



HOUSE OF REPRESENTATIVES

SECOND SESSION
TENTH PARLIAMENT

NO. 27
2011/ 2012

ORDER PAPER

WEDNESDAY MARCH 28, 2012: 1:30 P.M.

PRAYERS

OATH OF ALLEGIANCE OF A NEW MEMBER

ANNOUNCEMENTS BY THE SPEAKER

BILLS BROUGHT FROM THE SENATE

PETITIONS

PAPERS

1. The Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Heritage and Stabilisation Fund of the Republic of Trinidad and Tobago for the year ended September 30, 2011.

(By the Minister of Finance who will move that the Report be referred to the Public Accounts Committee)

2. The Annual Report of the Heritage and Stabilisation Fund for the year ended September 30, 2011.

(By the Minister of Finance)

3. The Annual Audited Financial Statements of National Quarries Company Limited for the financial year ended September 30, 2009.

(By the Minister of Finance who will move that the report be referred to the Public Accounts [Enterprises] Committee)

4. The Administrative Report of the Sangre Grande Regional Corporation for the period October 2010 to September 2011.

(By the Minister of Local Government)

QUESTIONS TO MINISTERS

Questions for Written Answer appear in Appendix I

Questions for Oral Answer

Question No. 50 to the Minister of Finance

(By the Leader of the Opposition)

- a) With respect to the Government issued credit card assigned to the Minister of Tobago Development, could the Minister state whether this card has been used in keeping with the written guidelines established for use of this card?
- b) If this card was ever used for transactions inside of Trinidad and Tobago (contrary to the guidelines), could the Minister state each and every instance and identify the purpose for which the transaction/s was made locally?
- c) Could the Minister also state:
 - i. The total amount of expenses incurred as local transactions on this card;
 - ii. The total outstanding balance on this card as it existed on March 2, 2012.

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

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 Administration of Justice (Deoxyribonucleic Acid) Bill, 2011 listed in Appendix II be now considered.

(By the Minister of Justice)

2. **WHEREAS** it is provided by section 56(1)(a) of the Customs Act, Chap. 78:01 that the House of Representatives may, from time to time, by Resolution provide that any class of goods specified in the Resolution shall be exempt from import duties of Customs if the goods are imported or entered for use by any person for any purpose specified in the Resolution during any period to be fixed by the Minister in each particular case, not being a period terminating later than the date prescribed in the Resolution as the last day on which such exemption shall be operative, and subject to such condition as the Minister may impose:

BE IT RESOLVED that the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective purposes set out in the List of Conditional Duty Exemptions in the Third Schedule to the Customs Act for –

- (a) Approved Agriculture, Livestock, Forestry and Fisheries in Part A, subheading II;
- (b) Approved Hotels in Part A, subheading III;
- (c) Approved Mining Purposes in Part A, subheading IV; and

- (d) Other Approved Purposes in Part A, subheading V, from the date of publication to December 31, 2015.

(By the Minister of Trade and Industry)

Bills Second Reading:

1. A Bill entitled, “An Act to amend the Legal Aid and Advice Act Chap 7:07, 2011”.

(By the Minister of Justice)

2. A Bill entitled, “An Act to amend the Regional Health Authorities Act, Chap. 29:05”.

(By the Minister of Health)

3. **The debate on the following Bill which was in progress when the House adjourned on Friday March 16, 2012 will be resumed:**

A Bill entitled, “An Act to amend the Maternity Protection Act, Chap. 45:57 and to repeal the Masters and Servants Ordinance, Ch. 22. No. 5”.

(By the Minister of Labour and Small and Micro Enterprise Development)

4. **The debate on the following Bill which was in progress when the House adjourned on Friday March 09, 2012 will be resumed:**

A Bill entitled, “An Act relating to the protection of children and for matters related thereto”.

(By the Minister of Gender, Youth and Child Development)

5. **The debate on the following Bill which was adjourned on Friday December 09, 2011 will be resumed.**

A Bill entitled, “An Act to make provision for the implementation of a system for electronic monitoring in Trinidad and Tobago and for related matters”.

(By the Minister of Justice)

6. 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 Transport)

7. 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)

8. A Bill entitled, “An Act to amend the Equal Opportunity Act, Chap. 22:03”.

(By the Attorney General)

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

(By the Attorney General)

10. A Bill entitled, “An Act to reform the law providing for the regulation of insurance business and for the other purposes related to or connected with such business and for the regulation of privately administered pension fund plans”.

(By the Minister of Finance)

11. A Bill entitled, “An Act to give effect to the Economic Partnership Agreement between CARIFORUM States (Caribbean Community and the Dominican Republic) and the European Community; to effect consequential amendments to the Customs Act, Chap. 78:01 and for related matters”.

(By the Minister of Trade and Industry)

COMMITTEE BUSINESS

Motions:

1. **BE IT RESOLVED** that the House adopt the Report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill entitled, “An Act for the Incorporation of the Way of Trinidad and Tobago and for matters incidental thereto”.

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

2. **BE IT RESOLVED** that the House take note of the 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 for the Second Session [2011/2012] Tenth Parliament.

(By the Minister of Planning and the Economy)

PRIVATE BUSINESS

Motions:

1. **The debate on the following motion which was in progress when the House adjourned on Friday March 23, 2012 will be resumed:**

WHEREAS the crime situation in Trinidad and Tobago has continued to escalate, and;

AND WHEREAS the former PNM administration had initiated a number of systems and strategies to deal with the crime situation in Trinidad and Tobago, and;

AND WHEREAS the current government of Trinidad and Tobago has taken certain actions to weaken the national security systems and structure in Trinidad and Tobago;

AND WHEREAS the action of the current government has contributed to the escalation of crime in Trinidad and Tobago:

BE IT RESOLVED that this House take note of the systematic dismantling of the national security systems and structures in Trinidad and Tobago and call on the government to cease this action and to take steps to put in place an effective national security system which would have the effect of securing the borders and by extension the citizenry of Trinidad and Tobago to bring about a reduction in crime in Trinidad and Tobago.

(By the Member for Laventille East/Morvant)

2. **The debate on the following motion which was adjourned on Friday November 25, 2011 will be resumed:**

WHEREAS the Government of Trinidad and Tobago has given a commitment to provide all students, from Early Childhood, to the Primary and Secondary levels, with all core textbooks and work books at no cost to parents;

AND WHEREAS the Ministry of Education has reneged on this commitment in September 2011 by neglecting to provide sufficient and timely replacements for books lost or damaged, thereby placing an unexpected hardship on parents:

BE IT RESOLVED that this Government take all necessary steps to ensure that students are properly equipped with their school books for a quality education from ECCE to Secondary, in accordance with the commitment that has been given since 2004.

(By the Member for Port of Spain North/St. Ann's West)

*Jacqui Sampson-Meiguel
Clerk of the House*

*House of Representatives' Secretariat
The Port of Spain International Waterfront Centre
Level 3, Tower D
1 A Wrightson Road
PORT OF SPAIN*

March 26, 2012

ORDER PAPER/WEDNESDAY MARCH 28, 2012

QUESTIONS FOR WRITTEN ANSWER

Question No. 39 to the Honourable Prime Minister

(By the Leader of the Opposition)

With respect to the fleet of vehicles which were purchased by the Government for use during the Commonwealth Heads of Government Meeting (CHOGM), could the Prime Minister state:

- a) The number, type, and model of all these vehicles which were available to the State as at June 1st 2010?
- b) In so far as these vehicles have been distributed, auctioned, or otherwise disposed of could the Prime Minister state:
 - i) The details of how they were distributed and which Ministries and or other agencies received the various vehicles.
 - ii) Which vehicles were auctioned or sold, to whom and for what price?
 - iii) Were there any requests for any of these vehicles from any Ministry where such requests were denied or unfulfilled?
 - iv) With respect to vehicles which were supplied to Ministries, are any of those vehicles damaged or out of service at this time?

(Answer due by 29.02.2012)¹

¹ Deferred for two weeks on Friday March 23, 2012.

APPENDIX II

THE ADMINISTRATION OF JUSTICE (DEOXYRIBONUCLEIC ACID) BILL, 2011

List of Amendments made in the Senate on Tuesday 7th February, 2012

<i>First Column</i> <i>Clause</i>	<i>Second Column</i> <i>Extent of Amendment</i>
4	<p>A. Insert in the appropriate alphabetical sequence the following definitions:</p> <p style="padding-left: 40px;">“complainant” means a person against whom an alleged sexual offence has been committed;</p> <p style="padding-left: 40px;">“Forensic DNA analyst” means a person who conducts forensic DNA analysis on behalf of the Trinidad and Tobago Forensic Science Centre;</p> <p style="padding-left: 40px;">“suspect” means a person whom the police have reasonable grounds for believing-</p> <p style="padding-left: 80px;">(a) is about to commit an offence; or</p> <p style="padding-left: 80px;">(b) may have committed an offence, and who is being investigated by the police in relation to that offence;”.</p> <p>B. In the definition of “non-intimate sample” insert the word “plucked” before the word “hair”.</p> <p>C. In the definition of “representative” –</p> <p style="padding-left: 40px;">(i) delete the word “or” after the words “worker;”;</p> <p style="padding-left: 40px;">(ii) insert the word “or” after the words “Authority;”;</p> <p style="padding-left: 40px;">and</p> <p style="padding-left: 40px;">(iii) insert after paragraph (e) the following new paragraph:</p> <p style="padding-left: 40px;">“(f) a person appointed by the Court;”.</p> <p>D. Delete the definitions of “analyst” and “DNA register”.</p>
5	<p>Delete clause 5 and substitute the following clause:</p> <p>“Official forensic DNA laboratory</p> <p style="padding-left: 100px;">5.(1) The Trinidad and Tobago Forensic Science Centre shall be the official forensic DNA laboratory for Trinidad and Tobago.</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>(2) The Trinidad and Tobago Forensic Science Centre shall have custody of and control over all DNA samples and DNA profiles, including the Forensic DNA Databank of Trinidad and Tobago.</p>
	<p>(3) For the purposes of this Act, a register to be known as “the DNA Register” shall be established by the Trinidad and Tobago Forensic Science Centre.”</p>
<p>7</p>	<p>In subclause (2) –</p> <p>(i) insert the words “Subject to section 26,” before the word “DNA” in the first place it appears; and</p> <p>(ii) delete the word “may” and substitute the word “shall”.</p>
<p>8</p>	<p>A. In subclause (1) insert the words “a public officer and shall be” after the word “be” in the second place in which it occurs.</p> <p>B. Delete subclauses (2) to (6).</p> <p>C. Insert the following new clause after subclause (1) and renumber accordingly:</p> <p>“(2) There shall be a Deputy Custodian of the Forensic DNA Databank who shall –</p> <p>(a) be a public officer; and</p> <p>(b) in the absence or incapacity of the Custodian, act in his place.”</p>
<p>9</p>	<p>Delete clause 9 and substitute the following clause:</p> <p>“Transitional</p> <p>9.(1) Without prejudice to the power of the Public Service Commission to make an appointment to the office of Custodian or Deputy Custodian, where prior to the making of the first appointment, after the Act comes into operation, the exigencies of service require a person to perform functions related to that office, the Minister may engage a person on contract, in order to secure the interests of the Forensic DNA Databank.</p> <p>(2) The engagement of a person</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>on contract under subsection (1), shall be in accordance with the guidelines for contract employment established by the Chief Personnel Officer.”</p>
<p>10</p>	<p>Delete paragraphs (c) and (d) and substitute the following: “(c) ensure that DNA data is securely stored and remains confidential; (d) perform such functions and duties as may be required of him under this Act or any other written law, and in the exercise of such functions, act independently.”</p>
<p>11</p>	<p>In subclause (2) insert the words “, but not later than six months after receipt” after the word “thereafter”.</p>
<p>13</p>	<p>A. In subclause (1) insert the words “or qualified person” after the words “police officer”.</p> <p>B. In subclause (2) –</p> <ul style="list-style-type: none"> (i) delete the word “A”; (ii) insert the words “No one other than a” before the words “qualified person”; and (iii) in paragraph (d), insert the words “and has been charged with or convicted of a criminal offence” after the word “facility”. <p>C. Insert the following new subclause after subclause (2): “(3) A sample under subsection (2)(c) shall be taken in the presence of a witness.”.</p>
<p>14</p>	<p>A. In subclause (6) –</p> <ul style="list-style-type: none"> (i) insert the words “by a qualified person” after the word “taken”; and (ii) in paragraph (d), insert the words “and has been charged with or convicted of a criminal offence” after the word “facility”. <p>B. Insert the following new subclause after subclause (6): “(7) A sample under subsection (6)(c) shall be taken in the presence of a witness.”.</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
<p>16</p>	<p>Delete clause 16 and renumber accordingly.</p>
<p>17 (renumbered as 16)</p>	<p>A. Delete subclause (1) and substitute the following subclause:</p> <p>“(1) Where a citizen of Trinidad and Tobago –</p> <p>(a) is deported from any place outside Trinidad and Tobago; and</p> <p>(b) has been convicted of, or has served a term of imprisonment for, an offence which would have been an indictable offence if it had been committed in Trinidad and Tobago,</p> <p>a non-intimate sample shall, on that citizen’s arrival in Trinidad and Tobago, be taken from him without his consent by a qualified person at any port of entry.”.</p> <p>B. Delete subclauses (3) to (8) and renumber accordingly.</p> <p>C. In the renumbered subclause (3) delete the words “a “citizen of Trinidad and Tobago” has the meaning assigned to it by the Immigration Act.” and substitute the words ““citizen of Trinidad and Tobago” and “port of entry” have the meanings respectively assigned to them by the Immigration Act.”.</p>
<p>18 (renumbered as 17)</p>	<p>A. Delete subclause (1) and substitute the following subclause:</p> <p>“(1) Where a person is reported missing, a police officer may collect and submit for forensic DNA analysis:</p> <p>(a) any item belonging to or used by the missing person; or</p> <p>(b) any sample by which a familial relationship to the missing person may be determined.”</p> <p>B. In subclause (3) insert the words “or a qualified person” after the word “officer”.</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
<p>19 (renumbered as 18)</p>	<p>Delete clause 19 and substitute the following renumbered clause:</p> <p>“Complainants</p> <p>18. (1) Where a report of the alleged commission of a sexual offence is made a police officer shall, without delay, make arrangements for a qualified person to examine the complainant.</p>
<p>Form 3 Second Schedule</p>	<p>(2) Subject to subsection (3), where a complainant is medically examined by a qualified person in the course of an investigation of a sexual offence, the qualified person may take a sample from the complainant with consent.</p> <p>(3) Where a complainant is a child or an incapable person, a qualified person shall obtain the consent of the representative of that child or incapable person for the taking of a sample.</p> <p>(4) A qualified person who proposes to take a sample from a complainant shall –</p> <p>(a) obtain the consent of the complainant or his representative in the form set out as Form 3 in the Second Schedule before the sample is taken;</p> <p>(b) inform the complainant or his representative that the sample may be the subject of a search and that his DNA profile will be stored in the Forensic DNA Databank; and</p> <p>(c) inform the complainant or his representative of his right to withdraw his</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>consent before the sample is taken.</p> <p>(5) Where the complainant or his representative has consented to the taking of a sample, he may withdraw his consent in the form set out as Form 3 in the Second Schedule.</p> <p>Form 3 Second Schedule</p>
<p>20 (renumbered as 19)</p>	<p>In subparagraph (b) insert after the second place in which the word “taken” appears, the words “and, where the person from whom the sample is being taken so requests in writing, in the presence of a specified person of the opposite sex”.</p>
<p>21</p>	<p>Delete clause 21 and renumber accordingly.</p>
<p>23 (renumbered as 21)</p>	<p>In the renumbered clause 21:</p> <p>A. Insert the words “(1)” after the words “21.”.</p> <p>B. Insert after the proposed subclause (1) the following subclause: “(2) Subsection (1) shall not apply where a sample is to be taken from a complainant.”</p>
<p>24 (renumbered as 22) and the heading immediately before</p> <p>Dealing with a DNA sample</p>	<p>Delete the heading immediately before clause 22 and clause 22, and substitute the following:</p> <p style="text-align: center;">“PART V PROCEDURE FOR TAKING NON-INTIMATE AND INTIMATE SAMPLES AND POST COLLECTION PROCEDURES</p> <p>22. A police officer or qualified person who takes a sample from a person under this Act shall –</p> <p>(a) place the sample in a container;</p> <p>(b) seal and label the container with an identifying mark;</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>(c) place the container in a package;</p> <p>(d) seal the package; and</p> <p>(e) label the package with the same identifying mark that is shown on the label affixed to the container.</p>
<p>Storage and delivery of package</p> <p>Form 4 Second Schedule</p>	<p>23.(1) A police officer or qualified person who takes a sample from a person under this Act shall –</p> <p>(a) as soon as practicable, submit the sample to the Trinidad and Tobago Forensic Science Centre for forensic DNA analysis;</p> <p>(b) ensure that between the time the sample is taken and the time of delivery to the Trinidad and Tobago Forensic Science Centre, the package containing the sample is properly stored; and</p> <p>(c) complete the form set out as Form 4 in the Second Schedule.</p> <p>(2) A person who receives the package containing the sample at the Trinidad and Tobago Forensic Science Centre for forensic DNA analysis shall –</p> <p>(a) ensure that the package is properly sealed, labelled and identifiable both by him and the police officer or qualified person who delivers the package; and</p> <p>(b) record the following information in – the DNA Register to be established and maintained at the</p>

<p><i>First Column</i></p> <p><i>Clause</i></p>	<p><i>Second Column</i></p> <p><i>Extent of Amendment</i></p>
	<p>Trinidad and Tobago Forensic Science Centre:</p> <ul style="list-style-type: none"> (i) in the case of a police officer, the name, rank and service number; (ii) in the case of a qualified person, the name, profession and place of employment; (iii) the identifying mark which is affixed to the package; (iv) the date and time the package was delivered to the Trinidad and Tobago Forensic Science Centre; and (v) the name and designation of the person receiving the package.
<p>Duties of Forensic DNA analyst</p>	<p>24.(1) Subject to subsection (2), a Forensic DNA analyst who conducts a forensic DNA analysis shall prepare and submit a certificate of analysis to the Commissioner of Police.</p> <p>(2) Where a certificate of analysis is prepared in respect of any matter which is under investigation or before a Court, a Forensic DNA analyst shall submit that</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>certificate of analysis to the relevant investigating officer.</p> <p>(3) A Forensic DNA analyst shall submit a DNA profile obtained by him through forensic DNA analysis to the Custodian for storing in the Forensic DNA Databank.</p> <p>(4) A Forensic DNA analyst shall be deemed to be a Government expert for the purposes of the Evidence Act.”</p> <p>Chap. 7:02</p>
<p>25</p>	<p>Delete clause 25 and substitute the following clause:</p> <p>“Retention of sample</p> <p>Act No. 10 of 2011</p> <p>Act No. 20 of 2011</p> <p>25.(1) Except in the case of:</p> <p>(a) offences referred to in the First Schedule to the Anti-Gang Act, 2011;</p> <p>(b) offences referred to in Schedule 6 to the Administration of Justice (Indictable Proceedings) Act, 2011; or</p> <p>(c) persons referred to in the Third Schedule,</p> <p>a person from whom a sample has been taken under this Act or a person who is not suspected, accused or convicted of an offence, may not, before the expiration of five years from the date of the generation of the DNA profile, apply to the Court for an order that the sample be destroyed and the DNA profile be expunged.</p> <p>(2) A sample taken from a person suspected, detained or accused of an offence under subsection (1)(a) or (1)(b) shall be retained indefinitely.</p> <p>(3) A sample taken from a person under subsection 1(c) shall be retained until ten years after retirement.</p> <p>(4) The Trinidad and Tobago Forensic Science Centre shall, within three months after the end of each calendar</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>year, provide the Commissioner of Police with -</p> <ul style="list-style-type: none"> (a) a list of samples and DNA profiles which have been entered in the DNA Register and Forensic DNA Databank, respectively; and (b) a list of the samples and DNA profiles which are proposed to be destroyed and expunged, respectively.”. <p>(5) Where the Commissioner of Police, after consultation with the Director of Public Prosecutions, does not object to the destruction of a sample or the expungement of a DNA profile on a list referred to in subsection (4) within three months of receiving the list, the Trinidad and Tobago Forensic Centre may destroy the samples and expunge the DNA profiles.</p>
<p>New Clause 26</p>	<p>Insert the following new clause after clause 25 and renumber accordingly:</p> <p>“ Expungement of profile in certain circumstances</p> <p>26. (1) Notwithstanding section 7(2), where the Commissioner of Police, after consultation with the Director of Public Prosecutions, is of the view that the DNA profile of a complainant is no longer necessary in relation to a matter under investigation or before the Court he shall, in writing, notify the complainant or, where the complainant is a child or an incapable person, his representative, of the decision to expunge the DNA profile from the Forensic DNA Databank.</p> <p>(2) A complainant or his representative shall, within three months of the date of the notification under subsection (1), indicate in writing to the Commissioner of Police whether he objects to the expungement of his DNA profile from the Forensic DNA Databank.</p> <p>(3) Where a complainant or his representative fails to indicate, after the expiration of three months from the date</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>of the notification, whether he has an objection to the expungement of his DNA profile from the Forensic DNA Databank, the Commissioner of Police shall, in writing, inform the Custodian of the Forensic DNA Databank that the DNA profile may be expunged.</p>
	<p>(4) Where the Custodian is informed, pursuant to subsection (3), that the retention of a complainant’s DNA profile is no longer necessary, he shall take the necessary steps to have the DNA profile expunged from the Forensic DNA Databank.</p> <p>(5) Notwithstanding section 7(2) and subject to subsections (6) and (7), a complainant or, where the complainant is a child or an incapable person, his representative, may apply to the Commissioner of Police to have his DNA profile expunged from the Forensic DNA Databank.</p> <p>(6) Where an application is made under subsection (5) for a DNA profile to be expunged from the Forensic DNA Databank and the Commissioner of Police, after consultation with the Director of Public Prosecutions, is of the view that the DNA profile of that complainant should not be expunged on the grounds that it is needed in relation to a matter under investigation or before the Court he shall, in writing, inform the complainant or his representative that the DNA profile will not be expunged on the grounds that it is needed in relation to a matter under investigation or before the Court.</p> <p>(7) Where an application is made under subsection (5) for a DNA profile to be expunged from the Forensic DNA Databank and the Commissioner of Police, after consultation with the Director</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>of Public Prosecutions, is of the view that the DNA profile of the complainant is no longer necessary in relation to a matter under investigation or before the Court he shall, in writing, inform the Custodian of the Forensic DNA Databank that the DNA profile may be expunged.</p>
	<p>(8) Where the Custodian is informed, pursuant to subsection (7), that the retention of a complainant’s DNA profile is no longer necessary, he shall –</p> <ul style="list-style-type: none"> (a) take the necessary steps to have the DNA profile expunged from the Forensic DNA Databank; and (b) notify the Commissioner of Police, in writing, that the complainant’s DNA profile has been expunged. <p>(9) The Commissioner of Police, on receiving the notification referred to in subsection (8) from the Custodian of the Forensic DNA Databank, shall inform the complainant, in writing, that his DNA profile has been expunged from the Forensic DNA Databank.</p> <p>(10) Notwithstanding section 7(2), where a sample is taken from a child, the Custodian shall cause the DNA profile derived from that sample to be expunged from the Forensic DNA Databank after the expiration of ten years from the date on which the profile was generated.</p> <p>(11) Notwithstanding section 7(2), where a sample is taken from a person who is exonerated in relation to an offence referred to in the First Schedule to</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>the Anti-Gang Act, 2011 or Schedule 6 to the Administration of Justice (Indictable Proceedings) Act, 2011, the sample and DNA profile derived from that sample shall be destroyed and expunged from the Forensic DNA Databank, respectively, after the expiration of ten years from the date of exoneration.</p>
	<p>(12) Notwithstanding section 7(2), where a sample is taken from a person who is exonerated in relation to an offence other than those referred to in subsection (11), the sample and DNA profile derived from that sample shall be destroyed and expunged from the Forensic DNA Databank, respectively, after the expiration of five years from the date of exoneration.”</p>
<p>27 (renumbered as 28)</p>	<p>Delete the renumbered clause 28 and renumber accordingly.</p>
<p>28</p>	<p>In subclause (1) insert the words “using reasonable force” after the word “person”.</p>
<p>29</p>	<p>A. In subclause 1 –</p> <ul style="list-style-type: none"> (i) in paragraph (b), delete the words “ and the person from whom a request was made”; and (ii) in paragraph (d), delete the words “an analyst” and substitute the words “a Forensic DNA analyst”. <p>B. In subclause (3) delete the number “4” and substitute the number “5”.</p>
<p>30</p>	<p>A. In subclause (1)(c) delete the word “DNA”.</p> <p>B. In subclause (2) delete the word” seven” and substitute the word “ten”</p>
<p>31</p>	<p>Insert after the first place in which the word “Act” appears the words “, other than a complainant,”.</p>

<p><i>First Column</i></p> <p><i>Clause</i></p>	<p><i>Second Column</i></p> <p><i>Extent of Amendment</i></p>
34	In subclause (2) delete the word “negative” and substitute the word “affirmative”.
37	Insert the words “, Chap. 5:34,” after the word “Act”.
New 39	<p>Insert the following new clause after clause 38:</p> <p>“Chap. 7:02 amended 39. The Evidence Act is amended in section 19(4) by inserting after paragraph (i) the following new paragraph:</p> <p style="text-align: right;">“(j) a Forensic DNA analyst;”.</p>
Second Schedule	<p>Delete Form 1 and substitute the following:</p> <p style="text-align: center;">“ FORM 1</p> <p style="text-align: right;">[section 12]</p> <p style="text-align: center;">REPUBLIC OF TRINIDAD AND TOBAGO</p> <p style="text-align: center;">VOLUNTEERING A SAMPLE</p> <p>Please Note that—</p> <p>1. Under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act—</p> <p>“intimate sample” means a specimen of biological or other material taken from —</p> <p>(a) any part of a person’s genitals; or</p> <p>(b) a person’s bodily orifice other than the mouth</p> <p>“non-intimate sample” means a specimen of —</p> <p>(a) blood obtained by a prick of the finger;</p> <p>(b) epithelial cells obtained by means of buccal swab;</p> <p>(c) plucked hair; or</p> <p>(d) saliva</p> <p>2. You are not obliged to volunteer your DNA sample.</p> <p>3. The representative of a child or incapable person shall be present when any sample is taken.</p> <p>4. The sample shall be taken in the presence or view of a person who is of the same sex as the person from whom the sample is being taken.</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>I, <i>(Name of Volunteer/Representative)</i></p> <p>of <i>(Address)</i></p> <p>understand the above notice and I hereby—</p> <p>[Tick appropriate box]</p> <p>[] Volunteer to give a sample to be used in the investigation or prosecution of <i>(Give details of alleged offences)</i></p> <p>[] Volunteer to give a sample. I am required to attend <i>(Give address/location of the crime scene)</i></p> <p>in my capacity as a..... <i>(Profession/vocation/public office)</i></p> <p>In order..... <i>(Give details of purpose)</i></p> <p>Signed Date <i>Volunteer/Representative</i></p> <p>Signed..... Date.....” <i>Witness</i></p>
<p>Second Schedule</p>	<p>Delete Form 2 and substitute the following:</p> <p style="text-align: center;">“ FORM 2</p> <p style="text-align: right;">[section 14(3)]</p> <p style="text-align: center;">REPUBLIC OF TRINIDAD AND TOBAGO</p> <p style="text-align: center;">NOTICE: TAKING A REPEAT NON-INTIMATE SAMPLE</p> <p>Notice is hereby given, in accordance with section 14(3) of the Administration of Justice (Deoxyribonucleic Acid) Act, (“the Act”)</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>that you <i>(Name)</i></p> <p>of..... <i>(Address)</i></p> <p>are required to: (tick as appropriate)</p> <p><input type="checkbox"/> attend the.....Police Station</p> <p><input type="checkbox"/> avail yourself within twenty-four hours from the date of service of this Notice upon you, for the purpose of having a repeat non- intimate DNA sample taken from you.</p> <p>The previous sample taken from you was: (tick as appropriate)</p> <p><input type="checkbox"/> unsuitable/insufficient for the purpose of obtaining your DNA profile</p> <p><input type="checkbox"/> lost</p> <p><input type="checkbox"/> destroyed</p> <p><input type="checkbox"/> not useable because</p> <p>.....</p> <p>Take Notice that section 14(4) of the Act authorizes a police officer to arrest without warrant a person who is not in police custody or imprisoned for failure to comply with this Notice.</p> <p>.....</p> <p><i>Name, Rank and Service Number of Police Officer Date of Service</i></p> <p>.....”</p> <p><i>Signature of the above-named</i></p>
<p>Second Schedule</p>	<p>A. Delete Form 3 and substitute the following:</p> <p style="text-align: center;">“ FORM 3</p> <p style="text-align: right;">[section 18]</p> <p>REPUBLIC OF TRINIDAD AND TOBAGO</p> <p style="text-align: center;">CONSENT FOR TAKING A SAMPLE FROM A COMPLAINANT</p> <p>Please Note that—</p> <p>1. Under section 4 of the Administration of Justice (Deoxyribonucleic</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>Acid) Act—</p> <p>“intimate sample” means a specimen of biological or other material taken from –</p> <p>(a) any part of a person’s genitals; or</p> <p>(b) a person’s bodily orifice other than the mouth</p> <p>“non-intimate sample” means a specimen of –</p> <p>(a) blood obtained by a prick of the finger;</p> <p>(b) epithelial cells obtained by means of buccal swab;</p> <p>(c) plucked hair; or</p> <p>(d) saliva</p> <p>“sample” means a non-intimate or intimate sample</p> <p>2. You are under no obligation to consent to a sample being taken.</p> <p>3. If you give consent for a sample to be taken, you may at any time before the sample is taken, withdraw that consent.</p> <p>4. Any sample taken will be analyzed and may be used as evidence in a criminal investigation or prosecution.</p> <p>5. A DNA profile obtained from your sample may be checked against other DNA profiles in the Forensic DNA Databank. You may apply, pursuant to section 26, to have your DNA profile expunged from the records of the Forensic DNA Databank.</p> <p>6. Only a qualified person is entitled to take a sample from you.</p> <p>A “qualified person” means—</p> <p>a registered medical practitioner under the Medical Board Act, or a person registered under Part II or III of the Nurses and Midwives Registration Act, acting under the supervision of a registered medical practitioner.</p> <p style="text-align: center;">A. Consent</p> <p>I,.....of</p> <p style="text-align: center;"><i>(Name of person/representative giving</i></p> <p><i>consent).....</i></p> <p style="text-align: center;">.....</p> <p style="text-align: center;"><i>(Address)</i></p> <p>further to a request being made by.....</p> <p style="text-align: center;"><i>(Name of qualified person making request)</i></p> <p>hereby consent to the taking of a sample from.....</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>.....</p> <p>(Signature of person giving consent) (Place where consent is given)</p> <p>In the presence of:</p> <p>.....</p> <p>.....</p> <p>(Name in block letters and signature of qualified person requesting consent)</p> <p>at.....</p> <p>(Place where consent is given)</p> <p>Witnessed by.....</p> <p>Signature of Witness.....</p> <p>Date.....</p> <hr style="width: 20%; margin: 10px auto;"/> <p style="text-align: center;">B. Withdrawal of Consent</p> <p>I.....of</p> <p>(Name of person/representative withdrawing consent)</p> <p>.....</p> <p>(Address)</p> <p>further to giving my consent pursuant to section 18(4) of the Act for a sample to be taken from.....hereby withdraw my consent.</p> <p>The reasons for withdrawing my consent are as follows:</p> <p>.....</p> <p>.....</p> <p>Signed:</p> <p>.....</p> <p>(Signature of person/representative withdrawing consent)</p> <p>.....</p> <p>(Place where consent is withdrawn)</p> <p>In the presence of:</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>.....</p> <p>.....</p> <p>(Name in block letters and signature of qualified person requesting consent)</p> <p>at.....</p> <p>(Place where consent was withdrawn)</p> <p>Witnessed by.....</p> <p>Signature of Witness.....</p> <p>Date..... ”</p> <p>B. Insert a new Form 4 as follows and renumber accordingly:</p> <p style="text-align: center;">“ FORM 4</p> <p style="text-align: right;">[section 23]</p> <p>REPUBLIC OF TRINIDAD AND TOBAGO</p> <p style="text-align: center;">RECORD OF TAKING OF SAMPLE BY A POLICE OFFICER / QUALIFIED PERSON</p> <p>INFORMATION OF PERSON FROM WHOM SAMPLE IS TAKEN:</p> <p>Name:</p> <p>Address:</p> <p>Date of birth:.....</p> <p>Gender of the person:</p> <p>Type of sample: Non-intimate/Intimate <i>[tick as appropriate]</i></p> <p>Date taken:</p> <p style="text-align: center;">_____</p> <p>INFORMATION TO BE COMPLETED BY PERSON TAKING SAMPLE:</p> <p>Time and place of taking of the sample:</p> <p>I certify that both the container and the package holding the sample are labelled and sealed:</p>

<p>First Column</p> <p>Clause</p>	<p>Second Column</p> <p>Extent of Amendment</p>
	<p>.....</p> <p>The information on the label affixed to the container and the label affixed to the package:</p> <p>.....</p> <p>.....</p> <p>The nature of the sample:</p> <p><i>[Tick appropriate box]</i></p> <p>[] Name, Rank and Service Number of the police officer taking the sample:</p> <p>.....</p> <p>[] Name, Profession and Place of Employment of the qualified person taking the sample:</p> <p>..... ”</p>
<p>Third Schedule</p> <p>Chap. 26:30</p> <p>Chap. 25:04</p> <p>Chap. 15:03</p> <p>Chap. 15:02</p> <p>Chap. 14:01</p> <p>Chap. 78:01</p>	<p>A. Delete item 1 and substitute the following:</p> <p>“ 1. A person who is employed, or applies for employment as:</p> <p>(a) an officer of the Protective Services;</p> <p>(b) a member of the Municipal Police Service;</p> <p>(c) a member of the Special Reserve Police;</p> <p>(d) a constable within the meaning of the Supplemental Police Act;</p> <p>(e) a member of the Defence Force;</p> <p>(f) a Customs Officer of the Customs and Excise Division; or</p> <p>(g) a private security officer.”.</p> <p>B. Delete item 2 and renumber accordingly.</p>

