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Third Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to repeal and replace the Statistics Act,
Chap. 19:02, establish a National Statistical
Institute of Trinidad and Tobago and for other
related matters

THE NATIONAL STATISTICAL INSTITUTE OF TRINIDAD
AND TOBAGO BILL, 2018

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the National Statistical Institute of Trinidad and Tobago Bill, 2018 is to establish a National Statistical Institute in Trinidad and Tobago and also to repeal and replace the Statistics Act, Chap. 19:02. The Bill would be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by a special majority of three-fifths of the members of each House.

The Bill contains 8 Parts, 49 clauses and 3 Schedules.

Part 1—Preliminary—would provide 5 clauses.

Clause 1 provides for the short title.

Clause 2 would provide for the Act to come into operation on Proclamation by the President.

Clause 3 provides that the Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would define certain terms used in the Bill.

Clause 5 would provide that the Act binds the State.

Part II—The National Statistical Institute—would provide 2 clauses.

Clause 6 would establish the National Statistical Institute of Trinidad and Tobago (hereinafter referred to as “the NSITT”), as a body corporate.

Clause 7 would provide the functions of NSITT, including to collect, compile, abstract and analyse statistics, to disseminate or authorise the dissemination of official statistics, to conduct censuses and surveys, to collaborate with individuals, firms, partnerships, associations, unincorporated bodies and companies. Other functions of the NSITT include promoting, developing and maintaining a National Statistical System (hereinafter referred to as the “NSS”), directing the operations of the NSS and liaising with other countries. The clause would also permit the Minister to amend Schedule 1.

Part III—The Board of the NSITT—would provide 10 clauses.

Clause 8 would establish a Board of the NSITT and seeks to list the composition and qualifications of the members of the Board.

Clause 9 would provide the functions of the Board which includes being responsible for approving and ensuring the implementation of management policies with respect to monitoring the performance of the NSITT, its finances, securing of contracts, procurement of goods and services, human resource issues, code of conduct for employees, budget etc. The clause also provides that the Board shall not provide specific directions to the Director General or any employee or have access to any specific information concerning an individual or other person. Further, the clause would provide that the Minister may give general or specific policy directives to the Board but only general policy directives to the Director General.

Clause 10 seeks to provide that the Director General shall perform his duties and functions independently and these would include the day to day management of the NSITT, promoting its credibility, producing an annual plan, determining and issuing guidelines for the NSS, directing the conduct of censuses and surveys, coordinating the NSS, preparing strategic plans of the NSITT, developing a National Statistics Development Strategy and Plan in consultation with the NSS, reporting quarterly to the Board of the NSITT etc.

Clause 11 would provide that the Director General may appoint *ad hoc* advisory committees whenever necessary.

Clause 12 would provide for the tenure of the Director General and other members of the Board.

Clause 13 would provide the procedure for resignation from the Board.

Clause 14 would provide the procedure for the removal of the Director General.

Clause 15 would provide for meetings of the Board, quorum and the voting rights of members of the Board.

Clause 16 would provide that where members of the Board have a direct or indirect interest in any matter under consideration by the Board, they shall declare this interest to the Board and where they fail to do so, they would have committed an offence.

Clause 17 would provide for remuneration of the Director General and members of the Board.

Part IV—Staff—would provide 9 clauses.

Clause 18 would provide that the NSITT may employ such staff as the Board considers necessary.

Clause 19 would provide the options available to public officers specified in Schedule 2, who may wish to be employed by the NSITT.

Clause 20 would provide the procedure for public officers with respect to secondment from and to the NSITT.

Clause 21 would provide for the establishment of a pension fund within 5 years of the commencement of the Act.

Clause 22 would provide for the preservation and accrual of superannuation benefits under the Pensions Extensions Act, Chap. 23:53.

Clause 23 would provide for the payment of superannuation benefits by the NSITT prior to the establishment of the pension fund plan.

Clause 24 would seek to provide for the payment of superannuation benefits by the pension fund plan under certain circumstances.

Clause 25 would provide for the Public Services Association to be deemed the certified recognized majority union.

Clause 26 would provide that an application for certification of recognition under the Industrial Relations Act shall not be entertained where the application is made earlier than two years from the commencement of this section.

Part V—Financial Provisions—would provide 3 clauses.

Clause 27 would provide for the funding of the NSITT.

Clause 28 would provide for the financial year to be counted from the October 1st to September 30th of the following year.

Clause 29 would provide for the NSITT to keep proper books and records for the purpose of accounts and audit. The clause also provides that the accounts of NSITT are to be considered public accounts which are to be submitted to the Auditor General and the Minister at the end of each financial year.

Part VI—General—would provide 10 clauses.

Clause 30 would provide for the NSITT conducting a national population and housing census in Trinidad and Tobago at specific times.

Clause 31 would provide for the Director General collecting statistics and publishing the dates on which official statistics shall be released.

Clause 32 would empower the Director General to appoint any person to be an authorised official for carrying out the purposes of this Act.

Clause 33 seeks to provide that notwithstanding any other written law, the NSITT shall be granted access to data and information including those from public bodies such as the National Insurance Board and the Board of Inland Revenue.

Clause 34 would empower the NSITT to collect any record or document from any public body.

Clause 35 would provide that an authorised official may require any person to supply him with such particulars as the NSITT considers necessary or desirable in relation to the taking of a census or the collection of the statistics. The clause would also provide exceptions to this requirement such as where the information is of a secret or confidential nature, involves legal professional privilege, parliamentary privilege or any other privilege. Additional exemptions include a banker, where the disclosure would involve information concerning the business or personal affairs of a client, or where disclosure involves a trade secret.

Clause 36 would provide for the restrictions on the publication of individual returns and information except in certain circumstances and with the specific consent of the person concerned. The clause further provides that information published should be done in such a way that a specific individual cannot be identified by such disclosure.

Clause 37 would provide that an authorised official shall have power of entry into any premises between 7:00 a.m. to 7:00 p.m. on any day for the taking of a census. The clause further provides that the authorised official shall not enter any dwelling house or any premises where persons are employed. The clause also provides that an authorised official may apply to a Magistrate for a warrant to enter such premises where necessary.

Clause 38 would provide that persons employed at the NSITT shall take an oath of secrecy as set out in Schedule 3 and also makes it an offence if any employee breaches the oath.

Clause 39 would provide that the NSITT shall be responsible for the publication of metadata in relation to official statistics.

Part VII—Offences—would provide 4 clauses.

Clause 40 would provide that it is an offence for a person employed in the execution of any duty under the Act who without lawful authority, uses information obtained for personal gain,

publishes or communicates such information, knowingly compiles or issues false statistics or knowingly destroys, defaces or mutilates any document. The clause also makes it an offence for a person to hinder or obstruct an authorised official in the execution of his duty, or to refuse to fill out any return or neglect to provide information required.

The clause also provides that it would be a defence for a person charged under this section to prove that he did not know and could not with reasonable diligence have ascertained that he was required to give the information or particulars to which the charge relates. The clause would also make it an offence for a person to impersonate an employee of the NSITT.

Clause 41 would provide that where there is an unlawful exercise of statutory functions by anyone employed under this Act, that person would have committed an offence. The clause includes offences such as unlawfully obtaining information, abandonment of duty and wilfully failing to return documents to the NSITT.

Clause 42 would provide for offences committed by directors or other officers.

Clause 43 would provide for the process to appeal against a requisition of the NSITT.

Part VIII—Miscellaneous—would provide 6 clauses.

Clause 44 would provide for the Director General being able to delegate his functions to certain persons or bodies.

Clause 45 would provide that no statistics collected by the NSITT should be divulged to any third party except in accordance with the Regulations.

Clause 46 would provide that the Minister may make Regulations, subject to negative resolution of Parliament, based on the recommendations of the Board for the carrying out of the objectives of this Act.

Clause 47 would provide that the NSITT shall be exempt from certain taxes including stamp duties, corporation taxes, customs duties, value added taxes, motor vehicle taxes etc.

Clause 48 would provide that where the provisions of this Act or any regulations made thereunder are in conflict with any other written law in relation to statistics, the provisions of this Act and any Regulations made thereunder shall prevail.

Clause 49 would repeal the Statistics Act, Chap. 19:02. The clause would also provide that where any proceedings were already in force upon the commencement of this Act, they shall be deemed to be valid for the purposes of the Act.

Schedule 1 contains a list items under which a census or survey may be carried out.

Schedule 2 consists of a current list of the offices in the Public Service on the establishment of the Central Statistical Office.

Schedule 3 contains the Oath to be taken by employees.

THE NATIONAL STATISTICAL INSTITUTE OF TRINIDAD
AND TOBAGO BILL, 2018

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BILL

AN ACT to repeal and replace the Statistics Act,
Chap. 19:02, establish a National Statistical
Institute of Trinidad and Tobago and for other
related matters

[, 2018]

WHEREAS it is enacted by section 13(1) of the Preamble
Constitution that an Act of Parliament to which that
section applies may expressly declare that it shall have
effect even though inconsistent with sections 4 and 5 of
the Constitution and, if any Act does so declare, it shall
have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title **1.** This Act may be cited as the National Statistical Institute of Trinidad and Tobago Act, 2018.

Commencement **2.** This Act comes into operation on such date as is fixed by the President by Proclamation.

Act inconsistent with Constitution **3.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation **4.** In this Act—
 “authorised official” means the Director General or a person appointed by him under section 32;
 “Board” means the Board established under section 8;
 “Director General” means the person appointed under section 12(1);
 “gated facility or community” means a multifamily residential property or commercial or industrial development or

compound, that has a security gate or barrier to block the entrance to the facility or community from a public street and is often characterized by a closed perimeter of walls and fences.

“microdata” means data on the characteristics of the units of a population, such as individuals, households or establishments;

“Minister” means the Minister to whom responsibility for statistics is assigned;

“National Statistical System” means the ensemble of public bodies in Trinidad and Tobago that collect and process statistics or disseminate official statistics;

“official statistics” means statistics disseminated by the National Statistical Institute of Trinidad and Tobago or such public bodies within the NSS as are authorised by the National Statistical Institute of Trinidad and Tobago to do so;

“public body” means a Ministry, government department, statutory body, body corporate or unincorporated entity which exercises any function on behalf of the State or which is supported directly or indirectly by government funds;

“Registrar” means the Registrar of Births and Deaths in accordance with the Births and Deaths Act;

Chap. 44:01

“Regulations” means regulations made under section 46;

“statistics” means numerical or other data or information in connection with, or incidental to any census or survey or any of the matters specified in Schedule 1, Schedule 1 including information relating to the collection, compilation, analysis and interpretation of such data or information.

Act binds the State

5. This Act binds the State.

PART II

THE NATIONAL STATISTICAL INSTITUTE

Establishment of a
National Statistical
Institute

6. There is established as a body corporate to be known as “the National Statistical Institute of Trinidad and Tobago” (hereinafter referred to as “the NSITT”).

Functions of the
NSITT

7. (1) The NSITT shall have the following functions:

- (a) to collect, compile, abstract and analyse statistics and disseminate official statistics;
- (b) to disseminate or authorise the dissemination of official statistics;
- (c) to conduct censuses and surveys;
- (d) to ensure compliance with standards for statistical purposes;
- (e) to collaborate with individuals, firms, partnerships, associations, unincorporated bodies and companies;
- (f) to promote, develop and maintain a National Statistical System (hereinafter referred to as “the NSS”) in Trinidad and Tobago;
- (g) to direct the operations of the NSS;
- (h) to monitor and evaluate the functioning of the NSS;
- (i) to liaise with other countries and regional and international organisations in relation to statistical matters;
- (j) to analyse data and provide reports in accordance with a predictable time schedule for public information; and
- (k) to do all things which may be necessary or expedient or are incidental or conducive to the discharge of any of its functions and powers under the Act.

(2) The Minister acting on the advice of the Director General may by Order, amend Schedule 1.

PART III

THE BOARD OF THE NSITT

8. (1) There shall be established a Board of the Establishment of Board NSITT, which shall comprise—

- (a) six persons appointed by the Minister from the following disciplines or groups namely, statistics, data sciences, academia, socio-economic research, accounting, finance, human resource management, law, business or labour;
- (b) one person representing the Tobago House of Assembly; and
- (c) the Director General *ex officio* who shall—
 - (i) have qualifications in statistics or applied statistics and at least ten years' experience at a senior managerial level; and
 - (ii) be appointed by the Board, with the approval of the Minister.

(2) The Minister shall appoint any two members, other than the Director General, to be Chairman and Deputy Chairman of the Board.

(3) Where any member of the Board is temporarily unable to perform his duties by reason of illness or otherwise, the Minister may appoint a suitably qualified person in the same capacity to act as a member of the Board during such period of absence from duty.

9. (1) The Board shall be responsible for approving Functions of the Board and ensuring the implementation of management policies in relation to—

- (a) the monitoring of the performance of the NSITT in the carrying out of its functions;

- (b) the finances, real property and other assets and other resources of the NSITT, the securing of contracts, the procurement of goods and services and other administrative activities;
- (c) human resources, including those related to recruitment, remuneration, promotion, training and development, performance assessment, conditions of work, discipline, termination of employment and superannuation benefits;
- (d) service standards and performance targets;
- (e) a code of conduct for the employees of the NSITT;
- (f) the strategic plan, budget and annual report of the NSITT;
- (g) the mandate for collective bargaining and approving collective agreements in relation to the terms and conditions of employment of persons employed by the NSITT;
- (h) probity in the use and allocation of resources;
- (i) the principles of good corporate governance procedures and practice; and
- (j) the internal audit of the NSITT.

(2) In the exercise of its functions, the Board shall not be responsible for the functions of the NSITT as specified in section 7 and shall not—

- (a) provide specific directions to the Director General or any employee of the NSITT with respect to the functions of the NSITT; or
- (b) have access to any information concerning an individual or other person, whether or not incorporated, which may be obtained by the NSITT as a result of the functions of the NSITT.

(3) The Minister may give to the Board such general or specific policy directives in writing with respect to the carrying out of its functions under this Act as he considers necessary or expedient and the Board shall give effect to such directives.

(4) The Minister may give such general policy directives in writing to the Director General as he considers necessary or expedient and the Director General shall give effect to such directives.

10. (1) The Director General shall be responsible for the day to day management and administration of the NSITT. Duties and functions of the Director General

(2) The Director General shall perform his functions and duties in relation to national statistical reporting, independently of the control of any person or authority.

(3) The Director General shall also be responsible for—

- (a) promoting the credibility, integrity and impartiality of the NSITT and official statistics;
- (b) producing the annual plan for the administration and management of the NSITT;
- (c) determining and issuing guidelines for the NSS on the methods or procedures for the collection, compilation, abstraction and analysis of statistics and the dissemination of official statistics in adherence with regional and international best practices;
- (d) directing the conduct of censuses and surveys;
- (e) directing the collection of administrative records;

- (f) formulating the standards for statistical purposes;
- (g) coordinating the NSS;
- (h) preparing the strategic plans of the NSITT for the approval of the Board;
- (i) representing the NSITT nationally and internationally;
- (j) planning and coordinating the work of the staff of the NSITT;
- (k) continuously informing the Board on the work progress of the NSITT;
- (l) ensuring that the NSS fulfills its role in supporting the development goals of Trinidad and Tobago;
- (m) stimulating and encouraging collaboration within the NSS;
- (n) developing a National Statistics Development Strategy and Plan in consultation with members of the NSS;
- (o) advising the Board on any matter it may refer to him or on any matter which he considers necessary or expedient;
- (p) reporting quarterly to the Board on the NSITT's activities;
- (q) presenting to the Board annual or multi-annual programmes, human resource development programmes and any other programmes to develop national statistics; and
- (r) advising the Minister, upon request or on his own initiative.

11. The Director General may appoint *ad hoc* advisory committees for the purpose of advising on particular or special circumstances as they may arise.

12. (1) The Director General shall be appointed by the Board with the approval of the Minister and shall serve for a term not exceeding four years and shall be eligible for reappointment.

Tenure of Director
General and other
members of the
Board

(2) The appointment of members other than the Director General, shall be as follows:

(a) of the six members appointed under section (8)(a)—

(i) three members shall be appointed for a term not exceeding three years and shall be eligible for reappointment for not more than one consecutive term; and

(ii) three members shall be appointed for a term not exceeding four years and shall be eligible for reappointment for not more than one consecutive term; and

(b) the member appointed under section 8(b) shall be appointed for a term not exceeding four years and shall be eligible for reappointment for not more than one consecutive term.

13. (1) The Chairman of the Board may resign from his office in writing addressed to the Minister.

Resignation from
Board

(2) A member of the Board, other than the Chairman, may resign from his office in writing addressed to the Chairman.

14. The Director General shall be removed from office if he—

Removal of Director
General

(a) is declared bankrupt;

(b) becomes of unsound mind;

(c) is incapable of performing the duties of the Director General;

- (d) has neglected his duties as Director General or is engaged in conduct which would bring the office of the Director General into disrepute;
- (e) has been absent without leave of the Board from three consecutive meetings of the Board;
- (f) has been convicted of an offence involving dishonesty;
- (g) has been convicted of an offence under the Integrity in Public Life Act;
- (h) has been convicted of an offence punishable by imprisonment for one year or more of an offence under this Act; or
- (i) is in breach of confidentiality contrary to the oath of secrecy.

Chap. 22:01

Meetings and
quorum

15. (1) The Board shall meet at least once every month at such place and time as may be designated by the Chairman.

(2) At every meeting of the Board, the Chairman shall preside except that in the absence of—

- (a) the Chairman, the Vice-Chairman shall preside; or
- (b) the Chairman and Vice-Chairman, the members present shall elect from among themselves a person to preside.

(3) The quorum of the Board shall be five members.

(4) Subject to section 15(2), each member is entitled to vote on any matter before the Board.

(5) The Board shall take its decision by a majority vote of the members present and in the event of a tie, the person presiding shall have a casting vote.

(6) The Board may establish its own rules to govern the conduct of its affairs.

16. (1) A member of the Board who has a direct or indirect interest in a matter under consideration by the Board shall disclose the fact of his interest at the earliest opportunity and shall not participate in the consideration of, or vote on, any question relating to the matter.

(2) A member of the Board who knowingly or wilfully fails to disclose his interest in accordance with subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and imprisonment for two years.

17. (1) Members of the Board other than the Director General, shall be paid remuneration as the Minister shall determine.

(2) The salary and allowances of the Director General shall be determined by the Salaries Review Commission.

PART IV

STAFF

18. (1) The NSITT may employ such staff as the Board considers necessary for the efficient performance of the functions of the NSITT.

(2) The staff of the NSITT shall be appointed on such terms and conditions as the Board may determine.

19. (1) This section applies to an officer who, on the date of commencement of this section—

(a) holds a permanent appointment to; or

(b) holds a temporary appointment to, and has served at least two continuous years in,

a public office specified in Schedule 2.

Schedule 2

(2) A person to whom this section applies may, within six months of the date of commencement of this section, exercise one of the following options:

- (a) voluntarily retire from the Public Service on terms and conditions agreed between him or his appropriate recognized association and the Chief Personnel Officer;
- (b) seek employment in the NSITT on terms and conditions no less favourable than those enjoyed by him in the Public Sector; or
- (c) remain in the Public Service provided that an office commensurate with the office held by him while working in the Public Service prior to the date of commencement of this section, is available.

Secondment from,
and to the NSITT

20. (1) A public officer or any person in the employ of any public body may, with the approval of the appropriate Service Commission or public body and with the consent of the officer or employed person, be seconded to the service of the NSITT.

(2) Where any secondment is effected, the NSITT shall make, with the appropriate Service Commission or public body, such arrangements as may be necessary to preserve the rights of the officer or employed person to superannuation benefits for which the officer or employed person would have been eligible had that officer or employed person remained in the service from which the secondment was effected.

(3) A period of secondment under this section shall not exceed five years.

Establishment of
pension fund

21. (1) The NSITT shall establish a pension fund within five years of the date of commencement of this section or such other period as the Minister may by Order, subject to negative resolution of Parliament determine.

(2) All employees of the NSITT shall be members of the pension fund plan.

22. The superannuation benefits which have accrued Preservation and accrual of superannuation benefits to a person who exercises the option under section 19(2)(b), shall be preserved at the date of his employment by the NSITT, and such person shall continue to accrue superannuation benefits under the Pensions Extensions Act up to the date of the Chap. 23:53 establishment of the pension fund plan, on the basis of salary applicable to the office which he held immediately prior to his employment by the NSITT under section 19.

23. (1) Where an employee of the NSITT who exercises the option referred to in section 19(2)(b), dies Payment of superannuation benefits by the NSITT prior to the establishment of the pension fund plan or retires prior to the establishment of the pension fund plan, and at the date of death or retirement was in receipt of a salary higher than that referred to in section 22, the superannuation benefits payable to his estate or him shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Extensions Act on the basis of the salary referred to in section 22, shall be paid by the NSITT.

24. (1) Where an employee of the NSITT who exercises the option referred to in section 19(2)(b) retires Payment of superannuation benefits by pension fund plan or dies and is a member of the pension fund plan, he shall be paid superannuation benefits by the pension fund plan at the amount which when combined with the superannuation benefits payable under section 22 is the equivalent to the benefits based on his pensionable service in the Public Service combined with his service in the NSITT and calculated at the pensionable salary applicable to him on the date of his retirement or death.

(2) For the purposes of subsection (1), “pensionable salary” has the meaning given to it by the pension fund plan.

Association deemed
to be certified
recognized majority
union

[17 of 2003]
Chap. 88:01

25. Subject to the Industrial Relations Act, the Public Services Association of Trinidad and Tobago shall be deemed to be the certified recognized majority union under Part III of the Industrial Relations Act for the bargaining unit comprising the monthly paid/monthly rated employees of the NSITT.

Application for
certification of
recognition

26. An application for certification of recognition under Part II of the Industrial Relations Act shall not be entertained or proceeded with where the application is made earlier than two years from the date of commencement of this section, but an application may be made with leave of the Court although two years have not expired since the commencement of this section, in which event the procedures set out under section 38(2) and (3) of the Industrial Relations Act shall apply.

PART V

FINANCIAL PROVISIONS

Funding

27. Funding of the NSITT shall consist of—

- (a) monies appropriated by Parliament;
- (b) sums borrowed by the NSITT for its obligations and functions; and
- (c) any fees, dues and charges collected by the NSITT.

Financial Year

28. The financial year of the NSITT shall be the period of twelve months beginning the first day of October in any year to the thirtieth day of September in every year, but the period from the date of commencement of this Act to the end of September in the next year following shall be deemed to be the first financial year.

Accounts and audit

29. (1) The NSITT shall keep proper books of accounts and records in accordance with IFRS of all moneys received and expended and shall record the matters in respect of which such sums were received and expended.

(2) Within three months after the end of each financial year, the NSITT shall cause to be prepared, in respect of that year—

- (a) a report setting out the activities of the NSITT; and
- (b) financial statements prepared in accordance with IFRS and any other statement as required by the Minister with responsibility for finance.

(3) In instances where the standards included in IFRS are inappropriate or inadequate, the Treasury shall provide the appropriate instructions.

(4) The accounts of the NSITT are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

Chap. 1:01

(5) As soon as the accounts of the NSITT have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall forward a copy of the said report to the Minister of Finance.

(6) At the end of each financial year, as soon as the accounts of the NSITT have been audited, the NSITT shall submit a copy of its Statement of Accounts together with a copy of any report made by the Auditor General to the Minister of Finance.

(7) Nothing in this section precludes the Auditor General or an auditor engaged by the Board of the NSITT or the Minister of Finance from performing a management or comprehensive audit of the activities of the NSITT.

(8) For the purposes of this section, “IFRS” means International Financial Reporting Standards which includes the International Accounting Standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago.

PART VI

GENERAL

Taking of census

30. (1) The NSITT shall conduct a national population and housing census in Trinidad and Tobago on or between such dates as the Minister acting on the advice of the Director General may by Order, subject to negative resolution of Parliament specify and the Order shall specify the particulars of population and housing in respect of which information is to be obtained in the census.

(2) A census under subsection (1) shall, as far as practicable, be taken—

- (a) between 1st May and 31st July; and
- (b) at ten-year intervals or such other time as the Minister may direct.

(3) Notwithstanding subsections (1) and (2), the first census to be taken under subsection (1) after the coming into force of this Act, shall be in 2020 or such other year as the Minister acting on the advice of the Director General may, by Order subject to negative resolution of Parliament specify.

(4) The Minister acting on the advice of the Director General may, by Order subject to negative resolution of Parliament, direct that a census shall be taken in Trinidad and Tobago or any part thereof, and the Order may specify—

- (a) the dates on, or between which, the census is to be taken; and
- (b) the matters listed in Schedule 1 and the particulars of those matters in respect of which information is to be obtained in the census.

Collection and publication of official statistics

31. (1) The Director General shall collect, whether in conjunction with a census, survey or otherwise,

statistics relating to all or any of the matters set out in Schedule I, either in Trinidad and Tobago generally, or any part thereof.

(2) The Director General shall cause the statistics collected under this Act to be compiled, tabulated and analysed and subject to the provisions of this Act, may cause official statistics to be published, with or without observation thereon.

(3) Where official statistics are disseminated under subregulation (2), the Director General shall cause the relevant metadata to be published or made available.

(4) On or before 31st December in each year, the NSITT shall publish in at least two newspapers in daily circulation in Trinidad and Tobago, a release calendar specifying the dates in the following year on or before which, official statistics in relation to such matters as are specified therein, shall be disseminated.

32. (1) The Director General may appoint in writing, Authorised official any person to be an authorised official for carrying out the purposes of this Act.

(2) For the purposes of this Act, a Registrar of Births and Deaths shall be deemed to be an authorised official.

33. Notwithstanding any other written law, the Access to data and information including from public bodies NSITT shall be granted access to all records, documents, returns and certificates, whether individual or corporate, in the control of all public bodies, including the National Insurance Board and the Board of Inland Revenue from which information is sought in furtherance of the purposes of this Act.

34. The NSITT shall be authorised to collect any Power to collect records and documents requested records and documents as necessary, from all public bodies.

Power to require
persons to supply
information

35. (1) Where any census is being undertaken or any other statistics are being collected in accordance with this Act, an authorised official may require any person from whom particulars may lawfully be required under this Act, to supply him only with such particulars as may be prescribed or such of those particulars as the NSITT may consider necessary or desirable in relation to the taking of the census or the collection of the statistics.

(2) For the purposes of subsection (1), the person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such time as may be required by the NSITT.

(3) An authorised official may require any person to supply him with particulars either by interviewing the person personally or by leaving at the last known address, or posting to the last known address of the person, a form having thereon a notice requiring the form to be filled out and returned in the manner and within the time specified in the notice.

(4) Where the NSITT publishes by notice in the *Gazette* and in one or more newspapers in daily circulation in Trinidad and Tobago once a week for two weeks or twice in one week, a list of any classes or descriptions of undertakings in relation to which returns will be required for any of the purposes of this Act, any person carrying on an undertaking of any such class or description, who has not received a notice under subsection (3), shall inform the authorised official as may be specified in the notice calling for the returns, and shall do so within such period of time as may be specified in the notice, that he is carrying on such an undertaking and shall give to the authorised official such particulars of the undertaking as may be specified in the notice.

(5) Any person having the custody or charge of any public records or documents of any public body, from which information sought in furtherance of the purposes of this Act can, in the opinion of the NSITT, be obtained or which would aid in the completion or correction of information already obtained, shall grant to the NSITT access to such records or documents for the purpose of obtaining the information.

(6) Where any particulars are, by any document purporting to have been issued by an authorised official, required to be supplied by any person, it shall be presumed until the contrary is proved that—

(a) the particulars may lawfully be required from that person in accordance with this Act; or

(b) the document has been issued by an authorised official.

(7) Where any document purporting to have been issued by an authorised official requires any particulars to be supplied by any person, the document shall state the purpose for which such particulars are to be supplied.

(8) Nothing contained in this Act shall affect or be deemed to affect any law relating to the disclosure or non-disclosure of any secret or confidential information, evidence or document and any person required by the NSITT or by an authorised official of the NSITT to supply any information, to give any evidence or to produce any document, shall, if applicable, be entitled in respect of such information, evidence or document to plead legal professional privilege, parliamentary privilege or any other privilege.

(9) Nothing in this Act shall be deemed to make it lawful for the NSITT or a person duly authorised by it to require of a banker the disclosure of particulars

relating to the banking accounts of any individual or company or undertaking, or to require of any person or concern providing professional services the disclosure of information concerning the business or personal affairs of individual clients of such a person.

(10) A person shall not be required to supply any information under this Act which involves the disclosure of any technical process or trade secret in, or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

Restrictions on
publication of
individual returns

36. (1) No individual estimate or return or part thereof and no information relating to any individual undertaking obtained under the provisions of this Act shall, without the previous consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except for the purposes of any proceedings for an offence under this Act.

(2) The following shall have effect with respect to any report, summary or other communication to the public of information obtained under this Act:

- (a) no such report, summary or communication shall disclose the number of returns received with respect to the production of any article if that number is less than five; or
- (b) in compiling any such report, summary or communication, the NSITT shall so arrange it as to prevent any particulars published therein from being identified as being particulars relating to any individual person or undertaking except with the previous consent in writing of that person or the person carrying on that undertaking, as the case may be.

(3) This section shall not prevent the disclosure of the total quantity or value of any articles produced, sold or delivered, or the numbers and descriptions of persons employed, so however, that before making any such disclosure the NSITT shall have regard to any representations made to him by any person who alleges that the disclosure will enable particulars relating to him or to an undertaking carried on by him to be deduced therefrom.

(4) Where the number of returns received with respect to the production of any article is less than five, the NSITT shall, before making disclosure to the public of information in connection therewith, invite representations from the persons making returns, which representations shall be made within fourteen days of the due date of the invitation, and shall have the like regard of such representations as he is required to have to the representations referred to in subsection (2)(b).

37. (1) An authorised official may, for any purpose Power of entry connected with the collection of labour, household, gated facility or community, business or agricultural statistics for the taking of a census, enter between the hours of 7.00 a.m. and 7.00 p.m., on any day, any premises where it appears to him likely that persons are employed or any dwelling house.

(2) An authorised official of the NSITT shall not enter any premises where persons are employed, or any dwelling house, without the consent of the occupier or owner, for any purpose connected with the taking of a census, except under the authority of a warrant issued by a Magistrate under subsection (3).

(3) Where a Magistrate by information on oath is satisfied that there are reasonable grounds for believing that—

- (a) persons are employed on any premises for which information or data is required; or

(b) the refusal by the owner or occupier to permit entry to the authorised official to collect information or data is unreasonable, he may issue a warrant to any authorised official named therein.

(4) A warrant issued under subsection (3) shall permit the authorised official named therein accompanied by a constable, to enter the premises where persons are suspected of being employed or any dwelling house for the collection of information or data, at any time within one month from the date thereof, to conduct the census.

(5) The power of entry under subsections (1), (2), (3) and (4) shall be exercised only if no returns or inadequate returns have been supplied to the NSITT in respect of the premises or where the NSITT is in doubt as to whether or not any persons are in fact employed or dwell at the premises.

(6) An authorised official may, for any purpose connected with the collection of statistics relating to forestry, agriculture or the utilisation of land, enter any land, other than the garden of a dwelling house, or any enclosed area of land used exclusively for purposes other than the growing of forest products or crops or the keeping of livestock, or any building thereon other than a dwelling house or a building within the curtilage of a dwelling house, and inspect the crops, livestock and agricultural equipment thereon or therein.

(7) Where a Magistrate by information on oath is satisfied that there are reasonable grounds, in relation to forestry, agriculture or utilization of land that—

(a) there are crops, livestock or agricultural equipment thereon or therein; or

(b) the refusal by the owner or occupier to permit entry to the authorised official to collect information or data is unreasonable, he may issue a warrant to any authorised official named therein.

(8) An authorised official may, upon exercising his power of entry under this section, make such enquiries as he may deem necessary for the performance of his duties under this Act.

(9) Whenever an authorised official proposes to enter or has entered any premises under the authority of this section, he shall, in the case of premises other than a dwelling house, if so requested, and, in the case of a dwelling house, whether requested or not, produce his authorisation for inspection by the occupier of the premises or by such person as is acting on behalf of the occupier.

38. (1) Every person employed in the execution of any Oath of secrecy duty under the NSITT shall, before entering on his duties, take an oath of secrecy before a Magistrate, or before a person authorised to take an oath, in the form set out at Schedule 3. Schedule 3

(2) A person who breaches the oath of secrecy referred to in subsection (1), commits an offence and is liable on—

- (a) summary conviction to a fine of ten thousand dollars and to imprisonment for one year; or
- (b) indictment to a fine of twenty-five thousand dollars and to imprisonment for three years.

39. (1) The NSITT shall publish metadata in relation Publication of metadata to official statistics.

(2) Data dissemination and access to data shall be subject to the confidentiality provisions under this Act.

PART VII

OFFENCES

General offences

40. (1) Any person, being a person employed in the execution of any duty under this Act, who—

- (a) by virtue of the employment, becoming possessed of any information which might exert an influence upon or affect the market value of any share, interest, product or article, and, before the share, interest, product or article, and, before the information is made public, directly or indirectly uses such information for personal gain;
- (b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of the employment any information acquired by him in the course of his employment;
- (c) knowingly compiles or issues any false statistics or information; or
- (d) knowingly destroys, defaces or mutilates any document or suppresses any statistics without lawful authority,

is liable upon—

- (a) summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of seventy-five thousand dollars and to imprisonment for a term of three years.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who makes use of or

publishes or communicates such information to any person is liable on—

- (a) summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year; or
 - (b) conviction on indictment to a fine of seventy-five thousand dollars and to imprisonment for a term of three years.
- (3) Any person who—
- (a) hinders or obstructs an authorised official in the execution of any powers under this Act;
 - (b) refuses or neglects—
 - (i) to fill out and supply the particulars required in any return, form or other document under this Act;
 - (ii) to answer any questions or inquiries lawfully asked of him under the authority of this Act; or
 - (iii) fails to comply with the requirement of any notice issued by the NSITT;
 - (c) knowingly makes in any return, form or document, filled out or supplied under this Act or in any answer to any question or inquiry asked of him under the authority of this Act, any statement which is untrue in any material particular; or
 - (d) knowingly and wilfully makes frivolous, indecent or derogatory remarks on any return, form or other document under this Act,

is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(4) Where a person is charged with an offence under subsection (3)(b)(iii), it shall be a defence for him to prove that he did not know and could not with reasonable diligence have ascertained that he was required to give the information or particulars to which the charge relates.

(5) Any person who—

- (a) not being an authorised officer of the NSITT, represents as being an officer of the NSITT or makes an inquiry under the authority of this Act when the person is not an authorised officer of the NSITT; or
- (b) having the custody or charge of any documents or records that are maintained in any Government department or by any local authority, statutory board, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of this information knowingly or wilfully, refuses or neglects to grant access to the information to any employee of the NSITT for any purpose requested by the Director-General,

commits an offence and is liable on—

- (a) summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year; and
- (b) conviction on indictment to a fine of seventy-five thousand dollars and to imprisonment for three years.

Unlawful exercise of statutory functions **41.** Any person employed in the execution of any duty under this Act who—

- (a) in the pretended performance of his functions as employee or officer, obtains or attempts to obtain, from a person or

undertaking, any information which he is not lawfully entitled to obtain from that person or undertaking;

- (b) abandons his duties, or wilfully makes any false declaration, statement or return in the performance of his duties; or
- (c) wilfully fails to return to the NSITT a document or record collected from a person or undertaking under this Act, or fails to keep any document or record containing any information collected under this Act in his custody in such manner as to ensure that unauthorised persons do not have access thereto,

commits an offence and is liable on—

- (a) summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year; and
- (b) conviction on indictment to a fine of seventy-five thousand dollars and to imprisonment for three years.

42. (1) Any director or body corporate who fails to give ^{Offences by directors and officers} a truthful or complete answer to statistical inquiries under this Act commits an offence and any officer, director or agent of the body corporate who directed or authorised, assented to, or participated in the commission of the offence is a party to and also commits an offence.

(2) Any director or officer who commits an offence under this section is liable on—

- (a) summary conviction to a fine of fifty thousand dollars and to imprisonment for two years; or
- (b) conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for four years.

(3) Where the offence under this section is committed by a body corporate, the body corporate shall be liable on—

- (a) summary conviction, to a fine of two hundred and fifty thousand dollars; and
- (b) conviction on indictment, to a fine of five hundred thousand dollars.

Appeal against
requisition of
NSITT

43. (1) Any person being aggrieved by, or through any demand or requisition of the NSITT, may appeal to the High Court against the demand or requisition, upon giving notice in writing to the NSITT within twenty-eight days of the date of the requisition or demand.

PART VIII

MISCELLANEOUS

Delegation of
functions by the
Director General

44. The Director General may, with the approval of the Minister, by Notification in the *Gazette*, delegate any of his functions under section 10 to—

- (a) the Registrar General or any other public officer; or
- (b) the Central Bank or any other Statutory body.

Confidentiality

45. (1) No statistics collected by the NSITT or any other body authorised by the Director General shall be divulged to any third party except in accordance with such conditions as prescribed in the Regulations.

(2) Official statistics compiled under this Act shall not be published or disseminated in a manner which permits the identification of a specific person, business or other entity, unless that person, business or entity has consented to the publication or dissemination in that manner, or the information is already in the public domain.

46. (1) The Minister may make Regulations subject to Regulations negative resolution of Parliament based on the recommendations of the Board, for the carrying out of the objectives of this Act, and in particular, but without prejudice to the generality of the foregoing, may make Regulations—

- (a) prescribing the particulars and information to be furnished on the taking of a census or in relation to any matter in respect of which statistics may be collected;
- (b) prescribing the manner and form in which, the times and places at which, and the persons by whom such particulars and information shall be furnished; or
- (c) prescribing the fees and charges to be paid to the NSITT for any special information or report supplied, or any special investigation carried out by the NSITT.

(2) Regulations made under this section may provide that the contravention of any regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of fifty thousand dollars and to imprisonment for two years.

47. The NSITT shall be exempt from stamp duties, Exemptions corporation taxes, customs duties, purchase taxes, value added taxes, motor vehicle taxes and all other taxes, levies and imposts, on any assets, which it acquires for its own use in carrying out its functions under the Act.

48. Where the provisions of this Act or any Regulations made thereunder are in conflict with any other written law in relation to statistics, the provisions of this Act and any Regulations made thereunder shall prevail. Provisions of Act to prevail

Repeal and savings

49. (1) The Statistics Act is repealed save that any actions in respect of statistics which had commenced before the assent of this Act shall proceed as if the Statistics Act continues to have effect, and a reference to the Statistical Department or the statistician shall be construed as a reference to the NSITT or the Director General under this Act, as the context requires.

Chap. 19:02

(2) Where any statistic proceeding is in force upon the commencement of this Act, it shall be deemed to be in conformity with this Act and to the extent that the proceeding would have been valid prior to the commencement of this Act, it shall be deemed so valid for the purposes of this Act.

SCHEDULE 1

(Section 4)

STATISTICS

1. Population and housing.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Internal and external trade.
5. Primary and secondary production.
6. Agriculture, including dairying, horticulture, pastoral and allied industries.
7. Forestry and fishing.
8. Factories, mines and productive industries generally.
9. Employment and unemployment.
10. Salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered.
11. Income, earnings, profits and interest.
12. Social, educational, labour and industrial matters, including co-operative groups and societies, associations of employers, employees, and other persons generally.
13. Industrial disturbances and disputes.
14. Banking, insurance and finance generally.
15. Commercial and professional undertakings.

STATISTICS—Continued

16. Distributive trades.
17. Health.
18. Transport and communication in all forms by land, water and air.
19. Wholesale and retail prices of commodities, rents and cost of living.
20. Injuries, accidents and cost of living.
21. Stocks of manufactured and unmanufactured goods.
22. Sweepstakes, lotteries, charitable and other public collections of money.
23. Land tenure, and the occupation and use of land.
24. Local Government.
25. Orders, work in progress, outgoings and costs (including work given out to contractors) and details of capital expenditure.
26. Debts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plants).

SCHEDULE 2

(Section 19)

OFFICES IN THE PUBLIC SERVICE ON THE ESTABLISHMENT OF THE
CENTRAL STATISTICAL OFFICE

Director of Statistics

Assistant Director of Statistics

Chief Census and Survey Officer

Accountant II

Auditor I

Senior Statistician

Statistician II

Statistician I

Administrative Officer IV

OFFICES IN THE PUBLIC SERVICE ON THE ESTABLISHMENT OF THE
CENTRAL STATISTICAL OFFICE—Continued

Administrative Officer II
Administrative Assistant
Clerk IV
Auditing Assistant
Accounting Assistant
Statistical Assistant I
Clerk III
Clerk II
Clerk I
Statistical Aide
Clerk Stenographer III
Clerk Stenographer I/II
Clerk Typist I
Statistical Training Officer
Principal Statistical Officer
Statistical Survey Officer
Statistical Officer III
Supervisor, Mapping Unit
Printing Supervisor II
Illustrator
Mapping Technician
Printing Supervisor I
Accountant I
Statistical Officer II
Survey Interviewer III

OFFICES IN THE PUBLIC SERVICE ON THE ESTABLISHMENT OF THE
CENTRAL STATISTICAL OFFICE—Continued

Statistical Assistant II
Vari-Typist Supervisor II
Printing Operator V
Survey Interviewer II
Printing Operator IV
Vari-Typist Supervisor I
Statistical Officer I
Mapping Technician
Printing Operator II
Vari-Typist I
Survey Interviewer I
Assistant Illustrator
Printing Operator I
Assistant Field Interviewer
Motor Vehicle Driver
Chauffeur/Messenger
1 Messenger II
6 Messenger I
Vault Attendant I
Attendant
Cleaner
Manager, Computer Division
Systems Analyst I
E.D.P. Operations Supervisor
E.D.P. Control Supervisor

OFFICES IN THE PUBLIC SERVICE ON THE ESTABLISHMENT OF THE
CENTRAL STATISTICAL OFFICE—Continued

- E.D.P. Programmer II
- Programmer I
- Computer Operator III
- Computer Operator II
- Computer Operator I
- E.D.P. Data Conversion Supervisor
- E.D.P. Librarian
- E.D.P. Conversion Equipment Operator
- E.D.P. Control Clerk

SCHEDULE 3

[Section 38(1)]

FORM OF OATH

I, solemnly swear/affirm
that I will faithfully and honestly fulfill my duties as
..... in conformity
with the requirements of the National Statistics Institute of
Trinidad and Tobago Act and that I will not without due authority
in that behalf disclose or make known any matter or thing which
comes to my knowledge by reason of my employment as such.

Sworn/affirmed at:

Signature of Declarant:

Before me:

Date:

Passed in the House of Representatives this day
of , 2018.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for
which has been passed by the House of Representatives
and at the final vote thereon in the House has been
supported by the votes of not less than three-fifths of
all the members of the House, that is to say, by the votes
of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2018.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for
which has been passed by the Senate and at the final
vote thereon in the Senate has been supported by
the votes of not less than three-fifths of all the members
of the Senate, that is to say, by the votes
of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 16 of 2018

THIRD SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to repeal and replace the
Statistics Act, Chap. 19:02, establish a
National Statistical Institute of
Trinidad and Tobago and for other
related matters

Received and read the

First time.....

Second time.....

Third time.....
