

*Leave of Absence**Wednesday, February 18, 2009***HOUSE OF REPRESENTATIVES***Wednesday, February 18, 2009*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence from the House: The hon. Donna Cox, Member of Parliament for Laventille East/Morvant, from sittings for the period February 18 to February 21, 2009; Mr. Chandresh Sharma, Member of Parliament for Fyzabad, from today's sitting of the House and Mrs. Kamla Persad-Bissessar, Member of Parliament for Siparia, from today's sitting of the House. The leave which these Members seek is granted.

**JOINT SELECT COMMITTEES****(APPOINTMENT OF)**

**Mr. Speaker:** Hon. Members, I have received communication from Sen. The Hon. Danny Montano, President of the Senate. I will read you his communication which is dated February 18, 2009:

“Hon. Barendra Sinanan, MP

Speaker of the House

Office of the Speaker

Office of the Parliament

The Red House

Abercromby Street

Port of Spain

Honourable Speaker,

**Appointment of a Joint Select Committee**

At a sitting held on Tuesday, February 17, 2009, the Senate agreed to the following resolution.

*Be it resolved* that the Senate appoint an equal number of Members as that of the House of Representatives to a Joint Select Committee to consider a Bill entitled “An Act to provide for the protection of personal privacy and

information' and that this committee be empowered to discuss the general principles and merits of the Bill along with the details and be mandated to report within two months'.

Accordingly, I respectfully request that you cause this matter to be placed before the House at the earliest convenience.

Respectfully

Sen. The Hon. Danny Montano.

President of the Senate".

#### PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Heritage and Stabilisation Fund for the year ended September 30, 2008. [*The Minister of Works and Transport (Hon. Colm Imbert)*]  
*To be referred to the Public Accounts Committee.*
2. Trinidad and Tobago Heritage and Stabilisation Fund Quarterly Investment Report for the period July—September 2008. [*Hon. C. Imbert*].
3. Administrative report of the Penal/Debe Regional Corporation for the period October 01, 2006 to September 30, 2007. [*Hon. C. Imbert*]
4. White Paper on Health Services Accreditation Council. [*Hon. C. Imbert*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, we have tried our best to have all of the answers ready but because of the frequency of sittings we are not able to answer all of the questions on the Order Paper today and we will try our best to do so on the next occasion.

Today, the Government can answer question Nos. 2, 4, 16, 29 and 30 and we may—if we can resolve certain matters by the end of question time—be able to also answer question No. 7, but I will indicate such at the end of question time. [*Interruption*] Sorry, I am reminded also question No. 23.

**Mr. Speaker:** You will answer?

**Hon. C. Imbert:** We will be answering.

**Mr. Maharaj SC:** Mr. Speaker, just to mention, question No. 1 was from the last session.

**Missing Persons**

2. **Mr. Ramesh Lawrence Maharaj SC** (*Tabaquite*) asked the hon. Minister of National Security:

Could the Minister state the number of persons currently regarded as persons who are missing and cannot be found?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you, Mr. Speaker. According to an authority, Police Standing Order No. 51 and the amendment, Departmental Order No. 52 of 2006, a missing person can be defined as and I quote:

“A person who has not been seen or heard from and who has been reported missing by a person interested in or responsible for that other person's welfare, notwithstanding the time that the person has not been seen or heard from or expected to have been seen or heard from.”

This definition is an amendment to the previous one which imposed a 24-hour waiting period before the police could classify the person as missing. The amendment therefore, allows for more immediate action by the police which increases the potential for a successful outcome.

The records of the Trinidad and Tobago Police Service indicate that there are 173 persons who can be classified as missing persons for the period January 01, 2007 to January 18, 2009. It should be noted that this figure includes 130 persons who remain missing from January to December 2007; 35 from 2008 and eight for the year 2009 to date. It should also be noted that according to information provided by the police service there are varying circumstances underlying the disappearance of persons. Based on their investigations over the years, some of the more prevalent scenarios surrounding the missing persons cases are as follows:

1. Domestic problems at home between husbands and wives; children and parents, particularly, girls who run away from home to be with boyfriends, some to get married in cases where parental approval for the relationship is not given, peer pressure and domestic violence;
2. Adults who run away to engage in other relationships or who are attempting to avoid payment of financial debts.

The Trinidad and Tobago Police Service is mindful of the trauma being experienced by persons whose loved ones go missing and has given the assurance that it will continue to relentlessly pursue every lead that will ultimately result in

the recovery of such persons. At the same time the police service wishes to caution persons to desist from any action that will unduly or unnecessarily engage resources that could otherwise be more wisely deployed. I thank you, Mr. Speaker.

### **Brian Lara Cricket Stadium**

- 4. Dr. Hamza Rafeeq** (*Caroni Central*) asked the hon. Minister of Sport and Youth Affairs:

With respect to the Brian Lara Cricket Stadium, could the Minister state:

- (a) the seating capacity of the cricketing facility;
- (b) whether it is proposed to host regional and/or international cricket matches at the stadium; and
- (c) if the answer to (b) is in the affirmative, could the Minister give an estimated forecast of how often these matches may be played at the venue?

**The Minister of Sport and Youth Affairs (Hon. Gary Hunt):** Mr. Speaker, with regard to part (a) of the question, the Ministry of Sport and Youth Affairs is advised that the seating capacity of the Brian Lara Cricket Stadium is 13,926 persons.

With regard to part (b) of the question, the Trinidad and Tobago Cricket Board, the national sporting organization for cricket, has advised that regional and/or international matches can be hosted at the stadium subject to the necessary approvals and the availability of teams.

With respect to part (c), the Trinidad and Tobago Cricket Board has advised that the frequency of matches to be played at the venue is dependent upon the schedule of the West Indies Cricket Board. Mr. Speaker, I thank you.

**Mr. Speaker:** Before I call upon the person for the next question may I inform Members opposite and Members of the Government that questions 15 and 17 are withdrawn.

### **Sport Company of Trinidad and Tobago (Method of Selection)**

- 15.** Could the hon. Minister of Sport and Youth Affairs state:

- (a) The method of selection for the post of Acting Chief Executive Officer of the Sport Company of Trinidad and Tobago; and
- (b) what is the evaluation process and is this process documented anywhere? [*Mr. Jack Warner*]

**August Sport for Life Camps  
(Details of)**

17. With respect to the August Sport for Life Camps, could the hon. Minister of Sport and Youth Affairs state:
- (a) what was the budget for the projects
  - (b) what were the various categories of sport, the location of the camps, the number of participants and coaches and the number of days of the camp;
  - (c) the quality and cost of various items purchased for each category of sport; and
  - (d) whether there will be an inventory of the items taken at the end of the camp and where will the items be housed? [*Mr. Jack Warner*]

*Questions, by leave, withdrawn.*

*The following questions stood on the Order Paper:*

**Very Loud Music  
(Contravention of Existing Law)**

1. Could the hon. Minister of Planning, Housing and the Environment state what machinery is in place to prevent persons who play very loud music, above prescribed decibel levels, in their homes as well as in their motor vehicle from contravening the existing law? [*Mr. R. L. Maharaj SC*]

**Brian Lara Sporting Complex  
(Tarouba)**

3. With respect to the Brian Lara Sporting Complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
- (a) the projected cost of the entire project;
  - (b) the amount of money that has already been spent on the project;
  - (c) the expected date of completion of the entire project; and
  - (d) the projected annual cost of maintenance of the Complex after completion of construction? [*Dr. H. Rafeeq*]

**Magistrates' Courts  
(Pending Cases)**

5. Could the hon. Attorney General state:
- (a) the number of cases that are pending before the Magistrates' Courts by district; and
  - (b) what is being done to reduce the backlog of cases? [*Dr. H. Rafeeq*]

**Oncology Centre – Mount Hope  
(Details of Expenditure)**

6. With respect to the Oncology Centre at Mount Hope, could the hon. Minister of Health state:
- (a) the total amount of money already spent as at December 31, 2008, inclusive of any studies, consultant fees, accommodation, secretarial services, advertisements, staff salaries and construction; itemizing each expense;
  - (b) the projected cost of the entire project; and
  - (c) the expected date of completion of construction of the Oncology Centre? [*Dr. H. Rafeeq*]

**Johns Hopkins University/Hospital  
(Terms and Conditions of Arrangement)**

8. Could the hon. Minister of Health state:
- (a) whether there is any formal arrangement between the Government of Trinidad and Tobago/Ministry of Health and the Johns Hopkins University/Hospital for the provision of services to the people of Trinidad and Tobago; and
  - (b) if the answer to (a) is in the affirmative, could the Minister state the terms and conditions of the arrangement? [*Dr. H. Rafeeq*]

**Private Hospital Board  
(Details of)**

24. Could the hon. Minister of Health state:
- (a) whether there exists a Private Hospital Board;
  - (b) if in the affirmative, when was the board appointed, who are the members of the board, what are their qualifications, experience and tenure on the board; and

- (c) if the answer to (a) is negative, what are the reasons for non appointments and provide the empirical data to substantiate supervision of the private hospitals? [*Dr. T. Gopeesingh*]

**Registered Private Hospitals  
(Details of)**

25. Could the hon. Minister of Health state:

- (a) how many private hospitals are registered under each of the (6) classes of private hospitals according to the Laws of Trinidad and Tobago, Chap. 29:03, section 8;
- (b) the date the licence was issued for each; and
- (c) what was the last date an inspector or inspection team inspected the hospital as required according to sections 18 and 19 of Chap. 29:03 of the Laws of Trinidad and Tobago? [*Dr. T. Gopeesingh*]

*Questions, by leave, deferred.*

**Sport Company of Trinidad & Tobago  
(Location of Projects)**

16. **Mr. Jack Warner** (*Chaguanas West*) asked the hon. Minister of Sport and Youth Affairs:

With respect to the Sport Company of Trinidad and Tobago, could the Minister state:

- (a) the number and location of projects where the company is experiencing problems; and
- (b) the nature of the problems being experienced?

**The Minister of Sport and Youth Affairs (Hon. Gary Hunt):** Thank you, Mr. Speaker. The Sport Company of Trinidad and Tobago Limited has advised that in the implementation of construction in various playing fields and facilities throughout Trinidad and Tobago, they have encountered many challenges due to inadequate designs, cost overruns, design changes, variations and substandard quality of work. This has resulted in poor value for money to the persons who lose the most from this unacceptable situation, the ordinary citizens of Trinidad and Tobago. The root of these problems is an approach to project implementation commonly described as the design/tender method of construction.

As a consequence of this dilemma, the Sport Company of Trinidad and Tobago Limited is in the process of winding up and concluding all construction projects in their various stages of implementation. The Sport Company of Trinidad and Tobago Limited will adopt a new approach to the implementation of all of these construction projects utilizing a turnkey method, also called the design/build approach.

The design/build methodology has proven to be superior as it places a single point of responsibility for project implementation and removes the occurrence of unproductive disputes between the consultant and contractor which is characterized by unproductive delays, cost overruns, poor workmanship and a chronic lack of accountability on the part of consultants and contractors. The design/build approach provides certainty to time, cost and quality. The end results are superior value for money and early enjoyment of public facilities by the citizens of this country. I thank you.

**Mr. Warner:** Does the Minister of Sport and Youth Affairs need any assistance from the Member for Chaguanas West regarding these problems?

**Hon. G. Hunt:** If the need arises we will certainly call on the Member for Chaguanas West.

### **Nursing Council (Details of)**

**23. Dr. Tim Gopeesingh** (*Caroni East*) asked the hon. Minister of Health:

Could the hon. Minister state the names of members of the Nursing Council, their dates of appointment, their qualifications and experience, and the duration of service of each member of the Nursing Council?

**The Minister of Health (Sen. The Hon. Jerry Narace):** Thank you, Mr. Speaker. In accordance with the Nurses and Midwives Registration Act, Part 1, section 4(d), (e) and (f), the Nursing Council of Trinidad and Tobago held elections on July 23, 2007 and 13 persons were elected as members of the council for a period of three years for the 2007—2010 term of office. The names of the elected members are as follows:

Under section 4(1)(d)—Registered (General) Nurses (11 members)

Mr. Noel Oscar Ocho:

- Director, Population Programme Unit, Ministry of Health



- Vice-President, Nursing Council of Trinidad and Tobago
- Masters of Philosophy in Sociology of Health (UWI 2007)
- Masters in Public Health—University of Washington, 2005
- Registered Nurse

Mr. Russell Salcedo:

- Instructor, College of Nursing at COSTAATT
- Former Intensive Care Manager
- Nurse Manager, Neurology Unit at the Port of Spain General Hospital
- Over 37 years experience in nursing

**1.45 p.m.**

Mr. Conrad Renwick Mc Cave:

- Masters of Education at University of Sheffield
- Nursing Administrator and Educator and former Nurse Manager of the Intensive Care Unit at the Eric Williams Medical Sciences Complex

Ms. Sylvia Jean Kirton:

- The Medal of Merit Gold for Outstanding and Meritorious Service in Trinidad and Tobago
- Coordinator of the Staff Development Unit
- BSc in Sociology, University of the West Indies (UWI)
- Registered Nurse
- Licensed Midwife
- Nursing Instructor

Mr. Rupert Jones:

- Department Chair, College of Nursing at COSTAATT
- Masters of Philosophy, UWI

Ms. Beulah Duke:

- Former President of the Nursing Council from 1985 to 1995 and 2002
- Former National AIDS Programme Coordinator (1987—1989)
- Consultant for the Home-Based Care for People Living with HIV/AIDS and the Community Care Development Programme
- Qualifications will be submitted at a later date

Ms. Franka Andrews:

- The Paediatric Nurse Coordinator, North Central Regional Health Authority
- Coordinator (part time), Diabetic Association of Trinidad and Tobago
- Coordinator (part time), Infant Child Care and Advanced Child Care Programmes
- Qualifications will be submitted at a later date

Ms. Oneilia Alexis:

- Chief Nursing Officer, Ministry of Health.
- Currently reading for a Masters in Public Health
- Former Director of Nursing Education

Mr. Chris Craigwell:

- Currently reading for a Masters of Education, UWI
- BSc Nursing Education.
- Worked in various medical and surgical units.

Ms. Lyris Jack:

- BSc Nursing (Hons.), UWI.
- Trained in Material and Child Health Services, Intensive Care, Midwifery and worked as a Nursing Supervisor

Ms. Joycelyn Clarke:

- BSc Nursing, UWI
- Director, Nursing Education (Ag.)

- Director, Region IV, Caribbean Nurses Organization
- Principal, Office of the Chief Nursing Officer

Under section 4(1)(e)—Licensed Midwives (one member)

Ms. Gloria Copeland:

Supervisor of Midwives at the San Fernando General Hospital

Member of the Midwifery Committee—

- Over 30 years experience as a nurse
- Qualifications will also be submitted at a later date

Under section 4(1)(e)—Registered Mental Nurses (one member)

Mr. David Murphy:

Masters in Education (Health Promotions), UWI

Principal, School of Nursing at St. Ann's Psychiatric Hospital from 2007 to present

In addition, according to section 4(b) only four persons out of the possible five persons were nominated by the Minister of Health. They are as follows:

Ms. Venus Mark:

Masters of Education, UWI

Owner of a Midwifery Centre

Member of the Midwifery Committee

Ms. Karin Pierre:

MA Nursing Education

BSc Natural Sciences

Registered Nurse

Training Coordinator, NWRHA

Ms. Henrietta Connell:

Nursing Administrator, St. Ann's Psychiatric Hospital

Nursing Administrator II at the St. Ann's Hospital

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- Licensed Midwife
- Qualifications will be submitted at a later date

Ms. Theresa Britto-Williams—Tobago:

Acting District Health Visitor at Bethel Health Centre

Diploma in District Health Visiting (UWI)

Member of the Diabetic Association, Tobago

Mr. Speaker, in conclusion, a total of 17 persons listed above constitute the Nursing Council of Trinidad and Tobago for this term of office from 2007 to 2010.

**Dr. Gopeesingh:** Thank you for those answers. Would the hon. Minister indicate whether he is satisfied that there is only one mental health officer on that committee of 17, and if he sees the need for amending the legislation to include more, bearing in mind the complexity of the mental health situation in Trinidad?

**Sen. The Hon. J. Narace:** Mr. Speaker, we will be more than happy to consider it at the ministry.

**Dr. Gopeesingh:** Just one more, Mr. Speaker. Is the nursing council the governing body looking at the examinations of the nursing students and are they aware of the problems that the nursing students are experiencing in terms of the high failure rate and poor passes in the nursing examinations, particularly the finals.

**Sen. The Hon. J. Narace:** Yes, the nursing council is responsible and the Minister of Health has received complaints and we are investigating those complaints at this time.

### **"P" Registered Vehicles (Details of)**

**29. Mr. Subhas Panday** (*Princes Town*) asked the hon. Minister of Works and Transport:

Could the Minister state:

- (a) The number of "P" registered vehicles that are currently using the roads of Trinidad and Tobago; and
- (b) How many of those vehicles have valid inspection certificates of road worthiness?

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, the Transport Commissioner has advised that 329,846 vehicles are currently registered as "P" vehicles for use on the roads of Trinidad and Tobago.

Of the above mentioned vehicles, the Transport Commissioner has advised that approximately 237,910 are due for inspection at this time, assuming that they are all still in use.

Based on an examination of the returns from the various inspection stations in Trinidad and Tobago, an estimated number of 106,120 vehicles are in receipt of valid inspection certificates of road worthiness at this time.

**Mr. S. Panday:** Mr. Speaker, supplemental, please. Can the Minister state what steps are being taken to ensure that vehicles which have not been inspected are indeed inspected?

**Hon. C. Imbert:** Mr. Speaker, the Member will know, being a criminal attorney—sorry, an attorney who practises in criminal jurisdictions—could not resist that, Mr. Speaker—[*Laughter*] that the enforcement of the law is a matter for the police and I give the undertaking that this matter will be directed to the police, to ensure that they take appropriate action against any person who is driving a vehicle without the requisite inspection certificate.

**Mr. S. Panday:** A further supplemental. How many persons have been charged for using vehicles on the road, which have not been inspected?

**Mr. Speaker:** If you can. I mean it does not really flow, but if you can, give him the information.

**Hon. C. Imbert:** The point is, again, that is a matter that should be directed to the police and if the Member asked that question directed to the appropriate Minister, we would endeavour to get the information for him.

**Dr. Gopeesingh:** Would the hon. Minister indicate if he is aware now of how many of these vehicle inspection centres are functioning at the moment, and if they are not, what is the reason?

**Mr. Speaker:** Again, I do not know if it is within the competence of the Minister—yes, he seems to be a competent fellow.

**Hon. C. Imbert:** Mr. Speaker, if the Member was looking at the Order Paper, he would see that is question No. 30 which I would answer immediately.

**Privately Operated Motor Vehicle Inspection Stations  
(Details of)**

**30. Mr. Subhas Panday** asked the hon. Minister of Works and Transport:

Could the Minister state:

- (a) How many privately operated motor vehicle inspection stations are operating in Trinidad and Tobago; and
- (b) The number of vehicles that have been inspected by each motor vehicle inspection station for each year between 2007 and 2008?

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, answer to question No. 30, and I will have to take my time with this because of the nature of the question and answer. Currently, in Trinidad and Tobago, there are 62 designated premises that are privately operated motor vehicle inspection stations, of which three are located in Tobago.

The Transport Commissioner has advised that the number of vehicles that have been inspected by each motor vehicle inspection station for each year, between 2007 and 2008 are as follows:

Testing Station (2007)	Vehicles inspected
01	297
02	1,041
03	102
05	750
06	600 [ <i>Interruption</i> ]

**Mr. S. Panday:** Mr. Speaker, that answer is fully comprehensive, so I wish to withdraw.

**Hon. C. Imbert:** You asked for it.

**Mr. Speaker:** Please, please!

**Hon. C. Imbert:** Mr. Speaker, the question was the number of vehicles that have been inspected by each motor vehicle inspection station for each year, between 2007 and 2008. You asked for it, you have to take the answer now.

07	1,624
010	1,262

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011	1,797
012	1,558
013	266
014	246
016	716—

You can ask a supplemental if you wish.

**Mr. Speaker:** Order!

**Hon. C. Imbert:** I continue:

017	2,765
018	134
020	101
021	579
022	516
023	172
024	317
025	337
026	281
027	1,308
028	0
029	601
030	746
031	191
032	291 [ <i>Interruption</i> ]

No, no, you asked for it.

033	34
034	0
035	718

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036	379
037	211
038	253
039	117
040	169
041	886
042	614
044	149
046	1,321
047	14
048	915
051	250
052	12
054	1,116
055	513
056	773
057	162
058	237
063	250
065	139
066	618
069	95
070	0
071	304
072	540
073	338



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074	108
075	17
076	106
077	373
078	290

And now we shall go to 2008. [*Interruption*] You asked for the information. Mr. Speaker, the question asked for each station, each year, the number of vehicles.

I now go to 2008:

01	471
02	1,197
03	36
05	727
06	735
07	1,936
10	1,262
11	1,936
12	1,664
13	292
14	197
16	806
17	3,030
18	115
20	75
21	511
22	498
23	228

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24	333
25	650
26	225
27	1,361
28	0
29	706
30	184
31	177
32	259
33	567
34	0
35	769
36	314
37	267
38	203
39	93
40	234
41	919
42	750
44	106
46	1,310
47	33
48	952
51	201
52	30
54	1,235
55	678

56	1,030
57	148
58	274
63	310
65	263
66	668
68	834
69	95
70	0
71	304
72	542
73	339
74	155
75	16
76	44
77	311
78	302

**Mr. S. Panday:** Could the Minister indicate the reason for the differences in the numbers between stations 21, 54 and station 70?

**2.00 p.m.**

**Hon. C. Imbert:** Mr. Speaker, if I had known that the Member intended to ask questions of that nature, I would have walked with the information.

However, the stations are located in various geographical areas, they are of different sizes, different capacities, there will be a different catchment in terms of vehicle population and, in addition, some inspection station owners may find it no longer profitable to engage in this form of economic activity. There will be a variety of reasons. Therefore, if the Member wishes to pose that as a question, I will be happy to answer it in the normal manner.

**Mr. S. Panday:** Another supplemental, Mr. Speaker. Is the Government happy with the number of inspections that have taken place in the year 2008?

**Hon. C. Imbert:** Mr. Speaker, as the Member well knows, it is out of order to ask a Minister to venture an opinion, and you are asking me for my opinion. In accordance with the Standing Orders, I am unable to give you my opinion.

**Mr. S. Panday:** Could you kindly now itemize the location of each station between Nos. 1 and 78? [*Laughter*]

**Hon. C. Imbert:** Again, if I had known the Member wanted that information I would have walked with it, but if you pose the question, I will be happy to answer it.

**Mr. Speaker:** Before we proceed to the next item on the agenda—

**Hon. C. Imbert:** Mr. Speaker, we have the necessary approval for the Minister of Health to answer question No. 7.

### **Radiotherapy Centre – St. James**

#### **(Status of)**

**7. Dr. Hamza Rafeeq** asked the hon. Minister of Health:

With respect to the Radiotherapy Centre at St. James, could the Minister state:

- (a) how many patients are currently being treated for cancer at the centre and how many are on the waiting list awaiting treatment; and
- (b) the age of the Cobalt Machines which are used to treat patients for cancer at the Radiotherapy Centre at St. James?

**The Minister of Health (Sen. The Hon. Jerry Narace):** Thank you, Mr. Speaker. A total of 941 patients were provided with radiotherapy treatment at the National Radiotherapy Centre in St. James during the year 2008, while another 633 patients are planned to undergo this said treatment in this fiscal year.

Notwithstanding that, the Ministry of Health has recognized the need to increase access and provide quality care and treatment for cancer patients by developing the necessary infrastructure, institutional capacity and technical resources at the existing facilities in the public health sector. Towards this end the Ministry of Health has recently upgraded the National Radiotherapy Centre by implementing the following five-point plan:

- the procurement and installation of a Source Change for the cobalt machine which should more than double the number of persons accessing treatment per day;

- the procurement and installation of a CT Simulator should reduce the CT scan time from 10—20 minutes to 3—5 minutes;
- the procurement and installation of additional fume cupboards which increases the capacity to mix chemotherapy and thus reducing the wait time for treatment;
- the procurement and installation of a Block cutting machine which focuses only on the cancerous area to be treated rather than an entire area. This measure reduces the level of radiation exposure and the treatment time per person; and
- the increase in the number of Radiation Therapists from two to six persons which would increase the productivity and output of the centre.

The Ministry of Health is also working closely with the various Regional Health Authorities to introduce Satellite Centres to provide basic oncology services such as administration of chemotherapy, general medical care, counselling and other support. To date, only the Eastern Regional Health Authority (ERHA) has commissioned its Satellite Centres. This measure should reduce the number of patients accessing treatment at the National Radiotherapy Centre by determining their treatment needs at source, as well as allowing for more geographical flexibility across the country.

There are two cobalt machines currently being used at the Radiotherapy Centre in St. James. These machines are the Elite 80 and the Teratron 780, which are seven and 30 years old respectively.

The Ministry of Health has recognized that new technologies such as the Linear Accelerator must complement the existing Cobalt device because it uses superior high-frequency electromagnetic waves to accelerate the treatment of tumours located deeper in the body as opposed to the surface.

To give relief to cancer patients needing this service, the ministry is partnering with the private sector to provide this service to them. In the first instance, the Ministry contracted the sole provider in September 2007 the Brian Lara Cancer Treatment Centre to treat approximately 191 patients with the Linear Accelerator (Linac) equipment at an initial rate of US \$10,000 per patient. To date, approximately 146 persons have completed the treatment cycle at the pre-determined rate of US \$10,000 per patient.

It is material to note, that the medical statistics indicated that there are

approximately 250 persons awaiting cancer radiotherapy treatment using the Linear Accelerator equipment at the Brian Lara Cancer Treatment Centre.

Moreover, in order to bring urgent relief to these persons, the Ministry of Health successfully re-negotiated with the agents at the Brian Lara Cancer Treatment Centre to increase by 46 the volume of patients receiving cancer treatment from 191 to approximately 237, at a reduced rate of US \$8,000 per patient from US \$10,000 per patient. As a consequence, the waiting list for persons requiring cancer radiotherapy treatment under the ministry's centre was reduced from approximately 250 persons to 204 persons.

The Ministry of Health has also held discussions with another service provider, the Southern Medical Cancer Centre (SMCC), which commenced operations in 2008, to provide radiotherapy treatment using the Linear Accelerator (Linac) equipment. Consequently, a proposal was submitted by the SMCC to the ministry to treat 450 patients at a fee of US \$8,000 per patient.

More importantly, since the Southern Medical Cancer Centre is a relatively new service provider, the ministry proposes to sponsor an additional 100 patients to access the service at this centre. This would assist in reducing the number of persons on the waiting list requiring cancer radiotherapy treatment via the ministry's sponsorship programme from approximately 204 to approximately 104 persons.

The ministry recognizes that there is still need to increase the current capacity for cancer treatment in the public system by using modern treatment technologies. Therefore, when the National Oncology Centre is completed in 2010, an additional 400 patients would be treated using the following services:

- i. Radiation Therapy using Linear Accelerator Technology;
- ii. Full Chemotherapy;
- iii. CT Simulation;
- iv. Treatment planning; and
- v. HDR Brachytherapy.

Finally, the ministry recognizes that since the National Radiotherapy Centre would remain the main hub to bring urgent relief in the treatment of cancer until the construction of the National Oncology Centre, it will continue to improve its

infrastructure, institutional capacity and technical resources by using the most modern technology.

**2.15 p.m.**

**Dr. Rafeeq:** Mr. Speaker, the Minister said that there are two cobalt machines; one is 30 years old and one is seven years old. Can he tell us what year the seven-year-old was installed?

**Sen. The Hon. J. Narace:** I would not have the exact information but I presume it would be around seven years ago.

**Dr. Rafeeq:** We will debate that another time. How are the patients selected to go to the private facilities? You have those that go to St. James to be treated by the cobalt machine and those in the private sector to be treated by the linear accelerator. How do you select those to go to the private centre?

**Sen. The Hon. J. Narace:** Mr. Speaker, there is a medical aid committee that looks at all applications and based on criteria that I presented to this Parliament, I believe not too long ago, it was clearly itemized how we go about it. But that is, indeed, the subject of another question and if you pose it properly, I will answer it.

**Dr. Gopeesingh:** Will the Minister be kind enough to indicate when you expect these other four radiation therapists to come on stream? You said you have two now and you are moving to six; and just last month the procurement and installation of the cobalt machine and the CT simulator, when do you expect those would be in place?

**Sen. The Hon. J. Narace:** Mr. Speaker, we are currently in the process of completing that five-point plan and I am told that the six technicians have been recruited and the completion is expected to be, say, within 30 to 60 days.

**Mr. Speaker:** Before I call the next item on the Order Paper, can I ask the hon. Member for Princes Town North and the hon. Prime Minister to approach the Chair?

[Short pause]

**DEFINITE URGENT MATTER  
(LEAVE)**

**San Fernando Police Station  
(Destruction by Fire)**

**Dr. Roodal Moonilal (Oropouche East):** Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to

move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the destruction of a section of the San Fernando Police Station on February 17, 2009.

The matter is definite since it relates to destruction by fire of a large section of the San Fernando Police Station.

The matter is urgent because of the widespread, irreversible spiralling of crime in Trinidad and Tobago.

The matter is of public importance since it relates to the integrity of the criminal justice system.

**Mr. Speaker:** This matter does not qualify for attention under this particular Standing Order but it will certainly do so under Standing Order 11.

#### STATEMENT BY MINISTER

#### Appointment of Director of Public Prosecutions

**The Prime Minister (Hon. Patrick Manning):** Mr. Speaker, section 111 of the Constitution reads as follows:

- “(1) Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission.
- (2) Before the Judicial and Legal Service Commission makes any appointment to the offices of Solicitor General, Chief Parliamentary Counsel, Director of Public Prosecutions, Registrar General or Chief State solicitor it shall consult with the Prime Minister.
- (3) A person shall not be appointed to any such office if the Prime Minister signifies to the Judicial and Legal Service commission his objection to the appointment of that person to that office.
- (4) This section applies to such public offices as may be prescribed, for appointment to which persons are required to possess legal qualifications.”

Mr. Speaker, you would notice that the Constitution places no obligation on the Prime Minister to give reasons for exercising the veto. It gives him the power



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to veto and places no obligation on the Prime Minister to give reasons for the veto.

The framers of that Constitution deliberately did that and did it for very good reason. There may be circumstances in which there are issues of national security that you would not want to make public; there may be circumstances of a personal nature relating to individuals that you may not wish to make public and, therefore, the framers of the Constitution deliberately put it in that way.

The spirit of the Constitution, therefore, is that when that veto power is exercised, no reason is given. That is the spirit of the Constitution. Therefore, if a reason is given, it violates the spirit, and, in fact, it raises questions of giving reasons in some instances, not given in others, which the framers of the Constitution recognized could be the source of tremendous confusion.

In those circumstances, they deliberately framed the section in such a way that the Prime Minister does not have to give reasons.

**Mr. B. Panday:** Are you prepared to debate your statement?

**Mr. Speaker:** I had earlier indicated to both the hon. Member for Princes Town North and the hon. Prime Minister that I had received information which does not cause this matter to qualify for debate. It would have qualified had I not received certain information. The Prime Minister has asked to make a statement. I do not want you to be getting into a debate. This is why I am indicating to the Prime Minister, if you have a statement to make, please make it but do not get into a mode of, sort of, answering a motion. [*Interruption*] Order!

**Hon. P. Manning:** Mr. Speaker, I assure you that I am getting involved in no debate; I am merely ensuring that the situation is made pellucidly clear.

What happened in the case of the appointment of a DPP is that by administrative error an appointment was made before the Prime Minister was consulted. That is what happened. The problem, therefore, was, if the Prime Minister had not vetoed that appointment, he would tacitly have, in fact, been giving the person acting, first lien, as it were, on the permanent appointment, which the Prime Minister did not want to do.

What happened, therefore, was that the Prime Minister vetoed the appointment and now that it has come to his attention that an appointment had, in fact, been made, what the Prime Minister would now do is to agree to the acting

*Definite Urgent Matter (Leave)*  
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appointment until such time as a permanent appointment is made. There is no constitutional crisis; there never was any and we expect the appointment would now be made with dispatch.

Thank you very much, Mr. Speaker. [*Desk thumping*]  
**ELECTRONIC TRANSACTIONS BILL**

*Order for second reading read.*

**The Minister of Public Administration (Hon. Kennedy Swaratsingh):** Mr. Speaker, I beg to move,

That a Bill to give legal effect to electronic documents, records and signatures, be now read a second time.

The matter now before this honourable House is the proposed Act to give legal effect to electronic documents, record and signatures, summarily called the Electronic Transactions Bill.

The Electronic Transactions Bill has a long history in the Parliament of Trinidad and Tobago. First developed by the Law Reform Commission and laid in Parliament in 2001, that version of the Bill lapsed due to, inter alia, a change in government as well as deficiencies in its framework due to the absence of a guiding policy in its development.

An electronic transactions policy was subsequently developed in accordance with international best practice, following the model legal framework developed by the United Nations Commission on International Trade Law. The policy was first developed in 2003 and revised in 2005 and was made available for public consultation in the latter half of that year, which culminated in a stakeholder workshop in September 2005. The current Bill is based on that policy which has since been available for review on the fastforward website.

This Bill is intended to provide the enabling framework for the legal recognition of electronic documents, records, contracts, et cetera, with specific exceptions, as well as to provide the rules governing any electronically mediated transaction, so that they are equivalent to their traditional paper-based versions.

I wish to advise this honourable House that it is the Government's intention to recommend that this Bill be sent to a joint select committee and should be reviewed in tandem with the Data Protection Bill because it would require the passage of that Bill to give effect to some parts of this Bill.

To provide a brief background, different governments across the globe are moving towards connected government, which is increasingly looking towards technology as a strategic tool or enabler for public service innovation and productivity growth. Connected government revolves around governmental collective action to advance the public good by engaging the creative efforts of all segments of society.

To achieve connected government and, more generally, to do business in the electronic environment, we need to foster the growth of electronic commerce which is at the heart of the information economy. For many of us, electronic transactions have become commonplace, for example, the estimated 900,000 debit cards and 200,000 credit cards that have been issued by our commercial banks are used to do electronic transactions on a daily basis. For e-commerce to continue to grow in Trinidad and Tobago, we must have a clear and predictable legal environment that can be trusted by citizens, institutions and businesses.

Currently, there is uncertainty about the legal recognition of electronic documents, thus raising questions about the enforceability of electronic contracts or the use of electronic documents in litigation and enforcement proceedings. A number of statutes or regulations regularly use terms such as “document” or “copy” or “filing”, that imply the use of a paper document. Other legislation requires signatures, witnessed signatures, or seals, all of which also imply a paper-based environment. These requirements are particularly common in statutes and regulations and, where paper-based, are a barrier to the introduction of e-government and e-commerce.

To foster trust in citizens for usage of e-commerce and specifically, e-government through alternate channels of service delivery, there is a need for implementing legislation on electronic transactions. Connected government services whether in person, online or via a mobile platform would require this mechanism for electronic transacting to take place.

The proposed legislation ensures that both the citizenry and the Government are able to transact business electronically which includes receiving or making payments of money, maintaining records, collecting, storing, transferring, receiving or otherwise handling information and documents. Forms that must currently be printed may be provided online. Government will therefore now have an opportunity to introduce electronic services in an orderly manner.

### **2.30 p.m.**

Signatures on documents perform a number of functions, such as identification, authentication, declaration of intent, authorization, safeguarding

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against undue haste, integrity and originality.

E-commerce will not develop to its full potential until there is a sufficiently trusted means of communicating and authenticating communications of performing functions similar to the written signature. The purpose of electronic signatures is to offer technical means by which the characteristics of signatures can be duplicated in electronic form.

Developed nations which have vibrant e-based economies, tend to have frameworks such as an Electronic Transactions Bill. Various jurisdictions, including the European Union, Canada, Australia and Singapore all boast similar statutes. While they may vary with regard to the specificity of technologies defined, they are all geared towards enabling electronic interactivity in the fields of business and improved government services.

Indeed, Mr. Speaker, Caricom has long recognized the need for such frameworks to enable the e-commerce provisions of the Revised Treaty of Chaguaramas. Consequently, across the region model frameworks have been developed to assist the passage of harmonized approaches across the region and this Bill is in alignment with the model frameworks proposed by Caricom.

In the Caribbean, Jamaica and Barbados have both passed similar legislative frameworks into law. It must be noted that the Exchequer and Audit Act, Chap. 69:01, and associated financial regulations were established to govern how the Government, and by extension the public service, would manage its collection and payment of money. The Exchequer and Audit Act and its subsidiary regulations were established in a time where such transactions could only be facilitated with the exchange of physical notes. As a consequence, the proposed legislative framework of this Bill adequately anticipates the transference of funds in an electronic environment.

Accordingly, in conjunction with the passage of this Bill, the Exchequer and Audit Act and its Regulations shall need to be amended by the Ministry of Finance in order to authorize the Government's acceptance and payments through electronic funds transfer and identify the type and form of electronic instruments which will have specific equivalence in this context.

This Bill is aligned with the objectives of Vision 2020 and relates specifically to the achievement of connected Government in Trinidad and Tobago. The objectives of the Bill include the following:

1. enhancing citizens' trust by ensuring that citizens are entitled to minimum information regarding transactions conducted over the electronic channels;

2. preserving freedom of contracts and parties ability to vary provisions by agreement;
3. removing barriers to the use of electronic transactions and signatures;
4. recognizing equivalency of signatures and record requirements. Electronic signatures and records will be treated as the equivalent of traditional signatures and paper records if they meet certain criteria;
5. ensuring the cross-border recognition and enforcement of electronic transactions and signatures;
6. removing barriers to the introduction of connected government. Connected government will allow government to serve citizens better and more efficiently and, at the same time, to enhance transparency, accountability and participatory democracy. In order to effectively implement e-government, legislative authority for electronic transactions with Government and the ability to provide services electronically must be established.
7. harmonizing the laws of Trinidad and Tobago regarding electronic transactions with internationally accepted principles;
8. fostering good business practices by intermediaries and internet service providers;
9. enabling Trinidad and Tobago to have the tools to partake and progress in the global information economy.

The Electronic Transactions Bill will achieve these objectives by providing the necessary facilitating legal framework that will support the development of electronically-enabled business transactions, commonly called electronic commerce or e-commerce, be these transactions between any combination of consumers, businesses and government. It facilitates such transactions by seeking to ensure the following:

1. the establishment of the legal equivalence of electronic and paper documents and records, with noted exceptions;
2. the definition of default provisions, such as the time and place of business agreement, which guide the establishment of contracts in the electronic environments;
3. the establishment of a regulatory framework, involving the Data Commissioner established under the Data Protection Bill, by which

persons who provide electronic authentication (hereinafter called "certification") services are regulated; and

4. the establishment of the responsibilities of various parties which would be involved in the facilitation of electronic transactions.

Mr. Speaker and honourable Members of this House, it should be noted that subsidiary regulations are required for the full implementation of the provisions of the Bill along with the passage of the companion Data Protection Bill. Such regulations shall outline, among other things, the criteria to be met by a person applying to be registered as a certificate service provider, and identify the types of certificates which are associated with varying liability and specific legal purpose.

For the benefit of this honourable House, I propose to explain the Bill based on the parts into which it is separated, rather than the clause by clause approach. The Bill to give legal effect to electronic documents, records and signatures consists of 10 parts.

Part I of the Bill comprises the preliminary clauses including the short title and interpretation of terms. This part identifies the specific cases where its provisions are inapplicable and also reaffirms that the persons are not obliged to use electronic documents, and that the Bill does not invalidate those obligations on the management of information, in a specified form, which are already enshrined in written law. Notably, the clauses in this part of the Bill establish that the Bill binds the State and identifies the Data Commissioner established in the Data Protection Bill as the administrator of the registration provisions of the Bill.

Part II of the Bill sets out the requirements to be met by an electronic document so that it may be legally recognized as being as valid as its paper equivalent. Part II reiterates that other than the exceptions stated in Part I, a document or record generated, transmitted or retained in electronic form can be treated as its paper equivalent, once it can be authenticated as materially unchanged.

Part III of the Bill outlines how the traditional practices of contract formation, those of offer, consideration and acceptance, will be viewed in the electronic environment. This provides the extension of the validity of electronic documents and records to transactions involving such documents and provides clarity in the instance of disputes. While these provisions may be overwritten by specific clauses in a specific contractual agreement, they are particularly relevant in the instances of citizens ordering goods and services online, as is expected in the case of e-commerce and e-government.

Part IV of the Bill provides the overarching framework for the recognition of electronic signatures, which can be defined as electronic symbols, codes or attestations which will have the same effect as a personal, written signature. Notably, Part IV does not identify a particular type of electronic signature to be adopted. This enables the Bill to remain impartial to any particular form of technology, a practice commonly referred to as "technology neutrality", thereby enabling the continued applicability of the provisions as demand and technology evolve.

This application of technological neutrality also allows for seamless market development with limited interference from the State. Part IV does, however, delegate the identification of specific types of signatures to meet specific legal requirements to regulations to be made by the Minister with responsibility for e-commerce and e-government.

Part V of the Bill establishes the framework that will guide the regulation of persons who shall provide accredited third party authentication services, referred to in the Bill as "Certificate Service Providers". Notably, Part V of the Bill also establishes the guidelines on how the Data Commissioner shall manage the registration of prospective certificate service providers, and provides for the creation of regulations defining the minimum standards to which the operations of such providers in the market place must conform.

This part also establishes the certificate service provider's liability for damage caused by the inappropriate use of certificates not issued in accordance with the defined standards. To facilitate administration, Part V also empowers the Data Commissioner to conduct audits of registered certificate service providers to ensure their compliance with the defined standards.

Further, to facilitate cross-border commerce, Part V allows the Minister to recognize, by order, types of certificates issued by certificate service providers in other jurisdictions, which shall effect their recognition in Trinidad and Tobago. In that instance, those providers are to be included on the register of certificate service providers which will be maintained by the Data Commissioner.

Part VI of the Bill treats with the responsibilities of other parties involved in the mediation of an electronic transaction, namely intermediaries as email hosts and communications service providers, as Internet service providers or (ISPs).

The Electronic Transactions Bill clarifies that these parties are not liable where they act as mere conduits for the transaction, but it does identify roles that they must fulfil if they suspect that their resources are used for the transmission or

storage of defamatory or otherwise illegal information. In this regard, the Bill provides for their interaction with law enforcement agencies and the Telecommunications Authority of Trinidad and Tobago where applicable.

Part VII of this Bill treats with the specific case of the Bill's applicability to Government and Public Authorities. It provides that, unless expressly directed otherwise in any written law, the Government and/or public authorities may engage in electronically facilitated transactions in the conduct of business.

Part VIII of the Bill provides rules to ensure appropriate customer protection in the implementation of e-commerce to which businesses must adhere. These rules outline the minimum information that must be provided to the consumer when embarking on electronic transactions such as online selling, and they also provide for obligatory SPAM opt-out requirements in the instance of online marketing.

Part IX of the Bill outlines the framework for managing contraventions of the Bill and its provisions. Notably, while some breaches are considered criminal offences, subject to fines and imprisonment if convicted, others warrant the levy of civil fines which may be imposed by the courts.

Finally, Part X of the Bill sets out the duties of the directors of corporations, establishes the jurisdiction of the courts in the administration of the Bill and empowers the Minister with the delegated responsibility to establish regulations for the further implementation of the Bill. The provisions of the Bill will have a profound impact on the way business is carried out in Trinidad and Tobago drawing us in to the 21<sup>st</sup> Century. We are well on our way to achieving Vision 2020.

Additionally, in providing legal equivalence, this Bill facilitates the true implementation of electronically enhanced government service delivery or e-Government, as all applicable aspects of the collection, processing and award of government services can now be undertaken legally in an electronic form. This will facilitate the use of powerful computer tools to expedite the processing of services, as well as enhanced monitoring and reporting on productivity and efficiency.

Moreover, while the recently introduced Data Protection Bill facilitates a framework for official sharing of data, the Electronic Transactions Bill will enable sharing to be optimized through the application of information and communications technology (ICT). This legislation package will facilitate the execution of joined-up government service delivery envisioned by such programmes as the *ttconnect* one-stop shop service centres, which is geared to streamlining the service interaction between various public authorities and the



constituents they serve.

With regard to the general public, contrary to popular belief, e-commerce in Trinidad and Tobago is happening, and has been happening for quite some time now without an appropriate legal or regulatory framework. When our citizens purchase a Carnival costume on the Internet, whether from Tribe or Island People, for example, they are engaging in online transactions, which are a form of electronic transactions.

However, because these electronically mediated transactions are not currently recognized in law, neither the consumer nor business is protected by any appropriate legal framework through which redress can be sought or disputes resolved. The private sector will also benefit from this Bill as the opportunity will now be provided to optimize the use of new channels of service delivery which may be currently constrained. For example, the retail sector has currently only moved forward timidly in the arena of e-service delivery because of the risks associated with the absence of necessary supporting electronic-based financial systems in the domestic environment.

Now, based on the provisions of the Bill and in conjunction with steps which have already begun to take shape, the platform is better prepared for the greater use of online channels for services to clients either directly or indirectly. Business decision-making should also be better informed since the rules and regulations would be made clearer regarding how transactions would be perceived within the electronic environment.

**2.45 p.m.**

Expanding on this example, the framework established in this Bill is essential for the establishment and widespread use of domestic online payment system. It has been recognized that such a system is a key element in e-commerce proliferation and realization and also essential for the development of associated services and products to domestically-managed Internet merchant accounts.

In short, the passage of this Bill will take the first major step towards an enabling framework for the legal recognition of electronic documents as well as the facilitating of electronic commerce, a step soon to be bolstered when the Data Protection Bill has been approved.

The Government is mindful that other critical pieces of legislation are needed in order to complete the framework of electronically-enabled Trinidad and Tobago. These will include, among others, amendments to the Exchequer and Audit Act, the new electronic funds transfer legislation and the cyber security

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legislation.

The Government of Trinidad and Tobago is very mindful of the need to bring Government services closer to the citizens to ensure that these services are more readily available in places, situations and circumstances that will enhance the quality of life available to all. We have spent a considerable time and expended a significant amount of resources to prepare the groundwork and infrastructure to make this happen.

The Electronic Transactions Bill before us today makes the transmission of the public service or financial sector and ultimately the quality of life of each citizen of this great country of ours much more readily available and imminent. We have done all of this, keeping faith with our promise to all those who have invested their confidence in the Government to ensure an improvement in their lives and lifestyle.

I urge Members opposite to join us in supporting this Bill and prove once again that our collective relevance to the people of Trinidad and Tobago remains unfettered.

Before I beg to move, I would like to extend our best wishes to the hon. Member for Mayaro on the finals of the calypso competition at Sunday's Dimanche Gras. [*Desk thumping*] I know that when we pass this Bill and he puts his calypsos online, they will be protected.

I beg to move.

*Question proposed.*

**Mr. Vasant Bharath** (*St. Augustine*): Thank you, Mr. Speaker. There is a now increasing and widespread use of technology by businesses across the globe for the purposes of electronic storage of information in the forms of customer-related documentation, accounting, legal and financial information and also for electronic communication of business transactions as the Minister talked about at length. These include contracts, proposals, invoices, orders and so on. This has led legislators and courts across many jurisdictions to consider very seriously the legal status of such information and the legal effect of such communication. Indeed, legislators across the globe have had to seek and introduce new legislation to be in a position to permit and to ensure the admissibility of such electronic information as evidence in court matters and, also, so that contracts could be concluded in electronic form.

The background and context on which this is based is the fact that many

governments across the globe have been trying to encourage public confidence in electronic business in their respective jurisdictions as a means of promoting and encouraging a competitive and leveraged edge for their countries as well as being able to, hopefully at some point in time, reduce administrative costs by creating a paperless environment.

The gathering of personal information has become a source of great business advantage simply because the technology now allows ready access and ready collection and display of an individual's personal details, purchasing history and, as a result, the commercial value of that citizen to an organization. But, as you would appreciate with all new technologies of this nature, the process is fraught with complexities, problems and challenges.

As we would all appreciate, Mr. Speaker, an online transaction can allow an instant window into a citizen's personal details representing a real threat to personal privacy. Of equal or greater concern is the belief that it will also permit unwanted and unwarranted intrusions by governments into personal information.

Mr. Speaker, in keeping with these concerns, the United Nations Commission on International Trade prepared two sets of model laws. The first was the model law on electronic commerce and the second, the model law on electronic signatures, both pieces of legislation adopted by the European Commission.

We are here today to discuss the Electronic Transactions Bill to give legal effect to electronic documents, records and signatures, the sister Bill to the Data Protection Bill, which was so ably debated by my colleague, the Member for Oropouche East, last Friday.

On first reading of this Bill, it is quite obvious that it is a cut-and-paste document from European legislation, to be more precise from the Privacy and Electronic Communications (EC Directive) Regulations, 2003, with which I do not have a problem because we do not want to be reinventing the wheel with every piece of legislation that we enact. However, we must always be cognizant that at the end of the day we may not always be at the same stage of development and maturity as the countries from which we glean these pieces of legislation, a point to which I will return later in my contribution.

I do not intend to go into the Bill clause by clause, but will attempt to make some general comments, which I believe will impact on the effectiveness of the proposed legislation and I hope, before I end, to touch on a few of our concerns with regard to the minutiae of the Bill.

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Just something I have noticed here—maybe the lawyers can correct me—but it says in clause 3 that the Act binds the State. I was not aware that all Acts did not bind the State. I was not sure that there was a necessity to insert that in the Act. I can be corrected by the lawyers amongst us.

I was very glad that the Minister talked in some detail about issues of trust, because this entire Bill—and the one discussed last week Friday—revolves around the issue of trust. In my contribution last week, you will remember—when we talked about the Insurance (Amdt.) Bill and the Central Bank (Amdt.) Bill—that I went to great lengths to highlight the need for significant levels of trust and confidence in the Government, in the economy and in the underlying operational systems that would be required to restore some kind of calm and tranquility in the marketplace.

In introducing this Bill in the Parliament, similar levels of trust and confidence are required, as mentioned by the Minister. Indeed, the Internet is a virtual medium that lacks the positively physical safeguards we would normally associate with paper transactions. Additionally, damage from cyber deception is real; it is widespread, worldwide, well publicized and expensive and it is generally a good reason to be suspicious of online transactions and documents, since most of the ways in which most people check authenticity of documentation cannot be replicated in the virtual world.

Trust must be such an integral part of the document that if it is somehow breached, the document must indicate that some kind of tampering has occurred. Therein lies the crux of the problem in Trinidad and Tobago. We need to ask the questions: What systems are in place? Can they be trusted? And who will administer the systems?

We live in a country where political interference is legendary in both our public and private lives. We do not have to go too far back to see many instances of that having taken place. Only recently there was the situation, which was brought to this Parliament, with the Police Service Commission.

As you know, the Police Service Commission went through a tedious exercise that lasted, I believe, well over one year. Several millions of dollars were spent on the process, shortlisting several candidates for the position of police commissioner and then finally a Mr. Stephen Williams was nominated by the PSC, only to be thwarted at the last stages by the Government because, as they stated, the process was flawed.

We are not sure what happened to that flawed process; we have not had anything come back to this Parliament with a new process to correct the flawed

process. That is one instance of interference. The other, among several others, is that we had incursions with appointments to statutory authorities, where the Prime Minister was personally involved in the vetoing of appointments of people like Devant Maharaj, Marlene Coudray, Dennis Graham and Ganga Persad-Kissoon.

**Mr. Manning:** That is not true.

**Mr. V. Bharath:** You can correct it. The point I will make here is that perception is reality for a number of people. This is where trust and confidence comes in.

We have a situation in this country where, in the past, information from banks has been leaked to government officials to be used for political purposes. We have had reports where information from banks has been leaked to kidnappers. I remember speaking to a kidnap victim who was able to tell me, after he was released, that the kidnappers knew exactly how much money he had in his account. In fact, when they asked for a certain amount and he said he did not have that amount, they were able to tell him exactly how much he had in his account.

We have seen Government's interference in the media—trust and confidence. We have seen Government's interference in the issue of the Barbados fishermen. One of the latest and most disturbing is the issue of the apparent interference in the affairs of the Integrity Commission.

**3.00 p.m.**

Let me read from a report:

“With one meeting, the Integrity Commission falls”

This is from the *Newsday* of Sunday, February 15, 2009. [*Interruption*]

**Hon. Members:** Who is that?

**Mr. V. Bharath:** Andre Badoo, as a matter of interest. I am quoting from a newspaper.

“...High Court Judge Justice Maureen Rajnauth-Lee ruled that the commission had acted ‘in bad faith’ in so referring the report and ruled the commissioners were guilty of the tort of misfeasance.”

The commissioners were guilty of the tort of misfeasance. What is very serious about this particular issue is here you had men and women of high repute; men and women of great independence; men and women who, one would have thought, were incorruptible and that is a serious problem in Trinidad and Tobago.

The report goes on to say:

“This week Barnes,”—referring to Justice Monica Barnes—“who has until now had an unblemished legal career...”

She basically said: “This now marks the end of my career.” They go on to talk about all the positions she held as Chairman of the Tax Appeal Board; she served in the Law Reform Commission; the Law Revision Commission and the Constitution Commission.

Justice Rajnauth-Lee has described some of her findings as troubling and described the Commission as recklessly indifferent. I want to quote one paragraph from this. This is not what Andre Badoo has said; this is what Justice Rajnauth-Lee has said:

“I find at the very least that the Integrity Commission did not care whether section 38 of the...Act was being breached,’...‘When the Integrity Commission referred its report to the Director of Public Prosecutions on the 7<sup>th</sup> August, 2006, it was recklessly indifferent...”

**Mr. Manning:** Mr. Speaker, I thank the Member for St. Augustine for giving way. Is that the same Andre Badoo who appeared in a hospital in Cuba under false pretences and gave reports in Trinidad to the effect that he has spoken with doctors, when in fact no such thing took place; is that the same Andre Badoo to which you refer?

**Mr. V. Bharath:** I thought the Prime Minister was under anaesthesia and he may have been hallucinating. I do not know.

**Mr. Manning:** Just for the record, I wish all hon. Members to know that the Cuban Government investigated that.

**Mr. V. Bharath:** And we anxiously await that report to be presented to Parliament shortly. But, nevertheless, I am quoting from the High Court’s decision. These are not the words of Andre Badoo.

I want to conclude:

“‘The Integrity Commission was subjectively reckless in the sense of not caring whether their conduct was illegal or not,’...

‘The Court does not accept the Integrity Commission’s explanation as to why it wrote to the Honourable Prime Minister”—this is the point—“on October 19, 2004, to ascertain whether an inquiry was to be undertaken and if so, the names of the persons to man the inquiry and their terms of reference...’

Asked to explain why the commissioners wrote Manning,”—I am quoting Prime Minister—“Martin said deliberations of the commission are secret and referred all questions of this nature to the Integrity Commission’s legal team.”

The question is: If it is that the High Court has found that political pressure may have been brought on the Integrity Commission to determine a matter in a certain way and in fact that they were guilty of the tort of malfeasance, what about all of the other decisions that the Integrity Commission has made in the last eight years? Does it not throw some doubt on the decisions that have been made by the Commission over the last few years? Does it not throw some doubt that there is a possibility that political influence may have been exercised on the Commission in instance where the political stakes may have been bigger or greater than in this particular instance?

Another recent incursion—I know the Prime Minister has made a statement in Parliament here today with regard to the appointment of the DPP, but I come back to what I said earlier on. This is a matter of trust and confidence and perception plays a large part in trust and confidence.

I want to read, again, from the *Sunday Express* of February 15, 2009:

“PM vetoes Brown-Antoine for DPP post

Prime Minister Patrick Manning has vetoed the appointment of Deputy Director of Public Prosecutions, Carla Brown-Antoine, as the country’s next Director of Public Prosecutions (DPP), prompting serious concerns in high-level judicial and legal circles about yet another possible move by the PNM administration to interfere with the independent judicial system.”

I would not go into the details of it, Mr. Prime Minister, because you have made a statement here today. The point I am making is that perception becomes reality. At the end of the day, we were dealing with issues of trust and confidence.

The Minister was right when he said these Bills that we have been talking about this afternoon: the Data Protection Bill and the Electronic Transactions Bill rely very heavily on the users’ trust and confidence in the system. If they do not have that trust and confidence, they will not use it.

Of course, we have a similar situation with the Solicitor General, where the Prime Minister has again also vetoed, according to those reports. We cannot, in any way, blame members of the public for having any sort of issues when you are handing over sensitive personal information, putting it in the hands of either a government or a virtual media mess, where it can be used for all kinds of

purposes.

As I have indicated earlier, I really do not have any major issues and any significant problems with the principle and with the technical aspects of either this Bill or the Bill we cast last week which, as the Minister mentioned, would be taken together to a joint select committee which I am happy for. What I am concerned about is the timing of the Bill. As I mentioned earlier on, a Bill of this nature being introduced in the United States, United Kingdom, Canada or Singapore would be in keeping with the levels of maturity and sophistication of such countries, because in those countries you do not have what we have here. You do not have 85 or 86 killings in 46 days; you do not have citizens still eating out of dustbins. You do not have citizens having to sleep on the streets of Port of Spain and San Fernando. You do not have patients waiting on trolleys for days before they are attended to and some of them dying before they are attended to. You do not have drivers sitting in traffic gridlock for four and five hours per day eating away at their very souls, as they sit in their cars pondering when they are going to get to work and when they are going to get back home. You certainly do not have foreigners in charge of the national purse who, at their very wont, are able to come in and utilize, waste, squander and pilfer hundred or millions of our dollars and our country's dollars without any accountability whatsoever, where you have in those countries poor people who are unable to put food on their tables or unable to get running water to their homes. What I have is a problem with the timing of this Bill and the appropriate point at which it has been brought to Parliament considering all that is going on in Trinidad and Tobago.

Whilst I mention foreigners, I have nothing against foreigners. What is the latest on Mr. Uthara Rao who, apparently was suspended and whose services were terminated? He is no longer, I gather, at the Estate Management Business Development Company. We have not heard anything about the information that was carried into the activities of Mr. Rao and why his services were terminated and why he left so suddenly, or was asked to leave so suddenly. Maybe at some point in time, this Parliament could be presented with the investigation into why Mr. Rao had to leave so suddenly. I do not know if he was paid off. It was said by a PNM Minister who was here earlier on, that the PNM looks after its own. That was on tape. We are not sure if Mr. Rao has similarly been looked after. But, we look forward with anticipation to find out what has happened to Mr. Rao and all of his indiscretions that we have heard. Again, I come back to—I heard on radio recently that they were insinuating that Mr. Rao had to go and they were saying Rao, Rao, Rao your boat. I thought it was quite funny. I do not know if he had to



leave, anyway, by boat.

As was mentioned by my colleague from Princes Town North a couple of weeks ago and reiterated by myself only last week, there is deepening contempt with which this Parliament is held by this Government. It was very apparent, as an example, when you listened to the answer to Question No. 30 given by the Minister of Works and Transport, the Member for Diego Martin North/East, which was quite hilarious to most of them on that side, but I guarantee you, was not very hilarious or funny to the people looking on in their living rooms, who are suffering—we all know that—and going through great pains and they have to sit and listen to this. Therefore, you cannot blame many of our citizens who believe that this Parliament has almost become an irrelevance to the needs of the vast majority of the people in Trinidad and Tobago.

How do I tell Mrs. Maharaj, who came to see me recently from Tunapuna, who is already blind in one eye and partially blind in the next, that I am here to discuss the Data Protection Bill or the Electronic Transactions Bill when, by the time her appointment at the San Fernando General Hospital rolls around for the operation in January 2011, she would be blind in both eyes? How can I convince her that I am here, assisting her in some way? How can I tell the children of the St. Augustine Government Primary School, who have been unable to use their playing field for the last two years, because it is constantly flooded, because two years ago in 2007, the early childhood care and education centre was built next door and they blocked all the drains in the school? As a result, whenever it rains or even if there is a slight drizzle, the children are not able to go out and play in the playing fields. How do I tell those children?

Additionally, the contractors have refused to come back to rectify the problem. Those children had a little parcel of land where they did experimental planting. The contractors dumped all their materials on that piece of land for two years. The children are no longer able to come outside and play. The children—  
[*Interruption*]

**Miss Le Gendre:** I would like it to be recorded that the Member for St. Augustine is in constant contact with me on the issue of the repairs to that particular school. He is well aware that we are working to solve the problem. As a matter of fact, if he did not get the school wrong in the first place, we might have dealt with it. We thought it was the ECCEC and we visited. It was not that school. Now that we have the right school, we have gone back again. The Member for St.

Augustine knows that we have already visited the school. We are rectifying the drainage issue. I would like to put that on the record.

**Mr. V. Bharath:** First of all, I did not get the school wrong; the Ministry got the school wrong. They went to the wrong place. [*Interruption*] No, give the Minister her dues. I have spoken to her about it on several occasions and she has agreed to rectify the problem. The point is that the Ministry has been there, I think, on one or two occasions, six months ago, and up to today nothing has been done and it has been two years. But, I accept the help from the Minister and I accept that she will do something about it. I only raised it simply because these are issues that confront the people of our country on a daily basis that have not been rectified. I am certainly not casting any aspersions on the Minister.

**3.15 p.m.**

What about Mr. Durga from Bamboo Settlement who presently has to “fork out” \$1,100 a month for medication? He is unable to do so and the generic drugs that he is receiving from CDAP are not effective. What do I say to him? Today I am talking about electronic signatures and records and documents when, unfortunately, he is likely to die if he does not get the correct medication. What about the residents of Orange Grove Road whom I have spoken about on several occasions? They have been waiting for 23 years for their drains to be repaired. How do I tell them that I am here to look after their interest when I am here talking about these issues? It goes on and on. What do I say to the students at UWI?

**Mr. Speaker:** I think you have made your point. I am tempted to ask you what about the Electronic Transactions Bill, but I think you have made your point. Please, continue.

**Mr. V. Bharath:** Mr. Speaker, this is a very relevant question. [*Laughter*] You see, the Minister made mention of the fact that they are bringing citizens closer to the regulatory authorities by using electronic documents, and I am saying they are so far apart that even today with a paper environment that e-documents and e-transactions are going to take them even further away.

**Mr. Speaker:** You are so far apart, but I want you to be closer to the Bill.

**Dr. Moonilal:** We want “e-drains”.

**Mr. V. Bharath:** Mr. Speaker, at the end of the day, electronic documents, electronic signatures and electronic records are not going to help the poor people or the vast majority of people in Trinidad and Tobago—the people who on a daily

basis go through some of the issues and problems that many of us here take for granted.

What is very apparent, as a result of all of this, is that this Government really has no legislative agenda. It is stumbling from crisis to crisis, most of them self-inflicted, and the Government is refusing to deal with the real issues that are confronted by the people of Trinidad and Tobago. They believe that they have some preordained right to be sitting on the north side of the Chamber, despite the levels of incompetence, arrogance and disregard for the welfare of the people that they have displayed over the last seven years.

Where is the credit union legislation that was promised so long? It will be too late to help the HCU members, but may still be able to assist other credit unions that may fall afoul of the law of credit worthiness. Mr. Speaker, you see, like everything else with this Government, it is always the cart before the horse; all kinds of hare-brained schemes, and low levels of competence to be in a position to implement anything.

Do you remember the CNG legislation? They came here and passed the CNG legislation—reduction on duties for CNG kits and all kinds of incentives for people to install CNG tanks, but there are no stations to fill the gas. Mr. Speaker, in a similar vein, we are here today to pass a Bill on electronic documents and signatures and, again, we do not have the necessary infrastructure and operational systems on which it is going to be based.

I am not sure if the Government realizes that one needs to have Internet access and capability in order to send a document electronically. Do you know what the Internet penetration is in Trinidad and Tobago? It is 12.3 per cent. Let me give you a reference for what it is in some of the countries that we will be likely to be doing business with once this legislation is passed. We have the United States of America, 73 per cent; the United Kingdom, 67 per cent; Norway, 87 per cent; Canada, 68 per cent; New Zealand, 75 per cent; Iceland, 86 per cent; Japan, 70 per cent, and in case you may think that we are going too far afield, in Barbados it is 60 per cent; St. Lucia, 32 per cent and St. Kitts and Nevis, 25.4 per cent. In Trinidad and Tobago it is 12.3 per cent. That is the Internet penetration in Trinidad and Tobago, at a time when we are trying to implement the Electronic Transactions Bill and the Data Protection Bill. How relevant can that possibly be in this time and day? How many people in Trinidad and Tobago are actually going to benefit from us sitting in the Parliament and passing these Bills? What about the infrastructure and the platforms available for allowing these electronic signatures and documents to be effected?

*Electronic Transactions Bill*  
[MR. BHARATH]

*Wednesday, February 18, 2009*

It is common knowledge that most government departments cannot cope with paper transactions, yet alone paperless transactions. Most citizens could recount with horror their experiences when interacting with government agencies in Trinidad and Tobago. It is a great deal of pain, trauma and frustration—I do not need to go into that; I think everybody here is well aware of that—if they need to get any kind of goods or service that may positively impact or improve the quality of their lives.

I wonder if the Minister of Social Development, the Member for Diego Martin Central, is aware that at a time when we are talking about these electronic Bills, the Tunapuna Social Welfare Office is without a telephone since September 2008.

**Hon. Members:** Shame!

**Mr. V. Bharath:** A member of the public cannot call the Tunapuna Social Welfare Office for the most basic information.

**Dr. Browne:** That is simply not the case.

**Mr. V. Bharath:** Unfortunately, that highlights the fact that the Member for Diego Martin Central has never visited that office. I confirmed yesterday that they do not have a functioning telephone since September 2008. My office manager has to take a taxi and go to that office every time we need to speak to someone there. No member of the public can call the Tunapuna Social Welfare Office.

In fact, they have admitted that there are no hard-wired lines and TSTT has not come to install the line. They have no lines there. Do you know what? If a member of the public—poor old people take the time to travel or even walk to that office, many of them do not have the money to get there—they have to sit and wait for hours. In most cases they are sent away because, at the end of the day, based on your address you will see a specific welfare officer. If that welfare officer is not there on that day or does not see people on a Tuesday, you have to leave and return the next Tuesday. That is the system. How are e-documents and e-signatures and e-records going to assist those people? How is it going to affect the system?

Mr. Speaker, the Tunapuna/Piarco Regional Corporation—well, I am lost for words for that corporation. It is like a mini-PNM Government fraught with incompetence and corruption. It is a law unto itself. Their motto is surely, how they can go to work every day and deprive and starve the residents of St. Augustine and environs of goods and services. They go and plan that when they have their meetings. Many of their employees are so rude and insolent that they do not even return phone calls, let alone letters. What are they going to do with e-documents and e-records? What are they going to do with all of that?

Unfortunately, on several occasions, I have spoken to the Minister of Local Government with respect to this matter. I have to say that I have always found her to be a very frank and very charming lady, but she appears to have no authority or no influence over the workings of the Tunapuna/Piarco Regional Corporation, because they would commit to do certain things and the minute her back is turned, they would do something completely different or they would do nothing at all. How would electronic documents help us here?

Another Government agency where I presume they will want to be introducing e-commerce, e-signatures, e-documents and so forth is in the Housing Development Corporation. By the way, the Minister is not here, but probably someone could convey a message to her—the lady who has called herself the big “C”. Can the Minister of Planning, Housing and the Environment tell us, through some medium or in-between her daily chores of trying to trump up charges against the Member for Diego Martin West, whether Mrs. Margaret Chow, who is supposed to be the acting CEO of the HDC, is still employed with the HDC? The reason I have asked that question is that since November last year, I have called on 11 occasions for Mrs. Chow and I have received no response and no reply. My office has 42 recorded occasions when we called for Mrs. Chow or members of her staff. We have it recorded. To date, there has been no response or no reply.

I am going to ask Members to try and call the HDC when they have a free afternoon. What happens is that the PBX answers the telephone and transfers you to the HDC, and it allows the phone to ring until it connects and then it cuts you off, and you have to try again. This is what some of the public servants in the Government service are being paid for. I cannot see how e-documents, e-signatures and e-records, at this state of the maturity of unsophisticated levels, are going to assist the general public in any way whatsoever.

**Mr. Imbert:** Mr. Speaker, Standing Order 36(1).

**Mr. Speaker:** Hon. Member for St. Augustine, the Member for Diego Martin North/East has raised Standing Order 36(1) which deals with relevance. Please, you have about five more minutes of original time. [*Interruption*]

**Mr. V. Bharath:** Mr. Speaker, you see, everything that we do in this Parliament must in some way impact positively on the lives of the people of Trinidad and Tobago. [*Desk thumping*] I was about to say that the Member for Princes Town North was correct two weeks ago when he said that we come to this Parliament just to kicks, because we bear no relevance in this Parliament to the people of Trinidad and Tobago and how it impacts on their lives positively.

As I said, if the purpose of this Bill, as the Minister stated, is to impact positively on the relationship between citizens of this country and the regulatory authorities, then that is exactly what I am discussing. I am discussing the issues that we are faced within these regulatory authorities. In fact, if we were to just sit and pass laws and put them into these big thick books that we have on our desks, what will be the purpose of them? How would the people of Trinidad and Tobago have benefited from us sitting here for the entire afternoon talking about these things?

**Mr. Ramnath:** That is why we are so poorly paid.

**Mr. V. Bharath:** Mr. Speaker, I come back to the infrastructure involved. When one looks at several of the Government's websites, one would expect that the information would be transferred and available to members of the public through the Government's websites, if you are going to be dealing with e-documents.

### **3.30 p.m.**

If you are going to have any kind of relationship with any of the Government's departments, one would assume that you would do so through the specific Ministry's website. A cursory look at some of the Government's websites would tell you that nothing could be further from the truth. The Ministry of Agriculture, Land and Marine Resources, there is virtually nothing on the website; there is no information on the website with regard to any recent information.

In fact, the website of the Ministry of Agriculture, Land and Marine Resources does not have a telephone number, a fax machine, a mailing address, an email contact, nothing. This is the point I am making. We are putting in place this sophisticated piece of legislation when the basic structure is not in place. The Office of the Attorney General, it says, the host server is unreachable; it does not work at all. The Ministry of Community Development, Culture and Gender Affairs, also the host server is unreachable.

That may not be any fault of the Minister herself, but at the end of the day, the technical people have to work hand in hand with the architects of these laws to ensure that they work, and we are not just here for the sake of being here. The Ministry of Education—there has been no releases on that website since December 2007; that is the latest update on the Ministry of Education. The Ministry of Energy and Energy Industries, the last posting was in July 2007.

So, what infrastructure do we have—the Minister talked about—for communicating between the citizens of the country and ensuring that e-government is effective? You do not have the infrastructure; you do not have the

operational systems, so, us coming here, sitting, and talking for hours on end, really, is just wasting time. Our time is better served dealing with the real issues confronting the people of Trinidad and Tobago.

One would expect that with regard to these pieces of legislation, that entities like the Customs division, where traditionally there has been several complaints with regard to inefficiencies, corruption, issues of bribery, arbitrary valuations, and so on, that Customs would somehow benefit from these kinds of legislation. The Customs has had the ASYCUDA system sitting there for, I guess, more than 10 years. Since I was a member of the TTMA—maybe more than 10 years—that system came in and has never been implemented appropriately; it has been done on a piecemeal basis and, as a result, you still have all this to say.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for St. Augustine has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Mr. V. Bharath:** Thank you to my colleagues. The ASYCUDA World system allows a transaction to enter into the system and be tracked from entry right through to exit.

**Mrs. Nunez-Tesheira:** I am not sure if you are aware that the ASYCUDA World is what Customs is implementing. In fact, they have started their first live testing, I believe, in January, and by September they should have that fully implemented, which will be working together with ITPS system from the Board of Inland Revenue, when the Trinidad and Tobago Revenue Authority is implemented. The ASYCUDA World is a single portal and it is far advanced.

**Mr. V. Bharath:** Thank you to the Minister for that clarification, but this has taken 15 years. The ASYCUDA has been sitting there for 12 to 15 years.

**Miss Le Gendre:** Thank you for giving way. I just need to advise you that the last time the Ministry of Education's website was updated, was to broadcast to schools on February 13, 2009. Of course, because we could use blackberries in the House we were able to ascertain that for you.

**Mr. V. Bharath:** Of course, and prior to that was 2007. [*Laughter*] I am happy to know that the Customs are finally introducing and implementing the ASYCUDA system

that has been sitting around for very many years. I only hope that the Minister could be taken at her word that by September this would be fully implemented.

Another area where one would expect the use of e-signatures, e-documents and e-records to be used would be the Licensing Office, to update that whole system of licensing that creates such major havoc to the lives of the people of Trinidad and Tobago.

Just recently—I will give you way, Minister, in a minute—only a few short months ago, massive fraud was uncovered at the Licensing Office. To date, I do not believe that there has been any statements, either by the Transport Commissioner or by the Minister in charge.

**Mr. Imbert:** I thank the Member for giving way. That is a police investigation, it is not a Ministry of Works and Transport investigation. My understanding is that it is to deal with proper records. So, it is not an e-transaction issue.

With respect to the Licensing Office matter that you raised, the more substantive issue, you would be aware that we have entered into an arrangement with the province of Nova Scotia to introduce their system for driver's permits and motor vehicle licensing. It is a highly computerized system and the intention is that a number of transactions will be available electronically, once this new system is operational.

Barring unforeseen circumstances, we hope that by the end of 2009 we would be able to implement the new system for renewals, new permits, transfers of vehicles, and so on, then over the next two years after that, we should be able to fully implement a completely electronic computerized system for drivers' permits and vehicle registration at the Licensing Office.

**Mr. V. Bharath:** You know, Mr. Speaker, this Government is always full of grand plans and, as I said before, implementation is always the problem. They come to this Parliament year after year with these "e-promises", and none of them ever bear any fruit, but we wait with bated breath on behalf of the people of Trinidad and Tobago, that these grand plans would come to fruition in a quicker time frame than the water taxis came to fruition.

I am glad that the Minister raised the issue that it is a police investigation, because the police service is also another area that suffers from a lack of computerization, a lack of information technology infrastructure. In Trinidad and Tobago, what prevents the simple implementation of a GPS system in the police service? So, when a crime is committed the police know exactly where they have



to go, and they do not have to find out from this one and that one where this street is and where that street is.

What stops certain police vehicles in Trinidad and Tobago from having computers that are linked to the Licensing Office, when they see a car and they see a number plate, they can scan it immediately and it is connected—*[Interruption]* That is part of the system, is it?

**Mr. Imbert:** Of course.

**Mr. V. Bharath:** All right. Again, what prevents all of these issues, because that is really where you are going to fight crime; that is where you are going to have interconnectivity between all of the systems that would pick up people who are committing petty crimes, but also pick up people who are acting suspiciously, and in foiling a person who has stolen a car, that person may end up being somebody who is wanted for murder or some other serious crime.

These are small tools that are indispensable in the fight of crime. This Government is only concerned about spending billions and billions; everything is billions of dollars, gunboats and helicopters, all of which have proven to be ineffective and inappropriate in the fight of crime. Effectively, all our institutions in Trinidad and Tobago have collapsed. I am not sure how e-records, e-signatures and e-documents are going to resuscitate them, quite frankly, I am not.

I just want to touch briefly on a couple of issues stated directly in the Bill, and one of them is the issue of the data commissioner. As discussed last week in a bit more detail, it would appear from legislation that the data commissioner is being appointed by the President—maybe the Minister can correct me—but there was, according to the fastforward document that you referred to, Minister, Ministry of Public Administration and Information National Policy on Data Protection, ironically, as I said, the term fastforward because it was since December 2005.

In this document, it stated that the data commissioner would be appointed by the President in consultation with the Prime Minister and the Leader of the Opposition. Has that now changed? Because that was the recommendation of this fastforward document. It would appear that somewhere along the line the Leader of the Opposition has been removed from that scenario. We are not quite sure why that has happened, Mr. Speaker.

In any event, with Government's continued open violation of people's privacy and rights, it would be difficult for us as a people to accept the rulings of what

would effectively be a partisan commissioner; if that commissioner is effectively appointed by the President, in effect, he is appointed by the Prime Minister. The President acts on the instructions effectively of the Prime Minister.

If the Government were to violate any rules of privacy, how can a data commissioner, who is effectively appointed by the Government, act appropriately? These are issues that we would need to have clarified. In fact, the Bill actually says that the data commissioner oversees the operation of the certificate granting institutions, as well as this Electronic Transactions Bill. Clause 35(6) of the Bill advises that the data commissioner rejects an application for a certificate and the aggrieved person is given 30 days within publication of the decision to request written reasons for the refusal. It goes on to say under clause 8 that the data commissioner—there is no stated redress thereafter, and this is not an appeal process.

Mr. Speaker, from the Opposition's point of view, we would strongly recommend, as is the case in the United Kingdom from where most of this law is taken, that the data commissioner is a public body that reports directly to the Parliament, and that the commissioner's decisions are subject to the supervision of the courts, as well as an information tribunal. I would hope that when this matter goes to the joint select committee that this is one of the recommendations that is taken into account.

I just want to touch briefly on the Certification Service Provider (CSP). I would like to ask a few questions, Minister, with regard to the CSP—I will call it CSP for ease of reference. Is there going to be a limit on the number of CSPs that are engaged, and is it that there is going to be a mixture of public and private CSPs, or is it just going to be public only or private only? Are there going to be trust agreements between CSPs within the network, so they can liaise with each other? What about international recognition?

As you would appreciate, Mr. Speaker, you have different legislation that are pervasive throughout the European Union, United Kingdom, United States. How are the CSPs in Trinidad and Tobago going to relate to those different international institutions? Can banks and other financial institutions be CSPs? The reason I ask that is, would it in any way interfere with their levels of independence? Because if a bank or financial institution is part of the underlying transaction there may be a lack of independence if they are also certifying service providers.

### **3.45 p.m.**

What about insurance for unreliable certification service providers, is that going to be something that is going to be implemented? And what about fines,

apart from the revocation of licence, are there going to be fines for these certification service providers? Can certification service providers be used for other purposes? For example, Mr. Speaker, as you would appreciate, when you are looking to ensure that a letter arrives to the person to whom it is posted, you have it sent registered mail, can a certification service provider provide information that the actual document has been sent, although, of course, it is going to be sent to the virtual domicile of the receiver? Will they be in a position to acknowledge that, yes, this document has been sent and to verify it has been sent?

And finally, can the State demand inscription keys from a certification service provider if, for example, it believes that there is a situation with regard to terrorism or laundering of money and so on? Does the State have the power, because none of these issues are addressed in the Bill?

Finally, I just want to talk briefly about some of the exceptions which the Minister touched on in his presentation where it says in clause 4 that there will be certain exceptions to the Bill that will not apply to e-signatures and e-documents, and they relate to the execution and revocation of wills, the performance or enforcement of indentures and declaration of trust or powers of attorneys, production of documents with regard to immigration, citizenship and passport matters and any other matters that the Minister so deems. But the fact is, I would have thought that inasmuch as we are drafting this legislation here today or we are looking at this legislation today, that the Minister would like to look at the current developments in the international marketplace because there are many countries that are now looking at implementing e-conveyancing and e-wills as part of their new legislative framework.

So if it is that we are going to go through this process here today, over the next few weeks and the next couple of months, I would like to see that these be brought into the legislation now rather than having to come back to this Parliament and create more anxiety and frustration for the population. I would like the Minister to incorporate all of those issues when we look at these Bills before the joint select committee, ensuring that the Minister does not have to come back anytime soon with amendments to these Bills and this Bill in particular which, quite frankly, as I have outlined, really is going to be impotent and useless in the current context, as I said, of the development and maturity of Trinidad and Tobago at this stage in the game.

I thank you very much, Mr. Speaker.

**The Minister of Legal Affairs (Hon. Peter Taylor):** Mr. Speaker, I thank you and I am happy to join this debate, a most interesting debate if I may say so.

*Electronic Transactions Bill*  
[MR. BHARATH]

*Wednesday, February 18, 2009*

And contrary to my friend on the other side who seems not to have read the legislation—because many of the dubious suggestions that he has proffered, many of the answers are in the various clauses.

It gives me the opportunity, really, to answer a number of the untruths, particularly in my capacity as the Minister of Legal Affairs, because I noticed the Member for St. Augustine claimed that many of the government ministries did not have any online services. He studiously neglected, of course, the Ministry of Legal Affairs, and it is common knowledge in Trinidad and Tobago that if it is one website that the population is very well acquainted with, it is the [www.legalaffairs.gov.tt](http://www.legalaffairs.gov.tt). [*Desk thumping*]

I see the Member is nodding in agreement. [*Interruption*] From that home page you are able to access the Companies Registry, the Civil and Land Registry, we also have a lot of consumer information online, and you would know for the past 12 months or 18 months when we were in the throes of what was commonly known as the food prices crisis, that the Consumer Affairs Division sought to assuage that onslaught by publishing comparatively many of the prices that our officers would have garnered from their various visits to many supermarkets. By doing that, we were able to introduce competitive buying so that persons were able to judiciously choose supermarkets or choose outlets where the prices were comparatively better. All that information, in addition to being published in the daily newspaper, is available.

As well, an area that I am very proud of and I want to compliment the former Minister of Legal Affairs now the Minister of Science and Tertiary Education [*Desk thumping*] for ensuring that the Companies Online Registry was actually set up and continues, and that is one of the flagship successes of the Ministry of Legal Affairs because the evidence would show—

**Hon. Member:** Prices went down?

**Hon. P. Taylor:** Oh yes, prices have gone down significantly. [*Interruption*] Mr. Speaker, the evidence would show that it is an online pay per download service where law firms, businesses, persons of interest and investors are able to go online and access a company's information and determine so much information. And might I tell you that that service is presently being used by eight credit and risk checking companies from Singapore, England, Bermuda, India, the Isle of Man, Hong Kong, Taiwan and over 130 local banks, law firms, financial institutions and credit checking companies. We also have a pay per download service which was initiated in-house that will allow persons to walk in and use our computer services.

That tells us that the Government is at the right place in its development thrust. This information tells us that once we are able to develop the electronic transactions legislation that persons now would be able to access information via credit cards from all over the world, because Trinidad and Tobago is an investment hub. It remains an investment hub. Our international competitiveness has not been diminished, and therefore, we, more than any other country in the Caribbean, have to ensure that our electronic transactions legislation is in place to optimize the opportunities for further investment, to optimize the opportunities for doing business from wherever in the world a potential investor or businessman might be.

The Member sought to make heavy weather of the fact that clause 4 makes the Bill inapplicable where it refers to the making or execution or revocation of a will, a conveyance or transfer of any interest in real property. I want to advise the honourable House that that matter will be addressed in the personal property electronic registry which is a Bill which will be brought before this honourable House, hopefully, in this session. What that Bill will seek to do is to ensure that every transaction that creates a security interest, for example a chattel mortgage, a conditional sale, a fixed charge, trust receipts, assignments, consignments, lease, trust or transfer would be covered under this personal property electronic registry.

It will be established to register security interest and any other written law that requires registration by the registry. Such registry will be headed by a registrar and a deputy registrar to be appointed by the Minister of Legal Affairs. Therefore, with the enactment of the Electronic Transactions Bill, the establishment of this registry would be easily facilitated. So that takes care, Member for St. Augustine, of that issue that you raised.

The Member sought to give the impression as well that we in Trinidad and Tobago are so far behind the rest of the world, citing the more developed countries as Canada, the United States and the United Kingdom, as having very far advanced legislation. But, I need to remind him that as a young democracy that is 46 years young, I think we have done quite well in the short time since independence. And we have to remember as well that many of these countries at the height of the industrial revolution, were in fact developing their own economies with coerced labour while we in Trinidad and Tobago at that time were still hewers of wood and drawers of water. So, you are seeking to compare countries that had hundreds of years of development where, as I said, they had access to labour acquired externally, particularly slavery and indentureship, with a society that is really 46 years young.

I want to compliment the Minister of Information, as well as the Minister of Public Administration for bringing forward this legislation at this important time in our nation's history.

**Mr. Bharath:** Thank you, Minister, for giving way. I just want to correct what you are suggesting. I am actually in agreement with you, that these are long-established economies and therefore the sophisticated levels and the type of instruments they introduce in their economies are appropriate for those economies. And to introduce those same instruments in a country, as you said, that is only 46 years old which does not have the developed systems that those countries have, I think was the point I was making. We have not reached that level of maturity and sophistication to be in a position to make the best use of those kinds of instruments. That is all I was suggesting.

**Hon. P. Taylor:** Surely, Member, you will agree that development is about people changing themselves, and no better time for us to introduce these international best practices than now. If not now, when? [*Desk thumping*]

**Mr. Imbert:** Backward!

**Hon. P. Taylor:** And if not us, who? All of those countries to which you allude must have had a starting point. They must have started somewhere with all the inherent imperfections. I am sure the Member remembers just last year when in the great United Kingdom a disc containing the information of millions of persons' private information was stolen. Does the Member remember that? What does that say for the integrity of the systems in the United Kingdom? [*Interruption*]

So the importance of the legislation tells you that the Government is well on its way to creating that beautiful tapestry of what we call developed nation status. We are well on the way to ensuring that all of the systems are in place, as imperfect as the systems may be now and that imperfection, as I indicated, is really a throwback, a legacy of a post colonial society where you have institutions now that demands are being placed on for which they were never intended. So we have no choice but to expand and to create that vision, so that the real time demands that this nation requires would be facilitated.

**4.00 p.m.**

Mr. Speaker, it is important that I mention some of the clauses because the Member made certain statements, but the answers really lie in the body of the clauses themselves.

For example, clause 8 of the Bill provides for legal recognition. The Member made the point and expressed concerns about the integrity of the transaction and the integrity of doing business over the Internet. But we have gleaned and I am sure that the Minister would tell you that many jurisdictions that have implemented this type of legislation, the best practices and regulatory framework were examined, and it was from these examples, of course, that the present legislation draws upon.

Clause 8 of the Bill for example:

"...provides that an electronic record or information...shall not be denied legal effect simply because it is in electronic form."

It goes back to the whole issue of media neutrality, which suggests that all legislation dealing with electronic transactions must state that no document or record will be found to be invalid, only because it is electronic in nature.

So when you look at the framework, it starts off by making the point that we must acknowledge the legality of paperless transactions. Once you use that as your point of departure and we accept that you cannot deny the legality of a document or a contract that is in electronic form, then we must now go on to the other safeguards that will further validate such a transaction. For evidential purposes, the Electronic Transactions Bill makes provisions for the admissibility of such transactions.

Clause 17 of the Bill, for example, sets out the evidential weight that is to be attached to an electronic record, in that an electronic record will not be deemed inadmissible as evidence, simply on the ground that it is in electronic form or that if it is the best evidence on the ground that it is not in original form.

It is a very important clause, because to maintain the integrity of our jurisprudence, to maintain the integrity of the best evidence rule, certainly, the issues of transactions done electronically must be brought into the ambit of the Evidence Act as it presently obtains. Of course, the legislation recognizes that a person may make an error when inputting the data and whereas, with a hard copy or operating a paper environment, one can simply type over or delete information. The Bill takes cognizance of that.

Clause 21 provides that an electronic contract is void where a material error is made and no opportunity is given to prevent or correct the error, or a notification of the error takes place, and reasonable steps are taken to correct the error and material benefit or value is not received.

Mr. Speaker, it is important to note that this provision is intended to deal with what we call "key stroke errors". Electronic agents being only machines, we often do not

recognize key stroke errors. Very often, to prevent such an error, individuals communicating with an electronic agent are asked to confirm their action by clicking "Okay" or "I agree" as the case may be. So therefore, it is appropriate to provide some form of correction mechanism. So, clause 21 addresses that issue.

I turn now to how one determines when information is deemed to be have been sent. Obviously, these are legal issues that would arise when a document is deemed to have been sent and when a document is deemed to have been received. These are the points I feel that I must prevail upon, because the Member sought to suggest as I said, that the integrity of the electronic transactions is questionable and the devil is really in the details.

Clause 24 sets out what period is deemed to be the period when information or a record in electronic form is sent. Electronic communication is treated as being sent when it leaves the control of the originator. That is, when the originator can no longer prevent the transmission of the record or information. For example, an individual using email attached to a dial up or high speed connection to the Internet would send an email when hitting the send button and the message then leaves the computer. If the computer is attached to a corporate network, as is in the case of the Government network, a record or information is sent when the email leaves the relevant network. This is when it leaves the corporate mail server and enters the Internet service provider server. The record is deemed to be sent when it becomes capable of being accessed by the person to whom it is sent, and we have to converse when it is deemed to have been received.

Clause 25 speaks to that and a communication electronically is treated as being received when it enters the computer system of the addressee. If for example a company has a particular email address for dealing with consumer complaints and another for dealing with orders for goods, the message is treated as received when it reaches the perspective appropriate address.

Mr. Speaker, again, another safeguard is provided in clause 27, generally where the place of business governing the transaction is located. Because a company could have many different business addresses, but which one is the relevant one and which one is the material one. Clause 27 speaks to that. For example, where an addressee or a business has more than one place of business, then the place of business associated with the underlying transaction is the relevant location. The underlying transaction is intended to refer both to an actual commercial transaction and one that may not be completed. If a Scarborough-based subsidiary of the United Kingdom Multinational Company has entered into



a contract or negotiated with a supplier in St. Lucia for example, the place of sending or receipt with respect to the Scarborough company's communication will be Scarborough, although the company may have multiple locations across the United Kingdom and the Caribbean.

Mr. Speaker, I am not sure whether a clear definition of electronic signature was understood by my friend and for the benefit of the record, I would explain a definition of an electronic signature:

An electronic signature is defined as information in electronic form, affixed to or logically associated with an electronic data message which may be used to identify the signatory in relation to that electronic data message.

So there is a clear definition of what is deemed to be an electronic message.

The Ministry of Legal Affairs as I indicated, welcomes the legislation. That ministry perhaps more than any, because of the very nature of its business, because it records person's vital information virtually from the cradle to the grave, it is for that reason that the legislation is very timely and opportune. It would allow the ministry to be able to offer its services to a much wider audience, it would allow access to birth records, adoption records, marriage information, at a much faster rate and without the need for persons to physically come into the ministry.

The land registry as well, is responsible for land documents, title searches, issuance of certified copies and various documents concerning the registration of land. Additional, the Intellectual Property Office receives applications for trademark applications, industrial designs, copyright matters and patent information. The Consumer Affairs Division as I indicated earlier is mandated with monitoring all commercial activities in Trinidad and Tobago which relate to goods supplied to consumers.

Mr. Speaker, the Bill is also timely, since the ministry itself is moving very quickly to graduate as it were to a paperless environment, insofar as it is possible so to do. We will therefore be able to capitalize on the speed efficiency, the wide accessibility and cost effectiveness of such enabling legislation that will place the ministry and the Government as a whole, well on the information super highway.

The Electronic Transactions Bill and the Data Protection Bill really go hand in hand, since privacy of course is paramount and we take the point of the Member for St. Augustine, that privacy is an important sine qua non—[*Interruption*] if you wish. Member for Chaguanas West, it is Latin.

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**Mr. Warner:** Oh! [*Inaudible*]

**Hon. P. Taylor:** Consider it to be a Freudian slip. Mr. Speaker, the issue of privacy is important and privacy of course, has long been understood to have value in a civil society which respects the inherent rights and values of mankind.

In fact, section 4(c) of our own Constitution enshrines the right of the individual to respect for his private and family life. Also the universal declaration on human rights says that privacy is a fundamental human right.

**4.15 p.m.**

The Data Protection Bill speaks directly to protection of persons' private information, and that, coupled with the present one, would protect all personal and sensitive information of citizens as well as remove impediments to the conduct of electronic transactions that may be found in existing legislation, and also to ensure that no new barriers are created by new legislation or policies.

Mr. Speaker, one of the reasons the Bill is important to the Ministry of Legal Affairs is that, as is well known, the ministry has been producing free electronic birth certificates which have now become a requirement for persons who wish to access many of the other services the Government may offer; new passports, and services offered by the Ministry of Social Development. All these services first require the intended beneficiary to produce an electronic birth certificate.

Mr. Speaker, thus far, approximately 998,720 birth certificates have been issued out of a total of 1,020,000 printed certificates. [*Desk thumping*] So the Ministry of Legal Affairs is well on its way to ensuring that every person born in Trinidad and Tobago would be equipped with that electronic birth certificate sooner rather than later.

This, of course, was one of the initiatives to bring services closer to the people in keeping with the goals of Vision 2020. Another such initiative was the collaboration between mail-in, mail-out unit and tconnect. Through this collaborative effort, some 10,000 applications have been received for processing, 3,900 from the St James tconnect office and some 6,001 applications from the Princes Town office. I am sure the Member for Oropouche would be pleased with that.

Mr. Speaker, there has been increased demand for the certificates from the Ministry of National Security, Immigration Division, the Ministry of Education, the Ministry of Finance, Inland Revenue Division, the Ministry of Social Development and the Ministry of Health. In an effort to maintain increased efficient and time list, the

Registrar General's Department is currently upgrading the software application used in the Civil Registry. It is expected that during 2009, this upgrade will enable the registration of births, deaths and marriages from remote locations over the Internet which will include some of the major hospitals and health centres.

The Registrar General's Department will also be able to offer certificate verification services to other government agencies over the government backbone. The capability to accept online ordering of certificates using credit card services will also be available. In short, it is all about bringing services closer to the people.

Mr. Speaker, more on the work of the civil registry, we are proceeding apace with the upgrading of the software used in that department particularly through the e-government backbone. I am happy to inform the honourable House that the Companies Registry is also proceeding along this same path and we are moving apace satisfactorily so.

The issue of personal information is one that would come up time and again during the course of this debate, and also the issue of a unique identifying number. I wish to inform this House that Cabinet authorized the Registrar General's Department to develop a population registration system which would serve as a means of uniquely identifying each member of the population of Trinidad and Tobago. The population registration system project involves implementation of a system of automatic registration of births which would be used to facilitate the issuance of a unique identification number to each member of the population.

The project entails the establishment of an electronic register of the entire population and it is anticipated that it would form the nucleus of a unique identification system, the main objectives of which are:

1. To serve as the official authentic, civil government database providing all public authorities and the public at large with civil information thereby eliminating duplication of effort and unofficial sources of information.
2. To generate up-to-date valid listings comprising every member of the population.
3. To produce precise population statistics on completely up-to-date information without incurring significant extra cost.

Mr. Speaker, where is the Government therefore headed? With the Electronic Transactions Bill and the Data Protection Bill, the forward-thinking, visionary

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thrust of the Government is really with a view to expanding and enhancing our services to all citizens from the comfort and privacy of their homes. That is the ideal for which we strive, that persons would stay in their respective towns and villages and access much of the services, social and otherwise, that they need.

So what are the advantages of the Government's online services? Well, one is that filing could be done at the customer's convenience since online filing will be available 24 hours a day, seven days a week. Therefore, any customer can apply from home, his office, or with the evolving technology, that is to say, from a hand-held unit from virtually anywhere. It will also save time and money since customers do not have to come to Port of Spain, they can stay in Tabaquite or Couva North and access any of these services. There is also reduced delivery cost, traditional delivery expenses and delays are thereby eliminated with online submissions. There is also a quick response to applications made, since forms go directly to a central database there is immediate acknowledgement of filing.

Mr. Speaker, I wish to reiterate that these Bills were studied and the international best practices were studiously examined to see what would fit and I want to give the Member for St. Augustine the assurance that we will not be importing carte blanche the legislation from other jurisdictions so that it does not fit with the culture and social mores of our own country. Some of the jurisdictions we have examined were, of course, the United Kingdom, Australia, Canada, British Columbia and they all have similar challenges and registration systems and it is from those jurisdictions that we sought to glean the best practices.

Mr. Speaker, if I were to take one of them, for example, British Columbia Vital Statistics Agency is the provincial government agency mandated to register events, provide certification and identity information for all vital events occurring in the Province of British Columbia. From the vital statistics agency website, a customer is able to order the official legal certificates, or certified photocopies of registration for vital events that have taken place in British Columbia; for example birth, marriage or death.

Payment is made by using a valid credit card and the entire service is completely electronic, there is no need to download an application and mail it in. In order to make a payment using the online service, it must be made by using a valid Visa, Master Card or American Express. A secure link is provided through the British Columbian government approved credit card authorization system where payment will be authorized, the customer is then redirected to the registry's web page to confirm the information and, importantly, no credit card information is stored.

The payment option to order a certificate is secured and safe because when an online application for birth, death or marriage certificate is completed, the personal information entered would be sent electronically to the British Columbia Vital Statistics Agency. Information is encrypted prior to the transformation of data and sent in an encrypted format over secured networks.

**Mr. Ramnath:** Can you send that by email to me?

**Hon. P. Taylor:** Consider it done.

Mr. Speaker, so my friend, the Member for St. Augustine, fears are grossly misplaced, for we are merely seeking to do what so many countries in the Caribbean and the rest of the world have done. They have made mistakes, and we have the benefit of learning from those mistakes. Infallibility, as you know, is the prerogative of the gods alone and, therefore, no system is perfect but I am sure that with the precedents that have been put forward, you have quite a plethora of information that will safeguard that vital information of persons, the integrity of the transactions and more importantly it would make a lot of the information admissible for evidential purposes. As an attorney, that is vitally important. Once you are able to have that information admissible it would enhance the Evidence Act in a very real way. [*Interruption*] Five is relative; five out of 100, five out of 10 is relative.

Mr. Speaker, I will end as I started by saying that the Bill is very opportune and very timely, and I am happy to be able to enlighten my friend, the Member for St. Augustine, and the national community as to the merits of it.

Thank you.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for tea and will resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

[MADAM DEPUTY SPEAKER *in the Chair*]

**Dr. Roodal Moonilal** (*Oropouche East*): Madam Deputy Speaker, the measure before us dealing with the electronic transactions and matters related thereto is a very significant piece of legislation that took some time to come to the House and to engage the attention of all Members. This afternoon I propose to deal with some of the issues arising out of this Bill, but before I do that, I would

like to respond to a few statements and some issues raised by the Member for St. Joseph in piloting the measure and, indeed the Member for Princes Town South/Tableland who spoke before the tea break and raised some important issues and also took the opportunity to respond to the Member for St. Augustine when the Member for St. Augustine spoke on behalf of the Opposition earlier in the proceedings.

It is very difficult to speak after the Member for Princes Town South/Tableland. It is extremely difficult and challenging. It is very hard to lift your energy level to the heights that he has left this debate. In fact, I do not know if there was enough Hong Wing coffee in the tea room to recuperate after that contribution.

I wanted to start by dealing with one of the issues the Member for Princes Town South/Tableland raised. In response to the Member for St. Augustine and to the Opposition—and I would give him the benefit of the doubt; he innocently misrepresented what the Member for St. Augustine was saying. The Member for Princes Town South/Tableland took us to the industrial revolution in Europe, British Columbia and elsewhere—

**Mr. B. Panday:** And left us there.

**Dr. R. Moonilal:** At that point we would have slept, so I am not sure if he came back. I must tell the Prime Minister, this is really an ingenious way they have stumbled upon, to put the Opposition to sleep in the hope of missing this debate and missing some of the issues.

The Member for Princes Town South/Tableland, from the little I heard of him, sought to rebut an argument raised by the Member for St. Augustine. The Member for St. Augustine was raising a simple point. He said that as you contemplate moving into the information age of technology and computers and promote a culture of electronic transactions and so on, he said that this was fine, but he was making a point that the Government should really return to the basics and should ensure, before you get to electronic signature, and so on, that the basic equipment—in fact, not electronic, but electrical equipment—is working.

I would like the Member for Princes Town South/Tableland to tell us if he is convinced himself and when he would be discussing with his constituents and so on, if they are convinced that electrical equipment is working, that basic equipment like a landline is working. I think that is the point that the Member for St. Augustine was making. He gave a concrete example. He said at the office of the Ministry of Social Development in Tunapuna, the phone was not working. At the health centre in Ste. Madeleine there is no telephone line working there. So if a patient, an elderly person, a pensioner who is a patient at the health centre has to

call to enquire of the doctor, some information, or to even find out if the doctor is coming, there is no way to do it, because a patient would not have the cellular number of a nurse or of any official at the health centre.

So at the health centres you do not have telephones working; at the Ministry of Social Development you do not, and even at Government Ministries. Our constituents come to us and they complain that the telephone service at a ministry is frustrating. Sometimes constituents come to my office and I am sure they go to other offices throughout the country, and all they want a Member of Parliament to do is to call a ministry and make an enquiry for them. They have a number in their hand.

Members of Parliament will tell you that we get frustrated trying to call a ministry, whether it is the Ministry of Education, the Ministry of Public Information. At the Ministry of Labour and Small and Micro Enterprise Development I can tell you as a fact, their email and Internet system is not working at this time, and sometimes we get frustrated just calling to follow up, if an elderly gentleman would tell you he did not receive his pension. Try calling and going through the system to assist, just to get basic information and it is frustrating.

That is the basic information. The Member for St. Augustine was making that point. So if you cannot get that right, when will you get electronic signature, data messaging and inscription and all the big words we will come to in a few moments—crypto-technology and so on—when will you get that?

I want to draw your attention to an interesting point. Today we came here and this is February 18, 2009 and we are presented with some texts here—documents—“Legal Notices, Volume II” of the year 2000! This is 2000 legal notices! There is another big book here: “Acts, Volume I” for the year 2000. At this pace, in the year 2020 we will not get developed country status; we will get the book from 2009. That is the pace! So if it takes you nine years to bind a book, how long would it take you to complete all the legislative amendments and change the regulations to effect electronic transactions? How many years? This will not happen in the very near future. The year 2000 Acts of Parliament are here now, fully prepared in the year 2009, and I am sure if you go through these Acts, they may have been amended between 2000 and 2009. So you will have to get another reference document. That is the issue the Member for St. Augustine raised.

They introduced recently the water taxi and the ticketing system, to obtain a ticket and to use the facility, which is something very easy to put into operation through electronic and online means. That began with a chaos of being unable to expedite the sale of tickets and so on. With the performance of the Minister of

Works and Transport, one wonders with flooding, whether those water taxis could be used now to go to Curepe, St. Augustine, Princes Town; with the rate of flooding in this country. It is really nothing works.

So when we come here to deal with electronic transactions, this is the backdrop we are just putting for you, and these are facts. The fact is, the telephone line is not working in Tunapuna; the fact is Ste. Madeleine Health Centre has no phone. That is the fact! In the Debe Health Centre I can tell you from my own experience, the Minister of Health, Ramnarine Narace, came to open the health centre in Debe; the phone was not working. They came the night before and sent a man up on a post to fix the phone; it worked for two days after, because the Minister of Health was visiting the facility.

The Minister of Health went to the Ste. Madeleine Health Centre. They pained over a wall. I think he went to cut the ribbon to open the wall. They painted over the centre and said it was a new health centre—well, newly painted.

So this is the state that we are in. It is a state, as the Member for St. Augustine rightly said, of collapse, and this is what we bring to your attention. There are instances in the Bill where there is almost like an inbuilt paradox between what you are aiming to do with electronic transactions and how you are doing it; the means of getting there. One that comes to my mind almost instantly—and I heard my friend from Princes Town South/Tableland speaking of the Government Ministries and how many are online and they are functioning, and so on. That is fine. But to give effect to this measure, certain matters need to be published in the *Gazette*. Now, the *Gazette* is our crown colony means of communicating official record, and so on. But is the *Gazette* online? Could anyone say? I am not sure.

**Mr. Parsanlal:** Madam Deputy Speaker, yes, it is online; it has been online for quite a while.

**Dr. R. Moonilal:** Good. Well, maybe in this we can also indicate that it will be published on the *Gazette* online, because I have not seen it. I mean, I am just taking your word for it; I have not, myself, seen it.

The Minister also raised—as we are on that matter—the issue of fastforward. There is a website called fastforward by the Ministry of Public Administration and I have heard both Ministers of Public Administration and Public Information state that documents are available there. With the technology available we can check those documents now, but I saw two documents a few days ago, unless it changed yesterday. Those two documents, one was a household and business



survey and the other was proceedings from a conference on national communication and information strategy.

So I did not see a copy of the Bill. I am not saying it is not there, but I did not see a copy of this Bill on fastforward. And you know the situation as it relates to the use of electronic equipment in the House. We are logged off, so to speak in the House. This is what the Member for St. Augustine was bringing to the table. Because you see, if you cannot get the basics right, how are you going to get this level of sophistication that is required in this Bill?

There are a few issues in the Bill now that I would like to deal with, but I just wanted to put again on record, a statement made by the Member for St. Joseph in piloting this measure; that while this Bill binds the State—meaning the State becomes a party and the State is obliged legally to implement this at government buildings and public authorities and so on—it is very instructive that this requires to be fully implemented amendments to other pieces of legislation. The Member for St. Joseph pointed out the Exchequer and Audit Act, I think, and Financial Regulations.

Now, is there a timetable? Could the Government indicate to us whether or not there is a timetable when amendments pursuant to electronic transactions will be brought to the House to amend the Exchequer and Audit Act and/or Financial Regulations? Is there a timetable? Maybe the Minister in winding up would tell us when we can expect those amendments. Otherwise, what happens is that we pass this measure and it goes onto the shelf; it is the law of Trinidad and Tobago passed but never implemented.

### **5.15 p.m.**

The Exchequer and Audit Act and the Financial Regulations have to be amended. I suspect that the Attorney General may know. I do not know if the Evidence Act has to be amended or if clause 17 as referred to by the Member for Princes Town South/Tableland has a blanket effect of amending entirely the Evidence Act. I am using one or two examples.

In the history of our law, in many pieces of legislation, you have the referral to written submissions in writing. It has to be clarified that this has the authority to amend every piece of legislation before it. So everywhere you see “written” it is now legal and you can say “electronic”. It has to be explicit. There should be no room for another interpretation inconsistent with the intention of the Government. In due course, we will ask the Minister to tell us the timetable for amendments to other pieces of legislation.

*Electronic Transactions Bill*  
[DR. MOONILAL]

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I am happy that the Minister indicated that this would be the subject of a joint select committee of Parliament. At that meeting you may want to tabulate and get our technical people to assist in the pieces of legislation that would require amendments. It may well be 10 or 15 pieces of legislation to put this together.

Notwithstanding that this matter will go to a committee, I think that it is imperative for the Opposition to raise a few issues dealing with the Bill for the simple reason that in the aftermath of the deliberations and recommendations of the committee, we may not have the opportunity to put on record some of the issues. This is indeed the opportune moment. I will raise these issues here and they could become the subject of discussion at the committee stage. The technical people can address them.

I will make a point that I made in the data protection legislation debate. When explaining these matters of electronic transactions, because by definition they include technical terms and processes, it is sometimes necessary to make examples of how things work or how you are expecting them to work. There is reference to “electronic signature”. The layman who is the majority of Trinidad and Tobago that will be listening or reading the newspaper will hear electronic signature and think you are using a stylus to write your name.

Electronic signature, as I understand it, is any form of identification that is being used by a provider to identify a particular client or addressee. It stands to reason that an electronic signature could be numbers, pass codes, encrypted digits or symbols. The balisier could be an electronic signature for Belgrove Funeral Home. It came to mind. The balisier could be a signature of something. This is why the joint select committee is interesting. I am not sure if symbols like that are included in electronic signature. It could be a stamp.

As it is now, the committee will need to look at this matter because when you go online to check your account, balance enquiry or to pay bills you are asked generally to provide three pieces of information such as, a user name, password and some other piece of data that is specific to you. People will put their favourite pet or movie. *[Interruption]* This is why the Brian Lara Stadium cannot be finished.

At First Citizens Bank, if you go online to check your balance, you need to provide a user name, a log on and you have another question to answer. That is not a password. Member for Diego Martin Central, please correct the Minister of Sport and Youth Affairs. That is not a password. This constitutes an electronic signature of some sort. If that is an electronic signature you are saying that a bank, in this case FCB, would also have to be certified or accredited through a service

provider. The certification service provider will have to approve or accredit the formation and registration of an electronic signature.

Today, in the normal conduct of business, there are thousands and thousands of electronic signatures in operation. This has another implication. I know that the tech-savvy Members on the other side—not the Member for Port of Spain North/St. Ann's West; you play solitaire on the computer—on the front left will understand the concern that when you move into electronic transactions, are you saying that those persons and agencies that already use electronic signature technology will have to register themselves with a provider? How is that transition taking place? You also have CIF numbers. We have a situation where in Trinidad and Tobago 100,000 electronic signatures can be operating and to comply with the law a process has to take place.

The establishment of a service provider that can accredit, verify and register an electronic signature. What is the transition to get to that? How does a certification service provider happen in practice? Presumably, every bank in this country will now have to get certification service providers to approve them or become one.

If they are to become one, many organizations and individuals would become providers. In this modern day and age when you go on the Internet to use banking facilities and I imagine in the future, utilities, enormous transactions are taking place already. Now you have to legislate to provide for it because we have some concerns with that business. We can clarify the transition issue.

I move on to the issue of some of the definitional problems that arise. We spoke of the State and the nature of an electronic signature. This is interesting and I think that is why the Minister would move for this Bill to go to a joint select committee. Is my understanding correct? Is it the same joint select committee for data protection and electronic transaction? One joint select committee will look at both pieces of legislation and report. It has to do with this role of the data commissioner who is responsible for Part V of this legislation which is a very important area.

Several areas are in need of clarification, for example, clause 12(1) where there is a provision for an original form where any written law requires information, a data message or record to be presented and retained. The conditions of this include where there exists a reliable assurance as to the maintenance of the integrity of the information. One has to ask: What is this reliable assurance? What do we mean in a piece of legislation by the integrity of that system? It sounds almost like a social policy issue as opposed to a strictly legal requirement. What is the integrity of the information? This is a country with

no respect for integrity. The Member for St. Augustine pointed that out earlier. Where in the world do you have an integrity commission resigning because the court found that they had no integrity?

In this document, there must be information and the law requires integrity of the information. What is that? You may need to deconstruct that to get it into some type of legal requirement one way or another.

They speak here about reliable assurances. What are reliable assurances? From whom and to do what? At clause 12(2), the criterion for assessing integrity deals with message record remaining complete and unaltered. These are some of the issues that are nebulous, ambiguous and need to be clarified further. It may well be, whether or not you like it, that this Bill has to be expanded to explain more and bring more on to it so it leaves no room for guessing by any of the players.

I will raise an issue which was raised by the Member for Princes Town South/Tableland. If I followed him rightly—it was a little challenging, but I followed him—he made the point that in dealing with contracts you can conclude contracts or enter into through electronic means. The Member for Princes Town South/Tableland said that we have gone from the postal rule to the electronic rule. Technological issues are involved in that. With computer technology one can even change the date and time of computers, so that when you receive a message it will suggest a date and time that are not. You can programme that.

Somebody can send an email to someone and your computer will see the message was received at 5.27 and it was not the time. The computer could be adjusted. You can adjust a root directory and change the time and date. Those are dealt with, with binary codes. Everything in the computer reduces itself to one and zero. You may want to look at that and how you prevent fraud arising from electronic transfers.

You may have to go further and say that it is not only when a message is received, but also when it is acknowledged as received or think it through. It is not difficult to be adjusting a root directory and change time and date. It is not merely clicking on the clock. It is a bit different. You can commit some type of fraud if you are basing contract offer and acceptance on when someone sends and receives. In the old days you had the postal rule. Now you need to factor in the technology issue, that that could be manipulated easily.

The other issue I will raise deals with place of business, clause 27. The Member for Princes Town South/Tableland dealt with that. This is a sort of unusual occurrence where because you are dealing with electronic transfer and

technology, you cannot find a physical house, office, building or place of work. You have to take a last resort and say that if you do not have an office, we call your house the office. I think that this is the effect of this. There is a danger with that as well in that in doing electronic transfer and business, someone may not have a habitual place of residence or be in one country where he or she is doing business.

### **5.30 p.m.**

So if you are in New York and doing a lot of business in Trinidad on a daily basis, where is your habitual place of residence? That is why, in many countries, for registration purposes, they insist on a postbox because you will get lots of data from persons when they open a postbox. You get at least some more information.

The difficulty I looked at here was “habitual residence”. You may be dealing with cross-border transactions. Many people now are living in Miami and New York and conducting business in Trinidad. They own business here. Where is that habitual residence for the purpose of the electronic transfer of messages, contracts and business?

Madam Deputy Speaker, I discussed the electronic signature issue already and that will entail more than just writing. The strange thing about electronic signature is that it may not involve writing at all. That is why there is the misnomer of signature. We need to look at that. There is a lot of room for corrupting processes.

I want to get back to the very enlightening, eloquent, lucid contribution of the Member for St. Augustine, who opened the debate for the Opposition. I want to get back to that contribution because there is so much we can learn from it.

The Member was at pains to point out the corruption with this Government. I thought he laboured to explain to Members opposite the lack of trust and how systems and institutions are corrupted in Trinidad and Tobago. The certification service provider is a completely new system and institution to be embarked upon. Unless I am mistaken, this will be completely new to Trinidad and Tobago. I am not sure that anything like this exists. So you are creating almost a new sub-industry of the technology sector and there must be regulations, rules and oversight of this type of area because this goes very deep. This is more than getting people's addresses from T&TEC and WASA or from the telephone company. Sometimes people who do a lot of marketing get your address from somewhere—a directory or whatever—and they post you things in the mail.

That is one thing; it deals with your address. But when you deal with electronic signatures, it carries more information. It could carry financial data—

all types of data can be used for electronic transmission by access through electronic signatures. If this system is corrupted, then “all fall down”.

As the Member for St. Augustine said earlier, it is more than kidnapping. This has the potential for an enormous amount of “white collar crime” and identity theft where people can take your credit card, forge an ID and max-out the card. If you get a card from the Member for St. Joseph or the Member for Lopinot/Bon Air, then you can probably buy a BMW X5, but you do not want a situation where persons can get financial information and use your credit card information for no good.

I want to make a serious point. Sometimes when we bring progressive legislation, we say, as a cliché, that the legislation is okay, but it is the people who are implementing it who will never do it. That is the key feature of the address of the Member for St. Augustine. There is a cliché when you bring legislation; you say that the timing is excellent; it is an opportune moment. This is the worse timing. This is a time when insurance companies, the investment community and the financial sector are in chaos.

Just 24 hours ago—it is now, I think, confirmed that Sir Allen Stanford was arrested on charges of fraud. They have frozen his assets in the United States and elsewhere. The amount of money involved, I think, is US \$8 billion. Sir Allen Stanford was headquartered out of St. John's, Antigua. I understand he was charged in St. Croix.

Sir Allen Sanford has business throughout the Caribbean, like others, and a lot of that type of information, from that community of bankers, is done through electronic means. At this time, when that system is losing faith and confidence, we are trying to put that system in place, hoping we can find confidence.

The Member for D'Abadie/O'Meara told us two years ago that we were immune from international financial conditions. I think the Minister of Finance was immune from the truth because, as the facts demonstrated, it has come tumbling down like a pack of cards, so that we are now borrowing money to live.

Hypothetically, I did not have the opportunity to bail out my \$100 from CIB. Had I known; had I been in a position where I had my Permanent Secretary on the Central Bank board; had I been in a position where I had access to certain financial information, I would have been in a good position to take out my money. I could not benefit from that, so, like the Member for Couva South, I would have to look on and wait anxiously to see what is happening with investments across there.

In Trinidad and Tobago today there is something we call Internet providers like Green Dot and Blink, and now we are creating another pool of providers in the context where that sector is now under challenge in terms of confidence. I say to Members of the Government that really nobody has confidence in you. I say that with respect. So if you are going to say that the Government will step in to regulate, to assist and put things in place with certification service providers, all fall down. There is no faith at all in the State.

Can you imagine—this is frightening—if there is a leak at some one of these service providers relating to electronic signatures of companies, what damage that can do? While on that point, I want to raise a related matter. The Member for Princes Town/South Tableland went through, painfully, the Bill clause by clause and led us in a certain direction and dealt with the issue of storage. When we provide for certification service providers, we also have to think of storage and the security of storage.

Yesterday, there was a fire in San Fernando at the police station. *[Interruption]* I will tell you why it is important.

We are dealing with the storage of critical information. I am told that the building that was destroyed by fire housed the property keeper's room where they store exhibits, narcotics, documents, arms, ammunition to be used in criminal proceedings at the courts. This is the storage of hard, physical evidence. If you look at the extent of that fire, the door was iron, but when iron is heated it destroys all documents so you can never use those exhibits to go to court to seek a conviction. We may have the alarming and frightening reality of bandits, murderers, kidnappers and robbers being discharged because there is no evidence to prosecute. You cannot stand there and say there was an iron door. An iron door in fire!

When you cannot provide for storage of physical material, what storage are you providing for electronic data? Which is more difficult and supremely complex? *[Interruption]*

My friend, who learned to type on a computer a few weeks ago, suggests that it is simple. However, if you know the Member for Port of Spain North/St. Ann's West, when he is playing solitaire on the computer, nobody disturbs him. Stick to king, queen, jack, 10 and 9 and come down. You are about jack and come down so stick to that. *[Interruption]*

I know that the Minister of Finance will be more animated now because she looks safe and secure. I would like to explain to the Member for Port of Spain North/St. Ann's West that storage of information is simple to him, but to people who really know the use of technology, it is very simple to access.

There are hackers in the world. There is a nine-year-old Indian boy in the United States, who is now creating software—he created software at four years of age. When they found him in the school system, do you know what his hobby was? It was cracking codes and hacking. He was hacking into different databases and databanks. *[Interruption]*

I am not concerned with that; I am dealing with hacking. You can be hawking about something else. Today people who are trained in technology will tell you that there are systems they use now that can access codes and inscriptions; that can deal with electronic signatures. There is always a counter technology and these service providers must be on the cutting edge of technology.

Should I expose them with their lack of technology? These are people who use the computers in Parliament and sometimes leave documents because I do not think they know how to store them. The other day the Member for St. Augustine pointed out something to me and I could not believe it. Clearly, one of them could not store information and left it hanging around—some of their Balisier House business. Of course, we pressed “delete”. We are not concerned with that. It is almost funny; but it is not funny when you think about the techno-illiteracy and technophobia that exist.

**5.45 p.m.**

It has some interest for the Member for Diego Martin Central as well. The point I am making is that we must guard against the corruption of this system that creates the certification service providers and we must ensure that it is not corrupted.

I made the point earlier about the *Gazette*. There is an issue of one daily newspaper at clause 35, but we can deal with that elsewhere in the committee room.

I wanted to point out some of these things in this Bill, because some of it is truly amazing. I think my friend from St. Augustine made the point that when you cut and paste documents, you must be very careful, because it becomes incoherent and sometimes lose shape. It is very interesting; we are dealing with e-signature, email, electronic and online transactions. Clause 35(6) states:

“Where the Data Commissioner rejects the application, the person so affected may apply in writing...”



They should not apply online. If you feel aggrieved by the Data Commissioner, apply in writing. The Bill states that if you are rejected, you apply to become a provider, and he rejects you, you should apply in writing. It just sounds crazy. We dealt with the issue of certification service providers.

Again at clause 36—*[Interruption]*

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. *[Dr. H. Rafeeq]*

*Question put and agreed to.*

**Dr. R. Moonilal:** Thank you very much, Madam Deputy Speaker, and thank you to my colleagues on both sides of the House for your indulgence.

At clause 36—requirements for a certification certificate provider that issues accredited certificates—they deal with several requirements. This is a very critical part of this Bill; the requirements for a certification service provider that issues accredited certificates. If you are providing certificates, what are your requirements? There are several, (a) to (i). There are requirements to employ personnel who possess the expert knowledge experience in security, with regard to management technology, security procedures—I imagine that is technology-related security.

Clause 36(d) states:

“maintain sufficient financial resources to conduct his or its operations in accordance with these requirements...”

What is sufficient financial resources?

*[MR. SPEAKER in the Chair]*

Do you anticipate that you will clarify that by order or by regulations? You have put:

“maintain sufficient financial resources to conduct his or its operations in accordance with these requirements...”

If you are going to do it by order or regulations, you probably need to cite it as the Minister may, by regulations, determine as per classification of providers. You may have different providers at different ends of the spectrum. You may have a

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small provider, as opposed to having a very large institution; a multinational energy corporation as a provider. It is the same issue as satellite television. You may have somebody in a rural district doing a business as a provider. When you say “maintain sufficient financial resources”, how much? Who monitors this? Is this like the statutory fund?

We had a situation recently where companies were supposed to have maintained a statutory fund. We were told that one key institution, CL Financial, did not. When the question was asked by the Member for St. Augustine to this House, the Minister of Finance said: There may be other companies as well that are not within the statutory requirement; outside. Nothing is being done.

This reminds me of an issue coming up now in the United States in the aftermath of Allen Stanford’s collapse. Do you know regulators would not be subjected to legal proceedings? It may well be that private sector companies take regulators to court for failing to conduct their statutory functions; for negligence. Persons are saying if they cited Stanford in 1998, in 1998 they had doubts and raised suspicions about Allen Stanford. In 2009, when it crashes and presumably a lot of people lose their money, then at some point the regulators are to be blamed.

The HCU is an issue of regulation. The regulators are to be blamed. In CL Financial, the regulators are to be blamed. We are not saying that persons in HCU or CL Financial could absolve themselves of responsibility for their management, but where you have state regulators in place to monitor in public interest and the interest of citizens, then it is the regulators who must assume blame and liability when you have a crash like that, certainly like the scale we are looking at today. In this situation, you are again creating, in law, a scenario where providers, in this case, must maintain financial resources to conduct operations. There is no indication of how much the formula, who would regulate and how it will be regulated.

Mr. Speaker, I move on. There are issues of confidentiality raised and no one can complain about that; responsibility to cooperate within an audit by the Data Commissioner. We come back to the Data Commissioner. A few days ago, we described it as a “national maco”, but the Data Commissioner, under Part V, is responsible for establishing the machinery and institutions to supervise and to have oversight of the certification service providers for this piece of legislation. That is where we raised a host of problems associated with the Data Commissioner. We were suggesting, on this side of the House, that we do not deal with an office of Data Commissioner, but of an Information Tribunal with tribunal members that may include the Data Commissioner, but certainly a board to deal with the complaints and

appeals, rather than give one man that power; create a body.

The Government, on that day, raised an interesting argument. I thought the Member for Lopinot/Bon Air West had raised it, in that persons can still go to court. In the modern governance, there is actually a movement away from court; long drawn-out litigation and from expenses and costs associated with taking a lawyer. It is really in the interest of government to promote that type of governance, where you create tribunals and bodies with what they may call quasi judicial powers that can provide the assistance in appeals and save persons, in some cases, poor people, from going to the High Court, taking a lawyer and having to pay money.

We all know of the situation with the courts. For many years you would start an action and in 10 years or 15 years, you would get a judgment. Today, when you read judgments for January 2009, they were matters initiated in 2002. What you are saying to persons who are aggrieved is: take your matter to the High Court. If you are aggrieved in 2010, wait until 2020 for determination.

The Opposition is making the recommendation that we consider appointing a board or a tribunal to deal with these matters. It may not be a lot. It is not a situation where there might be fast and furious complaints and appeals. When you have those complaints and appeals, if you send those persons to the court, it will take a long time and incur costs that are unnecessary. Sometimes you go through that process, when a citizen takes the state institutions to court and the state institutions have to pay, whose money it is coming from? Who is paying that? It is the taxpayer.

We had a situation recently where a citizen took the Integrity Commission to court. I think the Member for St. Augustine raised the matter earlier. The court ruled that the Integrity Commission had no integrity and taxpayers' money went to pay. How much was it, \$100,000 with interest? Because of the personnel who acted contrary to the law, public officials, taxpayers had to pay the bill for that. The bill does not come from the pocket of the people. "Dey resign and gone dey way. Dey eh lose ah penny. Dey resign and sen in ah letter." Taxpayers have to pay when a public authority breaks the law. To prevent these cases, establish your tribunals, put them in place, put the qualified relevant people, so that you can deal swiftly with matters and save the litigation, the expenses and the cost to the taxpayer.

You noted that a police constable from San Fernando was involved in a civil action and it went to the Privy Council. The person who took up the action got, I think, half of a million dollars. "Whey dat money coming from? It coming from

de pocket of the constable?” In fact, he probably got promoted by now. He is probably a sergeant by now. It comes from taxpayers.

When we take the approach that every time you have a problem go to court—“If yuh have ah problem appealing, go to court.” Eventually it is the taxpayers that pay. Public officers do not pay; taxpayers pay. This is why the Opposition has made the recommendation to create an internal mechanism to deal swiftly with complaints. We hope that the Government would take note.

I raised the matter earlier with the habitual residents. I do not want to deal with that again. We have raised the issue of the Data Commissioner and appeals to the Data Commissioner.

Creating directory—I want to look at clause 45, which deals with additional responsibilities of a certification service provider. The certification service provider, you can call it CSP for short, I imagine, shall ensure the operations of a prompt and secure directory of certificate holders and a secure and immediate revocation service that makes it possible to check whether an accredited certificate is revoked, the validity period of the certificate, or whether the certificate contains any limitations on the scope of value of the electronic transactions for which the signature is used. This brings back the same problem we raised earlier. There is a transition to put into the structure of the legislation, the providers that exist right now; that are already there. There is a requirement to do that. There is a requirement for the provider to revoke certificates in the event that there is a breach. What has to happen, therefore, is a bigger challenge now and this thing gets more as you go along.

You have to look at the existing providers to see whether they are compliant, even today, with the legislation, because if they are providers today and they are not compliant with this legislation and you pass this, then they are breaking the law. They are operating now. They have been operating for the last five or 10 years in this country. This requires some process of education, consultation and participation between who you imagine to be providers, that community, banks and businesses that are already using electronic signature, because they need to comply with this law.

The Minister, unless I missed that part of his contribution—I was not sure the extent to which the Ministry had undertaken consultation on this matter and if there was. The Minister is suggesting that you had consultation in the aftermath of this. Surely, before implementation, there must be some education process or some public information diffusion, so that persons will understand that if they are already operating with electronic signatures, they are already using electronic

signatures, they need to streamline and comply with your legislation, otherwise that may pose another problem for them.

**6.00 p.m.**

You do not want a small company using electronic signature to be visited suddenly by a provider to revoke a certificate, or to say that the company has no certificate so it cannot get one, because it has not complied with the Act. The Bill deals with the liability of the certification provider, intermediaries and telecommunication service providers as well. This is probably easier to understand because of our knowledge of Internet technology, and the group of providers in the information sector at the moment. It is probably easier to understand that and relate to it.

Part VII deals with Government and other public authorities. As we said before, that is something that is going to be discussed.

The position of the Opposition is very simple. The Opposition is prepared to support the Government with any piece of progressive legislation. However, the Opposition has a duty to protect citizens—businesses, companies and ordinary citizens. If the Opposition looks at a piece of legislation and sees that there is room for authoritarian practices, for draconian practices, or if there is room for corruption, or if there is room for the Prime Minister to abuse this Bill for some purpose—this is a country where the Prime Minister stood in the Parliament and went on the official *Hansard* record and said he was spying on the Member for Siparia. He said that the Member for Siparia had some contact at a commission somewhere and he knew that. Now, unless the Prime Minister is running around Port of Spain or hiding behind a lamppost or some bushes watching people—the Prime Minister is using equipment and instruments available to the State to spy; simply put. He is spying everywhere now.

With an administration like this, you have to be very cautious about exposing ordinary citizens and businesses to this type of culture, especially innocent persons. Unless I am mistaken, all our friends opposite make very hefty salaries. I am sure with their banking business and so on they will want to protect their banking information from the Prime Minister. As it is now, they will have an electronic signature. Some of us can guess their passwords. It might become easy to guess some of their passwords.

**Mr. Ramnath:** Point Fortin is Toyota.

**Dr. R. Moonilal:** We could guess their passwords like BMW and so on; some of

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the luxury items they have. Mr. Speaker, this is a dangerous piece of legislation in the hands of a government that is prone to tyranny. It is a dangerous piece of legislation.

I want to make reference here to a place that they do not like to hear about, it is a place called Zimbabwe where Morgan Tsvangirai has been elected prime minister. Incidentally, it is a very historic moment that someone who has been exposed to the brutality of that regime for over a quarter of a century has really persevered and showed the courage and determination. Today, he is the prime minister of the country. That is the Rt. Hon. Morgan Tsvangirai. This is relevant because in those countries they use brute power to oppress their political opponents.

In this country, one could use electronic technology to oppress his or her political opponents. You can use the courts, the police and this type of legislation to get information to invade the privacy of political opponents. *[Interruption]* You are not going to understand that because you are a disciple of the Member for San Fernando East. So, you will not understand that. That is why the Opposition must speak in a loud voice on these matters and ensure that we have the checks and balances and the protection for citizens and organizations that could eventually benefit under this piece of legislation. That is simply the role of the Opposition.

Mr. Speaker, we are hoping that at the joint select committee, we would have an opportunity to raise these issues but, more importantly, to hear from some of the technical people, because they may have some answers to some of the issues that we have raised, and they may be able to tell us much more about certain provisions here that are unclear at best. We look forward to that. I thank you.

**Mr. Speaker:** The hon. Member for Caroni East. One minute, please. If you want to speak, you must get up.

**The Minister of Information (Hon. Neil Parsanlal):** Mr. Speaker, I rise to join the debate on a Bill to give legal effect to electronic documents, records and signatures. As I do so, I promise that I will be brief in my comments, because we had decided a long time ago that this Bill would go to a joint select committee, but for us to leave some of the assertions made by Members opposite unchecked would be to do a disservice to the national community. Therefore, I want to pay some attention to the last Member who spoke, the Member for Oropouche East, as well as my friend, the Member for St. Augustine.

I want to begin with the Member for Oropouche East who spoke about the potential use of this legislation for spies. I just want to give him the assurance he is seeing too many spies jumping out behind windows, so much so that he is even

seeing spies in his own camp now. So, be very careful that you see them often and that you are now seeing them even within your own camp. It is not necessary.

**Mr. B. Panday:** Having heard him, you have to speak.

**Hon. N. Parsanlal:** Member for Couva North, there is much that could be said in this Parliament. There is a philosophy amongst Members opposite that the good citizens of this country should always be kept in a state of backwardness. There is this philosophy that is perpetrated and promoted by them that our citizens are never good enough, and the people of this country should never be moved from one position to a more enhanced quality of life.

The Member for St. Augustine said that we have not yet reached this level of sophistication so that we could really enjoy the benefits of this legislation. I want the country to understand what is being said by Members opposite, and that is the good citizens out there who are watching us this evening are not good enough. That is what the Opposition said. You are not good enough and you have not reached this level of sophistication to enjoy the benefits of the Electronic Transactions Bill. That is what they continually say to the people of Trinidad and Tobago. Respectfully, my friends on the other side, I wish to disagree.

There is a level of schizophrenia even on that side. On the one hand, the Member for St. Augustine says that this legislation is irrelevant to the needs of the people, and the Member for Oropouche East jumps up and says that this is very progressive legislation. So, try to make up your mind about exactly what is happening on that side. That is the contempt with which this House and the national community are treated.

On the one hand, the erstwhile Member for St. Augustine says that this is irrelevant legislation, and then the Member for Oropouche East says that it is progressive legislation. They do not know which side they stand on. Who is the Chief Whip on that side? I am not sure. There is a schizophrenia that we do not know what is going on and we do not know what is their position. *[Interruption]* Progressive, but not required! Is that the Chief Whip? One understands.

You see, it is damned if you do and damned if you do not. If you bring the legislation it is irrelevant, and if you do not bring the legislation we are wasting time. Make up your mind. When we come here to do the people's business, we ensure that what we do and the legislation we bring impacts on every single citizen of Trinidad and Tobago. We are going to demonstrate why.

When we spend money on constructing buildings, they tell us that we should not spend it, and then they complain about the lack of facilities in public

buildings. Make up your mind about what you want from us. When we talk about improving amenities for public officers and improving the quality of their existence where they work and so forth, they say that we are spending too much money. That is inconsistent and schizophrenic behaviour on that side. We just want Members to be in a consistent position, and that is going to help a lot in ensuring that we get through the business of what happens today and what happens with the legislation that is before this House.

As I said, this legislation is for everyone. When we bring legislation it is not about who is rich and who is poor; who is black and who is white; but the legislation is designed for each citizen of Trinidad and Tobago.

**Hon. Member:** What clause are you on?

**Hon. N. Parsanlal:** Mr. Speaker, the entire Bill before us is relevant. One of the comments made is that this Electronic Transactions Bill will not help poor people; this is courtesy the Member for St. Augustine. He stands on his legs and faces the national community and says that passing an Electronic Transactions Bill will not help poor people. Mr. Speaker, it is probably because he does not know too many poor people. We on this side are very familiar with them. [*Desk thumping*] We deal with them every day. The legislation that we bring is to support them and all other sections of the population.

Mr. Speaker, electronic transactions in Trinidad and Tobago and the pursuit of electronic transactions are to improve the public service. The hon. Member for St. Joseph, the Minister of Public Administration, has been at pains to point out to the national community and to this honourable House the whole question of the operations of the tconnect centres. One cannot sit there or stand in this House and honestly argue that the tconnect centres are irrelevant to the needs of Trinidad and Tobago. To say that to poor people is being dishonest. I know the Member for St. Augustine is not a dishonest man, and he would not stand and purposely mislead the House. I know that. I am confident about that.

I want to tell him that when he says that the Electronic Transactions Bill will not benefit poor people, perhaps he is a little misguided. Perhaps, those persons that the Member is listening to are leading him down the wrong path. You and I know that there are tconnect centres that have already been established in Arima, Princes Town and St. James.

**6.15 p.m.**



Perhaps when next in St. James, rather than stay around by that corner where most people congregate, go down a little further, you would see the ttconnect centre. *[Interruption]* I am not going to call the names of any corners.

**Ms. Kangaloo:** I do not know the corner.

**Hon. N. Parsanlal:** Perhaps it should stay so, Member for Pointe-a-Pierre. We want to give the national community the assurance that additional ttconnect centres would be opened in Sangre Grande, Chaguanas, Tobago, Tunapuna and in Point Fortin. These ttconnect centres are designed to ensure that Government services are brought much closer to people.

So, Mr. Durga from Bamboo—the person who you mentioned—can stay in the comfort of his home, because he has a computer, his children have computers. *[Interruption]* Might I suggest, as the Member of Parliament, that you convey to Mr. Durga that there are certain provisions and services offered by the Ministry of Social Development that would allow him a \$900 provision for medication for three months as long as he applies and he qualifies. Advise him of that, as the Member of Parliament. The information is there, it is available through the Ministry of Social Development on the website and there is CDAP.

There is a centre five minutes from the office of the Member for St. Augustine; advise them to go there and access the services that this Government has provided for every single citizen of Trinidad and Tobago. *[Desk thumping]* *[Interruption]* You did not know? Well now you know. We make the point that here it is in Trinidad and Tobago we provide the services to the people. *[Crosstalk]*

**Mr. Speaker:** Order!

**Hon. N. Parsanlal:** This Government has also provided a level of education to our citizens, where young Mr. Durga, son or daughter, by now would be completely tech savvy, because he or she is getting an education, perhaps even a university education, provided free by the Government of the Republic of Trinidad and Tobago. He can use the computer that he can access through the HELP loan, again provided by the Government of the Republic of Trinidad and Tobago, and access these services.

Member for St. Augustine, you are looking at it in isolation. We have reached the stage now, where even our senior citizens, our elderly personnel are accessing the computers. They are online and they are making their presence felt. There are senior citizens centres that have been opened through the Ministry of Social Development, where all of this is available. Send Mr. Durga, ask him to attend

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one of those, do not just stand there and throw your hands in the air. You, as the Member of Parliament, need to find out first what are the services available and inform your constituents. If you do not the Ministry of Information is very well available for your assistance, my brother.

**Mr. Bharath:** Is your website working?

**Hon. N. Parsanlal:** You can call me at 622—MOI or news.gov.tt [*Laughter*] You can get the information there, okay. The Member for St. Augustine stands in the Parliament and says to the national community that this legislation will not help poor people.

We want to make the point that there are so many ministries already providing electronic transactions for people, so there is access even from the comfort of your own home. You do not have to face the traffic; you do not have to leave your home; you can access it from there, or go to one of the computer-assisted centres and you would have access to the information.

My friend, the Member for Princes Town South/Tableland, spoke of the strides being made in the Ministry of Legal Affairs. I do not think anyone can stand and honestly say that we have not moved the Ministry of Legal Affairs. Just for the sake of the Member for Oropouche East, he lifted the books that we were all supplied with and spoke about them being 2000.

I remember very clearly, the then Minister of Legal Affairs providing the citizens of this country with an electronic copy of all the updated laws of Trinidad and Tobago, and that was since in 2006. Again, the Members opposite come to this Parliament week after week and misinform the public; peddling untruths, I am told. One wonders when the Member for Oropouche East says this is the role of the Opposition; is that the role of the Opposition to stand in the Parliament week after week and provide misleading information to the national community when you know better? They know better, and yet week after week they stand and this is what they do to the national community. It cannot be right.

We spoke of the Licensing Office, the Ministry of Legal Affairs, the Ministry of Trade and Industry, the Ministry of Public Administration, the Judiciary, all of these agencies, scholarships online. There is an article in today's newspaper about the e-auctions. We are now moving to the point where the Government is saving approximately \$30 million by engaging in electronic auctions for tenders. Yet still the Members opposite come to this House and say that this legislation cannot help poor people. [*Interruption*] I was told once, that a man often speaks about what is closest to his own heart. [*Desk thumping*] And if the first word that pops out of your mouth is

corruption, then one must wonder. I understand the Member for St. Augustine very well. I understand your frustration, my brother, because you did not come into this to sit on the Opposition, and to be faced with this, where you have nothing else to say but to add to the barrage of misleading comments that come from that side.

**Mr. Bharath:** Do not worry, it would not be long.

**Hon. N. Parsanlal:** I know it would not be long, unless you intend to resign.

Mr. Speaker, I want to answer the question, how will this Bill help poor people? The existence for instance, of a secure network connecting all ministries have set the platform for improved service delivery. The delivery time now for Government services will be cut down and that is going to help poor people.

The new channels for interacting with Government using technology: we have the online; we have the kiosks that are going to be rolled out throughout the country; we have very high mobile penetration, and I would come to that after, because you made a point about Internet penetration. I will provide you with the most recent information, which is available, but which you perhaps did not have access to for one reason or the other; you could not use the computer.

This electronic transaction is important; this legislation is important for poor people as well, because it means that there is higher accessibility and availability of Government. No longer does one have to confine oneself to 8.00 a.m. to 4.00 p.m., in order to access a Government service you have to run on your lunch time or you have to take time off from work. That is why we are doing it.

So, to stand there and suggest to the national community that this Bill is not important or will not help poor people, is disingenuous, misleading, and you ought not to stand in front of your constituents and be the purveyor of that kind of information. You ought not to do it, and nobody on that side should do it when you know very well that much can be gained from the passage of this legislation.

More than that, Mr. Speaker, this legislation opens up new doors for entrepreneurs and small businesses, because now there is access to wider markets. Trinidad and Tobago is no longer the only place that is available. As we engage in electronic transactions; as we engage with other countries where we are sure, through the Data Protection Bill, that they enjoy similar regulations and legislation, they can now trade freely. The Member nods his head in approbation because he knows that it is true and yet he stands before this House and peddles his misinformation.

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One ought not to engage in that. We are here to serve the people of Trinidad and Tobago. Whether you sit on that side or this side, we are about the same objective; that is serving the people of Trinidad and Tobago, but I know that bad habits are hard to break.

The legislation will help poor people because it allows us greater accessibility, greater interaction, with not just ourselves— We had the information and the opportunity here where the minute the Member for St. Augustine said something, the Member for Tunapuna could immediately get on her blackberry—her iphone, sorry, we even progressed beyond that—contact her Ministry and provide us with real time, with accurate data to dispel the misinformation that is being peddled in this House. I think I have dispelled his argument about this legislation not being for poor people.

Mr. Speaker, there was a second point that was raised by the Member for St. Augustine, and we cannot allow that point to remain on the record without being corrected either. That point is about the manner in which legislation is being brought to the House. He said the Government does not seem to have a plan for the legislation.

I want to remind him of his own side's commendation of the Attorney General, when on Friday, December 12, 2008, the penultimate sitting of the House, she presented a very comprehensive legislative agenda—[*Interruption*] Perhaps, and you survived—that outlined in great detail all the legislation that would come before this House in this current sitting of the Parliament. It is all there, and still the Member for St. Augustine got up in this House and said we do not know, and that legislation is being brought in an ad hoc manner. I want to quote for you December 12, 2008, a statement by the Attorney General in this very Chamber where she said:

"The Electronic Transactions and Data Protection Bills are also now on the Order Paper and shall constitute early business in the new session, all this is further evidence of the Government's commitment to the deepening and strengthening of our financial sector."

December 12, 2008; and the Bills were already on the Order Paper then.

**6.30 p.m.**

So, when we come a couple of weeks after we have reopened the sitting of the House, this session of Parliament, and present for you the Data Protection Bill and this week the Electronic Transactions Bill, it is not ad hoc, it is all here.

**Mr. Bharath:** What about the crime Bill?

**Hon. N. Parsanlal:** You see, every time we refute one of your points you change course.

**Mr. Bharath:** What about the crime Bill?

**Hon. N. Parsanlal:** It is all here. Might I suggest, Member for St. Augustine, you avail yourself of the *Hansard* record of Friday, December 12, 2008 in which you will find the Government's clear direction on its legislative agenda for this session of the Parliament.

**Mr. Bharath:** And crime will not be on it.

**Hon. N. Parsanlal:** Mr. Speaker, the Member for St. Augustine spoke about the structures, the platform, what do we have in place—

**Hon. Member:** Infrastructure.

**Hon. N. Parsanlal:** Infrastructure—and he spoke of Internet usage and what electronic means we have of communicating with the people. But you see, Mr. Speaker, very often when we are very involved in something, we cannot see beyond where we are, beyond our noses, because the very debate that we are engaged in here is one means of electronically communicating with the good people of Trinidad and Tobago.

This debate that we are engaged in here, including your time before the television, is carried live on national television. We have provided the means, *[Interruption]* we have liberalized the telecom sector and we have provided the means where the people of Trinidad and Tobago can see all that goes on in this House live on their television from gavel to gavel, from the time the Speaker walks in at 1.30 p.m. to whenever we close off the session. *[Interruption]* And this is why I speak to the misinformation. I know as a man of great respect you cannot live with this for very long. You cannot live with that manner of behaviour for very long so I am agreeing with you; it would not be for very long. You see!

This debate is on from gavel to gavel and not only on television but also on radio so that citizens, whether in their cars, whether at home on their television, *[Interruption]* whether abroad and listening to this on the Internet because it is also streamed. So this is just one example.

**Mr. Bharath:** But the poor people we are talking about.

**Hon. N. Parsanlal:** The poor people have access to television; the poor people have access to radio. You see what the Member for St. Augustine considers, particularly, to be poor, might not be what the rest of Trinidad considers to be poor, you know. One television and a radio in Trinidad is okay, you know, but

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apparently for you if you do not have one in every room that is poor.

**Mr. Bharath:** I am speaking about the poor people in Bamboo and Spring Village.

**Hon. N. Parsanalal:** Who all have televisions and radios. *[Interruption]* The point I am making is that this very exercise we are engaged in is going directly to their homes and very shortly the Parliament will go free to air so that every single home—*[Interruption]* It will be on cable and also if you do not have cable you would have access to it. But every single home in Trinidad and Tobago will be provided with a means electronically of understanding what goes on in the Parliament; of understanding when their representatives get up in the Parliament and make statements that are completely erroneous.

**Mr. Bharath:** They are not concerned about that. They are concerned about medicine, flooding and drainage.

**Hon. N. Parsanalal:** Mr. Speaker, I want to advise the Member for St. Augustine as well, there is another website—again, I will give you the benefit of the doubt, you did not know, you did not do your research properly—news.gov.tt. Let me repeat it for you and for the national community; that is n e w s . g o v . t t . On that website that is provided by an agency of the Ministry of Information, you will get news every day about what is happening in Government, access to Government services and that, my brother, is updated every day—

**Mr. Bharath:** And how is it helping poor people?

**Hon. N. Parsanalal:** You talked about communication. *[Interruption]* You see, do not be shifting the goal post. *[Interruption]* We also have other instances where we are communicating.

**Hon. Member:** You want more time?

**Hon. N. Parsanalal:** We are talking to the people.

**Mr. Bharath:** My partner is coming after.

**Hon. N. Parsanalal:** And we wait with bated breath. *[Interruption]* We expect him to speak, we expect it.

The other bit of misinformation that was told to the national community is about the Internet penetration; that in Trinidad and Tobago it is only 12 per cent.

**Mr. Bharath:** 12.3 per cent according to your source.

**Hon. N. Parsanlal:** Oh sorry, 12.3 per cent. *[Interruption]* And I would ask, where is the source? What is your source for that information? Because, our information and the latest statistics that are available to us say, “Internet usage in Trinidad and Tobago is approximately 40 per cent.”

**Mr. Bharath:** We are not talking about PNM propaganda here you know.

**Hon. N. Parsanlal:** We are not talking PNM propaganda, my brother. *[Interruption]* We are not talking any propaganda, we are talking Trinidad and Tobago's Internet usage as at February 18, 2009 is proximately 40 per cent.

**Mr. Bharath:** What is your source?

**Hon. N. Parsanlal:** And that has come from the Ministry of Public Administration; you could check their source. Ministry of Public Administration is responsible or has the line authority for the Telecommunications Authority of Trinidad and Tobago. Okay?

But more than that, Mr. Speaker, it is noteworthy that Trinidad and Tobago's mobile penetration is approximately 140 per cent, and that is the fourth highest in the world. So when we begin to talk about electronic transactions and being able to push information to the people through mobile phones and that this legislation allows for that, you cannot tell me that Mr. Durga does not have a cellular phone. *[Interruption]* You cannot tell me, Member for St. Augustine, that the poor Mr. Durga whom you have held up does not have a cellular phone. You cannot tell me that!

There is a duty on us as representatives of the public to speak to our constituents honestly, honestly, and I am afraid there is nothing that I have heard from the Member for St. Augustine and there is nothing that I have heard from the Member for Oropouche East that convinces me that they are providing their constituents with the information that is available to them. I am not convinced. We have a situation where the Internet penetration is higher than the United Kingdom, it is higher than the United States of America.

**Hon. Member:** But the United Kingdom has dropped from 67 per cent.

**Hon. N. Parsanlal:** And this type of communication, *[Interruption]* mobile penetration—this type of communication will now make availability of government services that much more readily available to the people of Trinidad and Tobago. *[Interruption]*

In dealing with that whole issue as well, the Internet prices in Trinidad and Tobago—because we want to talk about access—are the lowest in the region. They are the lowest in the region by as much as 25 per cent, so when we talk

about providing this legislation and pushing this legislation through so that more and more people can have access to government services, it is against the backdrop of the extensive mobile penetration, it is against the backdrop of increased Internet usage, it is against the backdrop of the 140 per cent mobile penetration.

Trinidad and Tobago is the first in the Caribbean as well for having all of government information online. We are the leaders in the region and we continually demonstrate that through everything that is happening. Just recently there was an ICT conference hosted by the Ministry of Public Administration—very well attended and you can vouch for that; very well attended, very good lectures, presentations—

**Hon. Member:** I am very proud of the Minister.

**Hon. N. Parsanlal:** We are equally proud of our Minister and colleague, equally proud of him. All of this is to make the point—

**Dr. Gopeesingh:** You are getting jealous.

**Hon. N. Parsanlal:** You see on this side, Member for Caroni East, we operate as a team. *[Interruption]* We operate as a team so when one of us succeeds, all of us succeed. That is the way this team plays. Perhaps you can take a page from the book on this side. *[Interruption]*

But, Mr. Speaker, I have said all of that to dispel the myth and the misinformation that has been provided to this House by the Members for St. Augustine and Oropouche East. And as I close I just want to clarify a point about the data commissioner which the Member for Oropouche East indicated last week when we did the Data Protection Bill and he returned to it again this week with the Electronic Transactions Bill, that says the data commissioner is going to be a national “maco”. Nothing can be further from the truth, but it was yet another attempt to grab the headlines that the data commissioner is going to be a national “maco”, when the legislation clearly provides for the data commissioner to be the protector of the information. The data commissioner is not the keeper or the storer of information, but rather ensures that all ministries are working in concert with each other, there are data privacy impact assessments that are conducted by each ministry, and that the data commissioner's role is to ensure that information collected legitimately is not used for means other than which it was collected. *[Interruption]* And yet the Members come before this House and declare that this data commissioner is going to be a national “maco”, is going to jump in a maxi



and seize people.

**Mr. Speaker:** The House, with some degree of frequency I find that a rather offensive expression, yes, try busybody instead.

**Hon. N. Parsanlal:** [*Inaudible*] Mr. Speaker, I was similarly aghast at the phraseology of the Member for Oropouche East, so I will be guided by you and I will no longer use it. [*Interruption*]

We come to the legislation and we are quite confident that the data commissioner and the role to be played by the data commissioner—again, they see it in isolation. We made the point that these are two pieces of legislation and the Electronic Transactions Bill requires the data commissioner—we made that point to them and yet they go on about the role that the data commissioner would play, again, misinforming the national community.

Mr. Speaker, I want to give the Members opposite and the national community the assurance that when both these Bills go to a joint select committee all of these matters will be ventilated and there is a reason why they are going there so that we can have this kind of more intense debate and where its saner heads and wiser heads will prevail. On that note, Mr. Speaker, I rest.

**Dr. Tim Gopeesingh** (*Caroni East*): Mr. Speaker, when we examine today the Electronic Transactions Bill which is, as the Government says, en tandem with last week's Bill on the privacy of data information, we ask ourselves: why is it that the Government is bringing this at the beginning of the year January/February? There must be a rationale and a thinking beside the fact that what they have been speaking about on the other side and I want to proffer that the introduction of these two Bills is a diabolic, contrived and well orchestrated move by the Government into hoodwinking, fooling and placating the population into believing that the Government is really interested in protecting the privacy of information of citizens of Trinidad and Tobago and of protecting the privacy of information of authorities and bodies.

**6.45 p.m.**

And it is this desire by the Government to try to fool the population, after the fact that the Government has been exposed nakedly in the whole issue of spying. After the whole spying has been unraveled in the public media and in the public glare over a week and half to two weeks by the media, the Government decided, well we have been caught with our pants down literally, and therefore, we must do something about it to mitigate the minds of the people who say that we are

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spying, and make the people believe that we are bringing some legislative measures to prevent the whole issue of spying and to ensure private data and collection.

Mr. Speaker, this also comes in the context of what was brought last year on the advanced passenger information system. Another Bill to collect information about citizens from wherever they are flying into Trinidad and Tobago and wherever people from Trinidad and Tobago are going. This Government, we believe, is building a secret database to track and hold the travel records of all Trinidad and Tobago citizens by the use of the advanced passenger information system. They have admitted that they have to get this information which is stored in a centre in the Caribbean that this Government has its hand on. Therefore, they have their hands on the electronic data that is stored about the travel of citizens of Trinidad and Tobago. That intelligence centre is storing names, addresses, telephone numbers, seat reservation, travel itineraries and credit card details of all passenger movements in and out of Trinidad and Tobago each year.

Mr. Speaker, I would like to refer to what is happening internationally in this context as well and I quote from the *Sunday Times* dated February 08, 2009, "Spy centre will track you on holiday".

**Mr. Imbert:** Who wrote that?

**Dr. T. Gopeesingh:** David Leppard, *Sunday Times*.

**Mr. Imbert:** Which country?

**Dr. T. Gopeesingh:** Britain.

"The Government is building a secret database to track and hold the international travel records of all 60 million Britons.

The intelligence centre will store names, addresses, telephone numbers, seat reservations, travel itineraries and credit cards details for all 250 million passenger movements in and out of the United Kingdom each year.

The computerized pattern of every individual's travel history will be stored up to 10 years, the Home Office admits."

This is happening in Trinidad and Tobago now. The Government is storing information on every citizen of Trinidad and Tobago. For what purpose and for what use, the citizens of Trinidad and Tobago would like to know. So they can get details of every citizen, for mischief. This is what Jack Straw, the Justice Secretary said in the United Kingdom and I quote from the *Times*, January 27, 2007:

"Jack Straw asks MPs to review the law of privacy"—this law of privacy has been in Britain for a while and he is now asking—"Jack Straw has signalled the review of the law of privacy with the possibility of legislation to counter the growing privacy rights being created by the courts."

In 2009, we are bringing something into Trinidad and Tobago and Britain has already experienced it. The courts have ruled on a number of issues related to privacy legislation and Jack Straw, the Justice Secretary, is now saying they have to review their legislation.

So I want to advise that when you go into committee stage, look at the issues that are involved, particularly the court judgments that are being handed down in Britain as far as the intrusion of privacy and what the courts have handed down about the privacy legislation. We are now going into something that Britain has already passed and is moving ahead in terms of what they have found to be anomalous situations that cannot be corrected.

Jack Straw told a committee on human rights, "It is my intention—and I understand this is exactly what is going to happen—that there should be a select committee of MPs to look at the law of privacy." This is good that the Government has admitted that they need to have a joint select committee of Parliament and we are going into this joint select committee of Parliament. But I would say this amoral government is inexorably and insidiously imposing its privacy laws on the people, when they should be imposing the privacy laws on themselves. We asked the Government, why not make this a retroactive legislation? If this is retroactive legislation, a number of the people on that side will go to jail including the hon. Prime Minister, because this is the intrusion of privacy laws in Trinidad and Tobago and they are using this for public mischief, machinations and persecution against their political opponents. Guilty says the jury, guilty against this Government and guilty of criminal interference on the privacy of citizens.

Mr. Speaker, do you know what is happening abroad why we are bringing this legislation here? The United Kingdom citizens' private information is being lost at record rate. Where is it going? I quote from the *Times* again, dated February 08, 2009:

"Memory sticks and CDs have proved particularly vulnerable as the loss of data has increased.

The personal information of UK citizens is being lost and stolen at an unprecedented rate, the UK's privacy watchdog said today.

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Nearly 100 data breaches were reported to the Information Commissioner's Office"—and we are here making a commissioner of data—"In the last three months alone, with millions of bank details, addresses, emails, private health information and employee salary statements lost or stolen in 2008."

Mr. Speaker, if this is happening in Britain with such competence and the ability of the electronic experts to do things, and so much is being lost in such a short space of time, what will happen to our electronic data that is stored with our citizens' information on all these areas? It is going to be lost and lost into the hands of whom, stolen into the hands of whom and by whom? By this Government for whatever purposes they want.

I want to quote from the *New York Times* dated October 13, 1997 which is 10 years ago on the whole question of eavesdropping—

"High-Tech Eavesdropping Raises New Questions on Personal Privacy:

...dodgy or not, eavesdropping equipment has long been a hidden but stable part of the high-technology world of Silicon Valley, a lucrative commercial netherworld, whose merchants legally sell their wares to law enforcement agencies, government officials and telecommunications companies. Often, however, the same equipment ends up in the hands of others, ranging from simple voyeurs to drug dealers."

Have we done an analysis of what electronic equipment is being used by drug dealers or other teams of people, who are trying to get information? My colleague, the Member for St. Augustine, spoke about information from banks that they are using to kidnap people?

We would remember First Citizens Bank where information was leaked on certain individuals who had money and the accounts they had in the bank. These people were targeted for kidnapping. First Citizens Bank is the same bank that had released information on a former Minister of Government and used by the Government to persecute a former Minister of Government, deliberately left the bank by people working inside the bank, giving it to government, giving it to this PNM government for this PNM government to persecute Members of the Opposition, who was a former Minister of Government. Everybody knows who I am speaking about.

This Government is capable of getting information everywhere and this is one of the reasons we believe that the Prime Minister moved hastily and steadfastly to

go and get the information from Clico Investment Bank so he can use whatever he goes to find out very quickly against political adversaries and opponents. There is a deliberate move to move inside there. We believe and we are made to believe that is one of the moves.

**Mr. Imbert:** Mr. Speaker, Standing Order 36(5), the Member is imputing improper motives against the Prime Minister.

**Mr. Speaker:** No, not against the Government, but certainly you are imputing improper motives to the Prime Minister. You need to withdraw that.

**Dr. T. Gopeesingh:** I withdraw that from the Prime Minister, but believe that the Government is capable of doing that type of spying and they are deliberately and mischievously going into the documents of Clico to get information for political thuggery and political assassination.

Mr. Speaker, it is understandable when the Minister of Information speaks about spying and that we are schizophrenic on this side, that the Opposition is schizophrenic when we talk about spying all the time. It is not the Opposition who has been talking schizophrenia or spying. I want to quote from the *Trinidad Express* of Wednesday, November 26, 2008:

"Phone calls, emails of high-profiles citizens monitored for the past two years"

This is what this Government is capable of. The *Trinidad Express* of Wednesday, November 26, 2008 of Trinidad and Trinidad and it says as follows:

"The country's top politicians, business people, trade unionists, journalists, social activists and legal practitioners have been monitored by a high-tech equipment bought from Israel—for the past two years by a national security agency for political purposes, according to an investigation by..."one of the newspaper.

**Mr. Imbert:** And the author?

**Dr. T. Gopeesingh:** Ria Taitt.

**Mr. Imbert:** I believed so.

**Dr. T. Gopeesingh:** Mr. Speaker, that station said that the information came from high level national security officials who are involved in the monitoring operations and have spoken under strict conditions of anonymity. The equipment that does the monitoring is called "trilogue". That is what this Government is using to spy on the country's top politicians, business people, trade unionists,

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journalists, social activists and legal practitioners. How we in our own minds today, could say that we want to support data information on citizens, when we know that this Government is dedicated and purposeful in spying on all of us who opposed them. It goes on to say:

"It is a high-tech system that records telephone and email communications by word recognition, where a computer is programmed to record conversations which mentions specific words. It was purchased by the Vehicles Maintenance Company of Trinidad and Tobago in 2005, from Israeli company, Ektel Limited which is a sub-company of America's Verint Systems Limited, which sells high-tech wiretapping systems strictly to government and law enforcement agencies..."

It would cost \$60 million and this information, the TV station claim, goes to the Prime Minister and Minister of National Security.

Mr. Speaker, that trilogue system which the Government purchased from Israel for \$60 million had not been used for catching kidnappers, but had been used and is being used to spy on all opposition people who are opposed to the Government, politicians, business people, trade unionists, journalists and social activists. Instead of using that \$60 million equipment to spy on kidnappers and get information from kidnappers, they were spying on us.

**7.00 p.m.**

That spying equipment is being used by a top secret agency in the Ministry of National Security, the Office of Strategic Services and its Special Anti-Crime Unit to monitor the private conversations of several high-profile citizens. Is that the type of privacy information you want to protect?

*[Hon. N. Parsanlal stands]*

No, I am not giving way; I have told the Acting Chief Whip that I have 45 minutes.

**Mr. Parsanlal:** On a point of clarification.

**Mr. Speaker:** Member, there is a Standing Order if you are alleging that the Member is misrepresenting or misquoting you, but there is no point of clarification as such. Check your Standing Orders; I think it is No. 32 or No. 34.

**Dr. T. Gopeesingh:** Thank you, Mr. Speaker. I think he just wants to disturb me; he has nothing to contribute as we saw recently.

Mr. Speaker, I want to quote what the President of the Law Association, Martin Daly, said:

“...Prime Minister Patrick Manning confirmed that the monitoring is taking place, when he said during the Budget debate in September that he had commissioned a National Security Agency to monitor Siparia MP Kamla Persad-Bissessar after he received reports that she had a contact in the Integrity Commission.

The attorneys have also claimed the monitoring, and SAUTT, are illegal.”

**Mr. Imbert:** Who said that?

**Dr. T. Gopeesingh:** Martin Daly, the President of the Law Association said so, a distinguished senior counsel.

“TV6 News said the Prime Minister, National Security Minister and SAUTT were asked to comment on their information. None denied that monitoring was taking place, it said.

“The Prime Minister has not responded.”

He could not respond.

“The National Security Minister has said, via his Media Advisor Irene Medina, that ‘it would be highly irresponsible for the Ministry of National Security to discuss publicly and in detail the operations of national security agencies in this country.’”

Hiding under the cloak of security, spying on people and getting information on them but hiding under the cloak of national security.

This is what SAUTT had to say:

“Criminal intelligence gathering plays an important role in the fight against crime. SAUTT seeks to gain criminal intelligence which can assist it in targeting specific serious crimes.”

They have not caught a kidnapper from the information they got on the trilogue system, but they want to get information from all Opposition Members. They cannot use it to catch kidnappers, but they are using it for information on people who—

**Mr. Parsanlal:** Mr. Speaker, on a point of order, 33(4). I would like to ask the Member for Caroni East what is the date on which that information was being presented to the national community?

**Mr. Speaker:** Standing Order No. 33(4) says:

“A Member who has spoken on a question may again be heard to offer explanations of some material part of his speech which he alleges has been misquoted or misrepresented, but he shall not introduce new matter.”

I think you are a little off the point here.

**Dr. T. Gopeesingh:** Mr. Speaker, it goes on:

“SAUTT is an intelligence-led organization, but our resources are used to target criminals and solve crime. They are not used to spy on law-abiding citizens.”

And the whole country knew that the spy agency on Long Circular Road in First Caribbean Building using the trilogue system is being used by SAUTT together with the blimp to spy on citizens as was admitted by the hon. Prime Minister when he told the Member for Tabaquite that he must close his windows when the blimp is passing.

Mr. Speaker, in the *Trinidad Express* of Tuesday, October 07, 2008 Ria Taitt wrote on the misuse of public resources. She said:

“Seetahal condemns SAUTT probe on Kamla

If a politician uses the resources of the State of the country to do private investigations of the type allegedly done on Siparia MP Kamla Persad-Bissessar, ‘because it would be (a) private (investigation) given that SAUTT has no legal status, that would amount to a misuse of public funds and it would become misbehavior in public office of persons who so encourage it.’”

This is what Ria Taitt wrote on Tuesday, October 07, 2008.

“This view was expressed by Independent Senator Dana Seetahal in her contribution to the Budget debate in the Senate yesterday in which she dealt with the issue of whether spying on people was illegal.”

This Government is now trying to make something legal which was illegal and if they are bold and brave enough, they should make this retroactive legislation and we would see how much of them would go to jail as a result of their illegal spying.

“She noted that the minute Prime Minister Patrick Manning revealed that he had a security agency monitoring Persad-Bissessar to determine whether she had a mole in the Integrity Commission, everyone assumed that that agency



was SAUTT.

She also noted that SAUTT, with 300 officers received \$384 million, compared with the entire Police Service of some 7,000 officers which received \$1.8 billion and the Regiment \$653 million.”

SAUTT is receiving \$384 million to collect information and spy on citizens throughout Trinidad and Tobago whom the Government wants to get at and it is an illegal authority which has not been brought to Parliament to be legalized, but this Government wants to continue doing its illegal monitoring.

I want to quote another article from the *Trinidad Express* of Friday, December 12, 2008 by Juhel Browne with the headline; “Monitoring doesn’t mean wiretapping”. It goes on:

“Do not confuse the word monitoring with wiretapping, Prime Minister Patrick Manning said yesterday of his revelation more than two months ago that he had been monitoring an alleged relationship between a sitting MP and an Integrity Commission official.

He was responding to questions as to whether he was aware that any of the nation’s national security agencies were involved in wiretapping.”

He had to respond about SAUTT and he said:

“Let me make this absolutely clear, security arrangements of the State I do not propose to discuss publicly, and I think it is pretty irresponsible to try to raise in a public forum the question of the security apparatus of the State,”

Hiding again under the cloak of security.

“On this matter, Manning said: ‘Whether wiretapping is going to be a tool that could be advantageous to us is a matter that we would have to consider. If we believe it is going to be advantageous to us then we come to the Parliament with the legislation,’”

So you came last week and now today to make it legal for wiretapping and this is exactly what the Prime Minister mentioned when he made that statement which Juhel Browne wrote on Friday, December 12, 2008.

He has considered it and that is why he is bringing this legislation, and it is advantageous to his Government to have information on every citizen of Trinidad and Tobago and to be spied on by SAUTT. What a damning condemnation of this Government by people who have been monitoring what it had been doing for the last two years and even before and it is now literally, now caught with its pants down.

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“The issue of the wiretapping of cell phones and telephone conversations by law enforcement agencies, grew from a suspicion among many citizens to a major concern because of a statement by Manning in the Parliament on September 30.”

He said:

‘I have monitored the relationship between the Member for Siparia and the individual concerned for years.’ Manning told the Parliament.

Manning said yesterday that SAUTT was well on its way to becoming a ‘world class agency’...”

A world-class spying agency. It cannot spy on kidnappers and criminals, but it could spy on Opposition Members. Do you remember in one of the debates the Prime Minister said he knew everything about all of us? Why he knew everything about all of us? Because SAUTT with its 300 officers, spending \$384 million is using the blimp and the spying agency on Long Circular Road to spy on us. That is why he could have made that statement.

This is not one person writing; Juhel Browne wrote, Ria Taitt wrote and I want to quote what Anna Ramdass wrote in the *Trinidad Express* on Friday, October 03, 2008.

**Mr. Speaker:** Hon. Member, in the Eighth Parliament I ruled that you cannot keep quoting from newspaper articles because the persons who have written those articles are not members of this House. So I think you should desist from quoting so liberally from newspaper articles.

**Dr. T. Gopeesingh:** I hear you, Mr. Speaker, but the point was made already on that issue. I do not need to consolidate it any further.

Mr. Speaker, do you know what has happened internationally as a result of the spying? This Government should take example because it has come back to haunt the President of the United States, George Bush.

“Earlier this year Senate Judiciary Committee Chairman Arlen Specter...accused President George Bush and the National Security Agency (NSA) of breaking the law by authorizing wiretaps without seeking a judicial warrant. Vice-President Cheney quickly went to the Hill to work out a compromise with Sen. Specter. The so-called Specter-Cheney bill would give the President the option—not the requirement—to submit his electronic surveillance programs for review by the special secret court created by FISA,

the 1978 Foreign Intelligence Surveillance Act.”

Mr. Speaker, it has come back to haunt the President of the United States of America. A man of the highest office, and most likely, the person who rules the world. It is going to come back to haunt this Government because of the spying it has been doing.

I want to quote Olbermann: “Bush ‘panoramic invasion of privacy’ is terrorism”. So this Government is accused of terrorism of the citizens because of this spying.

“In a scathing commentary against President George W. Bush, MSNBC commentator Keith Olbermann declared Bush guilty of terrorism for playing what he sees as the fear card in an attempt to get the House to pass retroactive immunity for telecommunication companies that illegally helped the US government in its warrantless wiretapping program...”

You want to let us pass legislation and take it to a Joint Select Committee of Parliament to legalize what you consider privacy of personal information but using that for your own political gains, dirtiness and assassination.

Mr. Speaker, President Bush went on to say that they were not listening to domestic calls and the article continues: “Bush administration warrantless wiretapping”. It goes on:

“President Bush, Attorney General Alberto Gonzales and other top officials now argue that warrantless eavesdropping is necessary in part because complying with the FISA law is too burdensome and impedes the government’s ability to rapidly track communications between suspected terrorists.”

He was using the same type of tactics, the same type of warrantless illegal spying under the guise that he could not get to the terrorists because it impeded getting information on suspected terrorists and making excuses that they were using that information to go after criminals.

But this Government is not using this information to go at criminals, it is using it to go against the people of Trinidad and Tobago who are opposed to the Government.

Mr. Speaker, there are many articles: “Bush administration: personal data leaks and invasion of privacy”; “Bush Conducted Illegal Wiretaps of American Citizens”, and I can go on and on.

**7.15 p.m.**

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My next point I want to speak about is the question of some of these organizations that will be collecting information and storing it on electronic data. To be used for what? What would this information be used for? I want to go back to the Integrity Commission. My colleague, the Member for St. Augustine, spoke about it. This Integrity Commission had to hang its head in shame and had to resign. But did we ask what has happened to the previous head of the Integrity Commission? Who leaked the information on former Prime Minister, Mr. Basdeo Panday? His information was supposed to be sacred and the Integrity in Public Life Act says that anybody who discloses this information is guilty of a criminal activity; but somebody leaked that information and they kept on saying this and that in Parliament, but this information was leaked from the Integrity Commission and the former head of that Integrity Commission should be brought to justice for causing the leak of that information!

**Mr. Speaker:** While we enjoy freedom of speech, you have got to be very careful how you accuse people. Tread carefully. That is all I can tell you.

**Dr. T. Gopeesingh:** Mr. Speaker, I heed your guidance and I am humbled by your guidance. I want to say that it is important that if acts of commission were wrongly committed, then there should be investigations into these acts of commission.

**Ms. Kangaloo:** What does that mean?

**Dr. T. Gopeesingh:** If you have committed something wrong, which is an act of commission then you ought to be investigated.

I want to go to another point that will be tangential to the question of what I have been speaking about; wiretapping. [*Interruption*]

**Mr. Speaker:** Order!

**Dr. T. Gopeesingh:** When the truth hits the Government they do not like to hear it, but this is an evening of truth again and I am not making up anything I am speaking about; I am speaking with authority on these issues.

They went to the home of the former Chief Justice and for two days they were trying to lock him up and put him in jail. They surrounded his home. They knew how many phone calls left the Chief Justice's home and how many phone calls went to the Chief Justice's home and copied:

“CJ's hotline to Jones: 7 phone calls on warrant night”

I have to go to this *Newsday* report because that is the only way we can get this information. [*Crosstalk*] It is the *Newsday's* report of Friday, July 21, 2006:

“Copies of telephone records obtained by *Newsday* yesterday detailed 102 incoming and outgoing telephone calls with numbers and names, to and from the CJ’s residence on July 14. On that Friday alone there were 34 calls from Sharma’s residence to various people...”

How did they get this information? Which body got this information for them?

“...102 incoming and outgoing telephone calls with numbers and names to and from the CJ’s residence.”

How on earth can they get that information if his telephone is a private number? Who tapped this? Where did they get this information from; the Telecommunications Authority? Or is it TSTT? Or is it SAUTT that was able to get this information?

So this just epitomizes and depicts the type of national scandal that goes on with this Government to try to get their political opponents and they wanted to lock up the honourable Chief Justice and they were able to monitor where the calls were going; who the calls were going to. What a shame and national disgrace by this Government in their attempt to perpetuate criminal activity against decent citizens of Trinidad and Tobago.

Listen to what the poor honourable Chief Justice had to say:

“The Chief Justice also wishes to point out that the easy access to his private telephone number, his telephone call records and his personal medical records...”

Personal medical records, Mr. Speaker! They got information of his personal medical records:

“so brazenly published in the press, is a frightening and alarming sign for the future, and is a clear indication of the violation of his fundamental right to privacy.”

Here it is, this Government is coming today talking about protecting people’s privacy and information! If you could do that to the Chief Justice of this country, what about the ordinary citizen of Trinidad and Tobago? Anybody is subject to the whims and fancies of political assassination by this Government, and you know who is in charge of this Government; I do not need to say it. If you could find out his medical records, you could find out his calls—102 calls; where they went to; who they went to, why would it not happen to us?

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Mr. Speaker, I am sure your phone is tapped. All of our phones are tapped. If we go in a conference room and our phones are not switched off, they could get the information of what is emanating in that conference. That is the type of wiretapping they have in this country.

In a report last week in the House of Lords Constitution Committee whose members include the distinguished Lord Woolf, the former Chief Justice, he called for a significant cut back in the State's surveillance powers, and here it is we have state surveillance powers going unchecked in the hands of people whom we cannot trust in this country. It said that Britain's traditions of privacy and democracy were under threat from pervasive and routine electronic spying and the mass collection of personal information.

Imagine Lord Woolf is saying that about what is happening in Britain where there is a stronger democracy than in Trinidad and Tobago. Could you imagine what is happening in Trinidad and Tobago? We are all seeing it from day to day. Nobody needs to say anymore.

The hon. Leader of the Opposition indicated to me, if Lord Woolf were here, he would be howling, based on what is happening. It is facetious that this Government knows that it has been guilty of the worst form of criminal conduct, using the Trilogue spy system and is trying to deceive the population now with these farcical Bills. This is now part of Government's programme. The House of Lords warned that the national database could be used for maligning purposes; exactly what is happening here in Trinidad and Tobago.

I have a few minutes and as the Government promised that I would speak for 45 minutes, I want to go to two important areas in a short while. The first is the Freedom of Information Act. Section 5(1) of the Freedom of Information Act makes provision for certain authorities to be exempted from scrutiny under the Act via an order. A number of financial institutions have been exempted in this manner, causing concern to us and the people we are elected to represent and whose questions to Ministers about such agencies were not answered.

*The Parliamentarian*, a journal of the Parliaments of the Commonwealth, listed, and I quote from page 213:

“The Motion to have the exemption order negatized in the House of Representatives failed.”  
Listen to what the Government has exempted:

“A similar motion was filed in the Senate and also failed when it was debated on 8 June, 2004. To date, the following agencies have been exempted from scrutiny under the FOIA.”

I want to list them:

- “The Integrity Commission,”

The Integrity Commission is listed to be exempted from the Freedom of Information Act, and when it came to pass the whole Integrity Commission had to resign. The Central Bank of Trinidad and Tobago is exempted. The Central Bank, which controls billions of our dollars, is exempted by the Freedom of Information Act! We cannot ask questions to get information from the Central Bank. The Central Bank is not doing its work properly. The Supervisor of Banks had not been doing his work properly and that facilitated the collapse of Clico, and you cannot get information on the Central Bank. Why is that so?

So on one hand you say, let us protect the privacy of your information and on the other hand you are hiding information from the people!

- “The First Citizens Bank Group,
- The First Citizens Holdings Ltd,”

Is that not the bank that they want to send all the money from CIB and Clico into, and it is exempt from the freedom of information? Where would the people get the information from?

- “The First Citizens Bank Ltd,
- The First Citizens Corporate Services Ltd,
- The First Citizens Bank Mortgage and Trust Company Ltd,”

These are the First Citizens Banks that are exempt from the Freedom of Information Act and you are taking State money and putting it—and helping CIB to go into First Citizens and the citizens cannot get the information from First Citizens Bank, because this Government has sought to hide certain things and this is why they eagerly want to put the money into First Citizens Bank. [*Interruption*] Yes, that is why, because it is exempt from the Freedom of Information Act and we would not be able to ask and get information on these questions. I continue:

- “The Trinidad and Tobago Unit Trust Corporation,”
- Billions of dollars in the Unit Trust Corporation and you cannot get information!

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- “The Export-Import Bank,
- The Agricultural Development Bank,
- The Trinidad and Tobago Mortgage Finance Company Ltd.”

And do you know how much corruption occurred in that Trinidad and Tobago Mortgage Finance Company? I continue:

- “Taurus Services Ltd,…”

Taurus Services which is a sidekick of First Citizens Bank, hiding money; Government signing for \$2 billion in loan agreements for Taurus Services and you cannot get information on it. [*Interruption*]

I do not care whether you have three minutes. If I have to go over my 45 minutes by a few minutes, I will go.

- “The Business Development Company Ltd,
- The National Entrepreneurship Development Company Ltd,
- The National Enterprises Ltd.”

These are the companies that have been removed from the Freedom of Information Act and you cannot get information from any one of them and this Government is speaking about protection of data for private citizens and organizations? Not at all! What are you protecting? You are protecting the fact that you have things to hide. You are doing dirty things inside those organizations and we cannot get information on it.

I want to go to the last point on this issue, which is the health sector. The health sector is unique and differs from other economic factors, such as banking and insurance because it provides life sustaining and life essential services. In preparation for the privacy information in Canada, Health Canada has engaged in consultation with key national health care provider associations and the Privacy Commissioner of Canada to better clarify how the Act applies to the health sector and to provide further information as appropriate.

In Trinidad and Tobago, no such consultation occurred with the Trinidad and Tobago medical stakeholders. No consultation occurred with the health care providers who are stakeholders. So in Canada they were doing something about it and here in Trinidad and Tobago nothing was done about it. I have information



that the privacy legislation in Canada—I know I have about another minute, but the last point on Article 8 of the ECHR United Kingdom.

Article 8 of the European Convention on Human Rights provides the right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law". Everyone has the right to respect for his private and family life, his home and his correspondence. This is not happening in Trinidad and Tobago. Our privacy and our family life are being invaded by this Government and all the information about our rights and privileges for our information to be kept private is being eroded by this Government. This Government has a lot to answer for on its hands.

Thank you very much. [*Desk thumping*]

**The Minister of Public Information (Hon. Kennedy Swaratsingh):** Mr. Speaker, I wish to thank all my colleagues who contributed on this Bill. I must say that we have agreed not only to send this Bill to a joint select committee, but in doing so we would need to look at a couple of the implications, including the use of privacy.

I would like to comment on the last speaker's contribution but my spies who were up in Salybia yesterday indicated that he was having such a good time and I think he came down a bit but he has not fully recovered from the events that he would have had yesterday.

**7.30 p.m.**

I will clarify this for the second or third time. These Bills were in the last session of Parliament. The Electronic Transactions Bill was laid in Parliament on September 05, 2008 and the Data Protection Bill came on November 14, 2008, long before the story broke about this alleged spying.

I want the Member for Caroni East to understand that they were here before. The Attorney General made a statement on or around December 11, indicating that these Bills would have been brought early in the next session of Parliament. We are fair because we had planned to have them. Do you know why it is important that these Bills be laid and passed at this time? If Trinidad and Tobago is to develop a platform where every citizen will have a different, more affordable, convenient and customer-focused interface with government services and if government is to have a more effective delivery of services, we need to move this country forward. This Government is taking this country forward. That is why these Bills are here.

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Those who continuously pervade these Bills as having sinister intent, in my mind, I think that they are probably living lives where they have something to fear. I am not sure from where all this is coming. I assure the citizenry that what all we on this side of the House do, is done with a clean heart and at the service of the people of Trinidad and Tobago. [*Desk thumping*] I do not know how to respond to the contribution of the Member for Caroni East. My mind cannot go down to those areas. Therefore, I would go back to my old profession and leave that to God. It reminds me of the old Paul Keens sobriquet of Tim Tim.

A couple things the Member for Oropouche East and the Member for St. Augustine raised and I think that they are worthy of consideration. Let me state to the Member for Oropouche East that the Exchequer and Audit Act is currently before the LRC. The Bills are being amended at this time and we hope to get them to Parliament in the not too distant future. I would have liked to bring to Parliament as soon as possible the e-payments. As we move to the revenue commission that would become more and more important. I am confident that all the issues revolving around this Bill and the Data Protection Bill can be resolved in the Joint Select Committee.

The hon. Member for Lopinot/Bon Air West spoke at length about how this will impact on the average citizen in Trinidad and Tobago. I do not want to go back into that. We will be able to clarify the role of the certificate service providers which needs to be clarified. Some misinterpretation has been proffered and we want to clarify that. I will do so during that time. It is quite important for Trinidad and Tobago, as we move into the electronic age, to understand that a number of things are already online. The vulnerability of our people and those who are transacting business and information online remain paramount for us to deal with.

Earlier on the Minister of Works and Transport spoke about the Licensing Transport Authority. There are other things that we are moving to such as e-health and having health records available for persons in the public and private institutions. We will continuously build the agenda to ensure that Trinidad and Tobago becomes increasingly more competitive for doing business and more effective in interfacing with citizens, with government, as well as having a connected government to provide greater efficiency and productivity across all sectors.

It is important to note that as we speak about where Trinidad and Tobago is going, the hon. Member for Lopinot/Bon Air West intimated that our mobile accreditation rate is so significant, that even though persons may find it not always easy to procure the hardware and software to access computers, we have a very interesting scenario in Trinidad and Tobago where we can move and interface with government on a mobile platform. That should be up and running by the end of this year.

These Bills are important because of where we are; where we want to go and what is available to us. Over the last five or seven years the Government has invested very significantly in ensuring that we develop an electronic platform that would help to bring about a more efficient government and also a more effective interface with citizens and the government.

With these few words, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. K. Swaratsingh:** Mr. Speaker:

*Be it resolved* that this Bill be committed to the Joint Select Committee already established by both Houses to consider and report on the Data Protection Bill 2009; and

*Be it further resolved* that the committee be also empowered to discuss the general principles and merits of this Bill along with the details.

*Question put and agreed to.*

**Hon. K. Swaratsingh:** I beg to move the following Motion:

*Be it resolved* that this House appoint the following six Members to serve with an equal number from the Senate on the Joint Select Committee established to consider and report on the Data Protection Bill:

Mr. Mustapha Abdul-Hamid

Mr. Neil Parsanlal

Mr. Kennedy Swaratsingh

Mr. Peter Taylor

Mr. Ramesh Lawrence Maharaj SC

Dr. Roodal Moonilal

*Question put and agreed to.*

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, March 04, 2009 at 1.30 p.m. On that day we will do private business.

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**Dr. Hamza Rafeeq** (*Caroni Central*): Mr. Speaker, on Wednesday, March 04, 2009 we will deal with Motion No. 2 that deals with the health sector filed by the Member for Caroni East.

**Mr. Speaker:** Hon. Members, before I put the Motion on the Adjournment, there is a matter to be raised, Motion No. 8 by the hon. Member for Cumuto/Manzanilla.

**Plum Mitan Main Road**  
**(Government's Failure to Repair)**

**Mr. Harry Partap** (*Cumuto/Manzanilla*): Mr. Speaker, at the onset let me say that I am disappointed in the hon. Minister of Works and Transport. This is the third occasion that I am bringing this matter to the House, that is, the failure of the Government to repair and realign the Plum Mitan Main Road damaged by at least five landslips at the 7.5 kilometre mark.

The Plum Mitan Main Road is one of the two main roads that leads into Rio Claro and connects Rio Claro and Sangre Grande. It is used by farmers from the Plum Mitan Valley as well as school children and the general public. The road has been reduced to a narrow strip which is both unsafe and unacceptable.

The matter was raised as a question in April 2006. I want to remind the Minister of what he said on Friday, June 30, 2006, in answer to the question in relation to the repair of this landslip. It comes from *Hansard* page 610. I am quoting and this is the hon. Minister of Works and Transport:

“The answer to part (a) is as follows: It is proposed that the Plum Mitan road be realigned from the 8 kilometre mark in order to avoid five landslips at this location. The exercise is expected to commence and be completed in fiscal 2006 and 2007.”

That was on June 30, 2006. There are five landslips and over the past few days, two have developed again.

The 2006/2007 budget allocation to the Ministry of Works and Transport was \$2.6 billion and with that they could not use \$17 million to repair this landslip.

The matter was due to be raised on January 25, 2008. The Minister then gave me an assurance that the landslips will be repaired and the road will be realigned. I want to read to you what he said. I asked him to give me that assurance in writing and he gave it to me in his handwriting. After I received this, I withdrew the Motion. I would not make that mistake again. I am sure. This is what he said on January 25, 2008:

“Barring unforeseen circumstances work will commence on the Plum Mitan Road in May 2008, and would be completed by September, 2008, between the 7.7 and 8 kilometre mark.”

Last year the Ministry received \$3,397,731,103 in their allocation. Out of that huge amount they could not take out \$15 million or \$17 million to fix this road. It is in a terrible state. The allocation that the Minister has for this year is \$3,654,755,038. They are going to spend \$500 million on two conferences but they are not going to spend some money to repair that road.

I understand that the Minister intends to spend \$55 million to realign part of the Toco road leading to Matelot where they intend to carry the visitors.

**7.45 p.m.**

Mr. Speaker, I do not want the Minister to stand here this evening to tell us about the roads he fixed in D'Abadie, Diego Martin, San Fernando East, or even those roads he managed to fix in the Cumuto/Manzanilla constituency. I want him to tell us what he will do about the Plum Mitan Main Road landslips.

If you go there now you will see a number of placards that the villagers have put up. I can no longer restrain the villagers. I can no longer stop them from taking the action they want to take. In fact, I am going to join them because I know they are frustrated and they are going to take action if the Minister does not respond.

This evening, I want the Minister to answer us, but he must answer us in four sentences in four minutes. First of all, I want him to apologize to the people of Plum Mitan. On two occasions he promised to fix the roads; he did not do it. He must, in the second sentence, give a commitment not to mislead us and dance on the heads of the people of Plum Mitan. In his third sentence, he must tell us when the contract will be awarded; and, lastly, tell us when work will commence and be completed. That is all I ask of him. I am sure those four sentences will not take four minutes.

**The Minister of Works and Transport (Hon. Colm Imbert):** Thank you, Mr. Speaker. It is unfortunate that the Member for Cumuto/Manzanilla did not read out the note I sent him. He left out the part about “barring unforeseen circumstances”.

In the first instance, let me correct the record. The Ministry's allocation includes funding for recurrent expenditure: salaries and wages, transfers and subsidies, public transportation; need I go on? If one has to do a proper scientific analysis, which I believe the hon. Member may be capable of, one needs to look at the expenditure on roads within the Ministry's overall allocation.

If the Member had been honest, he would have confirmed that it is a matter of record in this Parliament, in answer to a question posed by him, which I answered not too long ago, that for some reason—on reflection one has to look at allocation

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of resources—the Ministry of Works and Transport spent over \$52 million on the roads in the constituency of Cumuto/Manzanilla within the last 18 months. So the discrimination accusation is without foundation.

We fixed a significant number of roads in the constituency, far more than in other constituencies. If the Member is honest, he will admit that fact, so the allegation of discrimination holds no water whatsoever. In fact, we have treated the residents of Cumuto/Manzanilla very well.

Now let me deal with the instant matter. The Ministry of Works and Transport did intend to do some work on the Plum Mitan Road in accordance with the information given to the hon. Member previously. The intention was, as I indicated previously, to divert the existing roadway as an alternative to constructing retaining walls on the several landslips that the Member referred to. There are landslips on that road and it was the Ministry's intention, rather than getting into a situation—the Member has indicated that since he raised this matter there are two more landslips, so he is now saying that there are seven landslips.

If the Member visits that part of his constituency, he would be aware that those five landslips, or seven as he says, are within a very short space of, say, 150 metres to 200 metres. Therefore, there is a problem of soil stability in that part of the road because landslips continue to recur. It is for this reason that the engineers in the Ministry of Works and Transport felt that it would not be prudent to just build a series of retaining walls along these five landslips because more will occur. As the Member has already indicated, two more have already occurred.

Even if we go now and put retaining walls, you may find that while we are constructing them, or when we have finished, there will be others. It was for that reason—very good common sense—that the engineers sought to divert the roadway and take it through an area of stable soil, away from this unstable soil.

Regrettably, the Ministry encountered some setbacks. The first one was a land acquisition issue. Initially, the private landowner in the area where the road was to be diverted had indicated that there would be no difficulty in allowing the road to pass through his property. However, as it turned out, a proper evaluation of the land had to be done; surveys had to be done, soil investigation, et cetera, had to be done and negotiations had to be concluded with the private landowner. That took some time.

In addition, the environmental impact of the alternative created quite a few unforeseen problems. The information I have is that it has turned out that the alternative route was an environmentally sensitive area and that it would have

required excessive deforestation in order to meet the required demand standards to create a proper access road. Regrettably, there was something that the engineers were not aware of before—that the diversion of the road through the proposed realignment would have affected the home of a species of indigenous monkeys, which is located within this area. These are not things that the engineers were aware of at the time.

The Ministry has therefore concluded and the engineers have decided that obtaining the necessary environmental clearance from the Environmental Management Agency, because of the environmentally sensitive nature, especially the fact that this is the habitat for an endangered species, would take a very long time. In fact, to do the Environmental Impact Assessment and to come up with an appropriate relocation of this indigenous species would take almost two years. Regrettably, the engineers have advised that they may have to revert to the previous plan to construct the retaining walls.

I would like to say, at the outset, that while this is what the Ministry is now pursuing, because of the instability of that particular area of Plum Mitan, even when we complete these retaining walls, the area will still be prone to instability. That is the situation at this time.

We have done all the necessary design work for the retaining walls and we are close to the award of a contract, but it is still pending until the necessary funds of \$18 million that you referred to become available.

The undertaking I will give is that when the Ministry receives the necessary funds to do this project, we will move with dispatch to complete the work at Plum Mitan Road. Regrettably, until we get that \$18 million, we will not be able to do the work in question.

Thank you, Mr. Speaker.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.56 p.m.*