



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

VOL. 45

Port-of-Spain, Trinidad, Thursday 14th December, 2006—Price \$1.00

No. 198

THE FOLLOWING HAVE BEEN ISSUED:

BILL entitled “An Act to validate the collection of certain fees received under the Companies Act, Chap. 81:01”—(42 cents).

BILL entitled “An Act to amend the Law Reform Act, Chap. 3:04”—(42 cents).

2253

## SUPPLEMENTS TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as Supplements to this issue of the *Trinidad and Tobago Gazette*:

*Legal Supplement Part B—*

Anti-Dumping and Countervailing Duties (Anti-Dumping) Order, 2006—(Legal Notice No. 309 of 2006).

Determination of an Expiry Review of the Anti-Dumping duty imposed on Portland and Grey Cement originating in Thailand—(Legal Notice No. 310 of 2006).

*Legal Supplement Part C—*

Bill entitled “An Act to validate the collection of certain fees received under the Companies Act, Chap. 81:01”.

Bill entitled “An Act to amend the Law reform Act, Chap. 3:04”

2254

## PUBLICATION OF BILLS

NOTICE is hereby given that the following Bills are published as Supplements to this *Trinidad and Tobago Gazette* for public information:

The Companies (Validation of Fees) Bill, 2006.

The Law Reform (Amendment) Bill, 2006

Copies of the Bill may be purchased from the Government Printery Sales Section, 2–4, Victoria Avenue, Port-of-Spain.

11th December, 2006.

E. GREEN  
*for Clerk of the Senate*

2255

## APPOINTMENT TO ACT TEMPORARILY AS A MEMBER OF THE SENATE

IT IS HEREBY NOTIFIED for general information that, under the provisions of section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, His Excellency the President, has appointed Ms. ALTHEA ROCKE, to be temporarily a Member of the Senate, with effect from 12th December, 2006 and continuing during the absence from Trinidad and Tobago of Senator ANGELA CROPPER.

12th December, 2006.

H. HEMNATH  
*Secretary to His Excellency  
the President*



**PUBLIC STATEMENT  
OF  
THE SERVICE COMMISSIONS DEPARTMENT  
IN COMPLIANCE WITH SECTIONS 7, 8, AND 9 OF THE  
FREEDOM OF INFORMATION ACT 1999 (FOIA)**

In accordance with Sections 7, 8, and 9 of the Freedom of Information Act, 1999 (FOIA) the Service Commissions Department is required by law to publish the following statements which list the documents and information generally available to the public.

**The Act gives members of the public:**

- A legal right for each person to access information held by The Service Commissions Department.
- A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading.
- A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA.
- A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

**FUNCTIONS OF THE SERVICE COMMISSIONS DEPARTMENT**

The Service Commissions are constitutional bodies established under the Constitution Chapter 1:01.

- The Public Service Commission - The Civil, Fire and Prison Services  
(Sections 120 and 121)
- The Police Service Commission - The Police Service  
(Sections 122 and 123)
- The Teaching Service Commission - The Teaching Service  
(Sections 124 and 125)
- The Judicial and Legal Service Commission - The Judicial and Legal Service other than the office of a Judge  
(Sections 110 and 111)

**The powers of the Commissions are as follows:**

- To Appoint;
- To Promote;
- To Transfer;
- To Confirm;
- To Remove; and
- To exercise disciplinary control over public offices.

The Members of the Commissions are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. They are appointed for a fixed term of not less than three (3) years and not more than five (5) years.

**Section 7 (1) (a) (i)****FUNCTION AND STRUCTURE OF THE SERVICE COMMISSIONS DEPARTMENT**

The functions of the Commissions are discharged with the assistance of the staff of the Service Commissions Department who conducts research, provides information and advice and liaises with clients on their behalf to enable them to carry out their constitutional responsibilities.

**Mission Statement:**

*To deliver quality advisory and administrative services to the Service Commissions and to facilitate the effective practice of Human Resource Management in client Ministries and Departments.*

The primary function of the Service Commissions Department is to provide supporting services to enable the Service Commissions to discharge their constitutional responsibilities of staffing and exercising disciplinary control over the Public Service.

The Service Commissions Department is located at Cipriani Plaza, 52 – 58 Woodford Street, Port of Spain.

The Service Commissions Department consists of twelve (12) sections with responsibility for processing the human resource issues of Government Ministries and Departments in respect of the appointment, promotion, transfer and discipline of public officers and, to advise the various Service Commissions.

**RESPONSIBILITIES OF THE SECTIONS IN THE SERVICE COMMISSIONS**  
**DEPARTMENT**

RECRUTIMENT – Responsible for recruiting all officers in the Public Service.

ACTING APPOINTMENT/SECONDMENT IN THE PUBLIC SERVICE –  
Responsible for dealing with all matters related to acting appointment/secondment of all officers in the Public Service.

APPOINTMENT/PROMOTION/CONFIRMATION/TRANSFER/RETIREMENT/  
RELEASE ON SECONDMENT – Responsible for dealing with all matters related to first appointment/promotion to all officers in the Public Service.

COMPLAINTS AND FREEDOM OF INFORMATION – Responsible for all complaints/Representations made by public officers.

DISCIPLINE

EXAMINATIONS/ASSESSMENT

ACCOUNTS

Section IX - PUBLIC SERVICE COMMISSION SECRETARIAT.

Section XII - TEACHERS, PRINCIPALS AND VICE-PRINCIPALS.

**POLICY & RESEARCH UNIT**

Responsible for policy analysis and the provision of research services to the four Service Commissions as well as the Public Service Examinations Board.

**Section 7 (1) (a) (ii)****CATEGORIES OF DOCUMENTS HELD BY THE SERVICE COMMISSIONS DEPARTMENT**

1. Confidential Personnel Files for each officer in the Service (birth certificates, qualifications, personal data, staff reports, medical reports).
2. Notes and Commissions' Minutes of Meetings (record of discussions by Commissioners at meetings and Commissions' decisions).
3. **Documents required for decision-making in the various functional areas:-**
  - (a) Appointments (application forms, academic certificates, birth certificates, examination results, character references, evaluation forms, advertisements of vacancies, job specifications, security vetting reports, interview results).
  - (b) Confirmation of appointments (progress reports, recommendations).
  - (c) Promotions (staff reports, recommendations, merit lists, academic qualifications, job specifications, examination results, evaluation forms).
  - (d) Transfers (request for transfer, representations).
  - (e) Discipline (investigating officers' reports, disciplinary tribunal reports, record of evidence before tribunals).
  - (f) Retirements/Resignations (staff reports, medical reports, birth certificates, letters of separation recommendations).

**These documents pertain to:**

- The operations of the Commission with respect to the Services under its administration.
- The administration of the Service Commissions Department.

**4. Documents relating to the administration of the Service Commissions Department.**

- Files dealing with administrative support and general administrative documents for the operations of the Service Commissions Department.
- Personnel files, which detail all staff appointments, job applications, job specifications, promotions, transfers, resignations, deaths, retirements, leave, vacation etc.
- Files dealing with the accounting and financial management function of the Service Commissions Department.
- Financial Records (cheques, vouchers, receipts, journals etc.)
- Files dealing with matters relating to the procurement of supplies, services and equipment.
- Internal and external correspondence files
- Legislation and legal instruments.
- Files dealing with circulars, memoranda, notices, bulletins etc.

**5. Policy Documents on functional areas :**

- Annual Commission reports.
  - Procedure manuals and handbooks for staff.
  - Strategic plans.
  - Re-structuring proposals.
  - Working papers.
6. Legal Documents (legal opinions, instructions for amendments to regulations and delegation orders, court matters involving the Commissions, Public Service Appeal Board proceedings, laws, legal notices, judgments, law reports, legal texts, working papers).
7. Official Publications (Regulations, Delegation Orders, circulars, brochures, periodicals, training materials including videos).
8. Reference Materials (texts, periodicals, newspapers, research materials).

**DOCUMENTS AVAILABLE FOR INSPECTION**

- Official Publications (Regulations, Delegation Orders, Circulars, Brochures).
- Reference Materials (Newspapers, Research Materials, Texts).
- Policy Documents (Handbook for Staff, Annual Commission Reports).



**DOCUMENTS AVAILABLE FOR INSPECTION UPON REQUEST**

1. Documents required for decision-making in the various functional areas:
  - (a) Appointments (application forms, academic certificates, birth certificates, examination results, character references, evaluation forms, advertisements of vacancies, job specifications).
  - (b) Confirmation of appointments (progress reports, recommendations).
  - (c) Promotions (staff reports, academic qualifications, job specifications recommendations, evaluation forms).
  - (d) Transfers (notices of transfers, representations).
  - (e) Retirements/Resignations (staff reports, birth certificates, medical reports, recommendations).
  - (f) Seniority Lists.
  - (g) Establishments Records.
  - (h) Job Specifications.
  - (i) Examination Scripts.

**PROCEDURE TO ACCESS DOCUMENTS**

The Service Commissions Department is willing to answer all requests, both oral and written, for information. However, applicants must make their request in writing by completing the 'Request for Information' form available in the Reception area of the

2256—Continued

**Service Commissions Department.** These forms must only be completed for information that is not readily available in the public domain or from another public authority.

### **Addressing Requests**

To facilitate the prompt handling of requests, please address them to the Designated Officer of the Service Commissions Department.

### **Details in the Request**

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided clarification will be sought from the applicant. If you are not sure how to write your request or what details to include, communicate with our Designated Officer.

### **Requests Not Handled Under the FOIA**

A request under the FOIA will not be processed to the extent that it asks for information, which is currently available in the public domain, either from the Service Commissions Department or from another public authority, for example brochures and pamphlets etc.

### **Responding to Your Request**

#### **Retrieving Documents:**

The Service Commissions Department is required to furnish copies of documents only when they are in our possession or where we can retrieve them from storage. Information stored in the National Archives or another storage center, will be retrieved in order to process your request.

*Note: Prior to the commencement of the Freedom of Information Act, 1999 old records may have been destroyed. The granting of a request for such documents may therefore be impossible. Various laws, regulations and manuals give the time periods for keeping records before they may be destroyed. For example The Exchequer and Audit Act, Chap. 69:01.*

**Furnishing documents**

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document to be released, we may not attempt to reconstruct it. Instead, we will furnish the best copy possible and note its quality in our reply.

**Please note we are not compelled to do the following:**

- Create new documents. For example, we are not required to write a new program so that a computer will print information in the format you prefer.
  
- Perform research for you.

**TIME LIMITS****General**

The FOIA sets certain time limits for us to decide whether to disclose the documents you have requested. If we fail to meet the deadlines, the FOIA gives you the right to proceed as if your request has been denied. We will try diligently to comply with the time limits, but if it appears that processing your request may take longer than the statutory limit, we will acknowledge your request and advise you of its status. Since there is a possibility that requests may be misaddressed or misrouted, you may wish to call or write to confirm that we have received the request and to ascertain its status.

2256—Continued

**Time Allowed**

We will determine whether to grant your request for access to information as soon as practicable but no later than 30 days as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents or be provided with copies, if you so request.

**The Designated Officer is:**

Mrs. Yolande Charles Mottley  
Service Commissions Department  
Cipriani Plaza  
52 – 58 Woodford Street  
Port of Spain  
Tel: 623-2744/623-2991-6 Ext. 132

**The Alternate Officer is:**

Ms Ingrid Seerattan  
Service Commissions Department  
Cipriani Plaza  
52 – 58 Woodford Street  
Port of Spain  
Tel: 624-0492/623-2991-6 Ext. 153

**Section 8 Statements**

**Section 8 (1) (a) (i)**

Documents containing interpretations of particulars of written laws, or schemes administered by the public authority, not being particulars contained in another written law.

1. Public Service Commission Regulations.
2. Civil Service Regulations.

2256—Continued

3. Amendment to Public Service Commission Regulations.
4. Service Commissions Department Manual of Guidelines and Procedures for the Exercise of Delegated powers.
5. Gazette Material.
6. Circular Memoranda.
7. Financial Regulations and Exchequer audit ordinance.
8. Financial Instructions.
9. Guidelines for the administration of devolved functions.
10. Legal opinions.
11. Legal notes.
12. Judgments.
13. Laws.

#### **Section 8 (1) (b)**

**In enforcing written laws or schemes administered by the public authority where a member of the public might be directed by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in enforcement of, the written laws or schemes.**

1. Public Service Commission Regulations.
2. Director of Personnel Administration Circular Memoranda
3. Brochure on One Man Tribunal
4. Policy Manual
5. Reports of Commissions
6. Delegation Orders.

#### **Section 9 Statements**

##### **Section 9 (1) (a)**

**A report, or a statement containing the advice or recommendations, of a body or entity established within the public authority.**

1. Procedural Manual
2. Policy Manual
3. Procedure for One Man Tribunal

2256—Continued

Section 9 (1) (b)

A report, or a statement containing the advice or recommendations:

1. of a body or entity established outside the public authority or by written law.
2. or by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the public authority or the responsible Minister of that Public Authority.

No report or statement at this time

Section 9 (1) (c)

A report, or a statement containing the advice or recommendations, of an inter-departmental Committee whose membership includes an officer of the public authority.

At this time we have no reports or statements under this sub section.

Section 9 (1) (d)

A report, or a statement containing the advice or recommendations, of a committee established within the public authority to submit a report, provide advice or make recommendations to the responsible Minister of the public authority or to another officer of the public authority who is a member of the committee.

No document in this section.

Section 9 (1) (e)

A report (including a report concerning the results of studies, surveys, or tests) prepared for the public authority by a scientific or technical expert,

2256—Continued

whether employed within the public authority or not, including a report expressing the opinion of such an expert on scientific or technical matters.

1. Strategic Plan,
2. Restructuring Proposal.

**Section 9 (1) (f)**

A report prepared for the public authority by a consultant who was paid for preparing the report.

Legal opinions.

Odyssey Report

**Section 9 (10) (g)**

A report prepared within the public authority and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.

Restructuring Proposals

Task Force Report

**Section 9 (1) (h)**

A report on the performance or efficiency of the public authority, or of an office, division or branch of the public authority, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority.

**Section 9 (1) (i)**

A report containing: -

1. final plans or proposals of the re-organization of the functions of the public authority,

2256—Continued

2. the establishment of a new policy programme or project to be administered by the public authority, or
3. the alteration of an existing policy programme or project administered by the public authority, whether or not the plans or proposals are subject to approval by an officer of the public authority, another public authority, the responsible Minister of the public authority or Cabinet.

Strategic Plan,

Restructuring Proposal.

**Section 9 (1) (j)**

A statement prepared within the public authority and containing policy directions for the drafting of legislation.

Instructions for amendments to Regulations and Delegation Orders, working papers.

**Section 9 (1) (k)**

A report of a test carried out within the public authority on a product for the purpose of purchasing equipment.

No documents in this section

**Mrs Gloria Edwards-Joseph**

**Director of Personnel Administration**

**Service Commissions Department**

**Cipriani Plaza**

**52-58 Woodford Street**

**Port-of-Spain**