

Paper Laid

Friday, February 11, 2011

HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

PAPER LAID

Mr. Speaker: Hon. Members, I understand there is a paper to be laid but the paper is not at the moment with us, so I seek your indulgence to revert to this particular item sometime later on in the proceedings. Do I have your concurrence?

Agreed to.

ORAL ANSWERS TO QUESTIONS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, today I am pleased to report again that the Government is in a position to answer all questions for oral answers. [*Desk thumping*] For the record, there are no questions for written answers.

School Tutors

(Details of)

49. Miss. Alicia Hospedales (Arouca/Maloney) asked the hon. Minister of Education:

Could the Minister state:

- (a) How many school tutors are currently teaching in the school system?
- (b) The number of schools to which such school tutors are assigned?
- (c) What are the end dates of the existing contracts for these tutors?
- (d) Upon the end of their contracts, is it proposed to issue new contracts to these tutors?

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you, Mr. Speaker. With respect to part (a) of the question, there are no school tutors currently teaching in the school system nor are there any such positions on the establishment or on contract in the Ministry of Education.

With respect to Parts (b) to (d) of the question, please note the response to part (a).

Miss Hospedales: Is the Member saying that there are currently no pan tutors and no tutoring for pan in primary and secondary schools?

Hon. Dr. T. Gopeesingh: The question was asked, “are there any school tutors?” There are no school tutors. [*Crosstalk*]

**Bon Air Gardens, Arouca and Trincity Community Centres
(Building of)**

50. Miss. Alicia Hospedales asked the hon. Minister of Community Development:

Could the Minister state:

- (a) When will the project to build the Bon Air Gardens, Arouca and Trincity Community Centres commence?
- (b) What were the original dates for the commencement of the construction of these centres?
- (c) What are the revised commencement dates for the construction of these centres?
- (d) What is the reason for the delay in the commencement of construction of these community centres?

The Minister of Community Development (Hon. Nizam Baksh): Thank you, Mr. Speaker. In reply to (a): Construction of the Bon Air Gardens Community Centre which is situated at Bon Air, south Arouca, commenced in January 2010. To date the Bon Air Community Centre project is 2 per cent complete. The approved contract cost of this centre is \$9,747,843.71. The contractor for this centre was paid the sum of \$400,000 as part payment for mobilization of the site. The site for the Trincity Community Centre is situated at Beaulieu Avenue, Trincity. Works on this centre have not started because of the unavailability of funds. The approved contract cost of this centre is \$13,378,747.98. No mobilization fee was paid.

The answer to part (b): the contractor for the Bon Air Gardens Community Centre was given his letter of instruction dated January 27, 2010 to proceed with construction works in accordance with the terms of his contract. Fourteen working days were allowed for taking over of the site and 36 calendar weeks were allowed for the completion of these works. With regard to the construction of the Trincity Community Centre, the contractor was given his letter of instruction to proceed with construction on February 22, 2010. That is perhaps with regard to the election. In accordance with the terms of his contract, 14 working days were allowed for taking over the site and 78 calendar weeks were allowed for the completion of these works

Answer to part (c): In light of the present financial situation the country is experiencing it would not be practicable to give revised commencement dates for the construction of the Bon Air and Trincity Community Centres.

Answer to part (d): the decline in Government revenue and the ministries limited capital programme allocation for fiscal 2011 has made it impossible for the ministry to undertake construction of these centres. Work on these centres will commence in fiscal year 2013 pending the availability of funds.

Mr. Speaker, the Ministry has a total of 60 projects under construction with insufficient funding to support the programme. Associated with this status is a situation where arrears are owed to contractors in the sum of \$41.9 million from these 60 projects. The 60 community centres are at various stages of completion. Given the different levels of completion, these centres were prioritized into three categories:

Category I — there are centres that are over 70 per cent completed;

Category II — consists of centres between 27 and 69 per cent completed; and

Category III — there are 28 centres in this category which the Ministry of Community Development proposes to complete during fiscal year 2013.

Thank you very much.

San Juan Market (Details of)

53. Miss Joanne Thomas (*St. Ann's East*) asked the hon. Minister of Local Government:

Could the hon. Minister state:

- (a) The dates of commencement and completion of the San Juan Market?
- (b) The cost of construction of the said market?

The Minister of Local Government (Hon. Chandresh Sharma): Thank you very much, Mr. Speaker, and let me thank the Member for St. Ann's East. I consider this a very instructive question; it helps to show the failure of the previous government.

Mr. Speaker, in April 2004, the Central Tenders Board awarded a contract for the design of the San Juan Market. In September 2008, the Central Tenders Board awarded the contract for the construction of the San Juan Market at a sum of \$52,278,112.32; that included VAT. The Central Tenders Board also advised that the duration of this project would be 12 months. It means, that this market should have been completed by September 2009. Mr. Speaker, it is public knowledge that the previous government has not delivered a single project within budget and within time.

Mr. Speaker, we go to September 2009 when construction started. In April 2010 a site visit was conducted by a Town and Country Planning Division officer, where it was observed that additional issues needed to be addressed, namely; floor area; site boundary confirmation; inadequate proposed building setbacks.

Further, Cabinet Note No. 12:29 of May 13, 2010—some days before the general election—agreed to acquire lands in the area of the construction site to facilitate the requirements as set out by the Town and Country Planning Division. A new submission was amended and the amended designs was then made for this market. Owing to the many delays construction has since restarted on January 03, 2011. The proposed date for the first part is November 2011, so users and vendors of the San Juan Market would have an area to do their trade in time for Christmas. A further refurbishment would conclude by April 2012. Every effort is being made to keep the cost at \$52,278,112.32. I feel very certain I would be able to report some savings on this project. Thank you very much.

**Local Government Representatives
(Terms and Conditions of)**

54. Miss Joanne Thomas asked the hon. Minister of Local Government:

Does the Government propose to invite the Salaries Review Commission to consider improvement to the terms and conditions of service applicable to local government representatives?

The Minister of Local Government (Hon. Chandresh Sharma): Thank you very much, Mr. Speaker and very kindly Member for St. Ann's East. We are guided by the laws of Trinidad and Tobago and by the Constitution. The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and holders of such other offices as may be prescribed." In accordance with Act 21 of 1990 which provides for political administration at the local level, there are 14 municipal/regional corporations and each corporation is comprised of the following: mayor or chairman, deputy mayor or vice-chairman, alderman, councillors. As a result, the Government intends to invite the Salaries Review Commission to consider improvements to the terms and conditions of service applicable to local government representatives.

Mr. Speaker, as Minister, I have held discussions with the councillors of the various corporations and with the Trinidad Association of Local Government Authorities. These discussions are continuing, at the end of which a proposal for

improved consideration for local government practitioners will be taken to Cabinet. The proposed measures will then be submitted to his Excellency the President of the Republic of Trinidad and Tobago for his consideration and onward passage to the Secretariat of the Salaries Review Commission at the Office of the Chief Protocol Officer. Thank you.

**Las Cuevas Fishing Complex
(Details of)**

55. Miss Joanne Thomas asked the hon. Minister of Food Production, Land and Marine Affairs:

Could the hon. Minister state:

- (a) The dates of commencement and completion of the construction of the Las Cuevas Fishing Complex?
- (b) The cost of construction of the said complex?
- (c) The services to be offered to the fishermen and wider community at the said complex?

The Minister of Trade and Industry and Acting Minister of Food Production, Land and Marine Affairs (Hon. Stephen Cadiz): Mr. Speaker, with regard to question No. 55, I have been advised that Cabinet approval was never sought for this project to proceed, and therefore, the answers to parts (a), (b) and (c)—I really and truly have no answers to those since the project was never approved. Thank you.

1.45 p.m.

STATEMENTS BY MINISTERS

**Miscellaneous Taxes Act
(Green Fund Regulations)**

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. Mr. Speaker you may recall that in my contribution to the budget debate on Friday September 17, 2010, I advised this honourable House that the Government would amend the Miscellaneous Taxes Act, Chap. 77:01, Part XIV, Green Fund Levy and Regulation 2, the interpretation section of the Green Fund Regulations, 2007, to ensure that all organizations involved whether primarily or secondarily in the conservation of the environment would be eligible to secure funding from the Green Fund.

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Mr. Speaker, these requested changes were pending since early 2009. Today, on February 11, 2011, I am extremely gratified to indicate to this House and the national community that we have indeed given effect to those amendments to the Green Fund Regulations. [*Desk thumping*]

The Miscellaneous Taxes Act—I have in my hand, a legal notice, the Green Fund Regulations, in which we have provided for the amendment for certain regulations to ensure that the Green Fund is now accessible to several organizations throughout Trinidad and Tobago. It is dated for the record, February 8, 2011 and signed by the hon. Winston Dookeran, Minister of Finance.

Mr. Speaker, the Green Fund Executing Unit, the administrative entity established in the Ministry of Housing and the Environment, to manage the Green Fund was operationalized in September 2008, and is actively receiving and processing applications for financial assistance from the Green Fund. In the exercise of its mandate, however, certain policy issues that may not have been foreseen when the fund was established have emerged. These issues resulted in the exclusion of certain categories of organizations from access to funding from the Green Fund and must be addressed through amendment to the Miscellaneous Taxes Act. A restriction is inherent in the provision of section 64, Part XIV of the Act, which stated prior today, “The purpose of the fund is to financially assist organizations and community groups that are primarily engaged in activities related to the remediation, reforestation and conservation of the environment.”

The stipulation that organizations and community groups must be “primarily engaged in the stated environmental activities” effectively excluded from access to funding entities whose main business may not be of an environmental nature, but which nevertheless are able to conceive relevant projects and possess the institutional and other capabilities to efficiently and effectively execute them. It is to be noted that a significant percentage of applications or intended applications, for funding from the Green Fund received by the unit fall into this category and have proposed projects of sound, social, community and environmental value.

Mr. Speaker, from the 2007 regulation, it also describes an organization as meaning, “a body incorporated by or under a law other than the Companies Act; or a group of persons registered by the Ministry with responsibility for community development, as a non-governmental organization”, which again is primarily engaged in activities related to the environment. With respect to the meaning of organization stated above, section 308(2), Division 1 of the Companies Act, provides for the incorporation of a non-profit company which, in

order to qualify for approval as a non-profit company, shall restrict its business to one that is of a patriotic, religious, charitable, educational, scientific, literary, historical, artistic, social, professional, sporting, athletic or of the like.

In this regard the meaning of organization under regulation 2 of the Green Fund Regulations, did not provide for nor did it take into consideration a non-profit company incorporated as described in section 308(2) of the Companies Act. It is to be noted that there are proximately 3,000 active bodies incorporated as non-profit companies. Given the meaning of organization as described in the Green Fund Regulations, many of these organizations that wish to apply for financial assistance from the fund and that otherwise may be eligible by virtue of their being engaged in activities related to the environment, was unable to do so because they fall into the non-profit company category. Given the spirit and the intent of the fund it is justifiable that such organizations be eligible for financial assistance. This required amendment to regulation 2 to include a non-profit company. The effect would be to increase the number of applicants to the Green Fund for financial support. A further implication is the likely reduction in activities related to the environment if this amendment was not done.

Further, Mr. Speaker, regulation 2 of the Green Fund stated as follows prior today: "community group" means a group of individuals from a particular locality within Trinidad and Tobago which is, among other things, registered as a community-based organization by the Minister with responsibility for community development". In addition as mentioned earlier, organization means a group of persons registered with the Ministry with responsibility for community development. The meaning of organization and community group as stated in the regulations prior to today, therefore, omitted inclusion of such entities based in Tobago and registered by the Tobago House of Assembly in keeping with section 25 and the Fifth schedule of the Tobago House of assembly Act, 1996.

As such, all Tobago-based organizations and community groups that are not registered by the Ministry of Community Development, but in fact are registered by the Tobago House of Assembly were not eligible for financial support from the Green Fund. This required, Mr. Speaker, amendment to regulation 2 of the regulations. It was necessary to include registration by the THA in order to allow Tobago-based community groups and organizations to access the Green Fund. Mr. Speaker, for the record the balance in the Green Fund as at December 30, 2010, was TT \$2.2 billion.

Mr. Speaker, there is a regulatory framework in place governing the use, management, access and accountability of funds disbursed to a community group or organization.

These include:

- applications for certification of an activity,
- the form of the application and supporting document,
- evaluation and determination of an application,
- execution of a memorandum of agreement,
- disbursements from the Green Fund and conditions for receipt of funds by the group,
- monitoring and reporting and terminating such funding.

Institutional arrangements in place include, the Green Fund Executing Unit agreed to by Cabinet.

The core functions are:

- advising the Minister with responsibility for the environment with respect to certification of activities and disbursement of money.
- coordinating all activities with respect to the administration of the fund,
- receipt, processing, screening and evaluation of projects,
- monitoring the implementation of projects approved for funding, including evaluation of performance, auditing and reporting,
- financial management, provision of timely reports in conformity with requirements of the Finance Act, and
- networking with community organizations.

Mr. Speaker, may I also indicate that there is a Green Fund Advisory Committee which is appointed by the Minister with responsibility for the environment for a term of two years and will comprise five to nine members with relevant experience and qualification in areas of environmental management, law forestry or finance. The role of this committee is to advise the Ministry of Housing and the Environment on the certification of activities related to the environment.

In conclusion, in addition to all those registered non-profit organizations and community groups that are currently—which from today will become eligible for such grants, we have also included the non-profit companies incorporated under the Companies Act, community groups and organizations registered by the

Tobago House of Assembly. May I reiterate that when this People's Partnership Government entered office we found correspondence dating back to 2009, from the then Minister of Planning, Housing and the Environment, Sen. The Hon. Emily Gaynor Dick-Forde, addressed to Sen The Hon. Karen Nunez-Teshiera. And, Mr. Speaker, since 2009 correspondence suggests that the then Minister with the responsibility for the environment had been writing and begging for action on this matter so that we could arrive at this day.

1.55 p.m.

Mr. Speaker, no such action was taken. Community groups, environmental groups, non-profit organizations under the Companies Act continued to suffer by being denied access to the Green Fund established for environmental conservation and preservation.

Mr. Speaker, we are happy to report that notwithstanding that fruitless period when the Ministry was led by Sen. Dick-Forde, who, I think, referred to herself as a "big C", we are happy to announce that pursuant to our manifesto commitment in our local government manifesto 2010: "Right Representation, Real Results of the People's Partnership", we made a commitment to strengthen community-based environmental projects by accessing funding to the Green Fund. We have delivered on this promise. Within eight months of taking office; we have done what the former administration could not do in two full years.

Mr. Speaker, I thank you very much. [*Desk thumping*]

**British Government's Withdrawal of Warships
(Unsubstantiated Evidence to)**

The Prime Minister (Hon. Kamla Persad-Bissessar): [*Desk thumping*]
Thank you, Mr. Speaker. Mr. Speaker, on Wednesday, February 09, 2011, the hon. Member for Diego Martin North/East—he is not here at the moment, but on Wednesday last the hon. Member made a contribution to the debate on the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Bill. In that contribution the hon. Member made statements concerning the decision of the British government to withdraw its warships from the Caribbean. As a result of his contribution a report was made in the *Daily Express*, Thursday, February 10, at page 5, with the headline, "UK Navy withdrew patrols because of the sour OPV deal". That was carried in the *Express* and the report carries parts of the contribution of the hon. Member for Diego Martin North/East.

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On that day, the hon. Member for Diego Martin North/East, in what can only be construed as an act of mischief and an attempt to mislead the nation in a zeal to acquire cheap, political points, insinuated that the withdrawal of a UK frigate from the patrols in the Caribbean was in retaliation for the Government of Trinidad and Tobago scrapping the OPV deal with BAE. It is extremely dangerous to leave these unsubstantiated innuendoes and allegations unanswered.

This irresponsible statement by the Member for Diego Martin North/East has the potential to cause severe damage to bilateral relations between Trinidad and Tobago and the United Kingdom. The Member of Parliament provided no evidence to support his allegation.

Mr. Speaker, I wish to place the facts before the nation. After these serious allegations were made by the hon. Member, we contacted the relevant authorities of the British High Commission and I have been advised by them that that Member of Parliament for Diego Martin North/East's statement or perception, is totally incorrect and there was absolutely no link between the withdrawal of the Royal Navy Frigate and the OPV contract.

I am further advised by the High Commission—[*Interruption*]

Mr. Speaker: Members, the Member for Siparia and the Prime Minister is on her legs. Could we observe Standing Order 40, especially on the Opposition Benches? Observe Standing Order 40. A Member is on her legs. Silence, please! Continue, hon. Prime Minister.

Hon. K. Persad-Bissessar: Thank you, hon. Speaker. Mr. Speaker, the allegations are totally unfounded, based on the fact—and I am so advised by the UK High Commission—that the UK's primary interest with respect to their security arrangements, the Royal Navy's presence in the Caribbean region is the security of UK overseas territories and therefore the question arises: why would they be so petty and affect their own security of their own territories based on a contract between Trinidad and Tobago and a company that was selling vessels that had defects?

I am further advised that the main threats to the security of the UK overseas territories are natural disasters, especially hurricanes, regional corruption and the effects of drugs and drug-related crimes, hence the need for the Royal Navy to have a presence in Caribbean waters. In fact, contrary to the irresponsible allegations and innuendoes of the Member for Diego Martin North/East, I am advised that the Royal Navy will continue to provide a permanent presence in the Caribbean and will be able to respond to a full range of foreseeable contingencies.

I am further advised that the Atlantic patrol for 2011 will not include a Royal Navy destroyer for the hurricane season as before, but instead there will, in fact, be a Royal Navy team embarked on the remaining Royal Fleet Auxiliary ship. This means that the Royal Fleet Auxiliary will provide broadly comparable disaster-relief capability to what they provided before, as the capability will now come as a self-contained package of manpower, relief supplies, helicopter and other support on one ship, hence cutting cost but keeping its operational effectiveness in the Caribbean.

I am further advised that the decision to withdraw the frigate came as a result of a strategic defence and security review by the British Ministry of Defence, which reduced a number of frigates from 23 to 19 so that not only the Caribbean has been so affected. The withdrawal was based, I am advised, on the challenging defence and financial background, and nothing else. But by the Royal Fleet Auxiliary ship still being in position in the Caribbean, it in fact demonstrates the commitment of the UK government to the defence and security of its Caribbean allies.

I am further advised that in previous years the Royal Navy has provided a Royal Fleet Auxiliary vessel, supplemented with a frigate or destroyer, during the core hurricane season. This new capability means there will be one ship instead of two in the region.

It is to be noted that this British vessel would be patrolling the Caribbean; it would not be defective or faulty; it would be fully equipped with an effective combat system capability, unlike the defective OPVs that the Opposition wanted which had such an ineffective system for combat.

It is amazing that the Member of Parliament for Diego Martin North/East is crying all over about the loss of the OPVs when our sailors from the training for these OPVs have returned home and there are reports that many were not pleased with the limited training and the flaws of the OPVs and stated that they were pleased that the project was scrapped.

I see that these continued desperate attempts by certain Members of the Opposition to reincarnate the correct cancellation of OPVs as quite interesting, bearing in mind that this same company has recently been handed large fines for criminal acts, which include allegations of bribery and funnel payments to acquire contracts and allegations of bribes, kickbacks and overpayments; reports coming from the United States, the United Kingdom, Tanzania and Saudi Arabia, to name a few.

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It is interesting to note that BAE recently pleaded guilty in Washington to conspiracy to defraud the US government and was ordered to pay a US \$400 million criminal fine, which is one of the largest criminal fines levied in the USA against a company for business-related violations. BAE, in fact, admitted to knowingly making false statements to US investigators to hide its failure to ensure compliance with the Foreign Corrupt Practices Act. The scheme involved knowingly failing to identify commissions paid to third parties for helping, soliciting and promoting sales of defence items, in other words, in “Trini” parlance, bribery.

It is also interesting that BAE’s tendering bid to Trinidad and Tobago was nearly \$700 million more than the other two bidders. So that the hon. Member for Diego Martin North/East should explain how that happened, why that happened, instead of crying about cancellation. [*Desk thumping*]

It goes further. The statement is mischievous, given the headline carried in the *Trinidad Express* newspaper of February 10, and when we look at the contribution of the hon. Member on Wednesday 09, it is very clear that he quoted from an article, and these were his words:

“I was looking at an article in a Barbados newspaper this morning, February 09, 2011, Bridgetown, Barbados.”

I am quoting from the *Hansard* of February 09 from the hon. Member's contribution. I continue to quote:

“Royal Navy withdrawal causes Caribbean worry.

Caribbean countries are concerned about the impact Britain’s decision to pull its naval warships from the region will have on the drug fight. The UK Guardian newspaper reported on Monday that the government will abandon its warship patrols of the Caribbean for the first time since the Second World War, because of the Royal Navy’s funding crisis...”

The hon. Member quoted the article; gave the reason but went on to insinuate—and it could only be an act of mischief—to say the following:

“I would not be surprised....”

He said:

“This is just an example of what countries will do to you when you interfere with them.”

He says:

“The Member for Pointe-a-Pierre has been a negotiator with foreign companies, multinational companies, and he knows the things they will do to you if they feel that you have given them the shaft, if I could use that expression.

I would not be surprised if the withdrawal of the Royal Navy from the Caribbean Sea is not a reaction to our renegeing as a country on the contract we had with the British government for the acquisition of offshore patrol vessels. I would not be surprised. In international circles they call this ‘leverage’. Minister of Foreign Affairs, this is called ‘leverage’.”

So whilst the hon. Member in his contribution gave the quotation as being a funding crisis from the British, he went on to insinuate and to be very mischievous in making a link between the OPVs and the withdrawal of these patrol vessels. The headline: “UK Navy withdrew Patrols because of sour OPV deal”, I am advised that nothing is further from the truth on the basis of our enquiries to the British High Commission. So I would say to the Member of Parliament for Diego Martin North/East, he should spend some time and tell us why the BAE’s tender bid, which was nearly \$700 million more than the other bidders, was chosen, given that scenario. That is the explanation that we need. The hon. Member will be well advised not to tarnish the reputation of our allies because this could damage our bilateral relationships with the United Kingdom; not to tarnish the reputation of our allies with misleading that could do nothing other than to show acts of desperation on the part of the Opposition.

I thank you, Mr. Speaker. [*Desk thumping*]

COMMITTEE OF PRIVILEGES

(Mr. Colm Imbert)

The Minister of Education (Hon. Dr. Tim Gopeesingh): Mr. Speaker, I hereby seek your leave under Standing Order 27(2) to raise a matter concerning the privileges of the House of Representatives. On Wednesday, February 09, 2011, the Member of Diego Martin North/East, the hon. Colm Imbert, made a contribution to the debate on the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Bill in the House of Representatives.

In that contribution, the hon. Member for Diego Martin North/East made certain statements concerning the decision of the British government to withdraw its warships from the Caribbean because of the British navy’s funding crisis which was reported in the British newspapers and widely circulated globally.

In his contribution, the hon. Member for Diego Martin North/East, conveyed via innuendo and allegation, information to the House that was inaccurate in a material particular and which he, the hon. Member for Diego Martin North/East, knew, or ought to have known, was inaccurate. The hon. Member for Diego Martin North/East misled the House, as identified and particularized in the aforementioned quoted parts of his contribution.

The hon. Member for Diego Martin North/East in his contribution further repeatedly referred to the Royal Navy's withdrawal of the warships as being a payback for this country's cancellation of the OPV deal, even though the hon. Member himself acknowledges in his own contribution and as quoted in the paragraphs aforementioned, that the British government's official and only given reason for the withdrawal of the said vessel was due to a crisis in funding of the said Royal Navy.

We have heard from the hon. Prime Minister that the Member for Diego Martin North/East wilfully, and deliberately made false, irresponsible and mischievous statements.

2.10 p.m.

The Member for Diego Martin/North East, now hearing the statement while he was on the way, I am sure, by the Prime Minister, even up to today has chosen not to apologize to this House for his misleading statement. You had an opportunity; this could only mean that he has chosen to stand by his statements which have been demonstrated to be seriously inaccurate.

The relevant practice of the Commons, the House of the Parliament of Great Britain, is that a Member of Parliament who deliberately misleads the House of Commons commits a serious breach of privilege. [*Interruption*]

Mr. Speaker: The Member for Diego Martin/North East, you have just arrived could you be silent and allow the Member to speak, continue.

Hon. Dr. T. Gopeesingh: Thank you, Mr. Speaker, and contempt of Parliament as per Erskine May's *Parliamentary Practice* twenty-third edition page 132 which states:

“The Commons may treat the making of a deliberately misleading statement as a contempt.”

In the circumstances, it is my respectful view that there are valid reasons to question, whether the hon. Member for Diego Martin North/East has committed a breach of privilege and/or contempt of the House of Representatives by

deliberately misleading the House. I therefore, propose that this matter be referred to the Committee of Privileges of this House for examination and report.

Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: Hon. Members, I shall reserve my ruling on this matter at some later stage; not necessarily today, but at some later stage. [*Interruption*]

ELECTRONIC TRANSACTIONS BILL

[Second Day]

Order read for resuming adjourned debate on question [February 09, 2011]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Can I have your silence Member for Laventille West. Hon. Members, I would like to have your silence. Member for Caroni East, I would like to have your silence.

Dr. Gopeesingh: Sorry, Mr. Speaker. I apologize.

Mr. Speaker: The debate on the second reading of the following Bill which was in progress when the House adjourned on Wednesday, February 09, 2011, will be resumed, a Bill entitled an Act to give legal effect to electronic documents, electronic records, electronic signatures and electronic transactions. Persons making their contributions to date or Members, I should say: Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam, Minister of Public Administration, and the Member for Port of Spain North/St. Ann's West.

The Minister of Housing and the Environment (The Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. The matter before us this afternoon addresses the issues related to an attempt by countries like Trinidad and Tobago to follow our Caricom neighbours and certainly developed countries and trading partners to climb yet another mountain, to place us in a paramount position, as it relates to technological advancement, the use of electronic technology in the conduct of government business and public business.

The matter before us is an Act to give legal effect to electronic documents, electronic records, electronic signatures and electronic transactions. This Bill makes what we believe to be its second trip to the House of Representatives. You see, this matter was debated in February 2009, I believe it was. In February 2009, this matter was debated in the House and Mr. Speaker, interestingly enough, those speaking on the matter included the Minister who piloted this measure, the

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Minister of Public Administration then hon. Kennedy Swarathsingh, and replying to the Minister on that occasion were the then Member of Parliament for St. Augustine now Minister of Food Production Land and Marine Affairs Sen. The hon. Vasant Bharath, and in reply as well, the Member for Oropouche East then on the Opposition Benches.

So, Mr. Speaker, it may well be another unique moment when the same Member representing the same constituency speaks on a Bill from both Opposition in Government. And my friends opposite, of course, would have the public record of my statements, of my pronouncements when I spoke on this matter and I also have access to that as well. So, it is a pleasure for me to stand on this side and support the Minister of Public Administration Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam on this measure.

In piloting this Bill, the Minister made an extremely comprehensive, detailed and technologically savvy presentation that outlined the objectives and the intent and went into some detail as to the structure and organization of the law. But before I get to this Bill, there are two matters. I must dispense with; one involves the led contribution from the Opposition and the led contribution came somewhat interestingly from the Member for Port of Spain/North St. Ann's West, who lead the Opposition's response on this matter and there are some comments I will make on that contribution. But let me just paint the landscape somewhat to indicate that in coming into office the People's Partnership in our manifesto "Prosperity for all"—And you know, there are Members opposite and members outside, who at times raise issues of policy and they keep asking what is the policy on this and that ? and, do you have a policy? Mr. Speaker, this is a Government of the People's Partnership that won an election on the basis of this manifesto "Prosperity for all" this is our Government policy. [*Desk thumping*] This was accepted by the Cabinet and reflects the official policy of the Government of Trinidad and Tobago.

In our policy document we were very bold to spell out seven interconnected pillars for sustainable development, and those include:

- People - Centered Development.
- Poverty Eradication and Social Justice - Preference for the Poor and Disadvantaged.
- National and Personal Security-Human Security for Peace and Prosperity.
- Information and Communication Technologies - Connecting T&T and Building a New Economy.

- More Diversified Knowledge Intensive Economy - Building on the Native Genius of Our people.
- Good Governance - Peoples Participation.
- Foreign Policy - Securing Our Place in the World.

Mr. Speaker, It goes without saying that the Government of the People's Partnership in eight short months has delivered on all seven pillars of our manifesto.

Mr. Speaker, remarkably last evening, on the People's Meter—I think it is a poll done at the end of the television news, TV6—I think, when the question was asked whether or not persons who were participating in this poll believed that there will be the expected economy growth in 2011—the Minister of Finance of course will be extremely pleased to know, that on that poll an unprecedented 100 per cent of the respondents said yes. They believed the expected growth.

2.20 p.m.

Mr. Speaker, this is the TV6 poll. This is unprecedented. The last time figures reached anywhere close to 100 per cent was when they asked, “Do you support the former Prime Minister?”, and 94 per cent said, no. It is on a rare occasion we get here. So we have finally lifted the bar. We have finally reached to 100 per cent of those participating who said, yes, we expect the growth. This is, of course, the television poll and so on, and one may say this is the feedback from the population, but it is very critical for the confidence and so on.

Mr. Speaker, the International Monetary Fund (IMF) confirmed this. [*Interruption*]

Mr. Manning: Confirmed what?

Hon. Dr. R. Moonilal: An estimated growth. The Governor of the Central Bank has also done this. Mr. Speaker, at any point, there is confidence emerging and intensifying that will deliver on our commitment to grow the economy of Trinidad and Tobago. [*Desk thumping*] So, you see, the campaign mounted by my friends opposite of gloom and doom has failed. In fact, I think their progress in the politics is gloom and doom, but their campaign has failed. It has failed.

Mr. Speaker, I want to dwell on Pillar No. 4 because it is consistent with our Bill before us, addressing this issue of technology. We were bold. We said:

“Information and communication technologies (ICT) and the systems that they can create are fundamental to the development of every modern, progressive society.

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The ICT backbone, linked to the competencies of a well educated population, provide the required support for effective communication, information sharing and knowledge management.” We promised—“We will expand the country’s internet connection capabilities so that every citizen will be able to have access and conduct business for a wide range of governmental services. IT-based learning will be infused in education at primary and secondary levels to support and complement other forms of teaching, learning and basic research.”

That is our pillar, Pillar No. 4 in this extremely beautiful manifesto that was prepared by the People’s Partnership.

Mr. Speaker, Pillar No. 4 is now Government’s policy, may I repeat, and the budget which is also government policy. There are so many policy documents at hand, and one wonders, why is this mischief about asking for policy when you have the budget presentation, the manifesto and government policy. You have policy documents on tertiary education laid in this House. You have a policy document on the tourism sector; in almost every sector we are reviewing. But, you see, that is a normal trick on the other side to look at policy and plan, and always say that the Government has no plan. We will leave them there. The polls and the international agencies will pronounce appropriately.

Mr. Speaker, Pillar No. 4 is what we are about. Pursuant to this pillar, we have come to the Parliament with our Electronic Transactions Bill, in short. But before coming here, it was the Government of the People’s Partnership that made another bold commitment pursuant to Pillar No. 4. I can talk on the seven pillars, but I think I should restrict myself to the communication technology—on another occasion. Pillar No. 4, electronic transaction. But before this day, we ensured under the inspiration of the Member for Siparia, that a laptop computer was delivered to every single child completing the SEA examination. [*Desk thumping*]

Those children would have received their laptops. They would have been now ushered into a new era of technological enhancement of doing their homework, of learning, of knowledge. We were proud last week Tuesday, I believe it was, when we turned the sod for the construction of 700 units at Union Hall in San Fernando, to announce—[*Interruption*] that is pursuant to another pillar and that involves pillars; that is a real—that pursuant to Pillar No. 4 and the Electronic Transaction Bill and what this will mean to our society, that in those housing estates established by the People’s Partnership, they will be compliant with Wi-Fi technology to provide free Internet [*Desk thumping*] to low income families and

children, so that the children, the elderly, all members of the family—Wi-Fi operates that way. Anyone in the home, in the estate, can use the technology and access Government’s services to which we have now arrived.

So, Mr. Speaker, our development model is integrated. This is not development as we had it before, prior to May 24. This is not development by “vaps”. This is not where you wake up one day and dream that you put a pipe up the islands; you dream that you would create an island out of Otaheite to plant smelter plants. This is not when you get up and dream of some madcap plan. This is an integrated approach to delivering on our seven pillars which we keep in focus. Every Member of this Government was mandated, once per week or more, to read our policy documents, to study these pillars, so that in all our ministries we would deliver on these pillars of good governance. [*Desk thumping*] The pillars represent, of course, the foundation upon which we will now build, and I spoke earlier of other achievements.

The Electronic Transactions Bill came to us in a form in February—they built the foundation for a church somewhere. This Bill came in 2009. It was brought by the former Member for St. Joseph, who I think was comprehensively defeated by the current Minister of Justice, [*Desk thumping*] and then he vanished. The Member brought the Bill for us and we found several flaws, we found several complaints, and it was the Member for St. Augustine at the time, the hon. Vasant Bharath and myself, who raised those issues. So the Bill was taken to a joint select committee where we had several meetings and made several recommendations. In fact, if I am not mistaken, I think the former Leader of the Senate Business for the Opposition was a member of the committee dealing with a few related matters. But that is another time. We made recommendations, raised issues, and I am happy to announce that when you look at the list of amendments, the changes in the Bill, between 2009 and 2011, we have over 35 amendments. [*Desk thumping*] I have a list of them and I intend to read it, because I think my friends opposite will want me to read this 15-page document.

Mr. Speaker, there were other issues raised at the joint select committee, and I am pleased that I also have a review of the comments raised by all Members, including the Member for St. Augustine and myself. These concerns have been addressed. Some of the concerns we raised were of a political nature given the structure of this Bill, and what the Bill intends to do. There were comments of a political nature. So comments were accepted; amendments were made.

In some cases, when we raised issues in the Opposition we required clarification, and clarification was also sought because it is not every issue that you raise in the Opposition require an amendment; they required clarification. On

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a previous occasion, Members opposite sought to portray on a related matter, that those of us when we were in Opposition, raised issues and there were no amendments. But every issue does not lead to an amendment, it requires clarification. I am pleased to announce that several of these issues were cleared up by the technical people in some cases. Regrettably, not by the Ministers, but by the technical people. There were issues raised and I will get to it. [*Interruption*]

Mrs. Persad-Bissessar: By which Minister?

Hon. Dr. R. Moonilal: The former Minister of Public Administration. I believe it also involved a former Minister of Information. I think he was also resoundingly beaten and decimated by the Member for Lopinot/Bon Air West. [*Desk thumping*]

Mr. Speaker, committed to our development pillars, we could not accept that this was PNM legislation or the tenet, the intent and objective of the legislation was not good. We did not accept that. We believed that if we cleaned it up sufficiently, clarified some of the issues, amended as far as we could, that this is something inherently good and consistent with Pillar No. 4 of our development agenda. So, in quick time—and I want to say in quick time; it did not take years, two, three years and so on—under the Minister of Public Administration, Sen. Gosine-Ramgoolam, this Bill in its amended form, over 35 amendments with clarifications, found itself back to the Chamber of the Parliament for debate. [*Desk thumping*]

Mr. Speaker, I want to refer to the lead respondent from the Opposition. On that evening, a couple days ago, the Member for Port of Spain North/St. Ann's West made certain statements in her contribution. Now, this is a Member, who on a rare occasion would disturb the House, on a rare occasion would trigger a response from the Government, because the Member is really a fine speaker, but would not always attract our attention because the Member is generally right. [*Desk thumping*] The Member speaks on a rare occasion and is generally right when she is not speaking.

The Member told us that the Bill is fraught with irregularities and inconsistencies, and it has returned with little or no changes. Nothing is further from the truth. The Member compared the 2009 version of the Bill with this 2011 version. In comparing, the Member ignored a list of significant amendments as they relate to the 2011 version. I really had a note to call on the Member for Port of Spain North/St. Ann's West, as a former, I think, practitioner in the education sector, to do her homework. [*Desk thumping*] The Member did not do her

homework and that is understandable. I understand there were some legal matters and so on, that may have been taking up her attention. I think it is properly resolved now. So the Member's attention would have been diverted, I think, to some Magistrates' Court proceedings.

Mr. Warner: Which she lost.

Hon. Dr. R. Moonilal: She lost?

Mr. Warner: She lost.

Hon. Dr. R. Moonilal: I did not know that. But that is not the issue I am about today, "who win court case or lost court case". I am about the Electronic Transactions Bill.

Mr. Speaker, I am informed by our technical support staff that there have been 34 amendments of a substantive nature, and in all, between minor amendments and substantive amendments, over 50 matters have been dealt with. In doing these amendments and changes, it was the intention to bring the Bill up to date with improvements in legislative construction proposed in the international conventions on this matter. It was also our ambition to rationalize certain irregularities in the Bill, the 2009 version, to ensure adequate alignment with regional standards and policies which are developed in the area of electronic-based legislation.

Mr. Speaker, this was certainly not a cut and paste operation. Certainly not! This was a serious piece of work undertaken by the Minister, her staff, members of the Legislative Review Committee and other dedicated public officers, as they considered the views of the then Opposition on this matter.

2.35 p.m.

By bringing back this Bill today, the Government is signalling that we are serious about electronic transactions. Mr. Speaker, if we do not move on this matter, if we delay and do not move, what will happen is that the international private sector, local private sector and international agencies and including developed country governments will move ahead with electronic transactions and the use of technology in the provision of government services and we will be left behind.

This is a place, Mr. Speaker, where over the many years, when you go to a ministry—in some cases we have to deal with those challenges—you need to fill out a form to pay \$5. When you fill out the form to pay \$5, you need to get a

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receipt that is done in triplicate to accept your \$5. This is the nature of this archaic system. And, Mr. Speaker, in some of these transactions, it takes hours, two hours. There are citizens in this country who must pay a bill; the bill might be \$5, they need to take \$20. from San Fernando to come to Port of Spain, take half a day, sometimes maybe even a day from their workplace to go to pay a bill; today in 2011. Mr. Speaker, this cannot continue. We must have the technology backbone in place to provide for the enhancement of electronic transactions and the use of electronic signatures and electronic certificates, et cetera.

Mr. Speaker, in legal matters—Sometimes you have basic documents that you must obtain to satisfy some procedural requirement, you have to go and line up for a day. You have to go, in some cases, depending on the Ministry from four o'clock in the morning. This is our legacy, this is what we have met here. You have to go four o'clock in the morning, Mr. Speaker, so that you can go to the office, wait in the dark, in the dew, for an officer to arrive by 7.30 and then you are in pole position to go and conduct your business.

There is a big impact on productivity. That is the issue: productivity. And electronic transactions enhance our use of time so that we produce more; and our labour force will spend less time on procedure and bureaucracy. This is meant to remove bureaucracy. This is the objective, Mr. Speaker. And basic things, I want to draw your attention to. A simple thing, for example, documents one receives from the government service on a routine basis, certificates, letters, correspondence, one can also think of things like a payslip. It has been an archaic practice that you work in a government ministry, some people, Members of Parliament and so on, and every month, this blue and white paper comes with a stapler, this is your payslip and it comes, of course, three months after. But it is there with net and gross and you put this piece of paper. The day and time has come when someone can go, log on, use a password and check on your status and your payslip. That is the progress we want. [*Desk thumping*]

So, Mr. Speaker, if you want to check if you got a bonus; you want to check if you were paid an incentive payment, you want to check to see if your wage went up, you should go—if you want to check the status of fees that the Mayor of Port of Spain has decided to impose—you go on the computer, type in a code and check those fees. It works well for personal matters; that is the point I am making. Electronic transactions assist a lot with personal matters.

Mr. Speaker, salary information, NIS information, we have a crisis now in some areas which we met. In CEPEP, for example, where we have some concerns about contractors and their non-payment of NIS. Imagine in 2011, we have to send

a Field Officer to go in somebody's office, with a torchlight to look in the book to see when they pay, did they stamp it, while you can have an online system that monitors that between the contractor and the NIS directly.

Mr. Speaker, salary conditions. In fact, I know it is a burning matter now. The conditions of pay and salary is a matter that the Government is meeting and treating with as best we can involving public officers, involving teachers and involving, I believe, police officers. May I just, for one minute, indicate to the Member for Laventille East/Morvant, I think it is that Member who is on public record as suggesting, as advancing that the former PNM government proposed top dollars for cops, that there was some way the former government was proposing a 40 per cent increase over three years to police officers.

Mr. Speaker, I wish the Member for Laventille East/Morvant was here and I wish we had electronic transactions now. But I wish she was here, I would ask her to stand on the record of this House, on public record and say to us, whether the former PNM government had agreed on salary increases for the police. She cannot say that. But, Mr. Speaker, the answer is no.

I am informed by the Chief Personnel Officer that this matter first received attention in 2009 when the Trinidad and Tobago Police Welfare Association submitted proposals to the CPO for revised terms and conditions. The Police Association which is the association of the police and so on, submitted a document from the Ministry of National Security. That document proposed increases in salaries. That was submitted by 2009.

Mr. Speaker, I am further advised by the CPO, that this document was not a product, did not have the blessing, did not have the consent, did not have the agreement of the Public Sector Negotiating Committee which was subcommittee of the former Cabinet. I think, chaired by Dr. Lenny Saith. So that the Public Sector Negotiating Committee did not support and indeed disagreed with the recommendations of that report.

Mr. Speaker, I am further advised that when this report was circulated, the committee, the PSNC it is called, expressed outrage, they expressed concern that the country, the government at that time could not pay salary increases as reported in that particular report given the economic and financial circumstances that Trinidad and Tobago was experiencing at the time and in light of the global economic and financial uncertainties. So, it is wrong, it is misleading to indicate that the former government had approved or agreed to salary increases for the

police. That is not so! In fact, contrary, the former government did not agree and expressed grave reservations about the proposals from that report from the Ministry of National Security; and that is the truth.

Mr. Speaker, so if we had a system where we could conduct transactions and learn these things in electronic form, we would not have people peddling untruths and straining to mislead the national community; and this is what they were doing. Let me repeat and close on this matter now. The former PNM government took no decision and did not agree to any salary increases for the Trinidad and Tobago Police Service. And the Public Sector Negotiating Committee, a subcommittee of the then Cabinet of the Member for San Fernando East, expressed concerns and could not agree on the proposals in that document; so do not mislead. You know, Mr. Speaker, those on the other side now, they are supporting public officers. That was the same government that wanted to retrench and fire 2,500 persons from the Board of Inland Revenue and from the Customs. They wanted to send home 2,500. And now, they are jumping up; they say they support the police, they support the workers. Mr. Speaker, enough of that, let me get to my electronic transactions matter.

Before us now, we have the amendments and I will just quickly review them. We are advised that following the Joint Select Committee and following suggestions made by Members for St. Augustine, Oropouche East and others, we have amendments, Mr. Speaker, dealing with such issues as the inclusion of a certain clause, at clause 4, which confirms that despite the provisions of the Act, public bodies are not compelled to treat in an electronic form until they are ready to do so. It gives the breadth.

Mr. Speaker, you can almost print their speech before. They are coming with what the Opposition said and what is here. Clauses 27 and 26 in particular, which I looked at with some research eye, where it was no less a person than myself who made recommendations. I am happy that my recommendations were accepted. They were accepted, Mr. Speaker. [*Interruption*] Well, I am not surprised; I am elated, recommendations have been accepted by the committee. They were accepted.

2.45 p.m.

In the Electronic Transactions Bill before us clause 4 speaks of the inapplicability of the Act. Under the new numbering clause 9, there is now the inclusion in the list of negotiable instruments as not falling under the rubric of the Act, and that was a matter raised.

In clause 6, and this was a critical one, in all that debate, there was a huge dispute over the role of the data or information commissioner. At clause 6, there has been an amendment, and I believe it was a significant one, in that data information commissioner is no longer assigned functions as outlined in Part V. That was a major concern we had at that time; some of the responsibilities and the overwhelming power of the data commissioner. In Part V, they have removed that wisely from the purview of the data commissioner.

Apart, of course, from several—one of the things we had to do with this Bill was really to reformat, redraft, clean up, sanitize because a lot of these provisions sometimes, in some cases, needed redrafting, not to change it really, but for clarity. So, there were a lot of problems with clarification. This is why, when the Opposition speaks and when we spoke on February 18, 2009, the issues we raised were also issues for clarification; not for fundamental amendment in some cases. I am happy that, again, our committee reformatted and redrafted clause 18, dealing with the validity of contracts. That was reformatted, the validity of contracts, and it now provides for greater clarification.

Clause 20: involvement of electronic agents and the use of electronic agents now under clause 21. Again, there was a problem in the initial Bill. That has been clarified and redrafted accordingly.

I also raised, myself, when I looked at the record, clause 27 of the old Bill dealing with place of business. In fact, I had a major part of my contribution dealt with location of business, because we are dealing with, in some cases, agents and businesses that could be established anywhere in the world and conduct electronic transactions. So, you could be running a business in Iceland and conducting transactions. There was a matter raised on that occasion, as it relates to locality of business. When we raised it, I want to tell you, the Members were on this side, the Member for Caroni East recalled, at that time, and they were obnoxious, arrogant and rude. That is the good point. On the note of arrogant, I think, on that Bill, the Member for Diego Martin North/East also contributed. I remember now.

On clause 27, I raised the issue of locality. In this matter dealing with place of business, the new Bill before us provides clarity on what can be validly considered the place of business of either the originator or address of the data message. In particular, at clause 20 again, it clarifies that there are no presumption of the place of business of a party simply based on the location of the server. That was a major issue we had raised. Also, there is no presumption, bearing in mind the domain name associated with the electronic address, as these physical

locations may be in jurisdictions which vary from the jurisdiction where the business is registered. It had to do with the originator being outside of our jurisdiction, and whether the law permitted us to attach some type of offence, some type of penalty, to someone who is operating in another jurisdiction. That was a real issue raised in that context.

The other matter, clause 31, a new subclause was inserted to reinforce the presumption that a document signed by an electronic signature that meets the criteria outlined in subclause (1) is deemed to be unchanged since the time of its signing.

A matter was raised, as it relates to the reliability and integrity of an electronic signature. That is a major issue too. When you sign, you execute an electronic signature, the issue of the test of reliability and integrity as to when it is sent and when it is received, and whether or not that had an implication, and in some cases, a criminal implication, with financial transactions; where someone could be the beneficiary of a service or a good and claim that they have already signed and they did not at the requisite moment. It was a matter that was raised and debated, and I am happy that the draftsmen and the Minister have seen it fit to insert a new subclause to reinforce that presumption. Certain clauses, of course, were removed because we complained that they were not making sense. We complained that they were illogical.

In the area of electronic certificates and accredited certificates, we also raised that issue; electronic signatures associated with qualified electronic authentication products. In a simple way, a major challenge that countries face and businesses as well, is integrity of these systems that require electronic transactions, whether we can depend on it, whether there are ways that evil minds can interfere with electronic transactions and commit offences. That matter was raised with the issue of the electronic certificates and signatures, and I am happy that has also been attended to. Maybe it may not have been attended to in the full breadth that we have suggested, but there was certainly an amendment to deal with that.

I said before, this data commissioner had also been a bone of contention, and I am happy, at clause 32, as well, the data commissioner has changed to the "Minister or designated authority". That, I think, is a very significant matter. Our argument at that time was that it was almost draconian to place certain powers under a data commissioner, when those powers should be held by elected representatives who were answerable to the Parliament. That is a principle, apart from technological neutrality, and so on. That is an important principle that accountability must lie with Parliament, and particularly when it involves such

grave issues as privacy and incursion into our fundamental rights. Accountability must dwell with Parliament. The data commissioner, in clause 32, that role that was first thought of for the data commissioner, under the previous Bill, has been changed. That role has been shifted to the Minister or designated authority.

Clause 33: registration of certification, service providers, et cetera, et cetera, the instances of certificate, they have changed to certification service provider. They have also made another leap to electronic authentication product. These were issues that needed clarification, and I think they have done that in this Bill.

Clause 35—I need to say this, because I think the speaker before me, the Member for Port of Spain North/St. Ann’s West made the blanket statement that the Bill is unchanged and nothing was done, and it is the same Bill. [*Interruption*]

Mrs. McIntosh: I said few changes were made.

Hon. Dr. R. Moonilal: The Member said few changes were made. This is why I am taking my time to go through this 17-page document. This is why I am taking my time. I am just taking my time because there are 17 pages of amendments and changes that I really want to—[*Interruption*]

Mrs. McIntosh: Commas.

Hon. Dr. R. Moonilal:—and for your benefit, I really want to do this. We had, of course, a registration process established by clause 35. It is now 34 and 36. Some of these matters, for clarification, have been moved to the regulations, and that makes the Act, I think, now, the new Bill, is more readable and to a certain extent more understandable than the previous Bill, because the draftsmen have been able to separate some issues, and in a systematic and thematic way move some functions away from the data commissioner and to take some matters and place them under the ambit of regulations.

The issues, of course—clause 43: recognition of external certification service providers, we have changed that certification service providers and talk about electronic authentication products, and that is also another fundamental change, I think, in concept and policy as well. There have been some changes even in the policy approach, because we could not accept the same policy as articulated in the 2000. There have been some policy shifts here for the Bill to address products, as opposed to services in some cases. The full role of the data commissioner has been restricted and placed, again, I said, to Minister, and in some cases, the new Bill also provides for a greater rule of the court, so that the court can intervene can deal with certain matters now where, before it almost excluded, because of this power of the data commissioner, access to the court.

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The area that also caused some concern was then clause 51: procedure for dealing with unlawful and defamatory information. The entire section was changed, to remove the Telecommunications Authority as a mediator and provide for immediate removal of the offending content, in accordance with instructions from the Minister or designated agency. If, for example, on an electronic transaction or on some electronic online billing or listing, you would have content, that would be unlawful. Prior to this Bill today, you would have had to go through a long bureaucratic procedure to remove that content, when the damage would have been done already. Today, with the new Bill before us, that could be removed on the instructions of the designated agency, in accordance with instructions from the Minister as well, and subject to review, of course. We also provide for the penalty of persons who may make false declarations regarding the posting, the establishment and placement of offending content.

At clause 52, I just have about four pages again—[*Interruption*]

Mr. 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. [*Hon. A. Roberts*]

Hon. Dr. R. Moonilal: Thank you very much, Mr. Speaker. I am going through the changes in the Bill, and I am hoping time would permit me to complete this document.

At clause 52, there was also an issue of the role of the Telecommunications Authority. That was in the old Bill, clause 52. I am now happy to report, and I am very pleased, that has been deleted. The Authority does not have the appropriate locus standi to perform the functions herein, particularly with respect to an intermediary. Furthermore, the initial process that they had outlined in the earlier Bill at clause 52, when we looked at it in the committee stage, I remember very well, myself and others with Minister Bharath, when we looked at that process at clause 52, it was so long, so cumbersome and so bureaucratic, that it could not work just because of the weight of bureaucracy. Now, we have noted and we have deleted this process and we have also concluded that the authority, the Telecommunications Authority, does not have the appropriate locus standi to perform those functions of clause 52.

In the initial Bill, there was also that issue when we provided for roles of other state agencies, it was not clear, both on the floor and in the joint select committee, whether those authorities had the legal authority to do it; whether they had legal

authority to act in the manner that the Bill suggested. The research suggested that they did not, and as a result, the functions have been changed and that clause deleted. This is a fundamental and substantive change; changing the role of the Telecommunications Authority, introducing some scope with designated authority, minister in particular, dealing with codes of conduct, service standards and so on. These are significant matters, and to say, as—the Member for Point Fortin agrees with me that these are significant matters—the Member for Port of Spain North/St. Ann's East did, that the changes were so few and not substantial, is regrettable. Clause 53 is taken care of there. They are far-reaching changes as the Member for Point Fortin concedes. You can debate those issues.

At clauses 54 and 55 of the old Bill, we now have clause 53 of the new Bill, under the heading of "General authorization". We felt that previous clauses must be replaced by this new clause, which goes into further detail in empowering public bodies in their use of electronic means for filing, creation, retention, acceptance and approval of documents, permits and licences in an electronic form. That alone should encourage persons to support this Bill. Imagine, you have all of these licences and all of these matters that you need to comply with, and in the public service, it is so cumbersome, that you need to get a licence for this and for that. You go through some by bureaucratic process, you attend to an officer and when you go there, maybe the officer is somewhere in the field and is not available. You go back another day, maybe someone else is not feeling well and took the day off, which they could and they should, if they are not well, and always the consumer is punished. Always the citizen is punished. Anytime you have this type of breakdown, this type of cumbersome bureaucratic process, it is citizens who are punished.

We have inherited a legacy in this country. If you live in Point Fortin, Barrackpore, Princes Town, Moruga or Mayaro, there are some services you have to go to San Fernando or Port of Spain to attend to. I think it is worse, in some cases, in Tobago. If you have to do basic transactions in Tobago, you have to jump on a boat or board an aircraft and come to Trinidad to conduct very basic transactions. If you live in Point Fortin, you have to come to the Red House in Port of Spain. The Member for Point Fortin would agree that her constituents should have these services online. They may have it online, but I am reminded, if the service is not online yet, they can jump on the highway from Point Fortin and come to Port of Spain. You could get on the highway. After the Member for Chaguanas West, if you do not like the road, you can go on the water taxi from Point Fortin and come to Port of Spain. We meet and treat with the good people from Point Fortin.

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And I am hearing the President of PSA, I think, wants to lie down on the road. I would advise him to speak to someone by the name of Mr. Eden Shand. Mr. Eden Shand, many years ago, discovered how heavy a truckload of pitch could be. In fact, his quotation, I could forget—he said he never knew it was so heavy. A bit of advice for my—

I want to say on that note “elementary, my dear Watson, elementary”. And he should take note of that. The good people of Point Fortin, Barrackpore and elsewhere must conduct their business and they must also be au courant with electronic technology, able to go, complete licence.

In the Forestry Division, which I know something about, and it is under my Ministry, there are all sorts of licensing and paper requirements. Some of the people—there are persons involved in the timber industry—saw milling. They might be hunters. So, when you are looking for them, they could be in the bush and they have to now come out of the rural parts of Trinidad to go to the offices in San Fernando, Port of Spain or wherever, to complete paperwork and do that. This should not be so.

3.04 p.m.

We should be in a position where we allow all citizens, through electronic transactions and electronic online services to get their licenses. It must be done in a way that is transparent, that is fair and you should not have to with your \$5 to Port of Spain to pay for a piece land. You take \$20 from San Fernando to come to Port of Spain to pay \$5. You should be able to pay any fine and any fee. I want to tell my friend from Diego Martin North/East that we wish he could pay his \$55 million online. [*Desk thumping*] You see, Mr. Speaker, I think he owes Mr. Elias a few dollars and he should be able to pay that \$55 million online, you know, from any part of the world, pursuant to those court documents. But, Mr. Speaker I am not about that, let me get back to my Electronic Transactions Bill.

Mr. Speaker, I was dealing with the Telecommunications Authorities; was dealing with the communications authority, I was dealing with the information commissioner, and an important point I want to indicate when the legal and technical team looked at the 2009 version of the Bill, they indicated, that the information commissioner established in the Data Protection Bill, 2010, will no longer be the administrative body responsible for the registration and accreditation of electronic authentication service providers, in Part V of this Bill. It was thought, Mr. Speaker, that in light of the convergence of responsibilities thrust upon this body, there may be the impression that there is the aggregation of too much power on this office holder. And that was the issue I raised, too much power.

My friend from Diego Martin Central will appreciate this Bill as well. The next time you are in Europe and there is a local government election in Trinidad, you can help, you can help; your party, you can participate, [*Desk thumping*] you can provide online help to the Member for Diego Martin West, when he was up and down the country sweating, beads of sweat out there with a wash rag around his neck, struggling, and when he let go and lost the Diego Martin Regional Corporation, when the Member for Diego Martin West lost Diego Martin, and he looked around for the Member for Diego Martin Central he was in Europe. Now, in future, you would be able to go online and give some suggestions and do—you can go and do some online walkabouts, e-mail your constituents and instruct them to vote for the party, [*Desk thumping*] because you were not seen.

But, Mr. Speaker, let me get back to this data commissioner here, because I know they want to distract me. It was felt that the data commissioner had too much power for this office, and this was a matter raised by the then Opposition. So how can you come now and claim that nothing was done, in the Bill the draftsmen did not consider the views of the Opposition, Minister Bharath and myself? It was considered when, Mr. Speaker, a decision was taken from a policy standpoint to reduce the ambit and the power of this Information Commissioner. As an alternative, the recommended arrangement sees the administration of Part V being reassigned to the Minister with responsibility for the Act. And just for the record and for persons who may not have had the opportunity, we will just spell out Part V in a few moments when I complete the quotations. So in Part V we have shifted responsibility somewhat to the relevant Minister and authority.

3.10 p.m.

Mr. Speaker, as an alternative, the recommended arrangement sees the administration of Part V being reassigned to the Minister, namely the Minister with responsibility for e-commerce and e-Government or any such statutory authority to which these functions are designated by the Minister by order. Despite these changes it should be noted that electronic authentication, service providers will still be obliged to treat with the information commissioner regarding the reliability of their systems and processes under the ambit of Part IV of the Data Protection Act due to the services they provide. Now we know of course there is a relationship between the two matters.

Mr. Speaker, for the record, Part V of the Bill deals with the administration of electronic authentication service providers who provide services to the general public. Part V contains 17 clauses and does not perceive the regulation of

electronic service providers who do not provide services to the public or do not issue products which meet the regulations and requirements set out in clause 31.

Mr. Speaker, that to us is a fundamental departure that this Bill has taken. You see, Mr. Speaker, I want to deal with this because there is so much mischief that abounds, so much mischief in the air, and it is our job—it is not a job we like, but it is our job to clarify when attempts are being made to mislead, to fool, to con, to disabuse. It is our job to do that; we stand ready to do that. I hear so much; there is now talk in the public domain by members opposite or their party officials and persons that the Trinidad and Tobago Government is looking at reducing fuel subsidy and so on. Mr. Speaker, nothing is further from the truth. We are not interested, we are not thinking, we are not planning to remove and to reduce fuel subsidy. This is a second piece of mischief that they are propagating. We may have to do every Friday in Parliament—we have “Statements by Ministers”, we may have to do “statements of mischief” and every Friday dispel the mischief that is made by Members opposite, so regularly and with such monotonous frequency that we have to come here week after week to dispel all of this madness. The Leader of the Opposition, the Member for Diego Martin West, plays his own role in promoting such issues, beginning with the matter of the hamper and so on, but, Mr. Speaker, we would not let him hamper us.

At clause 53, Mr. Speaker—new numbering, as I indicated before—we are empowering also public bodies to use electronic means for various transactions. There are several areas that are amended for minor redrafting, clarification and so on. The new clause 54 is also very significant I believe, and I will share it with you, Mr. Speaker. This section inserted treats with the comparative clause 53 and clarifies that documents to be inspected by the public body may also be presented by the individual in an electronic form, because a lot of times we have to present information. There was another point with the old Bill, where it was not clear whether the information you have to present should also be in electronic form or on paper form. It was not clear and today we clarify it by new clause 54, that the documents for inspection can also be in an electronic form.

Mr. Speaker, we are reducing paper as part of our environmental policy. We believe that the time should come very soon when we should operate a paperless bureaucracy, paperless office, virtual office. Mr. Speaker you will notice on emails, even today, many colleagues and emails and organizations, they invite you to read the email but at the bottom they place a small notice and they say please think carefully before printing this email, because we would not like to be using too much paper. In the extensive use of paper, of course you deplete our forest reserves and our scarce and natural resources, so Mr. Speaker, we are moving to a paperless office. This is how we operate.

Today, Mr. Speaker, we operate with text messaging, with BBM, with Twitter. Many colleagues on this side certainly and on the Back Bench of the opposite side, our young dynamic Members there, many of us operate our work, with BBM, with email, with text and seldom do we exchange letters, unless it is absolutely required for the record; it is a requirement of the record. We do not believe that we should continue wasting paper like this.

Mr. Speaker, you know what is amazing? Historically, you go to the county council, you go to government ministries, Forestry Division, Inland Revenue, whatever, they are very eager, they collect your slip of paper, and even to wait in line you might get a chit of paper as well. When you do that, 10 years later, five years later, you go back, all in an office somewhere, rain fall and wet the paper, they are destroyed, some rodent infiltrates the back offices and so on, so even the paper itself is destroyed. So you do not even keep a record. So it does not even help you with the purpose for which you have done this. I think in the Ministry of Legal Affairs—my friend from St. Augustine is now confronting that challenge of creating this online paperless transaction to bring relief to our citizens and it is a matter of very consistent with Pillar 4 of our manifesto. Mr. Speaker, the Ministers of Government are on the right track, we are online on this matter.

Mr. Speaker, a few more changes I just wanted to bring to the attention of Members. Clause 56 dealing with minimum information in e-commerce—new clause 55, it was the old 56, was redrafted to provide clarity on the matter of particular requirements associated with specific stages of online mediated ecommerce transaction. Again, I recall this was another matter raised where it was not clear. In fact a lot of matters in the old Bill were simply not clear, even though the intent was laudable, they were simply not clear and we have cleaned up as best as we can. *[Interruption]*

Mr. Speaker, I do not think anything would be clear to my friend from Port of Spain North/St. Ann's West. I do not think anything could be clear. The Bill is a bit complex, I understand it is a bit—*[Crosstalk]* This is not a simple matter, Mr. Speaker, this is not an amendment to some schedule to raise money. This is serious matter, it is a complex matter. I myself, I want to confess, had to study this thing four or five times in 2009. I remember my study at home, there was a whole shelf with only material related to the Data Protection Electronic Transaction. We did online research, Mr. Speaker; staff at the Parliament gave us bulks and bulks of paper in studying this matter. We worked long, hard hours on this matter in the Joint Select Committee, long, hard hours. It is not a simple Bill to understand that way; it requires reading, understanding, and asking questions as we did. Mr.

Speaker, some of the questions we asked when in Opposition, the technical people were able, quickly to clarify them. Now, you could expect the then Ministers Swaratsingh and Parsanlal to correct us, because they themselves were not trained in this area. They were untrained in matters like these. One I think was a newspaper man; one was communications, and I think the next one came from the clergy, so they were not trained in these matters, they were trained in other matters. Mr. Speaker, it took a long and hard reading and lot of questions, but the questions we asked, sometimes there was an answer, it is just because it was not clear, we did not know. My friend from Port of Spain North/St. Ann's West we understand your position, we empathize with it, we sympathize with it.

Mr. Speaker, clause 58 minimum information regarding electronic signatures, new clause 57, because we deleted an earlier clause. This also provides for electronic service providers, replacing that notion of certificate and certificate service provider. Mr. Speaker, there was, of course another matter, it may be small, but in terms of clause 58 in our Bill, then clause 59—"unwanted communications" and, in this day and age you know there is a big problem now, unwanted communications. Before technology it was unwanted friends, now it is unwanted communications.

3.20 p.m.

We are receiving enormous information now from persons and organizations. Mr. Speaker, my good friend, the Member for Diego Martin North/East, has emerged as a prominent blogger. [*Interruption*] Well, it is unwanted, uninvited and maybe unintended. Mr. Speaker, the Member for Diego Martin North/East is unintended, unwanted and unbelievable in what he would be writing and saying—blogging.

Mr. Speaker, we have a section that deals with him; we have a section that unplugs him. We have inserted a new clause in the new piece of legislation making the contravention of an original provision an offence. So an offence is created. This was omitted. Imagine this was omitted!

They created a wrong and they forgot to put the provision for an offence, so the wrong did not match an offence. The Member for Diego Martin North/East is now on guard, because I think there is some fine or something that he can face for blogging all night. He is free to continue his letters to the editor. I think he is a prominent letter writer as well. In all fairness, on a rare occasion, he may raise one point of interest.

Clause 60 is a significant matter as well, "Failure to provide required information to consumers". They had created an offence, and when we looked at it we deemed that the offence was overly onerous. It was really too harsh. When

we were in Opposition, day in and day out, we raised issues of justice of rights of protecting citizens. Those were our issues. We were not concerned with hampers—who are getting hampers and who are not getting hampers—we are not concerned with that. We were concerned with rights, justice and equality of opportunity and so on. [*Interruption*] How many hampers did you get?

Mrs. McIntosh: Fifty.

Hon. Dr. R. Moonilal: You got 50. You are very lucky. Many of us, when we were in Opposition we did not get one. You are very lucky. We will have to conduct an enquiry into that. The Member for Port of Spain North/St. Ann's West was very fortunate and happy to receive her 50 hampers.

Mr. Speaker: Could you avoid the crosstalk, both sides. A Member is on his legs. Hon. Member, you have exactly six more minutes.

Hon. Dr. R. Moonilal: Mr. Speaker, thank you very much. I imagine that is not six minutes of my initial time period. Mr. Speaker, I was just responding to the Member for Port of Spain North/St. Ann's West and to indicate to her that on the next occasion, I am sure she is going to get much more. There is no need to quarrel and fight and so on, and there is certainly no need for a court case with us. We will respond and provide much more. More is always better. We removed an offence in clause 60 that was deemed too draconian.

Mr. Speaker, the point I am making is that—I have been going through this list with some pain and belabouring the point of the changes between the initial Bill and the Bill before us today. So please, unless someone really wants to be completely idiotic, do not raise any arguments that there is no difference between the 2009 Bill and the 2011 Bill, unless it is your intention to sound like an idiot, which may well be people's intention. There are fundamental changes and no one can deny that. So much so that we have decided that with the wise Members of the Opposition—

Mr. Sharma: Where are they?

Hon. Dr. R. Moonilal: The Members opposite are wise. They are people who are sensible, not all are like the Member for San Fernando East, many of them are sensible. We are convinced that the Members opposite will lend their support to this matter. We are very convinced. Mr. Speaker, I am convinced that having spoken in such glowing terms about the amendments—

Mr. Speaker: Members, I do not want to call names and I do not want to call constituencies, but I appeal to Members that I would have to revert to that in order

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to maintain discipline in this House, and when I revert to that I go to Standing Order 43(1)—(14). So you could look at that and be guided accordingly. Continue.

Hon. Dr. R. Moonilal: Mr. Speaker, thank you very much. In winding up, I wanted to indicate that we have heard the Opposition, and we are convinced that the Bill before us now is of a high quality. We are also convinced that this Bill does not require further work at any joint select committee. It is in a form and fashion where Members opposite may very well want to advance some amendments or changes as they see fit, but the fundamental policy and approach is in place. We can move full steam ahead to provide this country with 21st Century governance as far as it relates to the absorption and diffusion of our technological competence, so that children, citizens and the elderly and whoever, will access their services, products, get information and conduct their e-commerce and so on in a manner that is fitting of a country that is moving toward a developed knowledge-based industry driven economy.

Mr. Speaker, I am informed that the e-commerce sector contribute over US \$530 billion annually; cross-border business and so on; US \$530 billion. Mr. Speaker, we must now let loose the entrepreneurial impulse of our businesses, employers, citizens and small businesses so that they may cash in and feed on this global development path.

I have heard my friends opposite, and it is a lot of sound and fury signifying nothing, and their arguments cannot stand because many have not had the opportunity to look in a comparative way between 2009—2011.

I want to leave you with the assurance that when we introduce legislation in this House, even though it is legislation that was laid before by the former administration, a few things in life you are sure about, we would have enhanced the quality of the legislation that we bring to the Table. You are sure of that!

Mr. Speaker, the Opposition Members may well think otherwise—they are in Opposition and it is their role to oppose. In fact, they have opposition within their own bench. So they are free to oppose. Is that not true?

Mrs. McIntosh: That is not true.

Hon. Dr. R. Moonilal: Who are you supporting for the vice-chairman; the Member for Diego Martin North/East or the credit card lady? [*Desk thumping*] Mr. Speaker, they have squared off there between the credit card lady and the Member for Diego Martin North/East, but we think the Member for Diego Martin

North/East will beat her. We think he will win that. In fact, some of us are placing a little wager on him. I am supporting the credit card lady. [Laughter] We will read about that development on the Internet and online.

Mr. Speaker, in closing, it is my pleasure to again congratulate the Minister of Public Administration, the very distinguished Sen. The Hon. Gosine-Ramloogam, her team and Members on this side who are in support. This Bill will go a long way in the development of Trinidad and Tobago, and taking our rightful place as a developed economy that is driven by all the skills and knowledge that are so inherent in our human capital.

Mr. Speaker, I thank you. [*Desk thumping*]

Mr. Speaker: Earlier on in our proceedings I did indicate to Members that some papers are to be laid, and I would revert to that particular item. I do so now. I now call on the Clerk to deal with that item and I would call the respective Ministers who have to move those papers.

PAPERS LAID

1. Special report of the Auditor General of the Republic of Trinidad and Tobago on the Fifth Summit of the Americas, Office of the Prime Minister. [*The Minister of Finance (Hon. Winston Dookeran)*]
To be referred to the Public Accounts Committee.
2. Annual audited financial statements of East Port of Spain Development Company Limited for the financial year ended September 30, 2009. [*Hon. W. Dookeran*]
To be referred to the Public Accounts (Enterprises) Committee.
3. Report of the Sangre Grande Regional Corporation for the period October 2005 to September 2006. [*The Minister of Local Government (Hon. Chandresh Sharma)*]
4. Report of the Sangre Grande Regional Corporation for the period October 2006 to September 2007. [*Hon. C. Sharma*]
5. Report of the Sangre Grande Regional Corporation for the period October 2007 to September 2008. [*Hon. C. Sharma*]
6. Financial Intelligence Unit of Trinidad and Tobago Regulations, 2011. [*Hon. W. Dookeran*]

ELECTRONIC TRANSACTIONS BILL

Miss Joanne Thomas (*St. Ann's East*): Mr. Speaker, I thank you for the opportunity to make my contribution to this Bill, but before I do, I must make a statement. It is so amazing to me that the speaker before who contributed on this Bill, 90 per cent of his contribution was throwing derogatory statements to Members on this side. We have children watching us and trying to learn something. [*Desk thumping*]

Hon. Member: Not from them!

Miss J. Thomas: Mr. Speaker, I want to commend the Minister of Public Administration, whom I regard very highly, and her team for the work that was done on this particular Bill. The system of electronic transaction was first introduced in the late 1970s allowing businesses to send commercial documents like purchase orders or invoices electronically. The growth and acceptance are well known as the computer age has literally wiped out the paper environment.

Mr. Speaker, a simple look at emails and Facebook, this mechanism allows for immediate response thereby impacting quicker delivery times. Initially, electronic commerce meant the facilitation of commercial transactions electronically using technology, such as Electronic Data Interchange (EDI) and Electronic Funds Transfer (EFT).

Mr. Speaker, Electronic Funds Transfer (EFT), as is known in the banking world, is the electronic exchange or transfer of money from one account to another, either within a single financial institution or across multiple institutions through computer-based systems. The term is used for a number of different concepts and some of these are:

- cardholder initiated transactions, where a cardholder makes use of a payment card;
- direct deposit payroll payments, from a business to its employees via a payroll service;
- direct debit payments sometimes called electronic cheques from which a business debits the consumer's bank accounts for payment for goods or services;
- electronic bill payment in online banking, which may be delivered by EFT or paper cheque;
- transactions involving stored value of electronic money, possibly in private currency.

- wire transfer via an international banking network; and
- electronic benefit transfer.

Mr. Speaker, in 1978 the US Congress passed the Electronic Funds Transfer Act to establish the rights and liabilities of consumers as well as the responsibilities of all participants in EFT activities in the United States of America.

3.35 p.m

Mr. Speaker, I welcome this Bill, because it puts us on par globally with First World countries. However, there are some concerns in the Bill that give me cause for great concern. One such area is in Part V which deals with the electronic authentication service providers. Almost all areas of this clause deal with some level of interference or intervention by the Minister. Mr. Speaker, let us look firstly at clause 34(1) and I read:

“A person wishing to be registered as an accredited Electronic Authentication Service Provider shall apply to the Minister or the designated authority in the manner prescribed and pay the prescribed fee.”

Mr. Speaker, we look again at clause 34(3), which reads:

“The Minister may make Regulations specifying the procedure for registration and the information required for that purpose.”

And then, we go again to clause 40(2) which says:

“In the performance of an audit, the Minister may employ whatever experts he considers may be required.”

Mr. Speaker, it is quite clear that the Minister has all the say but is hiding behind the words “or the designated authority”. I too stand with my colleague from Port of Spain North/St. Ann’s West, in recommending that an independent commission be set up to deal with these administrative matters.

I now turn to Part IV of the Bill which deals with electronic signature. Much more needs to be done and said in this area. Many people do not realize that the term “electronic signature” can include any electronic sound, symbol or process associated with an agreement or transaction. Clicking a button can constitute an electronic signature. Courts meanwhile, have found that a wide range of things qualify as electronic signature. Typed names on emails and so called “click through” agreements are among them. As a result, businesses and individuals need to be aware of electronic signature laws and how to protect themselves against entering into unintended agreements.

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Mr. Speaker, on June 30, 2000 the Electronic Signatures in Global and National Commerce Act (ESIGN), signed into Federal Law and became effective on October 01, 2000. The ESIGN Act implements a national uniform standard for all electronic transactions but encourages the use of electronic signature, electronic contracts and electronic records by providing legal certainty for these instruments when signatories comply with its standard.

The ESIGN Act includes several key provisions that address it: its scope, application, consumer consent requirements, validity requirements for electronic signatures, electronic contracts and electronic records, retention requirements, notarization rules and national uniform standards for the banking, insurance and stock industries. Similarly, Mr. Speaker, the Uniform Electronic Transactions Act (UETA), provides a legal framework for electronic transactions and it gives electronic signatures and records the same validity and enforceability as manual signatures and paper-based transactions. This model Act was adopted by the National Conference of Commissioners on Uniform State Laws in 1999.

You see, Mr. Speaker, what we have here in the electronic signatures section just represents a tip of the iceberg and if we do not rewind and go back to the drawing board this could have serious implications down the road. As mentioned before, I fully agree with the intent of this Bill but I believe much more work needs to be done and I too recommend that it be returned to the Joint Select Committee for further review and amendments. Mr. Speaker, I thank you.

[Desk thumping]

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan): Thank you very much, Mr. Speaker. Mr. Speaker, let me begin by congratulating the hon. Minister of Public Administration, Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam, for a very interesting and a very professional presentation of this, the Electronic Transactions Bill. Let me also take the opportunity to congratulate the Lead of Government Business, Dr. Roodal Moonilal, on his contribution on this Bill this afternoon.

Mr. Speaker, this Government is bent upon causing this country and businesses in this country to be globally competitive and for us to be a globally competitive nation is unquestioned. That is clearly stated in our manifesto and I believe Members on the opposite side would also agree that they too want this nation to be globally competitive and to be cutting edge when it comes to the ability of our business community to win and to battle successfully against the global giants. Mr. Speaker, in this regard, the bold step and I call it bold because I have heard from Members on the opposite side all kinds of comments, negative

comments about the distribution of laptop computers to children, first formers in schools. But the bold step and the bold decision to give at no cost, laptop computers to our first formers is a manifestation of this vision, this intent by the People's Partnership Government to ensure that we are competitive—globally competitive—and that our people have a competitive edge.

The future, Mr. Speaker, will be one in which we will be competing on the basis of knowledge—we will be a knowledge-driven society—and in a knowledge-driven society we have to prepare our people with the technological savvy in order to do that—cyber wellness as it is called. So that was a step in the right direction, a strategic step in the right direction.

Secondly, that this Government is intent upon creating a business environment within which business whether it is personal business transactions or organizational transactions—can be done so as to save time and done in a less tedious manner is factual. In other words, we want to de-bureaucratize Government in the country. We want to make sure that people do not have hassles in the conduct of business. This is the modern age, this is the age of technology and we have a responsibility as a Government to engage in the era of technology so that our people can use technology in order to live a less stressful life in this society. Because there is a link between stress, happiness, productivity and efficiency in a society and this country and our people have been under enough stress. It is a fact that we still have so many things in this country that are wrong that we are trying to put right and we are going to put them right—God willing—because we have the passion, we have the determination.

This morning, for example, I decided that I was going to come up the highway using the normal route, not using the bus route. A couple of weeks ago, I was complaining to the Minister of Works about the length of time it took to get from my home in Ramsaran Park to Grand Bazaar.

3.45 p.m.

It took me about an hour, sometimes an hour and 15 minutes. What was interesting to me was when the traffic lights at Aranguez were removed, Member for Chaguanas West, it started taking me only about 30 minutes from home to that point, which was a 50 per cent cut in the amount of time.

Interestingly, over the last two mornings, it took me virtually 20 minutes to get from Ramsaran Park to Grand Bazaar. So I decided to go along the same highway route through Aranguez and up to Port of Spain. It took me just another 25 minutes from Grand Bazaar straight into the office at Tower C at the

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waterfront. That to me was a remarkable improvement in terms of the travel time from Chaguanas into Port of Spain. I suppose when you remove the lights in El Socorro you are going to get into Port of Spain faster.

The point I am making is that as a Government we have a responsibility, whether in terms of traffic reduction or in terms of the ease of conducting business, to improve the quality of life of our people and as a People's Partnership Government we are out to do that and we are going to succeed. So those of you who believe that the People's Partnership Government is not working, hey, wake up. Those who have eyes to see—like the former Prime Minister use to say, will see, and those who have ears to hear will hear, and those who want to experience and speak the truth, will speak the truth of the reality of the performance of the People's Partnership Government in office.

Mr. Speaker, this Government, therefore, recognize that not only does it have a responsibility to make business less tedious, to make life less stressful, but it also has a responsibility to create greater amounts of free time for its citizens, leisure time and family time.

One of the things we complain about in this society is the lack of time spent by parents with their children. Can you imagine if through electronic transactions we could save time, how nice it would be to have time to spend an evening, just as the sun goes down, to walk with your little children and hold hands, like I see the Member for St. Augustine so often doing with his little daughter; what a beautiful sight it is. [*Crosstalk*] Nothing is wrong with that, Member for San Fernando East. “Yuh jealous?” I hope you are not jealous. [*Crosstalk*] [*Laughter*]

We have to take time for family life. We are complaining in this society of the growing distance between parents and children, but we must not only complain, we must not only talk about it. In fact, electronic transactions and other things like that which ease business, can, in fact, create the time for people to do this and enjoy their family time. I tell you, if you miss time with your children when they are young, you miss time forever. It never comes back and you regret it.

I will tell a little story that happened to me as a politician. I am talking about time saved as a result of electronic transactions. I am talking about the importance of family life. Member for Point Fortin, if you do not know about family life, do not get annoyed with me for talking about family life.

Mrs. Gopee-Scoon: Mr. Speaker, imputing improper motives.

[*Mr. Speaker rises*]

Hon. Dr. S. Rambachan: I withdraw it, Member for Port of Spain.

Mr. Speaker: Thank you.

Hon. Dr. S. Rambachan: There is importance for family life in this country and if we can do things to improve family life in the country, we must do those things.

I will tell you a little story. It is a true story, because it remained with me, about the importance of creating time. That is why I am so bent upon this Bill. I have spent 31 years in politics, not as much as the Member for San Fernando East. I have lived the ambition to be where I am here today and I am very, very proud to be a Member of the People's Partnership Government. [*Desk thumping*]

I used to be canvassing in the 1980s, going all over the place and getting home at 12 o'clock in the night. I had a little son growing up. One day I reached home, and it was my habit to just put my hand under my pillow, just before I went to bed. There was this little note under my pillow. The little note said, "Dad, when will we be able to play a game of cricket?" Simple; that is what I am talking about, Member for Point Fortin. Those are the kinds of things I am talking about. That is why I am committed to improving family life in this country. Anything this Government can do in order to create a space and a gap of time that could be used for leisure and family life, this People's Partnership Government is for it and, in fact, will do it.

Mr. Speaker, customers today and people in this country want to conduct business with speed, reliability, flexibility, responsiveness, accuracy, convenience and service. You may say all of those things add up to customer service. The use of electronic transactions is meant to reduce, as I said, the stress of doing business, save time but, at the same time, to do so accurately and in a secure environment. This is the objective behind having electronic transactions. This is the objective of this Bill. People can do business with more speed, reliability, flexibility, accurately and, at the same time, enjoy convenience in a secure environment. The role of Government is to create that secure environment for people.

I need not repeat, but the reality is that there is a need to compete globally, to remain competitive. We are a small nation and as a small nation we have to work harder to remain competitive, because sometimes we do not have the economies of scale to compete with those who can produce with greater economies of scale. Therefore, we have to do things and seek niches and create the environment which allows for that competitiveness.

Online shopping has become increasingly global. I am even prepared to pay more for online shopping because of the convenience and goods are delivered at your door. A good example is amazon.com. I do not know when last I have gone into a store to buy books. I have been buying my books on amazon.com for a number of years and I pay a lot for freight, but it is the convenience of shopping online. I want to know that when I give my credit card on that online shopping site, my card is not going to be used, that it is secure and I know that my goods will arrive and all I will pay is what the invoice says I have to pay. This is what the Bill is about, as you would see under the sections for consumer protection and customer protection.

Government has a duty to parachute this country into the world of electronic transactions so as to create an environment of convenience and competitiveness for both customers or consumers and business organizations.

Time is an asset. Time is the one thing, if it is gone, it is gone forever. You cannot buy it, you cannot sell it, and you cannot retrieve it. It is the one thing that is gone forever.

We started at 1.30, we have spent nearly two and a half hours; that time has gone. The only question we can ask is: To what extent have we used that time to add value to the lives of people in this country and to our own lives? That is all we can ask; time is, therefore, important. Life is finite and, therefore, each moment counts. If electronic transactions can save time and allow us to conduct business from the comfort of our homes and offices, and allow us time for leisure and family and physical health, then we have a duty to promote electronic transactions.

One of the things that electronic transactions also do is that it debureacratizes Government, and that is very important. If we can go to a machine and get a birth certificate and go to a machine and do this and that, and take away from the humdrum of having to stand in a line, if we have to pay our taxes online, what a great thing it would be in this country.

Let us take the banking sector, for example. There is a very powerful ad running on the radio. Thinking about this Bill, I even thought more about that ad. In this ad is a conversation between a little girl and her father. The ad suggests that the little girl wants to go out with her father. The father, as they are about to leave, says, "Oh my dare, I have to do some banking." The little girl says, "Daddy, again, so long it will take," and she is assuming, of course, that dad has to go by the bank and do what he has to do. He assures us that it is going to be very quick and in a couple of minutes he comes back to her and she says to him, "Already daddy, so quickly," and she is happy.

This ad is good because it tells us about electronic transactions. It illustrates the point I am making. The ad really illustrates the power of the desire of a child to bond with her parents.

Mr. Speaker, in this society where we talk about so many fatherless families, so many single parent families, when we talk about the absence of male figures in the house and the extent to which that male figure can bring stability into the lives, not only of sons, but also of daughters, it is important that we look at things like electronic transactions and other means, in order to free up time for people to bond.

Mr. Speaker, if we are interested in the maximum utilization of time and in the promotion of a better quality of life, we must give people the comfort that they can safely conduct business via electronic transactions. This is why I am very concerned and very happy with Part VIII of the Bill entitled "Consumer Protection". I want to spend a couple of minute on this section of the Bill, because this is a society also where there are too many cases of fraud upon customers, too many cases of deception in the conduct of business, in a general sense.

Even though we have consumer protection legislation, it is necessary to have strong legislation to protect unsuspecting customers. Look at what we are reading in the newspaper, even now, about persons hustling to get back their money from a cruise ship operator. Look at what we are talking about.

Ethical excellence in business is still a distant goal for many in this society. Ethics is the law of the unenforceable. If somebody is ethical, it is not because you have forced them to be ethical. Ethics is the law of the unenforceable. On the one hand, you have law and you have ethics. It would be nice if everybody could be on the side of ethics, rather than we have to use law in order to enforce people's standards.

At the same time, we talk about corporate responsibility in the society, but how many companies really have ethical codes of conduct? How many organizations are prepared to engage in self-regulation? Self-regulation is not really one of the hallmarks of business operations in the society. So as we struggle for ethical excellence and/or self-regulation, we need to rely, maybe in the short run, on law. This is why the section of the Bill on consumer protection is important in terms of minimum information in e-commerce.

It says that a person using electronic means to sell goods or services to consumers shall provide accurate, clear and accessible information about themselves.

4.00 p.m.

- “(a) the legal name of the person, its principal geographic address, and an electronic means of contact or telephone number;
- (b) prompt, easy and effective consumer communication with the seller; and
- (c) service of legal process.”

And I think this is so very important in this Bill because you have to protect the consumer. You have to protect the consumer.

Mr. Speaker, it would have been interesting if when all those houses that were being built by the HDC, if consumers who bought those houses could have had similar kind of protection, rather than have to face the quagmire problems in those houses they have to face and do the kinds of renovations, on the cracks and what have you, so on. How were those consumers protected?

Say that again? *[Interruption]* Why is that an issue? Sorry? You want to ask a question? It is an issue particularly where a government who is supposed to be caring and compassionate and ethical can build houses which are cracking up and ready to fall after one year. That is why it becomes an issue. That is why it becomes an issue. Because it is also a wastage of public funds. It is also a kind of deception upon an unsuspecting population, and people who go to buy those houses. You may not be blamed for it; it is perhaps the contractors or the people who you put there to supervise the houses, that did not do a good job.

But at the same time, at least *[Interruption]* But there are endless reports also that show the negligence of the government and the negligence of the particular ministers of housing who did not do their job and allowed those frauds to be perpetrated upon people who bought those houses. *[Desk thumping]*

Member for San Fernando East, you may not be blamed. You might have been more interested in really visioning for the country and having a mission for the country. But maybe your people did not do a good job. Maybe you trusted them to do, but maybe they did not do a good job. But then you know there was a famous Prime Minister who once said to be a Minister of National Security all you have to have is a level head and some common sense. And that did not solve the crime problem.

Mr. Cadiz: The foundation of the church did not have any cracks. *[Crosstalk]*

Hon. Dr. S. Rambachan: I really do not think you want to know which Prime Minister said that.

Mr. Speaker, secondly, in terms of consumer protection:

“(2) A person using electronic means to sell goods or services to consumers shall provide accurate and accessible information describing the goods or services offered, sufficient to enable consumers to make an informed decision about the proposed transaction and to maintain an adequate record of the information.”

If the government had really gotten to e-commerce—let us go to back to those houses—people could have gone online, they could have seen the houses, they could have had a virtual tour of the house, they could have known whether the front door was a solid door or panel door, hollow inside. They could have known that. They could have seen whether it had paling around the house and so on. Electronic e-commerce would have helped you to do that. They could see that. These are the standards by which the plumbing was done.

That is why I said ethical excellence is not a hallmark of the society. There was a time when you know a lot was not supervised by your administration, Member for San Fernando East; it was not supervised. And people just got away with things that they should not have got away with, and who suffered was the consumer. That is why the People’s Partnership Government is putting laws like this, and putting in protection in the laws like this that would not allow this to happen again. [*Desk thumping*]

Mr. Speaker:

“(j) A person using electronic means to sell goods or services to consumers shall, before the conclusion of the electronic contract based on such transaction, provide the following information to consumers in respect of such electronic contract.”

And the reason I am taking the time to read this into my contribution, is that I feel that Parliament here must also educate the public and inform the public of their rights in this Bill.

We have to help the public to protect themselves against people who commit these kinds of practices. And what are the things that should be included:

- (a) the terms, conditions and methods of payment;
- (b) the details of, and conditions and policies related to, privacy, withdrawal, termination, return, exchange, cancellation and refunds;
- (c) the arrangement for delivery or performance; and
- (d) a copy of the contract for the consumer in a format that can be retained.”

How many times people go to borrow money at a bank, and they take a loan and they do not know that it says there that the interest rate can escalate? When they think that they have borrowed money at one rate, the interest rate could and sometimes it escalates.

You know, as I say that, Mr. Speaker, one of the things that I think the banking community could look at, is the rate at which they are lending money in this country, compared to what the interest they are giving people on their deposit. I did not see the profit of banks going down, but I see people living on fixed incomes, their interest rates that they depend on from the banks there, they are not getting that interest.

Imagine you are getting 0.4 per cent on US dollar in the bank and yet the bank continues to make their billion dollar profits. That spread! 0.2, says the Member for San Fernando East, is that right Member for San Fernando East? You have to have a heart, you have to have a heart! This is why—not a Calder Hart. That is a different kind of heart—they must be given the information. My worthy friend from Diego Martin North/East will tell you, that if he were to get a loan for 0.2 per cent on \$55 million, it would be a nice thing. But it is a very hard to get these days.

Mr. Speaker, the protection of the customer in electronic transactions is vital, and this law seeks to protect the customer and this is why it is that strong. Let me tell you why this is important.

Mr. Speaker, last year I used my credit card to buy a ticket to London. I bought my ticket to London. And I trusted the person to whom my credit card was given to pay for the ticket and what have you. I said fine, I know this person for years and what have you. And towards the end of last year I saw a \$3,500 debit on my credit card. So I called the bank and said I did not spend \$3,500 at this travel agency in San Juan. I did not spend \$3,500 at this travel agency, what is happening here?

And what had happened is that the person used my credit card and debited me for \$3,500 to probably to pay for somebody else's ticket. I had to go back to the bank, and, thankfully, the bank was able to challenge the person and the amount was reimbursed about a month after. And that is fraud. And that is when you have therefore, people who do not trust themselves that you have to have an electronic transaction, this kind of consumer protection but I want say also not only that, what we should also have is strong penalties for this kind of thing. Penalties!

And the penalties, in my view, should not only be monetary penalties, it should be prison. Prison! Because when you trust somebody, and they go ahead

and use your credit card for that kind of thing, that, to me, is really, really a violation; a total violation not only of trust you know, but a violation in all aspects.

Mr. Speaker, there is clause in this Bill which deals with procedures for dealing with unlawful, defamatory matters et cetera. It has to do with intermediaries and telecommunication service providers in Part VII of the Bill. And I want to read clause 51(1). It says:

“If an intermediary or telecommunications service provider has actual knowledge that the information in a data message or an electronic record gives rise to civil or criminal liability then, as soon as it is practicable after acquiring such knowledge, the intermediary or telecommunications service provider shall—

- (a) remove the information from any information system within the control of the intermediary or telecommunications service provider and cease to provide or offer to provide services in respect of that information or take any other action authorized by written law.”

4.10 p.m.

I was very happy to see such a section of this Bill, because intermediaries, telecommunication service providers and so on, also have a responsibility to ensure that in electronic transactions unlawful things are not done and people are not defamed, and that you have some system to identify where this kind of defamation or unlawful activity is coming from. It is happening all the time. People are being abused via email. People’s Facebooks are being defaced and things are happening like that in the society which is wrong. When you have a society in which you have such deviant behaviour and such vacuous minds that cannot think about anything that is constructive but only destructive things, then you have to provide in the legislation to make sure that the innocent is protected.

Mr. Speaker, I stand in support of this Electronic Transactions Bill and I am very happy to say as part of the People’s Partnership Government that this will help this country to become even more globally competitive, it will reduce the stress of doing business; it will, in fact, catapult us into the cyber age and it will ensure that our people are as good and will enjoy a quality of life enhanced by electronic transactions in a safe and a secure environment as envisaged and provided by this Bill.

I thank you, Mr. Speaker.

Miss Alicia Hospedales (*Arouca/Maloney*): Mr. Speaker, I am extremely happy for the opportunity to contribute to this debate on the Electronic Transactions Bill, 2011.

Just to respond to the Member for Oropouche East, the Member came here this afternoon presenting the results of a make-believe poll about people's beliefs regarding the state of the economy recovering or reviving. He noted that 94 per cent of the invisible people, who were polled yesterday evening as he indicated, agreed that it was recovering. I would like to advise the Member for Oropouche East that it is time for him to stop talking to imaginary friends. [*Desk thumping*] What the Member failed to tell us is the results of the poll on the UNC-A Government's performance and I would just update you.

Mr. Speaker, the Member did not tell us how the members of the population would poll their performance on a scale from one to 10 with one—no, let me correct myself, on a scale of zero to 10 with zero being the lowest score and 10 being the highest and the members of the population would only give them one. [*Desk thumping*] How would the members of the population again poll the level of honesty and responsibility of the UNC-A Government? On a scale from one to 10, they would get zero. [*Desk thumping*] How would members of the population poll their decision-making capability on a scale from one to 10? They would get zero again. And how would they rate the inability to maintain disorder, instability, confusion and bewilderment, et cetera? They would get 10-plus. [*Continuous desk thumping*]

Mr. Speaker, the Member for Tabaquite came here talking as an expert on family life and family affairs, saying that the Internet can contribute to family life. I always wish that the Member for Tabaquite would do his research before he comes to the House so that he would be presenting factual information to, not just us, Members in the Chamber, but members of the population. Mr. Speaker, a study of the effects of Internet use on family life by a researcher called Gustavo reveals that the Internet steals quality family time.

Dr. Rambachan: Would you give way?

Miss A. Hospedales: No, no, Member for Tabaquite.

Dr. Rambachan: That is not what I said! [*Crosstalk*]

Miss A. Hospedales: Mr. Speaker, the researcher also said that the Internet is—

[*Dr. Rambachan remains standing*]

Mr. Speaker: Member! I want to inform Members, once you are misrepresented in this House, or misquoted, you would have the right—a minute and a half would be given to you at the end of the Member's contribution to correct the records, but not to interrupt the Member whilst the Member is on her legs. So, Member for Arouca/Maloney, could you continue?

Miss A. Hospedales: Thank you very much, Mr. Speaker. Again, the researcher said that the Internet is the centre of some family conflicts, simply because teenagers and children often expose confidential family information over the Internet and as a result conflicts tend to arise because—look the Member for Chaguanas West is agreeing with me. [*Member Laughs*]

Mr. Warner: Me?

Miss A. Hospedales: Mr. Speaker, the researcher also said that use of the Internet also decreases family cohesiveness. So for the benefit of the Member for Tabaquite, I would like to share that information with you and you can check it, it is on the Internet once you do a Google search.

Mr. Speaker, throughout the world there has been a growing use of technology for the purpose of storing customer related documentation, accounting, legal and financial information electronically, and what we have seen over the years is that there has also been a growing use of electronic contracts, proposals, invoices and so on. The increased use of these electronic transactions has led legislators throughout the world to give serious consideration to the legal status of such information and the legal effect it would have, and as a result new legislation such as the one that is before us today is often passed in many jurisdictions throughout the world to ensure that there is admissibility of electronic information as well as evidence in court matters and the conclusion of contracts in electronic form. As I said, what we have seen over the years is that there has been growing use of the Internet or electronic transactions for these various purposes.

Mr. Speaker, governments across the world have sought to increase public confidence in electronic business because they recognize that in engaging in these electronic transactions what they are doing is promoting and encouraging a competitive edge for their country. They also recognize the need for reducing administrative cost by creating a paperless environment. I just want to focus a bit on the role of Government to increase public confidence in electronic business. There are two specific questions that I am going to ask the Members of the UNC Government related to increasing public confidence in electronic business.

What measures would you put in place to provide a greater level of confidence of security to persons whose personal safety may be exposed to a particular threat because their personal details are entered on electronic forms for online transactions? Mr. Speaker, I remember reading the *Hansard* and the previous Member for St. Augustine made reference to persons who were kidnapped because their personal information which was entered via an electronic transaction was exposed or revealed to kidnappers and as a result their lives were placed under threat. So that is the reason I am asking this question. The other question is, what reassurances could the Government give to citizens that it would not engage in unwanted and unwarranted intrusions of their personal information?

Mr. Speaker, in conducting the research on electronic transactions, one of the major concerns expressed is the use of personal information that has been entered via electronic transactions by governments? So I am asking this question again, what reassurances could the Government give to citizens that it would not engage in unwanted and unwarranted intrusion of their personal information which is entered via electronic transactions?

Mr. Speaker, I am asking these questions because we have seen the impact of Government's interference in an intelligence agency; we have seen their interference in ministries; we have also seen their interference in the media and as a result of this, public trust and confidence in the UNC-A Government has waned, it has eroded over time, and it is a very short space of time.

Another concern regarding Government's interference was expressed by the Member for St. Ann's East who pointed out to us the amount of authority that is provided to the Minister under this Electronic Transactions Bill. I went to the Bill and checked for myself and 21 references were made to the Minister and the responsibility that is given to the Minister under the Bill. For ease of reference and for the Members who do not know, I am asking you to check your Bill—clause 34(1), (3), (4) and (5); clause 35(i); clause 36(1) and (2); clauses 37, 38, 39, 40 and 41; clause 43(e), clause 49, clause 51(1) and (1)(b), clause 51(2)(b), clause 51(3), (4) and clause 52(1).

Mr. Speaker, this is the first time since I am in this House I have seen so many references being made to a Minister, so much responsibility actually being given to the Minister and I would like to just ask, in terms of the references being made to the Minister, are these references or responsibilities that are assigned to the Minister necessary? That is why I would want to agree with my colleagues, both the Member for St. Ann's East and the Member for Port of Spain North/St. Ann's West with respect to sending this Bill to a joint select committee, [*Desk thumping*] because the amount of responsibility or authority that is given to the Minister could be problematic.

Mr. Speaker, I would agree with the Member for Diego Martin Central, it could create an opportunity for abuse.

Mr. Speaker, I would like to agree with the Member for St. Ann's East, who stated that the Minister is more or less hiding behind a cloak of designated authority because if you look at the Bill, for every clause that I have quoted it says “the Minister or the designated authority”. Mr. Speaker, this is a major cause for concern by the Members on this side and we would really appreciate that you give consideration to sending this Bill to a joint select committee. I just want to say that and encourage the Members on the other side to take their time when they have to bring legislation before this House, because what we have found over the last few weeks, they have been rushing to bring legislation and most of the legislation that they have been bringing has been flawed and as a result we have had to create joint select committee upon joint select committee to address the issues of the Bill.

Mr. Speaker, is this a manifestation of how the Government intends to boost public confidence in what they do or is this evidence of their intention to interfere in the operations of public bodies? It is important that the Government answer these questions because the Electronic Transactions Bill allows the ready access, collection and display of an individual’s personal details, as I indicated earlier. It also can display their purchasing history and even their commercial value as a citizen to any particular organization.

Mr. Speaker, as a result of this, the Government has a part to play in reassuring citizens that the measures that they would enforce would protect their personal details and therefore limit the possible threat to their personal privacy.

Mr. Speaker, the Bill before us today seeks really to give legal effect to the electronic documents, electronic records, electronic signatures, electronic transactions and the Electronic Transactions Bill is also the sister Bill to the Data Protection Bill which was ably debated by the Member for Point Fortin, the Member for Diego Martin Central and the Member for La Brea. As a result of the concerns that were highlighted by these Members, a small committee was established to look at the significant amendments.

4.25 p.m.

Mr. Speaker, the Member for Oropouche East, made reference to Pillar No. 4 in their manifesto. He made mention to Pillar No.4, and Pillar No. 4 in their manifesto—*[Interruption]*

Mr. Manning: It is a counterfeit pillar.

Miss. A. Hospedales: Yes, it is a counterfeit pillar, I agree with you Member for San Fernando East.*[Crosstalk]* The Member said that Pillar No. 4 speaks to information and communication technologies connecting T&T and building the new economy. And I will agree that this is a cut and paste exercise. And what he said, according to the document, the document says that:

“Information and communication technology (ICT) and the systems that they can create are fundamental to the development of every modern, progressive society.”

He also stated that:

“The ICT backbone, linked to the competencies of a well educated population, provide the required support for effective communication, information sharing and knowledge management. We will expand”—that is what he said—“the country’s internet connection capabilities so that every citizen will be able to have access and conduct business for a wide range of governmental services.”

The Member for Oropouche East came here and he presented this very elaborate or non-elaborate plan of theirs. And for one moment I just want to focus a bit on a part of a sentence in their manifesto which states:

“...so that every citizen will be able to have access and conduct business for a wide range of governmental services.”

Mr. Speaker, what the Member for Oropouche East failed to realize is that in order for e-government, e-transactions or e-business to be effective, the infrastructure has to be in place. And I will say that again, the infrastructure has to be in place. What the Government needs to tell us is whether the infrastructure is in place particularly in Government Ministries, to adequately engage citizens in electronic transaction of documents, information and so on. I am asking this question because I took a cursory look at some of the Government Ministries, and what that revealed to us—and Mr. Speaker, you would bear me out on this—that in looking the website or the home page for the Ministry of Food Production and Marine Affairs and a number of other Ministries, there was some valuable information lacking. For instance, we did not see any fax numbers, any telephone numbers, specific landline numbers; there were email addresses missing and stuff like that.

So, Mr. Speaker, the Member is talking about, you know, giving every citizen access, but then what they are supposed to be doing, they are not doing. What was also observed is that, for the Ministry of Community Development, there was no

website. There was no website available for the Ministry of Community Development and this is nine months later, there is still no website for that Ministry. There was also no website for the Ministry of Planning, Economic and Social Restructuring and Gender Affairs. I mean, I searched and I searched and there is no website.—[*Interruption*]

The Member for Couva North is talking about new Ministry. The Ministry of Art and Multiculturalism has a website, right. But nine months later the Ministry of Planning, Economic and Social Restructuring and Gender Affairs has no website. The Ministry of Justice as well also does not have a website. I also tried to search—[*Crosstalk*] Mr. Speaker, I am giving information and I do not know what the Member is talking about.

The Ministry of the People and Social Development, I searched as well and there is no website for that particular Ministry. The Ministry for Tobago Development as well, there is no website. I did exactly what other persons would have done, googled a search for that particular Ministry and there was no website that could be found. So I am talking about accessibility. If the Members are stating that they are going to give access to citizens it means that these websites should be easily found once googled. I am making this point to show that the Government is bringing this sophisticated—[*Interruption*]

Mr. Speaker: Hon. Member for Arouca/Maloney, would you be extremely long again? Would you want to—

Miss A. Hospedales: [*Inaudible*] Mr. Speaker.

Mr. Speaker: Okay, hon. Members, this is a good time for us to suspend the sitting for tea. This sitting is now suspended until 5:00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Miss. A. Hospedales: Thank you, Mr. Speaker. Mr. Speaker, prior to going on our tea break, I was talking about the UNC-A Government's proposal to ensure that every citizen will be able to access and conduct business for a wide range of governmental services. We are talking about e-transactions here. What I did try to establish prior to going on the tea break, was the fact that there are some Government Ministries that do not even have a website. And how can they create accessibility as it relates to e-transactions when they do not even have a web site up?

The point I want to make is that the Government is bringing this sophisticated piece of legislation without the basic infrastructure in place, and persons seeking to access electronic documents, records, or engage in electronic transactions with the various Government Ministries would be disappointed because they do not have accessibility.

Mr. Speaker, please allow me a minute to ask the Member for Chaguanas West, what progress is being made with respect to the upgrade of the licensing system? I am asking this question because the Bill refers to e-signatures, e-documents, that persons will use through the licensing system. And, Mr. Speaker, this is a computerized system for drivers' permits and vehicle registration. I am asking the Member for Chaguanas West if he can give us an update.

Mr. Warner: Thank you, Mr. Speaker. [*Desk thumping*] With regard to the Licensing Authority, we are establishing four offices this year and six next year. The offices shall be fully computerized. They shall be computerized by Barrington Incorporated from Nova Scotia. They were here as late as last Monday, where they again showed us what they are doing. We shall have, not only fully computerized licensing offices, but number plates also shall be of course personalized, and the number plate shall tell you everything from the date of birth to of course your blood type. And therefore, you will have—I do not mean blood type literally, but I mean, it will tell you everything and therefore you have no cause to worry. All right? [*Crosstalk*]

Ms. A. Hospedales: Mr. Speaker, I just want to say thanks to the Member for Chaguanas West for implementing a People's National Movement licensing system—[*Desk thumping*] plan—[*Laughter*] Thank you hon. Member, thank you. Another area, another area of significance could the hon. Member of Public Administration tell us what is the percentage of Internet penetration at this time? How many persons actually used the Internet to transact businesses? This type of information is important to us and it is valuable information that the Minister of Public Administration can provide, not just to us but to the national population.

Mr. Speaker, the Minister also did not inform us of the other pieces of legislation that need to be amended in conjunction with the passage of this Bill. The hon. Minister of Public Administration, as well as the Member for Oroupoche East, made reference to legislation that has to be amended and other legislation, but they did not tell us exactly what those pieces of legislation are.

Mr. Speaker, the Bill that the Member failed to tell us about, is the Exchequer and Audit Act and its regulations, which has to be amended by the Minister of Finance in order to authorize the Government's acceptance of payments through

electronic fund transfer and through the identification of the type and form of the electronic instruments which will be relevant. So, Mr. Speaker, another question is, could the Ministry indicate their timetable when these Bills I have identified would be brought to this honourable House, and is there a timetable? We need to hear from you, hon. Minister. We also need to get answers to these questions, because if the amendments to the Exchequer and Audit Act and its regulations are not made, the Bill before us today will be passed but it may not be able to be implemented.

5.05 p.m.

So, Mr. Speaker again I want to say in closing that access to— [*Desk thumping*] Shame on the Members on the other side. I took my time to educate them and this is what they are actually doing. [*Desk thumping*] I took my time to present to them valuable information and this is how they are responding. [*Crosstalk*] Yes I agree with you Member for Point Fortin, they were taking notes.

Mr. Speaker, in closing, I would like to say that access to ICT is not a joking matter. It is a very valuable tool for any government, for any country, for any people and, as a result, I am asking the Government to make significant investments in this. The People's National Movement made significant investments in ICT. Mr. Speaker, we spent a lot of money ensuring that we had a library network programme; there would have been knowledge of innovation and development programme; the implementation of the national broadband action plan; the government communication backbone project, tconnect and e-marketplace.

There are a number of other programmes or projects that would have been implemented under the People's National Movement Government because we recognize the value of ICTs; we recognize that ICTs can put us into the international spotlight and can increase our ranking internationally. So, I am imploring or I am asking, I am begging the Members on the opposite side to give consideration to making a significant investment in ICT to ensure that the infrastructure is there so that we can, indeed, engage in effective electronic transactions. Mr. Speaker, I thank you.

The Parliamentary Secretary in the Ministry of Planning, Economic and Social Restructuring and Gender Affairs (Ms. Ramona Ramdial): Good afternoon, everyone. Mr. Speaker, first of all, let me please clear the air on behalf of the Ministry of Planning, Economic and Social Restructuring and Gender Affairs. The hon. Member for Arouca/Maloney made the comment earlier, that we did not have a website as yet. Let me just clarify that. What is happening is

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[MISS R. RAMDIAL]

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[*Interruption*] no, no, no. The point of the matter is, Mr. Speaker, we are in the process—and I must say we not going to follow in the footsteps of the past regime where they just ad hocly granted contracts for various projects in various Ministries and then ended up with cost overruns and corruption, people thieving money and running all over the place with it. [*Desk Thumping*]

So what we have done is adhered to a best practice method in all of our Ministries, where we are carefully scrutinizing every contract that is handed out for projects in every Ministry. And in so doing, it is taking us a bit longer but we are doing it the correct, transparent way. [*Desk thumping*] Therefore, if you do not see a website for a particular Ministry after nine months, give us an additional month and probably at the 10th month, you will see it. All right?

Also, I would like to make reference to the Member for Arouca/Maloney. You know, sometimes I wonder which side she is on, whether she is on the governing side or the Opposition side because just now, she more or less, supported the Government by saying that we needed strong ICT projects and programmes within the Government to move our country forward. And by enacting legislation, with this particular Bill, this is what is happening. So thank you very much, Member for Arouca/Maloney, for supporting the Government. [*Desk thumping*]

The Electronic Transactions Bill provides an essential enabling legal framework to support the development of electronically enabled business transactions commonly called “electronic e-commerce” between any combination of consumers; business and government. And these combinations include: business to business; business to consumer; members of the public to Government and business to Government.

So again, as I sat here and listened to the Member for Arouca/Maloney stating that we do not have progressive policies and progressive ICT projects, I wondered where she was coming from, because to me, it seems as though that she has not understood what e-commerce is all about and what we are trying to do here. So for educating our Opposition Members and—you know, of course, the Member for Point Fortin and the entire Opposition, for the past eight months that we have been in power, have been saying that every Bill that we bring here is a PNM Bill. But she has not listened to our Member for Oropouche East who has told her that there have been 37 or more changes to this Bill. So it is not a PNM legislation, it is all the People’s Partnership work. It is all the People’s Partnership work.

So to edify our Opposition Members, e-commerce is the phrase used to describe business that is conducted over the Internet, using any of the applications that rely on the Internet such as email, instant messaging, shopping carts, web

services, among others. And we have seen, Mr. Speaker, that developed countries, like Australia, have gone on to reform, already existing legislation on electronic transactions which will provide increased legal certainty in trade by electronic means and will encourage the continual growth of electronic contracting both domestically and internationally. And this is what we, the people of Trinidad and Tobago and the Government of Trinidad and Tobago, are trying to do. We are trying to move our country forward to meet developed status. It is not a Vision 2020, which was just paper. We are actually going in and implementing these policies and carrying them out. [*Desk thumping*]

And I will tell you something, being at the Ministry of Planning, Economic and Social Restructuring and Gender Affairs, it is very, very—it is an eye-opener to see all of these grandiose plans that were on paper and to see that after eight years, nine years, nothing of substance was fully implemented. Nothing!

The United Nations Convention on the Use of Electronic Communications in International Contracts was prepared by the United Nations Commission on International Trade Law between the years 2002 to 2008 and this is what our country has been, more or less, following as a model to implement the Electronic Transactions Bill.

The People's Partnership is attempting to do such by introducing the new piece of legislation to enhance the workings of Government. This piece of legislation will aid the Government by cutting cost across the board for all Ministries with respect to their online transactions. Of course, some of us—Members of the Opposition in front of me have referred to certain parts of the Bill which they still think are lacking. I refer to Part III of the Bill with respect to the online contractual agreements and their need to reinforce stricter security options.

This Bill facilitates these concerns by establishing the legal equivalence of electronic and paper documents and records with noted exceptions, for example, wills and deeds. It has also been defining default legal provisions such as the time and place of business agreement guiding the establishment of contracts in an electronic environment; establishing a legal framework for regulating persons who provide electronic authentication products to the marketplace or products designed to identify the holder of an electronic signature to another person such as through a signature using Public Key Infrastructure (PKI). It has also been establishing the responsibilities of various parties involved in the facilitation of electronic transactions.

The primary intentions of this Bill, Mr. Speaker, are to establish the legal equivalence of certain electronic documents and to provide for the application of

existing principles of contract law to transactions that are mediated in an electronic environment. This Bill creates these enabling provisions which will be broadly applied.

5.15 p.m.

For the full implementation of the provisions of the Bill regulations are required which are currently under development and will soon be finalized. Such regulations shall outline, among other things, the criteria by which a person applying to be accredited as an electronic authentication service provider is to be evaluated as well as identifying the types of electronic signatures which are associated with varying liability and applicability. Of course, as you know the Bill comprises of ten parts, and in summarizing this piece of important legislation, Part I of the Bill comprises the preliminary clauses including the short title and interpretation of terms.

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 valid as its paper equivalent. Part II of the Bill reiterates that other than the exception 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, namely those to offer consideration and acceptance will be viewed in the electronic environment. This provides for the extension of the validity of electronic documents and records, two transactions involving such documents and provides certainty and clarity through default legal provisions.

This part of the Bill, Mr. Speaker, also provides for the conclusion of contracts where the proposal is generally accessible to anyone as opposed to a particular party. Of course, we know about the Browse Rap and the Click Rap Agreements, which are common types of agreements found on the Internet. For clarity, a Browse Rap Agreement is one which is part of a website and users of the site assent to the contract by virtue of merely visiting it. Click Raps on the other hand are agreements where the users are required to actively consent by either clicking, "I agree" or in other circumstances where agreement is sought using the electronic media.

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 would have the same effect as a personal or written signature. Notably, Part IV does not identify a particular type of electronic signature to be adopted; this is so because it enables the Bill to remain impartial to any particular

form of technology, a practice commonly referred to as technological neutrality thereby enabling the continued applicability of the provisions as technology evolves. Mr. Speaker, this Bill is just not only standardizing the procedures, the methods, the tools, it is also allowing for changes in technology which you know and which our society will know comes very quickly in today's world.

Part V of the Bill establishes the framework that will guide the regulation of persons who should provide accredited third party authentication services referred to in the Bill as electronic authentication service providers.

To facilitate cross-border commerce, Part V also allows the Minister or such authority designated by her to recognize by order, types of electronic authentication products issued by the service providers in other jurisdictions. Part VI of the Bill treats with responsibilities of the other parties involved in the mediation of an electronic transaction, such as the Internet Service Providers (ISPs). This Bill clarifies that these parties are not liable where they act as mere conduits for transaction, but it does identify, Mr. Speaker, the roles that they must fulfil if they suspect that their resources are used for the transmission or storage of defamatory or otherwise illegal information and this is where our security features come into play here. In this regard the Bill provides for their interaction with law enforcement agencies and the Minister or such authority designated by the Minister where applicable. Part VII of the Bill treats with the specific case of the Bill's applicability to government and public bodies. I know that our Member for Port of Spain North/St. Ann's West was enquiring as to whether or not schools would fall under "public body." Of course, it does, as I am advised by the hon. Minister of Public Administration, because it falls under the Ministry of Education and will be referred to as a public body and so can benefit from this particular piece of legislation.

Under these provisions, however, during transactions with public bodies, information can be submitted using electronic forms in the manner specified by the bodies, even if these forms do not resemble the physical prescribed forms required for the transactions. Of course, the amendments proposed are to provide flexibility for public bodies to design electronic forms suited for online transactions and hence, improve the customer's overall e-Government experience. For example—and I am giving an example referring to public bodies—they can create integrated electronic forms to facilitate a user's performance of multiple e-Government transactions from a single point of access. Using the integrated form, the user needs to input his relevant information just once instead of having to fill the same information repeatedly in the multiple forms for different e-Government

transactions. So when our Member for Arouca/Maloney speaks about the infrastructure or the framework or the platform to launch such technology, it is very much present within the Government of Trinidad and Tobago.

Under some laws, for example, public bodies will require individuals or businesses to retain certain records for the purposes of inspection or for future reference. Some public bodies may require original documents to be produced as part of an application process. The proposed amendment seeks to establish that for such requirements, public bodies will, by default, accept the retention or provision of the required documents in their electronic form.

Of course, as technology becomes available to safeguard the integrity of electronic documents it has become increasingly common for businesses and individuals to convert and create their paper records and originals into electronic form. We are seeing this more and more today where I think the much younger population has more faith or has more trust in the online services available and so we are much more familiar with online products than the so-called paper that we are so accustomed to, from years before. Hence the provisions of this part in our public bodies to specify additional requirements for the provision of electronic records and originals.

Part VIII and Part IX of this Bill, Mr. Speaker, deal with the security reinforcements that the Opposition has been so bothered about. Of course, I will go on to explain Part VIII and Part IX to assure the Opposition Members that the security checks are most valid. Part VIII contains consumer protection provisions for the conduct of online sale of goods and services as well as protection against spam. With regard to the online sale of goods, there are three aspects to the basic consumer protection online. First, the online vendor has to provide clear and accessible information about himself; secondly, he must provide accurate and accessible information describing the goods or services offered, sufficient to enable consumers to make an informed decision about the proposed transaction and to maintain an adequate record of the information. For example, Mr. Speaker, this would include all activities before the consumer goes about to click "Add to cart". Thirdly, he must provide relevant, accurate and clear information on matters dealing with the conclusions of the contract.

With regard to spam, the Bill establishes a regulatory framework requiring persons who use this technique as a form of legitimate marketing to provide the individual who receives the communication, the option of opting out of receiving such future communications from that sender.

Part IX of the Bill deals with contravention and enforcement. Part X sets out the duties of the directors of corporations and empowers the Minister to establish regulations for the further implementation of the Bill.

The provisions of the Bill, Mr. Speaker, will have a profound impact on the way business is carried out in Trinidad and Tobago. My friend from Chaguanas East was telling me a little earlier about the customer cage syndrome that we all know about, where we take an hour from work and we take a run down the road to pay something, at some ministry and you reach there and they say, “closed”, and the cashier is not there, the cashier is closed.

5.25 p.m.

It is a waste of a lot of time, a waste of a lot of money; it is unwarranted; it is unwanted and this is why this legislation is here to provide and to enact a different way of doing business in Trinidad and Tobago. It is not new in developed countries and it is not new in developing countries, and I think we are a developing country and it is about time that we enact legislation to enforce certain procedures such as this. Of course, as we know, the long-term benefits will lead to higher productivity levels within our ministries, from our workers, within the working sectors, because things would be easier and business would be easier to conduct, both on behalf of the Government and on behalf of the individual.

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.

Before I close I want to inform the House that when we speak of development and sustainable development, we are talking about indicators which will show such, and which will reflect such in a global manner. Indicators to development are just not tall buildings, high-rise buildings and waterfronts. That is one indicator of development, but other indicators of development for a country are the basic legislation that you enact as a government to make the lives easier, to make businesses more efficient to make government workings much more efficient than before.

So I think it is really a shame for the Opposition to come here and debate on this Bill and show the negativity of something that does not exist. Nothing in this

legislation is negative; nothing about it. Of course, at the end of the day we are here, and public administration has taken the mantle to spearhead such legislation that will help us, our children and our future generations later down.

It is all about development and this is such one indicator of development in Trinidad and Tobago. I think that with the support from the Opposition we can only move forward, because as a Government, we both belong to the governing side and the Opposition side and I think it is about time that the Opposition realizes that this Bill—and this piece of legislation—will only add value to Trinidad and Tobago.

I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: Hon. Minister of Foreign Affairs, when the Member for Arouca/Maloney was speaking, you sought to interrupt her. You said that she had misrepresented you. This is your opportunity to put on the record of Parliament, and I am giving you a minute and a half to do so.

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan): Thank you, Mr. Speaker. Mr. Speaker, I made no reference to the value or non-value of the Internet. I spoke specifically about electronic transactions. What I simply said was that electronic transactions free up time so that people can engage in a higher quality of family life and also attend to their health and such other matters. I never debated the pros and cons of the Internet or use of the Internet.

Thank you.

Mr. Fitzgerald Jeffrey (*La Brea*): Thank you very much, Mr. Speaker. The Electronic Transactions Bill, 2011, really, is a Bill to give legal effect to electronic documents, records and signatures. Today, we had three unprecedented pilotings of the Bill: we had the hon. Minister, we had the Member for Oropouche East and we had the Member for Couva North. In my two-and-a-half years here, it is the first time I have seen this. There was really and truly no need to do that because the hon. Minister is a very distinguished person who did a magnificent job in piloting the Bill, so I think they really wasted time in going over that Bill. [*Interruption*]

Mr. Speaker, I would like to quote Standing Order 40, please.

Mr. Speaker: Yes, you have my total protection under Standing Order 40. Silence, please. Continue, Member.

Mr. F. Jeffrey: Mr. Speaker, there was a Frenchman by the name of Nostradamus who was able to predict situations and events well ahead of his time.

In like manner, the former Member of Parliament for St. Augustine, in a previous incarnation in the debate on the Electronic Transactions Bill of 2009, as reported in the *Hansard*, said this:

“...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.”

How apt is this quote. We have seen here, a situation in which we have had broken promises, from the old age pension of \$3,000; the \$20 minimum wage; it went on to the indefensible, adulterous and vulgar Nicki Minaj concert; we had the airport fiasco and we had the Reshmi Ramnarine affair; all of this in less than nine months. [*Interruption*]

Mr. Speaker, I am asking for protection again. I am being disturbed in the back here.

Mr. Speaker: Yes. Hon. Members, freedom of speech is what each Member is entitled to and no one is supposed to deny any Member that freedom of speech in this House. Heckling and a stream of interjections could do just that; deny the Member his right of freedom of speech in this House. I will not permit it. So I am asking the Member for Lopinot/Bon Air West, if you are interrupting and interjecting, I ask you to desist from doing so and allow the hon. Member for La Brea to make his contribution in peace and silence. You may continue, hon. Member.

Mr. F. Jeffrey: Thank you very much, Mr. Speaker.

Mr. Speaker, the Bills that are presented to this House, by and large, were taken out from the cupboards or the Cabinet of the Ministry of the Attorney General, some of them partially completed under the People’s National Movement and they are brought to this House. You could see the haphazard manner in which these Bills are brought before this House. They have refused to deal comprehensively with the crime situation in this country, which is, indeed, like a runaway horse; unprecedented high unemployment in La Brea, as well as the critical importance for the construction of the UTT campus for Point Fortin. These are serious issues that need to be addressed and that have been put on the back-burner.

History repeats itself: just like in 1986—1991, we had the NAR; in 1995—2001 we had the UNC, and this UNC-led coalition, they will have from 2010 to a maximum of 2015, all of them one-term governments.

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The Member for Oropouche East spoke as though the Opposition was in favour or in support of the Electronic Transactions Bill, 2009. Nothing could be further from the truth. Quoting from the *Hansard* of Wednesday, February 18, 2009, this is what the then Member of Parliament for Tunapuna had to say:

“Do you know what the Internet penetration is in Trinidad and Tobago? It is 12.3 per cent... We have the United States of America, 73 per cent; the United Kingdom, 67 per cent... 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... 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 Parliament and passing these Bills?”

In other words, he saw that it was not relevant; it was not important to pass that Bill.

The Member for Caroni East—again quoting from *Hansard* of Wednesday, February 18, of 2009—had this to say:

“...why is it that the Government is bringing this...”—Bill—“...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...”

In other words, again, we see here that they did not see the importance of this Electronic Transactions Bill being passed.

The Member for Oropouche East can say what he wants. The 2009 Bill and the 2011 Electronic Transactions Bill are essentially the same, save for some cosmetic changes. In one case, for example, in 2009, it was clause 4 and the change they make—do you know what it is?—it is clause 6 in 2011. Clause 36 in 2011 is clause 35. They changed the name from “Certificate Service Provider” to “Electronic Authentication Service Provider”; very little change. In clause 37 they talk about the “Data Commissioner” and in clause 38 they replaced the “Data Commissioner” with “the Minister”. I will go down a little later into this situation here.

The Member for Oropouche East mentioned that most of those changes were issues for clarification. Again, if I may quote:

“If the Government were to violate any rules of privacy, how can a data commissioner, who is effectively appointed by the Government, act appropriately?”

So you remove the data commissioner because of political appointment. But do you know what they did? They replaced the “data commissioner” with “the Minister”. Now, certainly, if we are talking about political manipulation, you cannot move the data commissioner and put a Minister. It really does not make sense. So something is in the mortar beside the pestle.

In the debate in the 2009 Bill, the hon. Member for Oropouche East made heavy weather about the need for a tribunal—you cannot put all this power in one man hand, put it in the hands of a tribunal. I went through the 2011 Bill with the fine-tooth comb and nothing is mentioned about the tribunal. What did they do? They put the power in the hands of the Minister. I just want to go through a bit, because it is at Part V, and we could look at some of those clauses to show you how serious this thing is.

“No person shall issue a qualified electronic authentication product to the public unless he is registered as an accredited Electronic Authentication Service Provider by the Minister or such authority...”

5.40 p.m.

After that Reshmi Ramnarine fiasco, I do not think we can go down that road. I have no problem with a tribunal or some body but to put it again into the hands of an individual, it will have problems.

In 34(1):

“A person wishing to be registered as an accredited Electronic Authentication Service Provider shall apply to the Minister or designated authority in the manner prescribed...”

And I am saying I have no problem with the hon. Minister, I know the hon. Minister, she was one of my lecturers when I was doing Education Management and Leadership at UWI, a very competent person. [*Interruption*]

Everybody not like you; everybody not like you at all. [*Interruption*] I know. I will deal with you at another time, do not worry. You see in the situation with the FIFA thing, I will come back to that sometime. More time for you. More time, more time.

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Mr. Speaker, I have no problem with the hon. Minister, she is a very competent person, I could attest to that. But you know what happens, politics is a strange thing, she may be here today and gone tomorrow. If the Prime Minister made a reshuffle she may no longer be there, and that is a worry. If the hon. Minister stays there I do not have a problem, but could you imagine if it was the Member for Chaguanas West. [*Interruption*] Oh Lord, trouble, trouble.

In 34(3):

“The Minister may make Regulations specifying the procedure...”

The Minister doing that, and I am saying why all this power in one person’s hands. It is the same thing we tried to get away from with the data commissioner, you are now doing the same now with the Minister.

You go to 34(5):

“Where the Minister or the designated authority is satisfied...”

So if the Minister is not satisfied, what is your position? You are out in the cold. There is no avenue for redress. So if the Minister does not agree with you, “crapaud smoke yuh pipe.” What is supposed to happen is there should grounds for appeal; some kind of body so that person can go to, to seek redress. Nothing like that is in this Bill.

Mr. Speaker, we could go down to clause 36(1) and (2), 37, 38 and 41, a similar scenario, power, power, power a super minister.

In clause 43:

“Where the Minister or the designated authority is satisfied that an Electronic Authentication Service Provider no longer meets the requirements to issue qualified electronic authentication products, he may-

(a) cancel the registration of the Electronic Authentication Service Provider;”

Mr. Speaker, I ask, what are these requirements that this service provider needs to comply with? Nothing like that is in the Bill.

Mr. Speaker, we go to clause 49, where:

“The Minister or the designated authority may order an Electronic Authentication Service Provider to pay the costs...”

So he is judge and jury. That is too much power. If it was too much power for the data commissioner it is really too much power for the Minister, because the Minister has other duties as a Minister, why bog her down with all this “frims and frams?”

I want to go to clause 35 and that is why it makes sense to send this thing to a joint select committee and I explain why. In clause 35:

“An Electronic Authentication Service Provider that issues qualified electronic authentication products to the public shall conduct his or its operations in a reliable manner and shall-

(a) employ personnel who possess the expert knowledge and experience required...”

What do you mean by expert knowledge? *[Interruption]*

Mr. Warner: What you do not have.

Mr. Sharma: Exactly.

Mr. Warner: You do not have “nothing” *[Interruption][Inaudible]*

Mr. F. Jeffrey: I am not corrupt, Member for Oropouche West. I am not corrupt. I am not corrupt. Mr. Speaker, I want your protection.

Mr. Speaker: Yes. Yes, you will get my protection, but please withdraw that word because you are imputing improper motives to a Member of Parliament. I have already indicated that any Member who wants to do that, bring a substantive Motion. So Member for La Brea, even though the crosstalk is taking place, you have to be careful with your language. I said moderation. Moderation is important and good temper. So could you kindly withdraw the word “corrupt” that you have attributed to the Member for Chaguanas West, and apologize and let us go on? I do not want any Member to be accusing any Member even in crosstalk about corruption; bring a substantive motion.

Mr. F. Jeffrey: I really did not say that he was corrupt; I did not say that. I said “I am not corrupt.” I said “I am not corrupt, Mr. Speaker.

Miss. Hospedales: That is what he said.

Mr. Speaker: You were making an allegation towards the gentleman, the Member for Chaguanas West and when you said you are not corrupt, you are implying that the Member is corrupt and I am saying that the insinuation and the imputation is clear, and you know what you have done. I am just saying in the circumstances, I would just like you to withdraw those remarks and move on, please.

Mr. F. Jeffrey: Mr. Speaker, I beg to withdraw, but Mr. Speaker, I crave you indulgence by asking that you listen to the Member for Chaguanas West is saying as well because some of those things are not correct as well, and I, was just merely reacting.

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Let us look at clause 35(d):

“maintain sufficient financial resources...”

And the Member for Oropouche East had asked on Wednesday, February 18, 2009, what do you mean by sufficient financial resources? If you look at the identical clause in the 2011 Bill there is no clarification, there is absolutely no clarification and I would like to read it into the record. In 2009, 36(d):

“maintain sufficient financial resources to conduct his or its operation in accordance with these requirements and any other provisions set forth in the Act and bear the risk of liability for damages”.

In 2011:

“maintain sufficient financial resources to conduct his or its operations in accordance with these requirements and any other provisions set forth in the Act and bear the risk of liabilities for damages;”

The identical thing. Even though they had intimated that they wanted this Bill to go before the Joint Select Committee because of this need for clarification—in 35(e):

“have secure routines to verify the identity...”

What do you mean by “secure routines to verify the identity”? What do you mean by “secure”? That needs to be spelt out.

5.50 p.m.

Clause 35(f) says:

“maintain a prompt and secure system...”

How much time for us is “prompt”, and what do you mean by “secure”?

Mr. Speaker, when we go to clause 35(i), we have the open scenario here. Clause 35(i) says:

“comply with any other requirements established by the Minister...”

That is sweeping powers to a Minister. I think we need to know what are the specific requirements in clause 35(i). I think that is extremely important, and we need to get some clarification of that scenario.

Mr. Speaker, as a little child, I heard that the more things change, and the more things remain the same. But now I am grown, I can attest that after seeing this Government in less than nine months, and, that the more things change the more they deteriorate. [*Desk thumping*] Very sad indeed.

Dr. Browne: They have deteriorated.

Mr. F. Jeffrey: Mr. Speaker, we are looking at a Bill that in principle is good, the intention behind the Bill is excellent, but those clauses need clarification. I have shown that, Part V particularly, needs serious cleaning up. The power of the Minister needs to be addressed, and the whole question with clause 35 is too open-ended. So in closing, I wish to state [*Desk thumping*] categorically, that the Bill before us needs to go to a joint select committee.

I thank you. [*Desk thumping*]

Dr. Browne: Well said.

Mr. Speaker: The hon. Member for Public Administration.

The Minister of Public Administration (Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam): Thank you, Mr. Speaker—

Mr. Speaker: Just a minute.

Mr. Hypolite: No, no, go ahead.

Mr. Speaker: I looked around and saw no, on lights on this side. I paused for a moment and I immediately went to the hon. Minister. Nobody rose. [*Crosstalk*]

Mr. Hypolite: No, Mr. Speaker, that did not happen.

Mr. Speaker: What?

Mr. Hypolite: [*Inaudible*]

Mr. Speaker: So you are challenging me?

Mr. Hypolite: No, I am not challenging you. That did not happen, Mr. Speaker.

Mr. Speaker: Do not challenge me. Anyway, hon. Minister of Public Administration.

Sen. The Hon. R. Nan Gosine-Ramgoolam: Thank you very much, Mr. Speaker. Let me first take this opportunity to thank all my colleagues on this side for their sterling contribution towards this Bill, and let me also congratulate Members of the opposite side who have also contributed positively on this Bill. I recognize that all the persons who spoke on that side, literally supported the Bill, with one or two minor little thoughts. I guess it is because they first piloted the Bill and we must give them credit for that, but on this side, we also expect their support since we recognized overall that they are happy with the Bill most of the time. I think I will give them 99.9 per cent of actually agreeing with the Bill.

Mr. Speaker, I am pleased to wind up the debate on this very important Bill. The rationales that informed or promoted the introduction of the Bill in 2008 are no less important today. More importantly, this Government, our Government, in the promotion of this Bill did not do it by “vaps”. This Bill is being promoted by our Government, who is very mindful of its responsibilities to our citizens.

We put this Bill in the context of our responsibility to improve the delivery of goods and services within the public service, and the equally important responsibility to continue to steer our country into taking its rightful place among the society of nations whose economies are being transformed by e-commerce. We want to de-bureaucratize government, as my colleague, the hon. Surujrattan Rambachan, Member for Tabaquite, said earlier.

Again, Mr. Speaker, I take this opportunity to thank all Members who contributed to the Bill. [*Interruption*]

[*Members of the Opposition depart from the Chamber*]

Dr. Moonilal: Goodbye! [*Desk thumping*] [*Crosstalk*]

Sen. The Hon. R. Nan Gosine-Ramgoolam: It will, however, be remiss of me not to point to a few inaccuracies and a few misconceptions made apparent by the contributions of Members from the other side.

The hon. Member for St. Ann’s East boldly asserted that clicking a button can constitute an electronic signature. I am advised by my technical advisor that this is not so. The clicking of an icon is akin to the electronic expression of offer and acceptance covered in clause 20 of the Bill.

We heard the Leader of Government Business review the 50 amendments to the Bill, reinforcing that the policy fundamentals are strong. He went on to provide much discussion on why the role of the information commissioner is limited to this Bill. In response to this, the common claim from the Members on the other side has been a concern about the role of the Minister.

Mr. Speaker, I say that the administrative functions outlined in this part are to be undertaken within the context of the public service or by a designated authority. The Minister is not expected to personally oversee the registration. It is anticipated that the registration and accreditation will be undertaken by an administrative group or department, within either the Ministry or within the public authority so designated. The registration of persons entering into a form of business is not uncommon in the administrative responsibility of Government. What is important is that there are independent criteria for the registration of such providers.

Further, the section makes it clear that there will be regulations that prescribe the criteria, and outline a specific and transparent procedure for accreditation and registration. As such, these powers are to be significantly constrained by the regulatory framework. As such, this model is quite common, even similar to that of the United Kingdom as the opposite Bench cited earlier, where the registrar of certification service providers [*Interruption*]—I beg your pardon—is really maintained by the Minister responsible.

Further, the Bill gives the Minister the option to delegate this responsibility to another body, if such is deemed appropriate. Despite this change, it should be noted, that the electronic authentication service provider will still be obliged to treat with the information commissioner regarding the reliability of their systems and processes under the ambit of Part IV of the Data Protection Act, due to the services they provide. Further, Members on the other side made continuous spurious references of threats to privacy of persons and their personal information transmitted as part of an electronic transaction.

Mr. Speaker, I must ask: how can one speak—[*Interruption*]

[*Dr. Browne re-enters the Chamber*]

Sen. The Hon. R. Nan Gosine-Ramgoolam: Thank you very much, Sir.

Dr. Browne: I came to hear you.

Sen. The Hon. R. Nan Gosine-Ramgoolam: Mr. Speaker, I must ask: how can one speak of threat to privacy, when this Bill does not speak about the protection of private information? But the protection of information is covered under other legislation, and this Bill is designed to effect, among other things, equivalency between electronic transactions and paper counterparts.

Mr. Speaker, it is passing strange that the group that has initially piloted this Bill is talking about threats to privacy. I cannot believe this. When they were piloting the Bill, did they take into consideration the issue of threats to privacy? We on this side are sure that Members on the other side are schooled, educated, knowledgeable and wise, and they know that under the current situation where we use paper to engage in transactions, we must take responsibility for our own protection in life's transactions.

[*Dr. Browne leaves the Chamber*]

We must walk with our driver's permit, we must walk with our ID cards, we use the ATM card, we use our VISA and MasterCard, we even purchase airline

tickets via the technology and, therefore, one expects or one realizes that all of us, including Members of the Opposition, have been engaging in electronic transactions. So this is nothing new.

Further, Mr. Speaker, I am sure that all of us at many times have used the Skybox to purchase books, technology, et cetera, and no one is complaining about threats to privacy. No one! *[Interruption]* I am wrapping up. So why double standards at this point in time? We cannot understand the double standards. We realize that it is a case of sour grapes that we are allowed to pilot this Bill in a real way.

It was heartening, Mr. Speaker, to see that the Members on the other side reviewed the legal framework of the United States and the United Kingdom. It should be noted, that the cited clauses and laws that were based on the UNCITRAL model law of e-commerce and e-signatures, both of 2000, are the same model laws which guided the development of this Bill. This Bill shares the same principle of technology neutrality of the US ESIGN Act and the United Kingdom Electronic Communications Act. This Bill shares the minimum requirement for an electronic signature to have legal effect as the US ESIGN Act. This Bill shares the default contract provisions of the US Unified Electronic Transactions Act.

With regard to infrastructure raised by the Members on the opposite side, I feel obliged to point out that, again, it is not the intent of this Bill to treat with such issues. Infrastructure can be largely considered to address questions of telecommunications systems and IT systems. Telecommunications systems that are provided to the public are treated under the Telecommunications Act, Chap. 47:31. That Act treats with the question such as competitive entry of telecommunications service providers, including the phone companies and Internet service providers, as well as the provision of services to every nook and cranny of this country through the establishment of a universal service regime.

This Act is administered by the Telecommunications Authority of Trinidad and Tobago which is working assiduously to these ends. With regard to online presence and e-Government systems, there is the e-Government information portal, www.ttconnect.gov.tt—*[Interruption]* What is that?

Hon. Member: Leave it till later—*[Inaudible]*

Sen. The Hon. R. Nan Gosine-Ramgoolam: Okay. Sorry, Mr. Speaker in conjunction with websites for 19—up to 26 ministries.

6.05 p.m.

Further, 73 Government bodies have individual web presence, through which communication with our citizens are facilitated. The Government is also administering the GovNet e-Government backbone, as an infrastructure to support the transfer of information between ministries and agencies.

Further, the Government is piloting new online initiatives, including the single electronic trade window, ttblitz link, an initiative for which the passage of this legislation is critical, as this project seeks to take online service provision to the next level.

Before I close, in response to the question raised with regard to other pieces of legislation that would need to be passed along with this Bill, I am advised that the Data Protection Bill is currently at the committee stage. The Exchequer and Audit (Amdt.) Bill is under active consideration, as well as related regulations and regulations to give effect to the Electronic Transactions Bill, will be before this House before long.

One Member on the other side, the Member for Arouca/Maloney indicated, I quote her: “access to ICT is no joking matter”. It is for this very reason, we on this side recognize that ICT is not a joking matter, and as such, we have brought this Bill before this House, so that we can bring some sanity and seriousness to the most important piece of legislation and the madness that was taking place before our time.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: How are we proceeding, in parts?

Dr. Moonilal: In parts.

Mr. Chairman: We have 10 parts, one by one.

Clauses 1 to 67 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

DATA PROTECTION BILL

[Second Day]

Mr. Speaker: Hon. Members, the committee stage of the following Bill was suspended on Friday, February 04, 2011, will be resumed, a Bill to provide for the protection of personnel privacy and information. We are going back into committee.

The committee of the whole House resumed its deliberations on the Bill.

[Chairman: Mr. Mark]

Mr. Chairman: The last time we met Members, we were dealing with clause 20 of the Bill.

Dr. Moonilal: Mr. Chairman, please. Thank you very much. This really a continuation of the work we started on Friday, October 04, when we began committee work on the Data Protection Bill. For the record, I want to indicate that on that day, the Members of the Opposition led by the Member for Diego Martin North/East—there was an arrangement for the Member for Diego Martin North/East to submit, in writing, his amendments—

Mrs. Persad-Bissessar: He gave the undertaking.

Dr. Moonilal:—by Monday, 06. He gave an undertaking to so do and there was a proposal, as well, from the Opposition that a small team of Opposition and Government Members, with the technical staff, meet on Wednesday 08 for a discussion, and then we would return today to complete the committee work on the Data Protection Bill. For the record, the for Member Diego Martin North/East did not provide any amendments in writing as he had indicated and assured us, and the meeting on Wednesday 08, did not take place. Members for La Brea and Point Fortin had an alternative arrangement and other commitments that they had to attend to in south Trinidad and the proposed meeting did not take place. Today, the Members are not participating. Also to record, the Member for Diego Martin North/East indicated at the committee stage on the last occasion, Friday 04, that there was no need to go to a joint select committee, and a bipartisan team could have dealt with the amendments properly. That undertaking was not done, and we are here today to continue the committee work and finish this business this afternoon.

Mr. Chairman: Yes. We were, as I have said, on clause 20, when we adjourned at the last sitting. Do you have any amendment to clause—

Clause 20 (cont'd).

Mrs. Persad-Bissessar: Clause 20(3).

Mr. Chairman: Clause 20(3) is what you have put forward?

Dr. Moonilal: Mr. Chairman, I beg to move that clause 20 be amended as circulated:

- 20(3)
- A. Insert after the words “with respect to” the words “the Office of the President,”
 - B. Insert after the words “with the consent of” the words “the President,”
 - C. Insert after the words “the Presiding Officer” the words “, the Chief Administrator of the Tobago House of Assembly, the Chief Secretary of the Tobago House of Assembly”

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, I beg to move that clause 23 be amended as circulated:

- 23
- A. In paragraph (a) by inserting after the word “testimony” the words “made before the Commissioner”;
 - B. In paragraph (c) by inserting after the words “judicial review” the words “under this Act”.

Mrs. Persad-Bissessar: The amendment we have circulated would take into account the concern we had on the last occasion, which had been raised by the Opposition and which we said we would look at. So, we can take it forward, as circulated.

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 63 ordered to stand part of the Bill.

6.20 p.m.

Clause 64.

Question proposed, That clause 64 stand part of the Bill.

Mrs. Persad-Bissessar: I propose an amendment as circulated to clause 64.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 64 be amended as circulated:

- A. Renumber subclause (3) as (4) and insert a new subclause (3) as follows:
 “(3) Where an enquiry is conducted under this section, it may be conducted by the Commissioner on his own or by a tribunal comprising the Commissioner and one or more Deputy Commissioner.”
- B. In subclause (4) as renumbered insert after the Word
 “Commissioner” the words “or the tribunal”.

Question put and agreed to.

Clause 64, as amended, ordered to stand part of the Bill.

Clauses 65 to 71 ordered to stand part of the Bill.

Clause 72.

Question proposed, That clause 72 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 72 be amended as circulated:

72(2)(a) Delete the words “public body” and substitute the word “organization”.

Question put and agreed to.

Clause 72, as amended, ordered to stand part of the Bill.

Clauses 73 to 80 ordered to stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, if you may guide us, we have a new clause 79A, do we insert that at the end or at this point?

Mr. Chairman: We will do new clauses at the end, so let us continue.

Clause 81.

Question proposed, That clause 81 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 81 be amended as circulated:

81(b) Insert after the word “78” the words “or 79A”.

Question put and agreed to.

Clauses 81, as amended, ordered to stand part of the Bill.

Clause 82.

Question proposed, That clause 82 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 82 be amended as follows:

82 Insert after the word “78” the words “or 79A”

Question put and agreed to.

Clause 82, as amended, ordered to stand part of the Bill.

Clause 82 ordered to stand part of the Bill.

Clause 83.

Question proposed, That clause 83 stand part of the Bill

Dr. Moonilal: Mr. Chairman, I beg to move that clause 83 be amended as circulated:

83 A In subclause (i) insert after the word “78” the words “or 79A”.

B In subclause (2)(ii) by inserting before the word “requested” the words “or make the correction”.

C Renumber subclause (3) as (4) and insert a new subclause (3) as follows:

“(3) Where an enquiry is conducted under this section, it may be conducted by the Commissioner on his own or by a tribunal comprising the Commissioner and one or more Deputy Commissioner”.

B In sub-clause (4) as renumbered insert after the word “Commissioner” the words “or the tribunal”

Question put and agreed to.

Clause 83, as amended, ordered to stand part of the Bill.

Clauses 84 to 101 ordered to stand part of the Bill.

Data Protection Bill
[HON. DR. R. MOONILAL]

Friday, February 11, 2011

Clause 102.

Question proposed, That clause 102 stand part of the Bill

Dr. Moonilal: Mr. Chairman, I beg to move that clause 102 be amended as circulated:

102(d)(ii) Delete the words “(4)” and “(5)” and substitute the words “(3)” and “(4)” respectively.

102(h)(i) Delete the words “The Minister” and “the Minister” and substitute the words “The Information Commissioner” and “the Information Commissioner”.

Clause 102, as amended, ordered to stand part of the Bill.

New clause 79A.

Mrs. Persad-Bissessar: Mr. Chairman, I beg to move that there be inserted into the Bill new clause 79A as follows:

“Complaint to the commissioner on non-compliance 79A Where an individual has a reasonable belief that an organization is not complying with the provisions of this Act he may make a complaint to the Commissioner.”

New clause 79A read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill

Question put and agreed to.

New clause 79A added to the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Friday,

Adjournment

Friday, February 11, 2011

February 18, 2011 at 1.30 p.m., and to put on record that on that day it is the intention of the Government to debate Bill No. 2, a Bill entitled an Act to amend the Constitution of the Republic of Trinidad and Tobago to make special provisions with respect to capital offences. Mr. Speaker, I beg to move.

Question put and agreed.

House adjourned accordingly.

Adjourned at 6.30 p.m.