer on contract engaged by the

**Permanent Secretary in accordance with the Guidelines on Contract Employment established by the Chief Personnel Officer for such purpose and who shall hold office for three years, but may be eligible for reappointment.**

B. In subclause (4) insert after the word **“comprise”** the words **“positively vetted,”**

C. Renumber subclause (6) as (5) and subclause (5) as (6).

D. In subclause (6) as renumbered insert after the words **“authorized officer”** the following words :  
**“for a specific period and purpose”.**

12

A. In paragraph (f), insert after the word **“receive”** the words **“, collate and analyse”.**

B. In paragraph (h), delete the words **“institution of prosecutions,”**.

C. Renumber paragraphs (i) to (r) as (j) to (s).

D. Insert after paragraph (h) the following paragraph:  
**“(i) to refer all matters requiring the initiation of criminal prosecutions to the Office of the Director of Public Prosecutions;”**.

E. In paragraphs (q)(i) and (ii) as renumbered insert after the word **“citizens,”** wherever it occurs the word **“residents”** in each paragraph.

Heading

**“PART V  
CRIMINAL OFFENCES AND  
RELATED PROVISIONS”**

Delete the Heading-

**“PART V  
CRIMINAL OFFENCES AND RELATED  
PROVISIONS” ,**

occurring after Clause 14 and insert the heading after Clause13.

16

Insert after paragraph (d), the following words and subparagraphs:

**“ by means of –**

- (i) threats or the use of force or other forms of coercion;**
- (ii) abduction;**
- (iii) fraud or deception;**
- (iv) the abuse of power or the abuse of a position of vulnerability; or**
- (v) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person,”.**

17

Insert after paragraph (d), the following words and subparagraphs:

**“ by means of –**

- (i) threats or the use of force or other forms of coercion;**
- (ii) abduction;**
- (iii) fraud or deception;**
- (iv) the abuse of power or the abuse of a position of vulnerability; or**
- (v) the giving or receiving of payment or benefits to achieve**

**the consent of a person having control over another person,”.**

21 A. In subclause (3), delete the word **“may”** and substitute the word **“shall”**.

B. In subclause (5)(d) delete the word **“or”**.

C. In subclause (5)(e) delete the comma after the word **“Service”** and substitute a semi-colon and the word **“or”**.

D. Insert after subclause (5)(e) the following paragraph:

**“(f) any other official or public officer having the coercive power of arrest under any other written law,”.**

36 Delete all the words occurring after the word **“concerns”**.

37 A. Delete subclause (1) and substitute the following subclause:

**“(1) Victims of trafficking who are not nationals of Trinidad and Tobago and their accompanying dependent children, may receive for the duration of their stay in Trinidad and Tobago, such social benefits including-**

**(a) appropriate housing, education and training opportunities;**

**(b) psychological counselling;**

**(c) legal assistance and legal information; and**

**(d) medical assistance,**

**as may be determined by the Minister to whom**

**the responsibility for social development has been assigned.**

B. Delete subclause (2) and substitute the following subclause:

**“(2) Victims who are participants in the Justice Protection Programme may have the option to communicate with and receive visits from family and friends, subject to the terms and conditions of the programme.”**

C. Insert after subclause (4), the following subclause:

**“(5) “Justice Protection Programme” referred to in subsection (2) has the**

**Chap. 5:33 meaning assigned to it in the Justice Protection Act.”**

39

A. In subclause (1), -

(a) insert after the words “do not” the words  
**“desire to”**

(b) delete the word **“dependants”** occurring after the word **“accompanying”** and substitute the words **“dependent children”**.

44

A. In subclause (2) insert after the words **“liaise with the”** the words **“Children’s Authority and other”**.

B. In subclause (3), delete and substitute the following chapeau: **“The Counter-Trafficking Unit, in consultation with the Children’s Authority, shall develop special programmes for child victims including -”**.

48

Delete paragraph (b) and substitute the following

paragraph:

**“ (b) by a national of Trinidad and Tobago anywhere, whether in Trinidad and Tobago or elsewhere; or**

Schedule

A. In paragraph 1-

(a) renumber subparagraphs (c) to (f) as (d) to (g);

(b) insert after subparagraph (b), the following subparagraph:

**“(c) psychologists”.**

B. In paragraph 2, delete the number **“(d)”** in the chapeau and substitute the number **“(e)”**.

**Senate Secretariat**  
**Tuesday May 24, 2011**