



HOUSE OF REPRESENTATIVES

SECOND SESSION
TENTH PARLIAMENT

NO. 35
2011/ 2012

SUPPLEMENTAL ORDER PAPER FRIDAY JUNE 15, 2012: 1:30 P.M.

PAPERS

5. The Ministerial Response to the recommendations contained within the Fourth (4th) Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Office of Disaster Preparedness and Management.

(By the Minister of National Security)

PRESENTATION OF REPORTS FROM SELECT COMMITTEES

4. The 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. [Second Session (2011/2012), Tenth Parliament].

(By the Minister of Planning and the Economy)

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

4. **BE IT RESOLVED** that the Senate Amendments to The Administration of Justice (Electronic Monitoring) Bill, 2012, listed in Appendix III be now considered.

(By the Minister of Justice)

COMMITTEE BUSINESS

Motions:

4. **BE IT RESOLVED** that the House adopt the 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. [Second Session (2011/2012), Tenth Parliament].

(By the Minister of Planning and the Economy)

PRIVATE BUSINESS

Motions:

4. **BE IT RESOLVED** that the Senate Amendments to The National Ramleela Council of Trinidad and Tobago (Incorporation) Bill, 2011 listed in Appendix IV be now considered.

(By the Deputy Speaker)

*Jacqui Sampson-Meiguel
Clerk of the House*

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June 15, 2012*

THE ADMINISTRATION OF JUSTICE (ELECTRONIC MONITORING) BILL, 2012

List of Amendments made in the Senate on Friday June 08/Saturday June 09, 2012

First Column Clause	Second Column Extent of Amendments
3	<p>In sub-clause (1):</p> <ul style="list-style-type: none"><li data-bbox="500 663 1437 730">(i) in the definition of the word “competent authority”, delete the words “or functionary”<li data-bbox="500 768 1437 863">(ii) in the definition of the word “Court” delete the words “a Court of competent jurisdiction” and substitute “a Judge, a Magistrate or a Coroner”<li data-bbox="500 905 1437 972">(iii) in the definition of the word “Minister”, insert the word “the” before the word “Minister” and before the word “Ministry”<li data-bbox="500 1010 1437 1077">(iv) in the definition of “Regulations”, delete the words ‘section 23’ and substitute the words “section 25”<li data-bbox="500 1115 1437 1176">(v) insert in the appropriate alphabetical sequence the following definition: “public official” means a Minister or Permanent Secretary.”
4	<p>A. In sub-clause (2):</p> <ul style="list-style-type: none"><li data-bbox="558 1318 1437 1413">(i) in paragraph (a) delete the words “Electronic Monitoring Manager(“the EM Manager”)” and substitute the words “Director of Electronic Monitoring(“ the Director”)”; and<li data-bbox="558 1451 1437 1545">(ii) in paragraph (b) delete the words “EM Manager” and substitute the words “Director of Electronic Monitoring (“Deputy Director”)” <p>B. Insert after subsection (2) a new subsection as follows: “(3) The Director and Deputy Director shall be individuals with tertiary level education and at least three years experience in a related field.”</p> <p>C. In sub-clauses (3) and (5) delete the words “EM Manager” and “Deputy EM Manager”, wherever they occur and substitute the words “Director” and “Deputy Director”, respectively</p> <p>D. In sub-clause (4) delete the words ‘subsection (3)’ and substitute the</p>

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words **'subsection (4)'**.

E. Renumber the sub-clauses accordingly

5

In sub-clause (1):

- (i) delete the words **"Where prior to the making of the first appointments to the offices of EM Manager and Deputy EM Manager by the Public Service Commission"** and substitute the following words **"Without prejudice to the power of the Public Service Commission to make an appointment to the offices of the Director and the Deputy Director, where prior to the making of the first appointments to those offices,"**; and
- (ii) Insert after the word **"engage"** the words **“,as an Electronic Monitoring Manager and Deputy Electronic Manager,”**
- (iii) Delete the words **"section 4(3) and (4)"** and substitute the words **"section 4(4) and (5)"**

6

A. In sub-clause (2):

- (i) In paragraph (a) delete the word **"near"** and delete the word **"respondents"** and substitute the word **"respondent"**
- (ii) In paragraph (b) delete the words **"EM Manager"** and substitute the words **"relevant state agency"**
- (iii) Delete subparagraph (f) and substitute the following:
"(f) ensure that a historic record is maintained of all electronic monitoring spatial data, including any technological equipment necessary to read and display such information."

B. Insert after sub-clause (3) the following new sub-clause:

"4. The records maintained under this Act shall be kept for a period of not less than five years."

7

Delete clause 7 and substitute the following clause:

"7. (1) A public official, authorized by the Cabinet, may enter into an agreement with a company ("a service provider") for the purposes of –

- (a) training in any aspect of electronic monitoring; or**
- (b) the performance of specified functions under section 6(2)."**

(2) The Interception of Communications Act, 2010 shall apply to the use of electronic monitoring devices and their communication capabilities."

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- 8 In sub-clause (2) delete the word” **mprisonment**” and substitute **“imprisonment”**
- 10 A. In sub-clause (2)-
(i) after the word **“may”** insert the words **“at any time”**.
(ii) in paragraph(a), delete the words **“made under the Bail Act”**
- B. In sub-clause (5), in paragraph (a), delete the word **“ shall”** in the first place where it occurs and substitute the word **“ may”**
- C. In sub clause (7), delete the word **‘making’** and substitute the word **‘awaiting’**.
- D. In sub-clause (8), after the word **“and”** in the first place where it occurs, insert the words **“the Court”**.
- E. In sub-clause (9), delete the words **“ the person or respondent, and in the case of a child”** and substitute the words **“a person over the age of sixteen years or respondent, and in the case of a person under the age of sixteen years”**
- F. Delete the words **“EM Manager”** and substitute the word **“Director”** wherever they occur.
- 12 A. In sub-clause (4), after the word **“and”** in the first place where it occurs, insert the words **“the competent authority”**
B. In sub clause (6), by deleting the words **‘Sections 13, 14 and 15’** and substituting the words **‘Sections 14, 15 and 16’**.
C. Delete the words **“EM Manager”** and substitute the word **“Director”** wherever they occur.
- 13 A. In paragraph (b), delete the words **“section 8”** and substitute the words **“section 9”**.
B. Delete the words **“EM Manager”** and substitute the word **“Director”**
- 14 A. Delete the words **“, as the case may be”**
B. Insert after paragraph (c) the following new subparagraph:
“(d) an applicant under section 13,”
C. Delete the words **“ EM Manager** and substitute the word **“Director”**
- 15 Delete sub clause (2) and substitute the following sub clause:
“(2) The Court may also impose any other terms as it deems fit.”
- 16 Delete sub clause (2) and substitute the following sub clause:
“(2) In this section, “tampering” means anything which interferes with or is capable of interfering with the proper functioning of the

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device or which disrupts or is capable of disrupting the transmission of the monitoring signal of the device to the Unit.”

- 17 In sub-clause (2) delete the words “ **EM Manager**” and substitute the word“ **Director**”
- 18 A. In sub clause (3), delete the words “**section 17**” and “**section 19**” and substitute the words “**section 18**” and “**section 20**” respectively.
- B. Delete the words “ **EM Manager**”, wherever they occur and substitute the word “ **Director**”
- 19 In sub clause (1), delete the words “**section 17(3)**” and substitute the words “**section 18(3)**”.
- 20 Delete the words “**section 19(2)**”, “**section 17**” and “**section 16**” and substitute the words “**section 20(2)**”, “**section 18**” and “**section 17**”, respectively.
- 21 Delete the words “ **EM Manager**” and substitute the word “ **Director**”
- 22 Delete the words “ **EM Manager**” and substitute the word “ **Director**”
- 23 In sub clause (1) –
- (i) In paragraph (b), delete the words “**section 15**” and substitute the words “**section 16**”; and
- (ii) In paragraph (c), delete the words “**section 19(2)**” and substitute the words “**section 20(2)**”.
- New clause 13 A. Insert after clause 12, the following new clause
- Electronic monitoring by application**
- 13. (1) Any individual may apply to the Court on the prescribed Form and subject to criteria prescribed in regulations to have a device fitted on him.**
- (2) Before granting approval for the use of the device, the Court shall explain to the applicant the purpose and use of such a device as well as his responsibilities under the Act.”.**
- B. Renumber clauses accordingly.
- New clause 24 A. Insert after clause 22, (Clause 23 as renumbered), the following new clause
- Offence of Duplication
- 24. An individual who makes, copies or in any way duplicates an electronic monitoring device commits an offence and is liable on summary conviction to a fine of twenty five thousand dollars and imprisonment for one year.”**

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- B. Renumber clauses accordingly.
- First Schedule
- A. Delete item 4.
B. Renumber items accordingly.
- Second Schedule
- A. Delete the words “**shall be**” and substitute “**may include**”
- B. Delete the words “ **EM Manager**”, wherever they occur and substitute the word “ **Director**”
- Third Schedule
- C. Delete the words ‘**Section 24**’ and substitute the words ‘**Section26**’.
- D. In the proposed amendment to the Bail Act-
- (i) In the proposed section 12(3D)(2), delete the words ‘**section 23**’ and substitute the words ‘**section 25**’; and
 - (ii) In the proposed section 12 (3E), delete the words ‘**track or supervise a person**’ and substitute the words ‘**assist in the supervision of an individual**’.

Delete the words “**EM Manager**” wherever it occurs and substitute the words “**Director**”.

Senate Secretariat
June 12, 2012

APPENDIX IV

THE NATIONAL RAMLEELA COUNCIL OF T&T (INCORPORATION) BILL, 2011
List of Amendments made in the Senate at the Committee Stage
on Friday June 08, 2012

FIRST COLUMN <i>Clause</i>	SECOND COLUMN <i>Extent of the Amendments</i>
4	A. Insert after subclause (c), the following subclause: “(d) sue and be sued in its corporate name.”
5	A. Delete subclause (2) and substitute the following subclause: “(2) All real or personal property of whatever nature now held by or vested in any other person for the use and benefit of the Organisation prior to the coming into force of the Act is hereby transferred to and vested in the Organisation.” B. In subclause (3): Delete the word “Council” and substitute the word “Board”.
6(2)	Delete and substitute the following: “(2) Every document requiring the seal of the Organisation shall be sealed with the common seal of the Organisation in the presence of the President and the Secretary (or any other person appointed for that purpose) who shall both sign the document. (3) The signing of a document shall be prima facie evidence that the lawful seal of the Organisation was duly affixed.”
7(3)	Delete.
New Clause 3	A. Insert after clause 2 the following: “Establishment and Board composition of the Board 3.(1) The business of the Organisation shall be executed by a Board, consisting of a minimum of five and a maximum of ten members including the President, Vice-President and Secretary. (2) Members of the Board shall be elected by an annual general meeting in accordance with rules made under section 8.” B. Re-number clauses 3 to 11 accordingly.