



HOUSE OF REPRESENTATIVES

FIRST SESSION

NO. 47

TENTH PARLIAMENT

2010 /2011

ORDER PAPER

FRIDAY JUNE 03, 2011: 1:30 P.M.

PRAYERS

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1. The Ministerial Response to the First Report of the Joint Select Committee (Group I) on the Ministry of Health and its management of vector-borne diseases.
(By the Minister of Health)
2. The Annual Report of the Law Reform Commission of Trinidad and Tobago for the years 2005 to 2006.
(By the Attorney General)

PRESENTATION OF REPORTS FROM SELECT COMMITTEES

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INTRODUCTION OF BILLS

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

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

1. **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)

2. **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)

3. **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)

Bills Second Reading:

1. A Bill entitled, “An Act to amend the Anti-Terrorism Act, Chap. 12:07”.

(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 Land Adjudication Act, 2000”.

(By the Minister of Food Production, Land and Marine Affairs)

9. A Bill entitled, “An Act to amend the Registration of Titles to Land Act, 2000”.

(By the Minister of Legal Affairs)

10. A Bill entitled, “An Act to repeal and replace the Crown Suits Limitation Ordinance”.

(By the Attorney General)

11. A Bill entitled, “An Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52”.

(By the Minister of Works and Transport)

COMMITTEE BUSINESS

Motions:

1. **BE IT RESOLVED** that the House adopt the Second Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act.

(By the Minister of Education)

PRIVATE BUSINESS

Motions:

The debate on the following Motion which was in progress when the House adjourned on Friday May 27, 2011 will be resumed:

1. **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)

2. **The debate on the following Motion which was in progress when the House adjourned on Wednesday April 20, 2011 will be resumed:**

WHEREAS the Police Service Commission, as established under the Constitution, is appointed under the hand of His Excellency the President of the Republic of Trinidad and Tobago in consultation with the Prime Minister and the Leader of the Opposition;

AND WHEREAS the functions of the Police Service Commission are expressly set out in the Constitution of Trinidad and Tobago;

AND WHEREAS the former Chairman of the Police Service Commission has so conducted himself in such a manner that his statements have had the effect of bringing the Police Service Commission into odium and disarray; demoralized the Police Service and created great public controversy and disquiet;

AND WHEREAS there is currently widespread public condemnation of the reckless and divisive statements of the former Chairman of the Police Service Commission;

BE IT RESOLVED that this Honourable House condemn the reckless and divisive statements of the former Chairman of the Police Service Commission;

AND BE IT FURTHER RESOLVED that this Honourable House reaffirm its collective commitment to the principles of fairness and meritocracy in public affairs.

(By the Leader of the Opposition)

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

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 Leader of the Opposition)

4. **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 Leader of the Opposition)

*Jacqui Sampson-Meiguel
Clerk of the House*

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

June 02, 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	A. In the definition of “data” delete the word “physical”; B. In the definition of the word “Head of a Public Body” - (i) insert after the words “Minister,” the words “the President of the Senate, the Speaker of the House of Representatives,”; and (ii) delete the words “a corporation” and substitute the words “an enterprise”; C. In paragraph (h) of the definition of the words “personal information”- (i) delete the words “acid or” and substitute the words “acid,”; (ii) insert after the word “type” the words “or the biometric characteristics”.
8(2)	A. In the Marginal Note: Delete the words “7:07” and substitute the words “90:03” B. Delete the words “at the bar”
9(2)	A. In paragraph (b), delete the words “offer comment” and substitute the word “advise”; and B. In paragraph (g), delete the words “58 or 76” and substitute the words “58, 78, or 79A”; C. In paragraph (j) delete the words “subject always to any special or general directions as the President may from time to time specify” and substitute the words “in accordance with this Act”.
10	In paragraph (f) delete the words “either upon his own initiative or upon the request of the President”.
11(1)	Delete the words “possess the same qualifications and experience required for” and substitute the words “meet the same requirements for qualifications or experience as specified for”.

- 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	<p>Insert in the appropriate alphabetical sequence, the following definition:</p> <p>‘ “premises” include any building, room, vessel, vehicle, aircraft, enclosure or place;’</p>
6(1)	<p>Delete paragraph (a) and substitute the following paragraph:</p> <p>“(a) to establish policies and develop a national plan of action, consisting of a comprehensive set of measures-</p> <ul style="list-style-type: none">(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, <p>in partnership with non-governmental organizations, inter-governmental organizations and other States and to coordinate the implementation of the national plan;”.</p> <p>Delete paragraph (b) and substitute the following</p>

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