



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

3rd Session – 11th Parliament (Rep.) – Volume 15 – Number 16

OFFICIAL REPORT (HANSARD)

THE HONOURABLE BRIDGID ANNISSETTE-GEORGE
SPEAKER

THE HONOURABLE ESMOND FORDE
DEPUTY SPEAKER

Friday 1st December, 2017

CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL

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(TYPESET BY THE HANSARD STAFF, PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI,
REPUBLIC OF TRINIDAD AND TOBAGO— 2022)

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*Leave of Absence**Friday, December 01, 2017***HOUSE OF REPRESENTATIVES***Friday, December 01, 2017*

The House met at 1.30 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, hon. Kamla Persad-Bissessar, MP, Member for Siparia, has asked to be excused from today's sitting of the House, and Miss Ramona Ramdial, MP, Member for Couva North, has asked to be excused from sittings of the House during the period December 1st to December 31st, 2017. The leave which the Members seek is granted.

**SESSIONAL SELECT COMMITTEES
(APPOINTMENT OF)**

Madam Speaker: Hon. Members, pursuant to Standing Order 89(2), the following Members were appointed to serve on the Sessional Select Committees of the House of Representatives for the Third Session, Eleventh Parliament:

Standing Orders Committee

Mrs. Bridgid Mary Annisette-George	Chairman
Mr. Faris Al-Rawi	Member
Mr. Anthony Garcia	Member
Mrs. Glenda Jennings-Smith	Member
Dr. Fuad Khan	Member
Mrs. Vidia Gayadeen-Gopeesingh	Member

House Committee

Mrs. Camille Robinson-Regis	Chairman
Mr. Colm Imbert	Member
Maj. Gen. Ret. Edmund Dillon	Member
Mrs. Ayanna Webster-Roy	Member
Dr. Roodal Moonilal	Member
Mr. David Lee	Member

Committee of Privileges

Mrs. Bridgid Mary Annisette-George	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Fitzgerald Hinds	Member
Mr. Stuart Young	Member
Dr. Surujrattan Rambachan	Member
Dr. Roodal Moonilal	Member

Statutory Instruments Committee

Mrs. Bridgid Mary Annisette-George	Chairman
Miss Nicole Olivierre	Member
Mr. Stuart Young	Member
Dr. Lovell Francis	Member
Mr. Rudranath Indarsingh	Member
Mr. Rushton Paray	Member

Business Committee

Mrs. Bridgid Mary Annisette-George	Chairman
Mr. Colm Imbert	Member
Mrs. Camille Robinson-Regis	Member
Mrs. Cherrie-Ann Crichlow-Cockburn	Member
Mr. Barry Padarath	Member
Mr. David Lee	Member

**JOINT SELECT COMMITTEES
(CHANGE OF MEMBERSHIP)**

Madam Speaker: Hon. Members, I also now have correspondence from the President of the Senate dated November 30, 2017:

“Dear Honourable Speaker,

Change of Membership to Joint Select Committees

I wish to inform you that at a sitting held on Tuesday November 28, 2017 the Senate agreed to the following resolution:

Be it resolved that the Senate agree to the following appointments to the Joint Select Committees:

Mr. Ronald Huggins in lieu of Ms. Allyson Baksh on the Joint Select Committee on State Enterprises and the Public Administration and Appropriations Committee;

Mr. Robert Le Hunte in lieu of Mr. Michael Coppin on the Joint Select Committee on National Security;

Dr. Lester Henry in lieu of Mr. Michael Coppin on the Joint Select Committee on Finance and Legal Affairs;

Ms. Allyson West in lieu of Ms. Ayanna Lewis on the Joint Select Committee on Social Services and Public Administration;

Mr. Saddam Hosein in lieu of Mr. Wayne Sturge on the Joint Select Committee on National Security;

Ms. Anita Haynes in lieu of Mr. Rodger Samuel on the Joint Select Committee on Foreign Affairs;

Mr. Saddam Hosein in lieu of Mr. Rodger Samuel on the Joint Select Committee on Human Rights, Diversity and Equality;

Mr. Taharqa Obika in lieu of Mr. Wayne Sturge on the Joint Select Committee on Finance and Legal Affairs;

Ms. Anita Haynes in lieu of Ms. Khadijah Ameen on the Joint Select Committee on Parliamentary Broadcasting Committee;

Mr. Taharqa Obika in lieu of Mr. Rodger Samuel on the Public Accounts Committee;

Ms. Melissa Ramkissoon in lieu of Ms. Jennifer Raffoul on the Public Accounts Committee;

Ms. Jennifer Raffoul in lieu of Dr. Dhanayshar Mahabir on the Public Administration and Appropriations Committee; and

Dr. Dhanayshar Mahabir in lieu of Ms. Melissa Ramkissoon on the Joint Select Committee on Foreign Affairs.

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Yours respectfully,
Christine Kangaloo
President of the Senate”

PAPERS LAID

1. Audited Financial Statements of the National Schools Dietary Services Limited for the financial year ended September 30, 2016. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Audited Financial Statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 2016. [*Hon. C. Imbert*]
3. Audited Financial Statements of the Sports Company of Trinidad and Tobago Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]

Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.

4. Ministerial Response of the Ministry of Rural Development and Local Government to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
5. Ministerial Response of the Ministry of Works and Transport to the Fourth Report of the Public Administration and Appropriations Committee on an Examination of the System of Internal Audit within the Public Service. [*Hon. C. Robinson-Regis*]
6. Ministerial Response of the Ministry of Labour and Small Enterprise Development to the First Report of the Joint Select Committee on Social Services and Public Administration on the Inquiry into the Current Level of Violence among Students in Schools with Particular Focus on Physical and Cyber Bullying. [*Hon. C. Robinson-Regis*]
7. Dental Profession (Amendment to the Schedule) Order, 2017. [*The Minister of Health (Hon. Terrence Deyalsingh)*]

URGENT QUESTIONS

Vicky Boodram
(Release Papers)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Madam Speaker, thank you very much. Could the Minister of National Security please indicate who signed the papers for the release of prisoner Vicky Boodram and who signed for the receipt of the prisoner at the Tunapuna Police Station?

The Acting Minister of National Security and Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. I am slightly taken aback to see this question this afternoon as the Government has announced repeatedly, from yesterday and into this morning, there is an active police investigation that is taking place. It would be extremely premature at this time to announce, and improper, and it has the potential to prejudice an investigation taking place. So at this time, what we tell the country is let us await the outcome of the active ongoing police investigation that is being assisted by the Prison Service of Trinidad and Tobago, and we certainly will not on this side prejudice any such investigation and we compliment them, once again, for their work well done. [*Desk thumping*]

Dr. Tewarie: The answer to this question, Madam Speaker, [*Crosstalk*] simply asked for a fact.

Madam Speaker: Member, is it a question that you are going to ask?

Dr. Tewarie: Yes. Could the Minister give us the facts?

Hon. S. Young: Madam Speaker, as I just outlined, the Government is still awaiting the outcome of an investigation, an active investigation that is taking place, and I am now beginning to wonder why it is those on the other side want to prejudice an active police investigation.

Madam Speaker: Member for Caroni Central, do you have another supplemental?

Dr. Tewarie: No, Ma'am.

Mr. Charles: Would the Member for Port of Spain North/St. Ann's West, as a lawyer, not admit that giving those factual information—[*Crosstalk*]

Madam Speaker: Member.

Mr. Charles: The question is—I am asking a question of fact which will not prejudice.

Madam Speaker: Member, if you are going to ask a question, I will allow you to ask a question, so please ask the question.

Mr. Charles: Who were the persons involved, regarding the question asked by my colleague, the Member for Caroni Central?

Madam Speaker: I will not allow that. I believe that question has been asked and has been answered. Member for Pointe-a-Pierre.

**Loran/Manatee Gas Field
(Details on Officials)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of Energy and Energy Industries: Based on an article published in the *Trinidad Guardian* on Thursday, November 30, 2017, which stated that officials from Trinidad and Tobago Government were expected to travel to Venezuela on the aforementioned date to resolve the issues surrounding the Loran/Manatee Gas Field, could the Minister state who were those officials?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you, Madam Speaker. The officials who travelled to Venezuela are as follows: Mr. Selwyn Lashley, Permanent Secretary, Ministry of Energy and Energy Industries, Head of Delegation; Mrs. Louise Poy Wing, Senior State Counsel, Ministry of Energy and Energy Industries; and Ms. Lianna Sharma, Legal Officer II, Ministry of the Attorney General and Legal Affairs.

**Unauthorized Transfer of Money
(Status of Investigation Into)**

Dr. Bhoendradatt Tewarie (*Caroni Central*): To the Minister of National Security: Could the Minister indicate the status of the investigation relating to the crime involving the transfer of \$10 million to unauthorized accounts by the Division of Tourism, Culture and Transportation of the Tobago House of Assembly?

The Acting Minister of National Security and Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Member for Caroni Central, the status is it is an ongoing investigation.

**Prime Minister's Book: *From Mason Hall to Whitehall*
(Integrity Commission Investigation)**

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. Madam Speaker, through you to the hon. Prime Minister: Could the Prime Minister confirm that his book *From Mason Hall to Whitehall* is now the subject of an investigation by the Integrity Commission?

The Acting Minister of National Security and Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much for the opportunity, Madam Speaker. This question, of course, would be best directed to the Integrity Commission.

Mr. Padarath: In light of that answer, Madam Speaker, the question is, could the hon. Minister indicate who is the distributor or person responsible for the distribution of this book?

Madam Speaker: I will not allow that as a supplementary question. Member for Fyzabad.

**Siparia Union Presbyterian School
(Resumption of Classes)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. On behalf of the Member for Fyzabad to the Minister of Education: Could the Minister indicate when classes for First Year to Standard 3 students of the Siparia Union Presbyterian School will resume following the fire on Monday, October 02, 2017?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Classes for First Year to Standard 3 students at the Siparia Union Presbyterian School will resume on Monday the 8th of January, 2018, at the existing site. Thank you.

**Arima Magistrates' Court
(Strengthening of Security)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. On behalf of the Member for Chaguanas West to the Minister of National Security: In light of the recent escape of prisoner Hamilton Small from the police custody at the Arima Magistrates' Court on Tuesday, November 28, 2017, could the Minister indicate what measures will be taken to strengthen the security of prisoners at their holding cells whilst being taken to and from the Magistrates' Court?

The Acting Minister of National Security and Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, once again, it would be a dereliction of duty and putting certain national security matters at risk for us to spell out the exact particulars of what is being done with respect to the security of prisoners and them being taken from their holding cells to and from the Magistrates' Court. But what I can assure you, Madam Speaker, the national public and those on the other side of, is that the prison service and the Trinidad and Tobago Police Service are expected to learn from any mistakes that were made and they will be doing what is possible and reasonable to strengthen these facilities and the processes to ensure it does not happen again.

**Increase in Flour Prices
(Discussions with NFM)**

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. To the hon. Minister of Trade and Industry: In light of an announcement that there will be an increase in flour prices, could the Minister indicate what is the current state of discussions with the National Flour Mills?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Madam Speaker. Let me say definitively that there has been no announcement of an increase in the price of flour, rather there was an article which featured Mr. Kelvin Mahabir, the CEO of National Flour Mills, and in that article, he would have cited several challenges including the price of wheat and the fact that the price was increasing, and it is in that regard that I have responded. Your question here speaks to the communication aspect of it. National Flour Mills [*Inaudible—No Audio*] meet with them next Monday at 3.30 p.m. when we will discuss all of the input items into the price of flour.

Mr. Padarath: Thank you, Madam Speaker. Through you to the hon. Minister: Hon. Minister, since the signalling or suggesting a price increase by the CEO through that article, has the Ministry engaged in stakeholder consultation on this matter?

Sen. The Hon. P. Gopee-Scoon: There is no need to engage in any other consultation at this time other than with the National Flour Mills themselves.

**Temporary Food Support
(Provision for Christmas)**

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. To the hon. Minister of Social Development and Family Services: Could the Minister indicate if the Government will be providing temporary food support through temporary food cards, as last year, to all 41 Members of Parliament for impoverished constituents during the Christmas period?

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. I am unable to so indicate as the Government has not taken a decision on this matter.

Mr. Padarath: Madam Speaker, through you to the hon. Minister. Hon. Minister, today is the 1st of December; Christmas will be celebrated a few weeks from now. Can you give us a timeline in terms of when we will be able to get a definitive answer on this particular question?

Hon. C. Crichlow-Cockburn: Madam Speaker, I am unable to so indicate at this time.

Mr. Padarath: Madam Speaker, could we ask, through you, to the hon. Member, if the hon. Member will give the undertaking to have this answer provided to us before Christmas 2017?

Hon. C. Crichlow-Cockburn: Madam Speaker, once the Cabinet makes a decision on the matter before Christmas 2017, I will so provide the House with an answer.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. We will be answering all questions for oral answer and all questions for written answer.

WRITTEN ANSWERS TO QUESTIONS

Government Tertiary Level Institutions (Security Improvements for)

8. **Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Education:

In light of the hostage attempt at the MIC Institute of Technology, Arima Campus on September 18, 2017, could the Minister state:

- a) the security improvements made to the MIC Institute of Technology, Arima Campus; and
- b) the security improvements made to other Government tertiary level institutions?

Caribbean Examination Council (Outcome of Meetings)

15. **Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Education:

Could the Minister state the outcome of meetings held in September 2017 between the Ministry and the Caribbean Examination Council in relation to the late release of results for the 2016/2017 academic year?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

**Retailers “round off” of Bills
(Customer Complaints)**

26. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Trade and Industry:

With respect to consumer complaints that retailers “round off” bills to the nearest dollar, could the Minister indicate:

- a) the number of consumer complaints that have been lodged for the period July 01, 2017 to October 31, 2017;
- b) the action taken to address these complaints; and
- c) whether the Consumer Affairs Division conducted a public education campaign to inform retailers and consumers of the appropriate guidelines?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):
Thank you very much, Madam Speaker. In reply to (a), over the period July 1st to October 31st, 2017, the Consumer Affairs Division received no formal complaints regarding the issue of retailers rounding off bills to the nearest dollar. However, the division did receive four queries from members of the public as well as one enquiry from a print media journalist.

In response to (b), upon receipt of the enquiries, it was evident that concerns arose from an absence of awareness of the rounding guidelines and elimination of the one-cent coin issued by the Central Bank of Trinidad and Tobago and which came into effect on July 01, 2017. The Consumer Affairs Division verified the information with the Central Bank and sensitized the enquirers and subsequently made the information available on its Facebook page.

In reply to part (c), as part of the transition towards the elimination of the one-cent coin, the Ministry of Trade and Industry has supported the efforts of the Central Bank of Trinidad and Tobago. Though the Consumer Affairs Division has not undertaken a public education campaign specific to this issue, all relevant information has been made available on the Consumer Affairs Division’s Facebook page and has been included in the conduct of its public lectures where appropriate.

Further, the Consumer Affairs Division is encouraging consumers to make enquiries and report any discrepancy that they may encounter via the division’s Facebook page. Additionally, the Consumer Affairs Division takes the opportunity, whenever it arises, to employ moral suasion to remind producers,

suppliers and retailers to be fair in their pricing in this period of transition to ensure that consumers are not disadvantaged. Thank you, Madam Speaker.

Mrs. Newallo-Hosein: Thank you, Madam Speaker. Hon. Minister, in light of the fact that some persons may not have Facebook, can the hon. Minister indicate whether the opportunity still exists for persons who still have coins in their possession to redeem them at any bank?

Sen. The Hon. P. Gopee-Scoon: I think that is a matter for the Central Bank but I can tell you any concerns which consumers have, they can be reached by the consumer affairs hotline.

Reports to HDC (Clifton Towers)

27. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Housing and Urban Development:

Could the Minister indicate:

- a) whether residents of Clifton Towers of the Housing Development Corporation (HDC) made reports to the HDC of unlawful activities that are the cause of discomfort to the residents for an extensive period of time; and
- b) if the answer to (a) is affirmative, what action has been taken to resolve this problem?

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Thank you, Madam Speaker. In response to part (a) of the question, the residents of Clifton Towers community have made reports of unlawful activities to the HDC. In response to part (b) of the question, the HDC conducted investigations and concluded that there were persons illegally occupying four apartment units at the community. Having determined the existence of the illegal occupants, the HDC, with the support of the Trinidad and Tobago Police Service, evicted the illegal occupants.

Following the eviction exercise, the apartments were secured pending further investigations into the status of the persons to whom the units were legitimately allocated. On the same day of the eviction exercise, it was brought to the attention of the HDC that the persons who were evicted returned to the units from which they were evicted.

The HDC subsequently reported the matter to the Trinidad and Tobago Police Service who then organized a joint police and army exercise at the towers and evicted and arrested 15 persons. Trinidad and Tobago Police Service continues to monitor the situation at Clifton Towers closely.

**Responsibility for Maintenance and Upkeep
(HDC Apartments)**

28. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Housing and Urban Development:

Could the Minister indicate who has responsibility for the maintenance and upkeep of Housing Development Corporation apartment buildings?

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Thank you again, Madam Speaker. The Estate Management Division of the HDC has responsibility for the maintenance and upkeep of HDC's apartment buildings.

ANTI-GANG BILL, 2017

Bill to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken next Wednesday, December 06, 2017. [*Hon. F. Al-Rawi*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Hon. Camille Robison-Regis): Madam Speaker, as discussed with the Chief Whip, there is another Bill that we would like to place on the Order Paper and it will be coming later in the proceedings. So at that time, we will move.

Madam Speaker: I guess there is agreement on this?

Hon. C. Robison-Regis: Yes. I said we discussed it.

**JOINT SELECT COMMITTEES
(APPOINTMENT TO)**

The Minister of Planning and Development (Hon. Camille Robison-Regis): Thank you very kindly, Madam Speaker.

Whereas it has become necessary to make appointments to Joint Select Committees, I beg to move that this House agree to the following appointments:

Mr. Randall Mitchell in lieu of Mr. Faris Al-Rawi on the Joint Select Committee on National Security;

Mr. Esmond Forde in lieu of Mr. Randall Mitchell on the Joint Select Committee on Human Rights, Equality and Diversity;

Mrs. Cherrie-Ann Crichlow-Cockburn in lieu of Mr. Randall Mitchell on the Joint Select Committee on Finance and Legal Affairs;

Mr. Terrence Deyalsingh in lieu of Miss Marlene McDonald on the Joint Select Committee on Finance and Legal Affairs;

Dr. Lovell Francis in lieu of Mr. Stuart Young on the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA);

Mr. Esmond Forde in lieu of Mr. Faris Al-Rawi on the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA);

Mr. Adrian Leonce in lieu of Miss Marlene McDonald on the Public Accounts Committee;

Dr. Nyan Gadsby-Dolly in lieu of Miss Shamfa Cudjoe on the Public Accounts (Enterprises) Committee;

Brig. Gen. Ret. Ancil Antoine in lieu of Mr. Maxie Cuffie on the Public Administration and Appropriations Committee.

I beg to move.

Question put and agreed to.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

Cybercrime Bill, 2017

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. I beg to move the following Motion:

That this House appoint the following six members to sit with an equal number from the Senate on the Joint Select Committee established to consider and report on the Cybercrime Bill, 2017:

Joint Select Committee (Appointment of)

Friday, December 01, 2017

Mr. Faris Al-Rawi
 Maj. Gen. Ret. Edmund Dillon
 Mr. Fitzgerald Hinds
 Miss Shamfa Cudjoe
 Dr. Roodal Moonilal
 Mr. Barry Padarath
Question put and agreed to.

2.00 p.m.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. I beg to move the following Motion:

That this House appoint the following six Members to sit with an equal number from the Senate on the Joint Select Committee established to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016:

Mr. Colm Imbert;
 Mr. Faris Al-Rawi;
 Mr. Stuart Young;
 Miss Nicole Olivierre;
 Mr. Ganga Singh; and
 Mr. Rudranath Indarsingh.

I beg to move.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (MUTUAL ASSISTANCE IN CRIMINAL MATTERS, PROCEEDS OF CRIME, FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO, CUSTOMS AND EXCHANGE CONTROL) BILL, 2017

[Second Day]

Order read for resuming adjourned debate on question [November 17, 2017]:

That the Bill be now read a second time.

Question again proposed.

The Acting Minister of National Security and Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime

Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Thank you for the opportunity to contribute to this very important Bill today. Madam Speaker, if you would permit me the opportunity just to put this Bill in context and what it means for Trinidad and Tobago as a sovereign state in a shrinking global world. Madam Speaker, one of the biggest issues we face, unfortunately, as a growing nation is that of corruption, and this Bill very squarely is to deal with corruption; and this Bill, additionally, is for us to fulfil international obligations because, Madam Speaker, in today's world with the transferability of money, assets, et cetera and the level of corruption that takes place, there are a number of international organizations, some of which we are signatories and active parties to, that have sat down together and, over a period of time, tried to devise ways and means to combat the scourge of corruption. Because you see, Madam Speaker, respectfully, the scourge of corruption really affects the most vulnerable in society first and foremostly.

Madam Speaker, two years ago, I was provided with the opportunity in preparation for an international anti-corruption summit to sit down in a room in England with a number of participants from the G20 countries and from FATF, and from other organizations such as this, to plan the then Prime Minister of Britain's anti-corruption summit, David Cameron. And as we sat in that room and we were discussing amongst ourselves some of the matters that could be taken globally to fight corruption and to find money and fight money laundering and what money laundering means and who it affects, et cetera, it dawned on me that we were the only small island and the only small country that was sitting in that room, along with all of these big players.

And the genesis of that lay in October 2015 or November 2015, when we as a new administration had come into Government and the then Prime Minister went to Malta for a CHOGM conference, and the Prime Minister of Great Britain, David Cameron, at the time, sought our Prime Minister, Dr. Rowley and told him that Britain had been following very closely the events unfolding in Trinidad and Tobago, and in particular, some of the allegations being made with respect to corruption. And Prime Minister Cameron reported to Dr. Rowley that he would like him to participate in his anti-corruption summit; and we were the only sovereign nation, this small and from this part of the world, that participated in that conference; and it was because of what we promised to do as an administration coming in to fight corruption. That was the start and the genesis of our term.

Miscellaneous Provisions Bill, 2017
[HON. S. YOUNG]

Friday, December 01, 2017

I think by now the country has seen what we have been doing with respect to our fight against corruption and what is going on. And I must say at this point Madam Speaker, I am very disappointed, as I look across on the other side, at some of the persons who are missing today. Because this is an important Bill that we are debating and as I am hoping to do this afternoon and speak to the wide-ranging effects and how it affects us as a nation and how the rest of the globe sees us, I must say that I am disappointed to see that the Member for Caroni East, who made a contribution on this Bill on the last occasion, is not here; in particular, the Member for Oropouche East, I would have expected him to be here to be taking notes, and maybe perhaps to contribute.

Madam Speaker, when we came in as an administration, one of the first crises we faced was with respect to this country's international obligations in the fight against money laundering by an international organization called FATF, the Financial Action Task Force, and then there is a Caribbean subset called CFATF, and we had been hearing murmurings before coming into power that Trinidad was at risk of being blacklisted. And what this means, citizens of Trinidad and Tobago, is if we do not fulfil certain international obligations to fight money laundering, and to make it easy to track terrorist financing and other of these types of iniquitous illegal activities, as a country we would be downgraded and the worst thing that could happen is that we would be blacklisted, which would then mean that our local banking and financial institutions would not be able to have corresponding banking with international banks. That has the potential to just grind your economy to a halt.

I would like at this stage, on behalf of the citizens of Trinidad and Tobago, to personally congratulate and thank the Member for San Fernando West, the hon. Attorney General, for immediately taking on the task of getting Trinidad and Tobago out of this realm of blacklisting and being established as a great place.
[Desk thumping]

It appears that nothing was being done to fulfil our international obligations. Immediately, CFATF and FATF, and the Attorney General was put to chair CFATF, it being a rotational chairmanship—they told us that Trinidad and Tobago has not done sufficient actions, has not taken sufficient actions including legislative actions, to take us out of the realm of being a place where money laundering can take place very easily. And it is important that the citizens of Trinidad and Tobago know that is what we came in and faced at the end of 2015, and how hard we have worked as an administration—persons will no doubt remember what we did with respect to FATCA and also other areas that we have been working on.

We heard recently about the fact that we are in difficulties with Global Forum—again, under the previous administration, they are the ones who signed us as a country into Global Forum, which is the European countries, and other international obligations and we were not fulfilling it. And one wonders why it is that an administration, and in particular under the stewardship of the Member for Siparia and her then Attorney General, Anand Ramlogan, would take and—I can only think an active and conscious decision to put this country on the brink of being blacklisted, to not do anything to fight money laundering, to not do anything to ensure we fulfil our international obligations to follow the money, to put things in place to make us a more lawful society and to make enforcement an easier thing.

So we had that coming at us immediately. Madam Speaker, I am grateful for the hard work and I am seeing some of our technocrats, who along with the Attorney General, led the charge in getting this country back to where we want to be, and this is one of the areas we worked hard on as an administration and we are now being internationally recognized as being a country, via this administration, that is prepared to take the difficult—but these were not difficult decisions—to take the decisions to make us compliant and to make sure the fight against corruption becomes that little bit easier. [*Desk thumping*]

Permit me on behalf of the people of Trinidad and Tobago, at this time, to thank all of those in the Ministry of the Attorney General and Legal Affairs, Ministry of National Security, Ministry of Finance and the other areas of Government, who worked hard under the stewardship and the leadership of the Attorney General to bring us back into alignment for compliance. So we are no longer at immediate risk of being blacklisted, but Trinidad and Tobago, it is persons like you and me who are law abiding, that would suffer if we let these few who are engaging in these acts of money laundering have us all suffer and we lose our correspondent banking status, et cetera. And this Bill here today is just one of this Government's initiatives to ensure we fulfil our international obligations.

I do not want to be pre-emptive, I do not want to predict what is going to happen in the future, but Madam Speaker, permit me—now is an appropriate time as well, I believe—to just tell Trinidad and Tobago that it is in this vein and in this light that we intend to move with the Revenue Authority and it is that we intend to move with the gaming legislation, because it is high time that law-abiding citizens, through the parliamentarians here, the 41 Members, not only 23, but the 41 Members here do all that we can to take the fight against illicit activity, drugs, money laundering, to fight counterterrorism and to do the things that make

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it more difficult for those who engage in a life of crime that is always funded by money, and that is our obligation and duty here today and that is what this Bill is about.

Madam Speaker, with this Bill, we are addressing amendments to five different pieces of legislation in one blow. We are dealing with the Mutual Assistance in Criminal Matters, the Proceeds of Crime Act, the Financial Intelligence Unit of Trinidad and Tobago Act, the Customs Act and the Exchange Control Act.

Madam Speaker, if you would permit me to just give a very brief report of where we are with respect to our international obligations and why this piece of legislation is necessary for Trinidad and Tobago, not for a PNM administration, not for those only on this side but for every citizen of Trinidad and Tobago to be seen as a patriot and someone who can hold their head in pride in any metropolitan country of this world as having participated in the fight against money laundering and terrorism. [*Desk thumping*]

Trinidad and Tobago's Fourth Round Mutual Evaluation Report was completed in November 2015. In this respect, we were rated as follows: recommendations and immediate outcomes were listed for us to comply with; this was in November 2015, we were not yet two months old. They had under recommendation 3, the area is money laundering offences that we had to get to be rated, largely compliant; higher risk countries recommendation 19, we were partially compliant; recommendation 27, power of supervisors, largely compliant; recommendation 28, regulation of supervision of DNFBPs, rated partially compliant. There were a number of them, Madam Speaker, where we were rated partially compliant and some moderate in effectiveness, et cetera. Following that Fourth Round MER, Trinidad and Tobago was placed in an enhanced follow-up by CFATF; and thereafter had to work assiduously to meet the referral criteria to enter the pool of countries to be monitored by FATF International Co-operation Review Group, as well as work with them for the prioritization of criteria based on financial sector assets.

The ICRG monitoring was from June 2016 until June 2017. FATF and ICRG established, Madam Speaker, an Americas joint group to consider whether specified countries referred to, such as Trinidad and Tobago, had made what was deemed to be substantial progress in rectifying the deficiencies identified in our Mutual Evaluation Reports as part of the review process, Madam Speaker.

On the 6th of September, 2017, a face-to-face meeting was held in Miami and in fact the participants who were there—and again, I thank the Attorney General and those who were there, some of whom are in the public gallery—actually faced

Hurricane Irma and the effects of Hurricane Irma and some of them were stranded. But they went to represent Trinidad and Tobago at a face-to-face meeting in Miami, to meet with this joint group and to discuss what Trinidad and Tobago has done and what we are required to do.

2.15 p.m.

The joint group considered Trinidad and Tobago's first follow-up report which was presented at CFATF in the May plenary of 2017. Two updates were provided: the discussions at the face-to-face meeting and the comments on the final draft of that joint group report were had. On October 29, 2017, again, the Attorney General led a team to the FATF plenary in Buenos Aires, Argentina, to defend this country's position with respect to that America's joint group assessment of our progress, and to address the deficiencies that continued to be identified and highlighted in our MER.

Madam Speaker, I am pleased to say that FATF and CFATF have said that, through their post-observation period report, showed that the Government's strategy of operationalizing laws that had been underutilized has paid off. Madam Speaker, what that refers to—and the public would have seen it—is for the first time, using the anti-money laundering laws, this administration pushed the FIB and assisted the FIB, the FIU, the police service, et cetera, for the prosecution of money laundering offences some of which reside in the gaming industry, and that is why we see it as so important to tie this in to the gaming industry as well.

And they have said—the joint group has recognized we made sufficient progress in a number of areas with notable progress in some other areas. However, Madam Speaker, they identified that further work needs to be done to adequately remedy the remaining deficiencies, including legislative steps which we already had in train. This is what we are talking about, Madam Speaker. So for us to fulfil our international obligations and not get blacklisted and not get put into the grey zone, and to allow us to hold our heads with pride in our financial sector and as citizens of Trinidad and Tobago, Madam Speaker, it is important that every Member of this House pledges their support to this type of legislation.

On the last occasion, we heard a lot of nervous—I can only describe it diplomatically as “nervous suggestions” coming from the other side. During my contribution this afternoon, Madam Speaker, I would like to assure the public of Trinidad and Tobago and every law-abiding citizen of Trinidad and Tobago, including my friends and colleagues on the other side who fall into that category, that this Bill does not trample on anyone's rights.

This Bill does not affect anyone's private and personal rights once they are in a process where they abide by the law, they make the declarations they are supposed to make, they are not hiding money in anybody else's name, they are not hiding any money where it should not be hidden and they are prepared to deal with all of the laws that now internationally apply. Because you see, Madam Speaker, if you want to bank in other metropolitan countries, there are a number of regulations, there are a number of tick boxes that you must meet. Trinidad and Tobago should be no different. This administration is doing all that it can to ensure that the law-abiding citizens of Trinidad and Tobago operate in a safe environment, Madam Speaker.

This Bill is for us to fulfil these international obligations and several key steps are contained in this Miscellaneous Provisions Bill with others in the Bill that will be put before this House shortly. Our POPR results also take us significantly closer to the point of being able to exit the enhanced follow-up with the next opportunity to mark this progress being at May 2018 CFATF plenary which will in turn feed into our reporting to FATF ICRG in October 2018.

So, Madam Speaker, my friends on the other side, my colleagues on this side, population of Trinidad and Tobago, we have a deadline with respect to our international financial obligations to clean up the system. The first deadline is in May of next year, and then the ultimate test is in October of next year. This Government will do all that it can, respecting persons' rights to ensure that we fulfil those obligations and we take us out of this enhanced follow-up status. We do not want to be there, Madam Speaker. This Government has, from the beginning, given high priority to our anti-money laundering, and to the combat of foreign terrorist fighters financing. We have put that high on our agenda and we have prioritized it.

And, in fact, I can say here without fear of contradiction, as an administration, a number of Cabinet members have been actively meeting with the United States, Britain, Canada, France and these other countries to ensure that the citizens of Trinidad and Tobago are safer when they go to sleep at night. We have rebuilt the relationships with some of these persons. In fact, it is very irresponsible sometimes the utterances both in and outside of the House, by those on the other side, when it comes to the talk about terrorism, because the fact is all that they are saying and they are pushing has no basis in fact behind it.

I am happy to say that in addition to this Bill, we have been working with our allies for the provision of information, for the tracking of illicit money and funds that may be going to finance foreign terrorist fighters and we will do everything

we can as an administration to put an end to it and to stamp it out wherever we find it. And that starts with this Bill, and that starts with the fight via legislative moves such as this, Madam Speaker, against illicit proceeds and just making it generally difficult, not for law-abiding citizens, but for those who flout the law and for those who want to put Trinidad in a bad light.

And without fear of contradiction I can say here today, Trinidad and Tobago, this administration takes it very seriously. We will not speak out of turn. We will not divulge national security matters that should not be in the public domain, but rest assured we have been working with our law enforcement agencies, including the bodies that track and trace money to fight terrorism as a country, Trinidad and Tobago.

And, today, I would like to use the opportunity, again, Madam Speaker, to thank all of those law enforcement officers in whatever roles they play—be it the Special Branch, be it the SSA, be it the FIB in the police service, just those policemen who are here in the Parliament, all others—for doing all that they can to protect and serve Trinidad and Tobago, and as a citizen, I thank them here today for that as well. [*Desk thumping*]

Now to the Bill, Madam Speaker. Madam Speaker, the first part of this Bill deals with mutual assistance in criminal matters. On the last occasion, we heard a lot of babbling and gurgling with respect to what this really is to do, and it seemed as though there is some fear and some nervousness. But what I would like to say on this occasion is all this amendment does—and mutual assistance in criminal matters is part of your international obligation—is that we can make a request of other countries we have a treaty with and they can make of us through legal means for documentation that resides in Trinidad and Tobago.

So you want to find out about certain documentation that resides in Trinidad and Tobago, Great Britain can write to us, the United States can write to us, France can write to us, a host of countries, using this piece of legislation, Mutual Assistance in Criminal Matters Act. What it also does is that it makes it easier for Trinidad and Tobago, not only to fulfil its international obligations, but in the following-the money-process, those who have tried to hide money that rightfully belongs to the taxpayers and the citizens of Trinidad and Tobago in foreign jurisdictions, this assists the law enforcement agencies in tracking, following and bringing that money back to Trinidad and Tobago. And I ask the question now, not rhetorically, but for a clear answer by every single parliamentarian: Why would you want to resist that?

All the amendment that is being made here does is that it removes under section 22 of the Act which is:

“...Subject to this section, a request for assistance...

(2) Such a request shall be refused if, in the opinion of the Central Authority—”

It had to do with tax.

So all we are doing here now is we are taking tax offences—anything related to tax and the payment of tax and the collection of tax—out of that basket that the Central Authority can refuse to provide the information. That is keeping directly with our obligations for the Americans under FATCA. It is keeping in our obligations with Global Forum. And just generally, Madam Speaker, why would Trinidad and Tobago want to protect anybody who is evading tax payments in any other jurisdiction in the world? This is not going to affect persons who abide by the law. All this is doing, Madam Speaker—and this amendment that is being made is saying for the tax offences, we can now provide that information and there is no automatic or discretionary—well, there will remain a discretion—but there is no automatic blocking for Trinidad and Tobago providing that.

The IRS has found accounts of their citizen, they think in Trinidad—and we had one like that recently with someone who is in the gaming industry—they can write through a recognized international process for an MLAT and request that we in Trinidad and Tobago go to court and do what it is we can to help them and to assist them. That is why it is called mutual assistance in criminal matters. So tax is now being deleted from that area and we can now freely provide that information. No need to resist that.

The third clause of this Bill before us seeks to make the prosecution for offences under the Proceeds of Crime Act simpler. I think this was the particular clause on the last occasion that seemed to have stirred a hornet’s nest. Citizens of Trinidad and Tobago, there is no attempt being made by this Government and this administration to influence any criminal matter whatsoever. I say that without fear of contradiction.

If you have breached the law then you have a right to be afraid. If you have broken the criminal law, you have a right to be afraid. If you have engaged in corruption, bid rigging, cartel behaviour, if you have gotten bribes, you have gotten things through conspiracy, you have every right to be afraid, because there is no citizen who is a right-thinking citizen or a civic-minded citizen of Trinidad and Tobago that would block and protect for anybody in that whatsoever. [*Desk thumping*]

This amendment, in particular, under the Proceeds of Crime Act is dealing with money laundering and, in particular, section 44 of the Act. What it is doing now, it is making money laundering now triable either way. It is no longer only triable indictably, which means in the Criminal Assizes of the High Court. It is now giving the law enforcement authorities and also someone who is accused, the opportunity to say how they would like the matter to be tried—for it to be tried in the Magistrates' Courts, for it to be tried in the criminal courts.

My friend, the Member for St. Augustine, who practises in that arena, in the criminal law arena, I am sure would say that an offence that is triable either way, gives—I do not want to say, your clients—but gives those who are charged and accused, an opportunity. It gives them an opportunity to say I will go through the summary court, the Magistrates' Court, or I will go before a jury in the High Court. This is with respect to money laundering; this is with respect to crimes that have been found after a period of following the money.

Money laundering—and right now as we have regulations in Trinidad and Tobago, you declare where your money comes from, the source of funds, et cetera, but there is an amount of money laundering we believe that has been taking place and continues to take place. In fact, in the United States it is one of the acts that is used all of the time, because once persons do not declare how much money it is, where it comes from, it gives their federal authorities—the FBI and others—immediate ability to go after people, to charge people, to indict people and this type of thing. Why would we want it any different in Trinidad and Tobago?

In Trinidad and Tobago, it is very simple. You go, you fill out a form—you say how much money it is, you say where you have deposited it, et cetera, et cetera—but if you are caught now utilizing various people to deposit sums all over the place, et cetera, why would the citizens of Trinidad and Tobago not want that to be declared a crime? Why would the citizens of Trinidad and Tobago not want that on summary conviction as we are proposing here the fine to be \$25 million—that is the maximum—or to imprisonment for 15 years?

We are seeing the effects now in 2017 of what went on prior to. And some of the difficulties we are facing in this country—and we are coming across it every week—is because of money laundering that took place, is because of, “bring the cheque for me”, is because of, “this is how much money to pay for that contract”. I am now standing in the House—I have said this outside of the House—this administration is not going to tolerate that by anyone. [*Desk thumping*] So choose, if you have engaged in money laundering, summary conviction in the

Magistrates' Court and a maximum fine of \$25 million, imprisonment of 15 years, or you want to go before a jury in the High Court, a fine of \$50 million, imprisonment for 30 years.

I will tell you something: some of the money flows we have seen, some of the money flows we have seen, that is small change for some of these people. Madam Speaker, what we have also done here is—So, Madam Speaker, that is to do with the proceeds of crime and, in particular, the offence of money laundering.

The next area that we are seeking to amend under this Bill is the Financial Intelligence Unit of Trinidad and Tobago. And, Madam Speaker, what we are doing is we are seeking to broaden it, because the world has changed. When the world first started looking at following the money, and fighting money laundering, et cetera, there was something called the Egmont Group and it was a small group that was literally doing the work, but now that has broadened and people are associated with it. What we are doing under the definition is, we are saying if you are associated, you are credited by it, then you are caught under this net, so we do not have to keep putting people in a Schedule.

Madam Speaker: Hon. Member for Port of Spain North/St. Ann's West, your original speaking time is now expired. You are entitled to 15 more minutes if you wish. You may continue.

Hon. S. Young: Thank you very much, Madam Speaker. [*Desk thumping*] So, Madam Speaker, the changes that we are proposing under the Financial Intelligence Unit is to make it a more efficient body. The Financial Intelligence Unit is the body charged with ensuring we fulfil our international obligations to do with money laundering and fighting crimes to do with money and this type of thing. What we are doing here—again, I cannot see how one would object to this—one of the amendments, for example, is if a jurisdiction has fallen foul of their international obligations, we now in Trinidad and Tobago, the FIU has the ability to publish that in the *Gazette* and newspapers, and that is the only way it could work.

Madam Speaker, earlier I had alluded to a conference and a preparatory meeting I went to, sitting with G20 and other big—IMF, et cetera—planning how to fight corruption, how the world should fight corruption. Trinidad and Tobago's contribution to that was as follows. In addition to legislation, one of the difficulties that is faced is very often those who breached the law and who are guilty of the offences are provided with many ways, many outs. It seems to be easier for them than for those who are trying to prosecute. There is something called "name and shame", and this is really part of naming and shaming. So if

you as a country take a decision—you are not going to work with the rest of us in the world to fight corruption, we will publish you in the newspapers after you go through a process. That is all that is.

Then there are some other things here that now give the FIU the opportunity and the ability to execute their work better. Now we are saying, if you wilfully obstruct a police officer in the exercise of their duties when they are pursuing enquiries under the FIU legislation, it is going to be more criminalized. If you give false or misleading information that is now criminalized, and we have reversed the burden of proof there as well.

Again, we are increasing the fines because the truth is, Madam Speaker, if the fines and the penalties do not move with the times, they are ineffective. People smirk at them, they turn up their noses at them. And as I say, this all ties back into our international obligations for us to get out of that enhanced area.

The next area we look at, Madam Speaker, is the Customs Act. Madam Speaker, what we are seeing in the Customs Act, one of the interesting areas—we are having a lot of crime now, violent crime, committed with the use of firearms—and we are finding that firearms are being brought into our country, including at certain ports that should be restricted ports—firearms, holsters, scopes, all of these types of things. This Government has said it is going to do all that it can to assist the law enforcement authorities in the fight against it. What we are doing here is we are saying that for firearm, ammunition, bulletproof vest, firearm accessories including lasers, lights, holsters, scopes, tools for the purpose of maintaining a firearm—except with the written permission of the Commissioner of Police or unless you are a Firearm Users Licence holder—you cannot bring those items in. Why would anybody object to that? That must be something that every right-thinking Member of Parliament is going to support. That is one of the areas.

We have also broadened the area of jurisdiction for the customs authorities. What we are saying as well now for customs authorities, quite importantly, is that if people have breached the Customs Act—because remember customs duties are charged on items coming into the country—we are telling persons who import items, you now have an obligation to keep your books for seven years, and then in another area we are saying you have obligations—every officer should cause to be kept at such place as the Comptroller may direct, documents, books, records, other information for a period of six years.

Persons have asked why we are increasing the time for the keeping of these documents. The answer is simple. In the fight against crime, you want to have a

longer period of time. If you are being protected, give those a longer opportunity to find these crimes and it actually sits directly in line with our tax laws. You have six years limitation period with your tax laws, we are doing the same thing. We are bringing it in line with the Customs Act.

Madam Speaker, the last area, and I think the Member for Siparia was very interested in this area on the last occasion. She intervened when the Attorney General was piloting the Bill. This is to do with what we call bearer notes and this is under the Exchange Control (Import and Export) Order and the Exchange Control Act. Bearer negotiable instrument: every country in the world—and this is one of the things we are obligated to do in our international treaties and obligations—is now saying, not that you cannot move with the notes, you know. So there are bonds that are called bearer bonds, once you present it, it is like the old traveller's cheques. Even I recall as a young child when you travel, your parents had traveller's cheque, they just present it at a store, they get the equivalent in cash; you use it to pay bills.

There are things called bearer notes. What is happening, and it is actually very interesting, is a lot of people who engaged in illegal activity, internationally, walk around with briefcases of bearer notes, because what it means is once you present that to a financial institution, US \$1 million is like US \$1 million bill, and it does not have anything on it saying present to Stuart Young or payable to Stuart Young; they literally walk around with these pieces of paper like a traveller's cheque, and once you present it the person is obligated to give you the money.

What we are saying is, if you have any such instruments over \$20,000 you have to declare it. Who would have a problem with that? Who would be travelling without—[*Interruption*—well, I know who has the problem but I am not engaging in that here today. Who would be against someone declaring it? So all we are saying is, if you have over \$20,000, when you are coming into Trinidad and Tobago in these instruments, declare it. What is wrong with that? When you go to the United States you see on their forms, you go to England you see on their forms there is a limit. If you are walking with X amount of cash over that, declare it.

Dr. Rowley: And there is a reason for that.

Hon. S. Young: And there is a reason for that, as I am being reminded by the Prime Minister. Why would you not want to say where the money has come from? Why would you not want to say and declare how much money you are travelling with? You have nothing to fear from the law enforcement authorities. But is it because you have to explain your money? Is it because you have to explain where that came from and you have to fulfil a reasonableness obligation?

Madam Speaker, this Government is going to do everything it can in this term, and as this administration, to fight the scourge of corruption, and we will take the abuse inside and outside Parliament, but we will not be deterred. [*Desk thumping*] I can assure every citizen of Trinidad and Tobago here today that this is being done for the future generations, and try and bring us back from the brink of where we stand and to make us, once again, a proud nation that is not engaging in corruption at every level.

And, in ending and in concluding, Madam Speaker, I put the country on notice, once again, look on very carefully at those who are the loudest objectors to this type of legislation and others like this—those who would oppose things like a revenue authority, those who would oppose, “explain your wealth”, “follow the money”, et cetera—because Madam Speaker, they may be the ones affected by making this an easier thing for law enforcement authorities.

Madam Speaker, with those words, I would like to thank you for the opportunity to contribute to the Bill. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. I take the opportunity to make a contribution on this Bill, a Bill to amend the Mutual Assistance in Criminal Matters Act, the Proceeds of Crime Act, the Financial Intelligence Unit of Trinidad and Tobago Act, the Customs Act and the Exchange Control Act.

The Acts that are to be amended are, by and large, Acts that were put into the law books of Trinidad and Tobago by a previous UNC administration. [*Desk thumping*] I simply want to point that out. [*Desk thumping*] In other words, a Government under a UNC administration initiated these Acts and actioned the legislation and put them into law, and this piece of legislation now being amended, you might say, is an amendment of a contribution by a previous UNC administration to orderly international engagement for the sovereign state of Trinidad and Tobago with other nations of the world.

This was not the only piece of legislation. Other legislation or pieces of legislation contributed were the Judicial Review Act; the Freedom of Information Act; the Proceeds of Crime Act; the Integrity in Public Life Act which, in fact, was initiated by the NAR administration and amended by the UNC administration; the Equal Opportunity Act; and I think the Data Protection Act as well.

This piece of legislation being amended, or these pieces, is to deal—as the Member for Port of Spain North/St. Ann’s West said—to deal with money launderers, to deal with terrorists, to deal with illicit money and to deal with the proceeds of criminal conduct. Who can be against strong legislation for these

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things? Any reasonable person, any law-abiding citizen, any serious parliamentarian would support these things. [*Desk thumping*] They would also support strong penalties for crimes of this nature. Nobody would be against that.

So, it is easy to support the general intent of the original Acts and any amendments that would strengthen the resolve today as far as crime is concerned. But the question that must be asked as we interrogate this Bill is: Do these amendments do that? If the amendments strengthen the original purpose and intent of the Acts that are being amended, it makes sense to say, it is fine to support the Bill. But if it deviates from it—if there is a gap between the stated intention and the reality of its impact—then we must question it, and that is the issue here today.

I recognize the good intentions of the Member for Port of Spain North/St. Ann's West in his contribution. I appreciate the fact that he is after criminal conduct and the proceeds of criminal conduct, but we need to see what will be the impact of these six clauses, I think, in the Bill that make amendments to existing law.

2.45 p.m.

So let us examine these six clauses. The six clauses amend five pieces of legislation, and the Bill, of course, itemizes the pieces of legislation in the explanation of the Bill. Clause 1 is not an issue because it does not engage any issue so there is no need to interrogate anything there, but clause 2 asks for the deletion of a section which results—and the Member for Port of Spain North/St. Ann's West talked about the fact that Trinidad and Tobago was a sovereign State in a shrinking world, and this deletion of that section could well involve the surrender of sovereign authority in relation to other Commonwealth States. And that is not a simple matter, it is a complex matter. The Mutual Assistance in Criminal Matters is in fact about the issue of extradition. Extradition is an extraordinary matter. It is not something that happens every day; it is something that happens under specific conditions, and usually rather rarely.

Now, as I understand it, and I can be corrected by any speaker on the other side, extraditions are done under a central authority under the Office of the Attorney General, and in terms of my awareness, and I am prepared to admit that I am wrong, if I am wrong, there is not now an established director in the central authority in the AG's office. [*Interruption*]

Hon. Member: He is sitting right behind you.

Mr. Hinds: You are wrong.

Dr. B. Tewarie: If I am wrong—[*Interruption*] Okay. If I am wrong about it and it is correct that you have a director, that is fine. And then, is there not also other legislation? Are there no other pieces of legislation that relate to this matter of extradition? So the pertinent question I want to ask is: Why do we want to surrender this discretion in the legislation by deleting this clause in this matter? And I want to ask whether there are other jurisdictions within the Commonwealth system that have given up this right.

I looked at the Jamaican legislation, I do not see that right given up, all right. In the Jamaican legislation, I am not aware that this particular clause which you are deleting is in fact given up as a right by Jamaica. I was not able to look at the Barbados legislation, but my understanding is that has not been taken out of the Barbados legislation either. Again, if I am incorrect, I am prepared to be corrected, and if you can provide that information it would be helpful. So the issue of why are we doing it, what is the rationale for it, why do you want to surrender a discretion, that is a matter of right as a sovereign State among nations is a question that needs to be answered to justify the deletion of this particular clause. And, secondly, if we are doing it and we have a justification, and other countries have not done it, I want that also explained. What is it that makes us want to do this and create a justification for it when other countries are not prepared to do it? So that is an issue I will leave for a response.

Clause 3 seeks to simplify the process to prosecute offences related to money laundering. How does it do so? It does so, Madam Speaker, by making money laundering both an indictable, as well as a summary offence. I am not a lawyer but I went and I tried to find out what is the difference, and one is before a judge and jury and the other one is before a magistrate in the Magistrates' Court. I made it simple so that people like me who are not versed in the law, or who are not lawyers, who are citizens, will understand. So, it is either a judge and jury or a Magistrates' Court, and it also increases the penalties for a money laundering conviction. Now, the issue is, why do we want to change it? Does it give a greater option to the person who is charged or who comes before the court? If it gives a greater option—in other words, if it gives a greater choice to the person coming before the court, well it makes sense once the choice is in the hands of the citizen, and the choice is not made for him or determined by another. The charges, the money charges, fines, are hefty, \$25 million and \$50 million, but they are indeed for grave offences, and they are also for—it is also, the numbers are the limits, not the required amount. So it is possible for someone to be charged less than 25 or less than 50 if they are found guilty.

But what is the issue that I think we need to interrogate? I think we need to acknowledge that we are living in Trinidad and Tobago, and we need to acknowledge that at the present time there are all kinds of issues surrounding the Magistracy and the Judiciary, and the justice system in Trinidad and Tobago, and I do not think it is too bold to ask who appoints the magistrates. I do not think that it is too bold to ask: Can fairness and justice be guaranteed under the current system? I do not think it is too bold to ask: Is the court system under the Magistracy efficient, effective, and above reproach? I do not think it is too bold to ask: Is the process of appointment of magistrates in this country above reproach? So I am asking the question, if perhaps there are flaws in our system involving the Magistracy in the whole structure and determination of the system, and if there are flaws even in the judge and jury system—because I remember the Attorney General bringing a Bill here in which he fought very fiercely for judge-only trials, and there was a rather active debate on that particular matter. So if there are flaws in the system, should these matters not come up for question and should they not be fully debated? [*Desk thumping*]

Is there not a general feeling, Madam Speaker, in the country that things are not right today with the Judiciary, with the Magistracy, with the system of justice in Trinidad and Tobago? Are there not questions around the Office of the Chief Justice himself? Are we trying to apply strong law for—and of First World countries—here to a system that is not well prepared, [*Desk thumping*] to a system that is not ready, to a system that is not up to mark? Is our justice system likely to be fixed soon, Madam Speaker? Are we going to significantly improve case preparation, case management? [*Interruption*]

Madam Speaker: Hon. Member, while I understand what you are trying to do, I would not allow you to make this into a debate about the criminal justice system, okay. So that I would like you to keep close to the particular amendments which are seeking to be made with this legislation.

Dr. B. Tewarie: This amendment, this particular amendment here, Madam Speaker, has to do with the choice of an individual for having his case heard in the Magistracy or by the Judiciary. It also increases the fines in the system. I am asking the question about justice and fairness in the system, and flaws in the existing system. And I am asking the question if we want to meet international obligations, whether or not we are transferring—in other words, importing systems that can be easily applied in a well-functioning system to a less than well-functioning system in Trinidad and Tobago. I mean, I am speaking to the issues under debate. The question I am asking is that if we are going to have quick

resolution of all of these issues that in fact are easily identifiable as flaws in our judicial and legal system, and justice system in Trinidad and Tobago, [*Desk thumping*] but I will leave that.

Clause 4 has to do with changes in the definition of the Egmont Group. Up to this point, the Egmont Group is defined by our legislation as 154 countries. If we make the amendment that is proposed for this Bill, it now becomes that the group of Financial Intelligence Units which subscribe to the statement of purpose and its principles rather than simply a reference to the group as a whole. So the statement of purpose and principles becomes the important matter in this legislation, and the statement of purpose and principles, which is relevant here for this legislation, is the free exchange between Financial Intelligence Units for money laundering and terrorism financing cases. So that the emphasis is on the free exchange of information among members of the Egmont Group. So the pertinent matter here is the easy exchange. It is not the existence of the Egmont Group or the exchange of information, it is the free and easy exchange of information.

So in clause 4(8)(3), we have amendments for the further empowerment of the FIU. So the FIU as an institution is being strengthened, the Financial Intelligence Unit. The question I think is pertinent here is how much more information and what information will this allow the FIU to collect, and how would the role of the FIU change in relation to the banking sector. The reason why I asked that is because, as far as I know, what happens in the banking sector now is that if the banking sector recognizes a suspicious transaction, or determines that there is reason to think that a transaction which comes through the banking system is a suspicious transaction, it then flags that to the FIU. And, therefore, the FIU would have all the information from the financial system based on the laws that we have now. So if the attempt here is to strengthen the FIU to get more information, or to be more robust in its use of information, I think that would require some kind of explanation that is more detailed than has been given us by the Member for Port of Spain North/St. Ann's West. We need to understand clearly what is the objective and impact of the strengthening of this piece of legislation here, and what it will do that it cannot do now, and what is the difference that it would make.

I have the relevant part of the legislation here, the Financial Intelligence Unit of Trinidad and Tobago, Act No. 11 of 2009, and I have the functions and powers of the FIU, and I see the powers, and what is being asked to be put in here is trends and typologies, and, secondly, what is being asked is that it will be able to act on its own volition. The FIU will be able to act on its own volition, that is to say,

without being asked to respond to a request. So the question, I think, that is relevant is: What will this change mean in reality? What does it mean? What matters do we need to take into account in the statement of purpose and its principles that relate to, first of all, information exchange between financial intelligence units having to do with money laundering and terrorism, and why is it desirable? I think we need a very clear piece of information and we need clarity on this matter, because the reason I am asking this question, Madam Speaker, is because I want to know—and it is important for citizens to know—will the FIU become more intrusive? Will it violate privacy rights? Will it violate the normal contract between the bank and the customer? What would trigger the right of the FIU to act on its own volition? These are not questions of fear or trepidation, these are legitimate questions about the functioning of these institutions in a democracy and under a constitution that guarantees individual rights, civil liberties, and privacy rights.

Now, the issue of what does, on their own motion, mean? I said their own volition, but it is the same thing, what does, on their own motion, mean? Does it mean that someone in the FIU, undesignated or designated, can act on his or her own behalf to provide information? And will this be on the basis of formal arrangements or an informal basis? I think these things need to be clarified, it is a civilized society we live in, it is a democracy we live in, and while we make strong laws and we have strong penalties, we must know very clearly how they work. Now why and when would this, on your own motion initiative, be triggered? I think it is important that the conditions be clarified, and then you have new subsection 18G. You see, it is not this alone, remember we have five Bills here, and you are amending five Bills, and when you are finished with this amendment, which is one piece of legislation, you have just put together a panoply of six pieces of legislation to deal with these matters. And, therefore, in the integrated and strategic use of these pieces of legislation the impact could be rather significant.

So I ask the question, in section 18G, for instance, in the FIU, Trinidad and Tobago Act—now this was not there in the legislation before, this is being put in now—18G(1), it requires a person to provide information, documents or explanation on any information. It would provide for a warrant. All right, so it would request information of a person. It can then seek this information by warrant, I suspect, but it does not say for non-compliance, and these things need to be clarified, and, thirdly, it can send police to get the information because of non-compliance if the institution feels, that is the FIU, that there is an attempt to obstruct justice. Now, how are these decisions made, you know? And then there

is a clause which talks about protection from self-incrimination, but that is a very, very complex matter. I mean, we see it in congressional enquiries having to do with the US all the time, and this matter of self-incrimination, and the ability to incriminate oneself, or not incriminate ourselves is a serious matter. And remember in our system a person is always assumed to be innocent. That is the whole essence of democracy that derives out of British law and British tradition, that one is presumed innocent until found guilty.

So, on the basis of what suspicion, what are the reasonable grounds for suspicion? It is issues such as these, Madam Speaker, and the issues that they raise which prompt us as a responsible Opposition to advocate for the referral of this piece of legislation to a Joint Select Committee. [*Desk thumping*] I think we had the issue of FATCA which was fought all the way along until it actually went to the Joint Select Committee, and when we did return from the Joint Select Committee, even though there were controversies over the manner of procedure in the Joint Select Committee, we ended up with better and superior legislation. [*Desk thumping*] And when you have issues like this which have to do with the violation, potentially, of individual rights, the violation, potentially, of privacy rights, and the strengthening of institutions to give powers which now allow for police interrogation, and sub-clauses having to do with self-incrimination, in other words, they come to your home, they ask you questions, and what do you do? [*Interruption*] So in this situation—you can respond when you reply, okay. I am just raising these for the ordinary citizen to understand what is at stake here. [*Desk thumping*]

So, I hope that our request for a Joint Select Committee on matters that are very, very controversial which require clarification, which require specification, which also require precision in the writing of the law, I hope that these matters will be taken seriously by the Government, that they will listen to them, and they will respond positively to our request to go to a Joint Select Committee, and bring the legislation back here, and by consensus we will pass it. It is the issues that this legislation raises having to do with human rights, privacy rights, and provisions which can lead to violation which prompt us as a responsible Opposition also to point out to the Attorney General and the Government that a three-fifths majority is required for this legislation. [*Desk thumping*] So a Joint Select Committee is a facilitative mechanism to build consensus to make a better law. It is very easily established by this House. It actually works, and we have the precedent for it. There are precedents which indicate that the Joint Select Committee is a very good place to resolve contentious issues. The referral of this piece of legislation to the JSC should not, in my view, be resisted unnecessarily. I

do not know what the Government will gain from resisting it. There is no reason to, and the Bill is only six clauses. It can be handled in quick time.

The three-fifths majority issue, I want to say, it has to do with section 5(2) of the Constitution, and I have it here. Thank you for the hardbound copy. And in 5(2)(a):

“...Parliament may not—authorise or effect the arbitrary detention, imprisonment or exile of any person”

and I think that the one issue here that goes close to that—I am not saying that it does—is the powers of the police to move into your system which was not there before. [*Interruption*]

Mr. Al-Rawi: Under warrant?

Dr. B. Tewarie: Yes.

Mr. Al-Rawi:—under warrant?

Dr. B. Tewarie: I think we need to examine that.

Madam Speaker: Hon. Member for Caroni Central, your original 30 minutes is now expired, you are entitled to 15 more minutes if you wish, and you may proceed if you wish.

Dr. B. Tewarie: I would like to. And if that does not apply, Attorney General, what about to authorize any authority to deprive an individual from protection against self-incrimination?

Mr. Al-Rawi: You see in the Bill, you see self-incrimination. It is preserved.

Dr. B. Tewarie: How do you do that? Attorney General, do you know the— [*Interruption*]

Madam Speaker: Hon. Member, are you prepared to give way? Attorney General.

Mr. Al-Rawi: Thank you. Thank you, hon. Member, for giving way. I just encourage the hon. Member to perhaps reflect in the last submission upon the expressed statement in the Bill where the right against self-incrimination is specifically preserved. Thank you.

Dr. B. Tewarie: It is preserved in the Bill. It is mentioned in the Bill as preserved, but, I am saying, we all deal with context, the practical nature of the

context. You have a situation, a police comes to your place, wherever it is, your office, or whatever, and basically begins the process of self-incrimination. You do not have a lawyer with you. I always remember making a joke with a friend of mine who once came to my assistance, and I said, but if you did not do anything, you do not have anything to worry about, and that lawyer said to me, he said, you know how many innocent men have been hanged for murder. It is something to reflect on. [*Interruption*]

Hon. Member: How many?

Dr. B. Tewarie: Be reasonable.

Hon. Member: How many?

Dr. B. Tewarie: Be reasonable.

In my view, Madam Speaker, a number of these issues—so we are asking for a Joint Select Committee, and we are asking also for the recognition of the three-fifths majority. [*Desk thumping*] A number of these issues need to be properly interrogated, hence our advocacy for these things. The Government may say that we can resolve this matter in Committee stage, but the evidence will show that the only place that the views of the Opposition are taken adequately into account is in a Joint Select Committee, and the Joint Select Committee is only agreed to when a three-fifths majority is required. Whenever the Bill involves a simple majority, whatever the amendments we propose, they are ignored entirely.

Clause 5 is an amendment of the Customs Act, and in amendment of the Customs Act—I want to say this, and I hope the two lawyers on that side will pay attention, the Attorney General and the Minister in the office—this says that it will redefine the waters of Trinidad and Tobago in accordance with section 6 of the Territorial Sea Act.

Now, I had reason to examine the proposed Bill for self-government for Tobago, and to make a presentation recently in Tobago, and that Bill actually changes the nature of territorial waters both for the island of Trinidad and the island of Tobago, and it therefore has very serious implications for what territorial waters mean, and, therefore, I do not think that we can simply make a decision on something like this in this legislation without interrogating very carefully what are the implications were there in fact to be a Bill passed which changes the waters in that clause.

Madam Speaker: But, Member, I will remind you again, the rule against anticipation, what we are dealing with is now.

3.15 p.m.

Dr. B. Tewarie: The second issue here is the adjustment of value of goods within six years and the immediate payment on determination of adjustment of no release of goods. Again, the Member for Port of Spain North/St. Ann's West mentioned the Revenue Authority and, again, from an examination of the documents available in relation to the Revenue Authority, I think that the board and the CEO and the Deputy CEO of that institution will be appointed by the political directorate, and therefore, that is a matter that would be of some concern to us. [*Desk thumping*]

Section 45—no importation of firearms. Now, the Member did explain this and I was trying to follow him, but I thought we had laws that prevented the importation of firearms already, and the accessories to the firearms. We do not have that? Is that the purpose? [*Crosstalk*]

Madam Speaker: Members, one minute. If it is, Member, while you are on your legs you wish an answer and it is forthcoming from the other side, it is up to you to give way, but I cannot allow the crosstalk as if it is a conversation.

Dr. B. Tewarie: Madam Speaker, I am hoping that if I raise the issues, whoever responds would deal with the issues. So, for the importation of these things, I mean we have a lot of problems with guns in this country. We have issues with licensed firearms and the issuance of them. We have issues with unlicensed firearms and the proliferation of them. I would hope that the element of the Bill introduced here, the clauses in the Bill introduced here will tighten, rather than loosen the system, for the proliferation of guns in Trinidad and Tobago.

Now, Madam Speaker, without the right framework, without the right context clearly defined, without checks and balances, these can be dangerous provisions. I am not saying that they are, and I am not saying that that is the Government's intention, but I am saying that there is a wide gap between stated intentions and possible uses of the elements of these pieces of legislation. [*Desk thumping*]

You have a situation—[*Crosstalk*] I did not say I am opposed, I said we want to go to the JSC and we want a three-fifths majority. In this business of the customs—customs, the brokers, the business relations, there is potential for manipulation of the system. There is always potential for bribery and corruption, for political interference, for undue influence, for business alliances, conspiracies

for the illegal entry of goods and even subversion, because guns have come into this country which facilitated an attempted coup in Trinidad and Tobago. Therefore, I want to say that it is precisely because of these issues that we require the interrogation atmosphere and the airing of the issues in a joint select committee.

The final issue is clause 6 which has to do with the Central Bank. Now, as I understand it again, in the banking system if you buy an instrument and you take it to some other country, you have to declare it to the bank, of course, and the bank will base it on your source of funds, and if you take it to another country you have to declare it when you go there. The first thing that I noticed is that the amounts here are different, let us say, to the United States or Canada. So why do we not resolve that once and for all, so that in travelling to the western hemisphere we have one number? That is the first thing. So I think for the United States, Canada, it is US \$10,000, so we could settle that.

But the second issue is when these transactions happen and you declare them, the bank would then in their reports to the Central Bank, as a matter of course, provide the information to the Central Bank. Why do you want the intrusion now of the Central Bank in this legislation over and beyond its existing function? There is no necessity for that. This is what concerns us, the overriding extended control of the State apparatus in this system. [*Desk thumping*] So on this matter, I am saying let us make it \$10,000 like the US, so that in the western hemisphere it is very clear whether you are bringing it to Trinidad and Tobago or you are taking it out, and secondly, let the banking system work and the Central Bank operate as it is supposed to under the legislation which now governs the Central Bank. And I have the Exchange Control Act here in my hand.

I think when you examine the legislation properly and not ideologically, or not in terms of Government intent, but clinically to try to tease out of it what are the possibilities that could emerge from this, you see that you end up being at a loss for clarity in this Bill. I do not think there is any decent person in this country or elsewhere who is not against money laundering, corruption, against terrorism, criminal conduct, but what is the value that is added by these amendments? What is the real value of this Bill? Will it lead to arrests and conviction and the reduction of white-collar crime? What action has been taken on the basis of FIU reports and their flagging of suspicious transactions so far? How many corrupt criminals will be brought before the law by these amendments? How many have been brought to justice so far under FIU reports? How will law enforcement improve? How will the criminal justice system benefit? How will the system be enhanced?

We on this side are very strong on taking steps to address white-collar crime. Our problem is that nothing is happening now and that the legislation in our view, unless there is something that we do not quite understand, will do nothing to improve enforcement. [*Desk thumping*] What is the record of enforcement so far on white-collar crime, in spite of the relatively strong legislation now on the books?

I was corrected on the issue of central authority and I concede, so if the Attorney General says that we do have the central authority and that is in place, I will not deal with those issues anymore.

Madam Speaker, the legislation as I said, I have no reason to doubt the good intentions of either the Attorney General or the Member for Port of Spain North/St. Ann's West, but there are very, very complicated issues that arise in this Bill. The issues really have to do with a functioning democracy. They really have to do with the authority and power of the State. They have to do with sovereign responsibility of a nation state, and they have to do with that responsibility exercised in what the Member for Port of Spain North/St. Ann's West calls a shrinking world, but which is really a very highly integrated world system, especially in the area of finance.

The issue of money laundering, of crime, of international terrorism, those things are very real and we need to pay attention to it. The Member for Port of Spain North/St. Ann's West talked about the meeting in the UK, and he talked about Trinidad and Tobago being the only small country there. We recognize that. Last night I was at a function in Chaguanas for scholarship winners and SEA winners and the acting US ambassador was there [*Crosstalk*] and he said very openly— [*Interruption*]

Hon. Member: There is no acting ambassador.

Dr. B. Tewarie: The Chargé d'Affaires; listen, I do not conduct US business, he said he was the acting ambassador.

Madam Speaker: Members, while I welcome the camaraderie, I just want to remind Members of Standing Order 53. Please proceed.

Dr. B. Tewarie: Thank you, Madam Speaker. How many minutes do I have, Madam Speaker.

Madam Speaker: You have one minute left. [*Laughter*]

Dr. B. Tewarie: And he said that Trinidad and Tobago was a country that was very important and being looked at. And what he meant clearly was that in this time of high international finance crimes, of high terrorism, of criminality that

crossed borders, that this was a country that you had to pay attention to. So I concede to the Member for Port of Spain North/St. Ann's West that we need to address those issues. There is no issue about that. The question is how do we do it and do we do it well and do we do it as a sovereign State in the best interest of our citizens rather than any other concern.

Thank you very much, Madam Speaker. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Let me address very briefly some of the points raised with pretentious passion by the Member for Caroni Central.

He asked the question rather glibly, what have we done to deal with white-collar crime? Well, the records would show that this Government since we came into office, we used the power and the law that is available to the Government, that is to say, actions in the civil court, seeking redress for apparent so far, wrongs that have taken place against the Treasury and the people of Trinidad and Tobago. The matters have been and are being investigated, and through the Office of the Attorney General, civil action has been pursued against certain persons so that they will have their day in court to explain the challenges that those actions present, and that is all the Government could do.

In respect of the criminal side, that is a matter for the police, that is a matter for the DPP, over which we have no control, over whose activity we must take no part, so we cannot be therefore involved. Therefore, to answer my friend's question, this Government has done and will continue to do all that is within its power to treat with white-collar crime as we found it in prevalence when we came into government. But my friend, the Member for Caroni Central, is in a state of in-between it. He almost challenged for the leadership of the UNC, and he is still a member of the 120-strong COP.

Madam Speaker, he said to us that any serious parliamentarian would support these measures. But the records in this House show that his colleagues on the other side—and that is why I tell him speak for himself—have demonstrated consistently in this Parliament that they are not in that sense serious. I just want to tell him, there are serious money launderers—[*Interruption*]

Mr. Lee: Madam Speaker, 48(6)—48(6).

Hon. F. Hinds: I did not say “they are”, I said, “There are”. I said, “There are”.

Madam Speaker: Overruled, please continue.

Hon. F. Hinds: I said there are serious—he said to us any serious parliamentarian would support these measures. I told him speak for himself, because there are in this world serious money launderers, serious bribe takers and serious thieves, whether they will support it, is quite a different story. [*Laughter*]

The Member for Caroni Central must notice today in this very important debate, certain serious Members on the other side are, to me at any rate, I do not know if they gave you an explanation, but to me, the Member for Laventille West, inexplicably and strangely absent. All of the concerns he has expressed, how serious it is, what the Chargé d’Affaires of the US embassy said yesterday. Many of the serious players, starting with the Member for Siparia, the Member for Oropouche East, the Member for Caroni East, are absent today, the Member for Chaguanas West; to me, inexplicably and strangely absent, serious as this is. Talk for yourself.

The Member for Caroni Central told us that there are flaws in the appointments and the system of the Magistracy; we know that. He told us as well that there are issues in the senior Judiciary; we also know that. But those are matters that are being addressed, and will constantly have to be addressed, but they are separate from this. Those matters cannot detain us or cause us to stand still on these equally important issues, understand that—understand that. They will be addressed and, of course, they are being addressed.

On the point of self-incrimination, the Member challenged the amendment to the FIU Act, and told us that the amendments that are before us in this regard have the potential, at least one of them, to cause or engender self-incrimination which is a breach of section 5 of the Constitution, and he quoted the relevant section in the Constitution.

I simply want to draw to the Member’s attention, in the Bill that he has just contributed to, a copy of which I hold in my right hand, in the amendment to the FIU Act, we are inserting a new section 2E, which says and I quote:

“Nothing in this section shall be construed as requiring any person to give any information which may incriminate him.”

A very simple answer to a very banal question. Therefore, on that point, and on that point alone, there is no question of any breach of the constitutional provisions according to the Trinidad and Tobago Constitution—none, none, none.

Madam Speaker, as has been said by previous speakers, this Bill amends the Mutual Assistance in Criminal Matters Act, the Proceeds of Crime Act, the Financial Intelligence Unit Act, the Customs Act and the Exchange Control Acts,

as well as the FIU Act Regulations and the Exchange Control (Import and Export) Order of 1993. The common feature with all of these five—or depending on how you look at it, seven elements—is that they deal with money. Most crimes are about money, wealth accumulation, trying to get a hold of what is not rightly or justifiably yours. Money is the root of all evil they say.

Mr. Charles: The love of money.

Hon. F. Hinds: The love of money, same thing.

Mr. Charles: It is not the same thing; you will not understand.

Hon. F. Hinds: Just by way of a quick example, and I know an investigation is now under way, but in the matter of the recent escape, if you can call it that, of a prisoner, in that matter I am looking forward to the outcome of the investigation and I would not be surprised, Madam Speaker, if it turns out that that, the lure or the power of money made its presence felt. I would not be surprised.

Madam Speaker: I will not allow you to go any further on that. Please move on, Member.

Hon. F. Hinds: Thank you very much. Whether the crime is blackmail, larceny, robbery, money laundering, kidnapping for ransom, extortion, murder, or human trafficking, usually it is about money. And it is now self-evident to law enforcement that if you follow the money you are likely to find the crime and most certainly the criminals. It is like, you know sometimes I say you just have to look at where the pipers trek every night or every day, and you have a good idea of where the drug merchants are, just follow it. In a sense you can detect a lot of crimes as well if you take the profit out of it.

My friends on the other side, much as the Member for Caroni Central tells us with great assertion that any serious person would support these measures, I have found sitting here, participating in these debates that there are many on that side who have shown abject rejection and resistance to supporting measures to follow the money. That is my experience, and I have to ask myself and I do ask myself why. But we will follow the money, and likely, we will find the crimes and we will find the criminals.

The information technology platform in the world today means that crime has become far more cross-border than it could have been in the past, and far more organized. In response to this international reality, approximately 190 countries of the world, including Trinidad and Tobago, have organized themselves to operate on the same principles, follow the money, on the same laws, FIUs in 152

countries, in order to put up an international response to what is a burgeoning international problem.

I read a case years ago where a young man working in a financial institution, a bank in London, took the pence of all the accounts he dealt with. He took the cents. So if the person had 198 pounds and 36 cents, he took that 36 pence, and he did that in many, many, many cases and accumulated a substantial amount of money, and each victim would not have even recognized it. But the money was transferred electronically to a bank in Kuwait, and there arose an issue as to where the crime was consummated, whether it was consummated in England where it was removed or whether where it was kept permanently to deprive the owner thereof. That was a live issue.

So today, you have these complications, and the IT platform is used in this regard, and therefore ours is just one of 190 countries of 195. The world recognizes 195 countries, bar the Holy Sea and the States of Palestine. There are some particular international law issues around those, but the world recognizes 195 separate States or countries and 190 are engaged in the same actions and the same kinds of laws and principles of which we now speak.

This is the international standard dealing—and these countries judge themselves. You heard the Attorney General and the Member for Port of Spain North/St. Ann's West tell us about these evaluations and the reports that come from them. These countries have a mechanism to look at each other to see if whether each other is keeping their end of the bargain to protect all of us from international and organized cross-border crimes, human trafficking, money laundering and the like.

You would recall the airport scandal which is still in front of us. It was the United States international money laundering apparatus that detected that money was being laundered from Piarco out of Trinidad and Tobago. It was not any local organization who determined that, you know. It was the United States apparatus, and they informed the Government of Trinidad and Tobago, and a PNM Government did what was required after that and today we have a situation where persons are before the court for 17 years, but that is a separate issue. Showing that when you have big money and deep pockets you could throw plenty money at the court, overwhelm it and you could try to protect yourself that way.

So, countries are judged in this pool of 192, by the way that they manage this business of money laundering and terrorism. And talking about terrorism, it is real as the Member for Caroni Central told us. Anything that happens anywhere in the world you could expect it anywhere, including in Trinidad and Tobago.

Last week I travelled, the week before, and I saw the Israelis and how they have to deal with terrorism in their country in a very hostile neighbourhood. I am not getting involved in their politics, but they are surrounded by Egypt and Jordan and Lebanon and Syria, raw hostility, and they have to deal with terrorism on a daily and an hourly basis, and there are certain techniques in order to deal with that. Because there are people who finance terrorism, so all of these measures here are designed to assist us. There were reports in 1990 that some foreign country was sending arms and sending money and sending medicines to a certain organization here to attack the State, and therefore, these measures are important; nothing to play about.

The Attorney General told us about the third and fourth round evaluations, and he explained the entire process. The Member for Port of Spain North/St. Ann's West, and I do not have to repeat it, told us about the group that we are in, the ICRG, the International Co-operation Review Group, and why we want to get ourselves out of these. He told us, and the country must take note, these are not simple issues. If you do not meet these standards, very severe consequences can be brought by this international group upon your country, making you a pariah state, taking you out of the international banking system, and the same troubles that we anticipated if we did not pass the FATCA law can afflict us if we do not come to terms with these improvements.

It is for that reason, among others, that we are here today asking our friends on the other side to be patriotic and to do their parliamentary duty in a very stoic and patriotic way. Support this and you will be supporting Trinidad and Tobago, not the PNM, and that is why we are here today.

Following on the June 2016 Mutual Evaluation Report, certain recommendations were made. The principles of which I spoke, there are 40 recommendations of the FATF and of the subset that we are a part of called Caribbean or CFATF. Some of the recommendations are what we have brought here today in order that we could keep step with the platform that has been set by the 192 countries. If we do not do that, we have a problem.

Just for the benefit of the listeners, the term "mutual legal assistance" refers to formal cooperation between sovereign States in criminal investigations and proceedings. Mutual legal assistance includes the provision of information and evidence to other jurisdictions, and making witnesses available to foreign trial courts. Many mutual legal assistance treaties also include the provision of service of legal documents and for freezing and recovery of assets. Beautiful, why are some people going to be afraid of this? Why?

For example, if a citizen of Trinidad and Tobago, a banker, an accountant, a former Minister of Government, obtains money improperly in Trinidad and Tobago and seeks to hide it elsewhere, we will need help from that country in order to deal with that citizen, that former Minister, that accountant, that banker here, and this makes this business of mutual assistance particularly important—particularly important.

I heard the Member for Caroni Central speak of the Central Authority. The role of the Central Authority, upon receipt of a request for information, typically includes determining whether the request meets the requirement of its domestic law and deciding whether it will in its jurisdiction execute the request. And yes, there is a director in place doing a wonderful job for the people of Trinidad and Tobago, Member for Caroni Central.

Madam Speaker, I would have thought that given the thorough explanation as offered by the Member for San Fernando West and the thorough explanation given by the Member for Port of Spain North/St. Ann's West, it would have put to bed in the mind and in the intellect of a learned man like the Member for Caroni Central, all of the issues around the removal of section 22(2)(k) of this Act, but it appears as though it has not. So I am now forced to waste my time to go over again why we are removing section 22(2)(k) of the Act.

Simply put, to start with, it is a recommendation from the Mutual Evaluation Report. That is to start with. It is a recommendation.

3.45 p.m.

Secondly, Madam Speaker, let me just get this for you, in 2013, the Government of the United National Congress so-called PP Government, they signed on to an agreement which promised that they would do precisely this, in 2013. How then do they have difficulty with it today? We are meeting our international obligation which we signed on to, and in 2013 they signed on and agreed that this measure will be brought in the Berlin Declaration named after the place where the declaration was settled.

So, to answer my friends on the other side, this was something you promised internationally and it fell to us—since 2013. They left office three months after the five-year term expired, in 2015, after a sound PNM “licking” and they never touched it. They never kept their promise to the international community; it falls to us. And then hypocritically and deceitfully, they come here now to ask us, why we are doing that. And what are we doing? We are simply, in the existing arrangement in section 22(2)(k), we say in the law, the Mutual Assistance in Criminal Matters law, that when the request for information had to do with tax

issues that might affect the person who is the subject of the investigation in their criminal law, we had a discretion to refuse it. Because we have now learnt even from FATCA, because FATCA was the United States saying that they want access to tax information in Trinidad and Tobago which is being hidden by any of the citizens or any business in the United States in Trinidad and Tobago and, of course, it is a treaty so it is supposed to be reciprocal.

We understood from that, that tax is a very ingredient in the Government's armoury, so to speak, especially Uncle Sam. If there is one country in the world we know "doh" play with taxes is Uncle Sam. Their IRS takes the business of taxation particularly seriously and Trinidad and Tobago today should be doing that. That is why we are proposing a Revenue Authority akin to the IRS to make tax collection more efficient because the Government needs the tax especially in today's circumstances where revenue from our export products has gone almost flat.

So, tax is an important business and understanding that, we are now saying that we will provide that support to our international partners and they will provide that support to us. So section 22(2)(k) when removed, will remove that discretion and allow for the sharing of tax information to a foreign partner as they will accord to us.

So, Madam Speaker, we had to take them kicking and screaming to sign FATCA and they did it under public gaze. They became ashamed and afraid of the public who was seeing clearly that what we were trying to achieve in FATCA was for the benefit of Trinidad and Tobago, to save us from international scorn and reproach, and they too had signed on to FATCA. They were the ones who entered into the IRA, they were the ones, and eventually and reluctantly they agreed and we passed the legislation in this House. So it is nothing different and we call on them to support us today.

As it now stands, section 22(2)(k) is inconsistent with the very FATCA that we passed here, very much inconsistent with it and therefore, its removal is to make it consistent with other laws that they passed in this House, to make it consistent with our expectations and our obligations internationally and all together there is where we are going. We are following the money, and I know some people are afraid of FATCA; some people are afraid of FATF; some people are afraid of PwC; some people are afraid of the law; some people are afraid of police; some people are afraid of the Member for Port of Spain North/St. Ann's West; some people are afraid of the Member for San Fernando West; and some people "fraid that like how cat fraid water". They "fraid it like how Satan fraid holy water". And they

can do what they want, we will continue to do what we have to do, because by following the money for the past two years we have unearthed certain cartel activities, certain bid-rigging, certain bribery and identified in a particular case a particular bribe, tax evasion, money laundering, et al. So we know we are on the right track and we are not afraid because according to a former US Ambassador, we “doh have no caw caw in the sun”. That was his way of saying cocoa. [Crosstalk] So, we proceed.

Clause 3 of this Bill and I move on from section 22, they have now heard it in the greatest detail from three speakers on this side and as a result I rest that, I rest that.

Clause 3 seeks to amend section 44 of the Proceeds of Crime Act. The Attorney General described it in his contribution as dynamite and it is really serious because it now makes money laundering, which was an indictable offence, one that is triable either way, meaning that it could be tried in the High Court, as well as in the Magistrates’ Court. And we heard some comments from my friend about the Magistrates’ Court, and I have already told the Member for Caroni Central, as I tell all of them, yes, there are issues in all aspects of the governance and the management. Trinidad and Tobago, I will be the first to admit, is a troubled place made far more troubled by the advent of those people being in Government for five years. They did untold damage to every single institution in this country, [Desk thumping] everything and therefore, that is the way we are treating with it. So, one can have the option, the DPP has some decision to make whether it is going to be done before a judge and jury, whether it is to be done in the Magistrates’ Court. As it now stands, if you leave it as an indictable offence simpliciter, what you will find is exactly what you find in such cases where it is prolonged in the Magistrates’ Court, and there are people with deep pockets who know how to play the thing, as we have seen.

Now, the Member for Caroni East he spoke earlier in this debate and he [Crosstalk] yes, no, I must, I must—he confused like crazy the difference between mutual assistance and extradition. But again, in the Mutual Assistance in Criminal Matters Act, Chap. 11:24, in section 6 it says expressly and I quote:

“Nothing in this Act authorises the extradition, or the arrest or detention of any person for the purpose of extradition.”

I forgive the Member for Caroni East because in the first place, he is not an attorney-at-law.

Secondly, they sent him in just to pad up a little bit and to detain us from the very useful approach that we are talking here, but extradition is quite a separate

matter. He raised all manners of extradition. We are not dealing with that here, we are dealing with mutual assistance which is a different thing, and he cited the case in which Mr. Justice Boodoosingh pronounced on this matter. That was an entirely different thing, where some of the Piarco airport persons were before the court dealing with whether the matters should be heard in Trinidad or heard in the United States, a separate issue. And the court applying the so-called Cotroni principles, decided that they would be better heard in Trinidad and Tobago, the matters, and the court pronounced accordingly. That has nothing to do with mutual assistance in criminal matters. So, it is a pity that the Member for Caroni East is not here, but one of them can communicate with him and let him know that that is not an issue; that is not an issue.

So, Madam Speaker, in terms of the attempts of the Government, not only are we complying with our international obligation here, but what we are doing is trying to open up the criminal justice system. It is in that context that we approach this Parliament to abolish preliminary enquiries because we understand how that archaic method could obstruct the system, we understand how delays affect us. So we are proposing that and we seek the support.

We propose as well, trial by judge alone. We propose to section off or to open a division of the court dealing with family law and children cases so that they will be managed in a certain way, and very shortly the same with the criminal cases. I am only mentioning those things en passant to let the Parliament and my friends on the other side, in particular, understand that action is being taken to improve the criminal justice system, and I say so in answer to my friend the Member for Caroni Central. Not to forget that the whole ticketing regime, most of which found themselves inside of the Magistrates' Court, will now be treated with administratively so as to free up 120,000 cases from that structure to make it cleaner, to make it lighter so it could work a little more swiftly to the benefit of all Trinidad and Tobago, and that is the reason why.

Madam Speaker: Hon. Member, your original 30 minutes are now spent. You are entitled to 15 more minutes if you wish to avail yourself of it. Please, continue.

Hon. F. Hinds: Most certainly, Madam Speaker, and thank you very much. [*Desk thumping*] In the case of the summary matters, if they are heard summarily, the fine is \$25 million because we are not talking small money here. We have seen in the Cabinet of Trinidad and Tobago, deals, programmes, construction programmes, development loans in the tune of \$1 billion, once, twice, three times. We have seen millions and millions, hundreds of millions of dollars. We saw

recently and I “doh” want to deal with the matter, you may tell me, my friend on the other side, it is sub judice, but we saw where a piece of land that was valued by the State for \$52 million was sold for \$125 million.

Madam Speaker: Member, I am not going to let you go any further, please.

Hon. F. Hinds: And therefore, the fine of \$25 million should not startle us. Those whose hands were in the cookie jars will know that \$25 million might be a “jiggle in a piggle”, but for the average citizen, including me, that is real money, and therefore, the fine is \$25 million and the sentence is 15 years. Personally, it should be 50 for me, but I will support the Attorney General’s proposal for 15 years. And if the matter is dealt with and you are convicted indictably, the fine is \$50 million, for some a “jiggle in a piggle”, but 30 years, it will be open to the court to sentence to 30 years imprisonment.

Clause 4 seeks to amend section 2 of the FIU Act as well, where in that section we recognize the so-called Egmont Group. We joined in 2013 at the same time I spoke to you about, Madam Speaker, when I told you they signed on and promised to do certain things. There are 152 countries with FIUs doing the same things that we do, sharing and exchanging information.

And we are saying here, traditionally the sharing came upon requests, so the principle is sharing. But we now say in the current law that we share if the information is requested. Common sense alone tells us, the evaluation report tells us, the Berlin Agreement tells us that we should not only share when it is requested, but we can act, not we, every FIU of the 152 could act on its own volition and share information because the principle remains whole, that of sharing. What problems my friends could have with that? The principle is the same, the concept is the same. The only thing is, on its own volition, an FIU can share information, and I hark back to the airport scandal. The United States identified something.

They first, they told us, at least the Prime Minister at the time told us, when they saw the large amounts of money moving, they thought first it was about drug dealing. Upon their enquiry, they realized it had not to do with drugs, but it had to do with laundering out of the airport in Trinidad and Tobago, out of the airport contract, that began at 400, it was approved at \$400 million and it went to \$1.6 billion, it quadrupled. That is \$1,000 million plus another \$600 million. I am sorry, \$1.6 billion. And therefore, this business or sharing information on your own volition, we Trinidad and Tobago was a beneficiary of that, quite apart from the principle as I expressed, and therefore, we have no problem with that and I support the measure.

Section 12 is amended to make it a summary offence where the financial institution fails to comply with a court order. Previously, it was an indictable offence, makes it easier now and we can proceed.

Clause 5 of this Bill amends the Customs Act, and as we all know, customs is critical to the economy, over \$4 billion in revenue was brought in last year by the Customs division and therefore, it is very important especially in this time of economic hardship, and anything that could be done to make their collection of taxes and their work easier and more efficient is to the benefit of Trinidad and Tobago. And if we say that you are obliged if you make some declaration, and there has been some amendment to it, usually you have to keep it for three months.

And if we say now that you should keep it for six years which is consistent with existing laws in the Income Tax Act, nothing is bad or strange about that; you just keep the records. That is all the importer is expected to do, just keep the records in the event that they have to call on you for it, you produce it and you keep it for six years. You do the same with your income tax records in any event, no issue there at all, but my friend the Member for Caroni Central on behalf of the Opposition made very heavy weather of that. And then you are required to produce it when it is requested during that six years, in 30 days; that is all.

The Member for Caroni East as I close, he asked again very glibly: why are we after two years in office, he asked deceptively, why are we still a money laundering country? Imagine, we have to answer that from my friends on the other side. Why after two years we are still a money laundering country? I told him, as I tell him now, I told my friends on the other side, we have been working assiduously in the last two years. The very measure in front of us today is testimony to the fact that we are attempting to deal with it, the very measures before us. And in any case, the Member for Caroni East was basing that question on the evidence he gave, as he raised it, on the issue of drug interdiction. He quoted a report that dealt with drugs and not necessarily the business of sharing this kind of information.

Madam Speaker, I recognize that my time has run and therefore, I ask my friends on the other side, these are very, very simple amendments to existing legislation, very simple amendments. There is no question of any breach of the Constitution and therefore, a simple majority is all that is here required. We have made it clear in express terms in a new subsection (2E) that self-incrimination is not an issue. We have explained ad nauseam why we are removing the discretion in section 22(2)(k). We have dealt with those issues.

All I could do on behalf of Trinidad and Tobago, the people who need our protection from this Parliament, is that my friends on the other side will put their personal concerns, put their personal pique aside, their fears for anything because we are not as fearsome as they might think, we are just following the law and following the money. I urge my friends therefore on the other side to support these measures, and I thank you very warmly, Madam Speaker, for the privilege. [*Desk thumping*]

Mr. Prakash Ramadhar (*St. Augustine*): Thank you, Madam Speaker. Many years ago I went on a boys' lime to Cancun. It was an extremely happy event, but what I remember most of all from that event was that one of the numbers, not excluding myself I will say, who could not swim, went into one of the most magnificent and beautiful pools you would have ever seen. And thereafter several minutes of much commotion, flapping and water movement, he emerged and looked up to see that he had not moved one inch. This flapping is reminiscent of what we have here, [*Desk thumping*] much motion without movement.

As my friend, and I mean that in a truism, the Member for Laventille West, has indicated that the country is afraid and many are afraid, of course, of the change of laws; they are afraid of bandits; they are afraid of murder; they are afraid of high food prices; they are afraid of recession; they are afraid of being laid off; they are afraid of property tax; they are afraid of so many things and they are also afraid that the campaign never ends. [*Desk thumping*]

Without doubt, what has been happening with the very skilful use of language is to suggest that all that has gone wrong with this country could be put on the shoulders of a prior Government and of Members of Parliament who sit here. As much as that rhetoric will strike a chord for those who are not careful, I ask myself: When will the truth ever be told? When will it truly be told? Because I am hearing, Mr. Prime Minister, and I hope that I got it wrong from the news because there is so much fake news about, that the Cabinet of my country under the Prime Minister's direction, put together a committee manned by Ministers to assist in the procurement, is it?—

Mr. Indarsingh: Yes. Yes. A subcommittee.

Mr. P. Ramadhar:—of ferry, for service of our beloved brothers and sisters in Tobago? When have we arrived at a position where politicians have the authority to determine procurement? [*Desk thumping*] As an aside, maybe they have it right now in getting as one of the legal officers in the Office of the Prime Minister, Nafeesa Mohammed, a person who I have great admiration and respect—

Madam Speaker: Member, I just want to know if you could tie what you are saying to the Bill, please.

Mr. P. Ramadhar: I am most grateful because the tie is clear, the rope is as strong as you could get. We are dealing here with corruption. [*Desk thumping*]

Hon. Member: 48(1), 48(6).

Madam Speaker: Member, again, I do not see the relevance. What we are dealing with is certain provisions. I would ask you to deal with those provisions. As far as 48(6), I do not make any ruling on that, but I do not believe that we are dealing with corruption, we are dealing with certain pieces of legislation, please.

Mr. P. Ramadhar: There I go falling victim to the words of “meh” friend, the Member for Port of Spain North/St. Ann’s West. When he spoke, he opened and said that this is about corruption. [*Desk thumping*] I am getting fooled repeatedly like other citizens in this country. This is what they said. The substance of this legislation—[*Interruption*]

Madam Speaker: Member, I have already ruled, please.

Mr. P. Ramadhar: Thank you. So when we deal now with the issues of procurement, I ask, we bring all of this flattering legislation and not flattering in the sense of commendation, but flattering as a fowl with its head cut off. Where is the implementation or procurement legislation? If it is the allegation is to be made that the last Government was all about corruption and that is the image that they want to create, the propaganda that has been spread and seeped into the psyche of the nation, it was that Government that put legislation on the books for procurement legislation. Why are we not, after two-plus years, hearing about the implementation of this thing? That is what the population wants to hear about. [*Desk thumping*]

They do not want to hear about mutual assistance, they want to hear about local assistance in dealing with corruption on the ground before we get money to go elsewhere, let us prevent it from going anywhere, and that to me is where we should be focusing upon. No, I want to make it quite clear.

There are many on the other side who genuinely wish to see a better Trinidad and Tobago, who genuinely believe that legislative change is necessary, as we all believe. And to have heard my learned friend, the Member for Laventille West, go through the most pedantic and self-evident statements, really does not help us one iota, because what we need to do is to look and see if this legislation will really do the things that it is expected to, the proclamations, with the greatest

expectations, whether they will achieve these things or whether they are just there to give a flash in the pan that something is happening, and after the flash is gone not a sound, not a murmur, not a movement. We have had a lot of legislative change already. We have a lot of laws on the books of Trinidad and Tobago that are not being implemented. [*Desk thumping*]

To put it in a context, I have never seen a law book lock up anybody. I have never seen a law book prosecute anything. Laws are necessary. If we do not have the foundational laws that we already have at our disposal and we use it to benefit, are we creating a fiction to believe that the more law there is that we are a more lawful country? Apparently when there are more laws passed and put on our books, there is less adherence to those laws. What about the implementation and effectiveness of these laws? Is the DPP's Office and I know some effort has been made to give its manpower, the necessary numbers that they require, and I compliment that, but I think we need to do far more for them.

And the Member for Caroni Central hit on a most important foundational note when he spoke about the Judiciary because all of these laws, at the end of the day and the beginning of a prosecution, come before our courts. And if the people of Trinidad and Tobago are not satisfied and have confidence in that institution, then a lot of the things that will happen will be seen as mischievous, and many have been in the past, and it will not carry the sort of confidence that is required to restore a nation of values, a nation of order and a nation that is law-abiding and seriously so, and not just for the sake of saying that we are.

I give you an example. Yesterday, I think it was in the news, there was an appointment of three High Court Judges. How many in this room and we are at the, what should I say, in the hierarchy of the nation, close, you know, at the top of it, and in the wider community, how many have even an iota who these persons are who we bestow power upon who will determine the sake of lives, sometimes the future of our lives in a real sense or, at least, in a commercial sense and certainly they have the power to determine our rights? We need, Attorney General, my friend—[*Interruption*]

Mr. Al-Rawi: Member, would you give way?

Mr. P. Ramadhar: Of course.

Mr. Al-Rawi: Just for the record and out of regard. Thank you, first of all, for giving way. I just want to put on record that Magistrate Gibson now Justice Gibson and Magistrate Ramsumair-Hinds, I have had the pleasure of practising before both of them for many, many years in the Judiciary, both as they sat, in the

case of Madam Justice Gibson, a temporary judge and then a Magistrate, and also in respect of the hon. Magistrate Hinds. So, I just want to put onto the record that they are well known to those of us who have practised in court.

4.15 p.m.

Mr. P. Ramadhar: So we have one. The Attorney General knows. How many others do?

Mr. Al-Rawi: Would you give way?

Mr. P. Ramadhar: No, I would not. Maybe two, maybe three. The point being, Mr. Deputy Speaker, is that we need a new system to assess—

Mr. Deyalsingh: Mr. Deputy Speaker, 48(1) please. This is not about the Judiciary.

Mr. Deputy Speaker: Overruled! Overruled! But Member, again, tie in your point and get back on track, please.

Mr. P. Ramadhar: I could understand the anxieties of my learned friends, but we are in a position in this nation where we need to reinvent ourselves, sometimes from the foundation which we have moved away from. [*Crosstalk*]

Mr. Deputy Speaker: Caroni! Caroni Central, please! Proceed, Member for St. Augustine.

Mr. P. Ramadhar: Thank you very much, Mr. Deputy Speaker. So all of these laws that we passed, unless these seeds from which we hope great fruit to bear from the plants which are being planted, it is planted in fertile soil in a Judiciary we can trust, then all we would bear in the future is disappointment and some level of loss of further respect. And that is the point the Member for Caroni Central was making and I could hardly agree with him more.

Mr. Deputy Speaker, we move forward. We now have this new section or the new amendment that allows money laundering to be determined by a magistrate. With all due respect—and there are some fantastic, brilliant minds who sit in the Magistracy—money laundering, by its very nature, would be extremely complex matters, and the very thing that my friends wish to avoid, which is to burden the courts, because if they have any idea about the number of cases before any single magistrate on any single day, just going through the list is such a burden, so to put that burden and I cannot imagine that they put in the same capacity, matters to be heard that involve financial machinations, that may involve international game play, as we have been hearing repeatedly from every speaker, to be determined in the Magistrates' Court, when those magistrates are so already overburdened.

Miscellaneous Provisions Bill, 2017
[MR. RAMADHAR]

Friday, December 01, 2017

How many cases—and my friend the Attorney General is always very, very quick to reference statistics to tell us how many these require, how many of those. Have we heard a statistic even of the speculation with all of the material available to the FIU as it is now, as to how many prosecutable cases that could be possibly put before a court, how many there are, and why the need then? Are we in the tens, the dozens, the hundreds, the thousands, to say that it then requires the attention of a magistrate?

And you know, in a devaluing currency environment, TT \$25 million is a whole “lotta” money. Twenty-five million dollars is the maximum fine that a magistrate is now given the power to implement. Do you know the suspicions in the Magistrates’ Court that it will create? Whether it is a trial that you have a choice in to say, yes. And I agree, and I make no bones about it. I am a criminal defence attorney and I do all sorts of cases and for disclosure purposes, including cases against customs, \$25 million. I ask myself, as a lawyer, why would I suggest to a client to put that decision in the hand of a single person—and tying back now into the first part—who has not been tested in terms of the public having an assessment of who this person is, how they qualified to be a magistrate apart from seven years’ service? Why would I do this, to put that into the hand of a single person? And you know what? We have heard it many times before, certain persons wish to have cases done before certain courts. I make no allegations.

Mr. Deputy Speaker: Member, again, keep focus on the Bill at hand. It is not about the Magistracy or the Judiciary. You are making the point, but I need you to tie it back in quickly and come back to the Bill at hand.

Mr. P. Ramadhar: The point being, that when there is so much money what you will do is to create more suspicion that they chose to do a case before the Magistrates’ Court rather than a jury trial, because something is amiss. The very mischief that all my friends on the other side spoke about, the love of money, the seductive element of the thing can cause men and women to do things they never imagined they would, and that is the point I am making, further undermining the confidence in the Judiciary that we ought to have. And that is the point. So it is most relevant, because the foundations upon which all of these laws are placed would be ultimately the determination of a court, whether in the High Court or in the Magistrates’ Court.

Mr. Deputy Speaker, it is very interesting when one looks at the compendium of legislative change that is before us today, and I too have to add my voice to the concern, that the FIU’s ability to:

“...collect information as required for—tactical and strategic analysis, in order to generate...trends and typologies...”—and to:

“disseminate financial intelligence...information to local and foreign authorities...”—on their own motion or upon request.

This could be a capricious exercise that rightly or wrongly, because they may have good motive behind it, but we are not here only about the motive of those who we give power, but the legitimacy of the exercise of that power. What this is saying here is that the FIU could do things without being prodded by a need to go into the private and personal and confidential affairs of every single citizen.

Not about Minister or foreign Minister, we are talking about every citizen in the nation. This is an overreach of power that, with all due respect, is not required here, because there is no trigger. [*Desk thumping*] There is no trigger that says there is a reasonable cause to do so. When you look at the wide scope of the language it is almost like, you know, okay, I feel to do this, let me check on the Member for Tobago West, let me check on whomever, and then put it under the category for the purpose of, and I would read it again, to:

“...collect information as required for—tactical and strategic analysis, in order to generate...trends and typologies...”

This is enormous power. And whether they have power already, the issue now is why are we adding to it when we have not seen any benefit to our country from the FIU's work? [*Desk thumping*] This—what shall I say?—cascade of cases for money laundering, when is it going to come? Why is it going to come? The FIU does not have already sufficient? And we hear reports of so many suspicious transactions being transmitted for investigation and nothing comes of it. Why are we doing this? You see, if something shows merit then you give it the kind of gas or the lubrication to continue its works. But I say there will come time when we must speak to this more, but at this point in time I am saying it is not necessary because my friends have shown no logical or explained reason for the exercise of this further power.

Now, much ado about a lot. The issue of the section 18G and this deals, Mr. Deputy Speaker, with the right—sorry, the power we now wish to give to ensure that information is given but yet there is a catch-all phrase that says that it does not affect the right against self-incrimination. Mr. Deputy Speaker, this is a very dangerous venture into settled rights, and it reads this at 18G:

“(2A) In order to secure compliance with the written laws listed under 18F, the FIU may require any person to provide to it any documents, information or explanation on any information.”

Now, tie that back with the section I just referenced. They may have no good cause or reason to require this other than to get material to create typologies and trends. But here is the power for them now acting like a statistical office:

“(2B) A warrant under subsection (2) may include the requirement to provide a police officer with any information or any explanation on any information in accordance with subsection (1)(b).

(2C) Without prejudice to any other written law, a person who –

- (a) wilfully obstructs a police officer in the exercise of his powers or the performance of his duties under this section;
- (b) wilfully fails to comply with any requirement properly made to him by any such police officer; or
- (c) without reasonable excuse, fails to give such police officer any other assistance which he may reasonably require to be given for the purpose of exercising his powers or performing his duties under this section, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment...”

Hear this:

“...imprisonment for twelve months.”

My learned friends, my fellow attorneys on the other side must know, and the Member for Laventille West more so than most, he being extremely well-experienced in the bitter duties of a police officer, and what really is obstructing a police officer in the execution of their duty. I will give you one wild example. You know in the old days before the Partnership introduced speed guns that has been usurped in all of its glory by my friends—and I am grateful that they are proceeding with our ideas—that when they used to use the old time police with their dropping their “lil” flags and so, and I think even till today when they have the speed guns, drivers along the other side flashing lights, do you know that they are guilty of obstructing the police in the lawful function of their duty? It is as simple as that, and it is as wide as you could get. But here we have the FIU requiring some information for typologies and looking at trends, now we want to give them this incursion to say I am going to send police to get the information for me to do my little thing, and if you do no—

Dr. Khan: Could the Member please give way?

Mr. P. Ramadhar: No—yes, yes, of course.

Dr. Khan: Could the Member please indicate if section 4(c) of the Constitution is being breached?

Mr. P. Ramadhar: No. [*Laughter*] I am coming to that. I am coming to that. One of the most brilliant men in the country. So, Mr. Deputy Speaker, a person—and I read on into the section. Mr. Education Minister, please listen to this you might learn something here. [*Desk thumping and laughter*]

“(2D) A person who, when required”—and this gentlemen and ladies of our country, hear this one—“to give information to a police officer in the exercise of his powers or the performance of his duties under this section, knowingly gives false or misleading information to any such police officer is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.”

“Knowingly”, that word is extraordinarily difficult for you to disprove, because there may be circumstances where as far as you are aware you give certain information—because you are afraid of the police, and rightly so, we have seen reasons for that—and it turns out to be false, and they drop the charge on you, and because of the circumstances it appears on the other side that you must have known, but it does not necessarily mean that you did. The onus is on you. Now, the catch-all gives me no comfort to say at (2E) that:

“Nothing in this section shall be construed as requiring any person to give any information which may incriminate him.”

The Minister—[*Crosstalk*]

Mr. Deputy Speaker: Order!

Mr. P. Ramadhar: The Member for Caroni Central, in his usual highly intellectual and sometimes above the head of many—[*Laughter and desk thumping*]

Mrs. Robinson-Regis: Would the Member for St. Augustine give way?

Mr. P. Ramadhar: Of course.

Mrs. Robinson-Regis: I just wanted to ask if you have been able to answer the question—I did not get the answer as yet—that the Member for Barataria/San Juan asked?

Mr. P. Ramadhar: I am coming to that. You “cyah” wait. [*Crosstalk*] Well, you know that may be long, let me not go there. [*Laughter*]

Mr. Deputy Speaker: Members, we still have to maintain a certain decorum amidst all the discussion that is taking place. And I think that I am on my legs at this time, it is now 4:29:26, I think it will be a good time to suspend for tea, and Member, you will continue your discourse on resumption.

Hon. Member: What time are we resuming?

Mr. Deputy Speaker: At 5.00 p.m.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: As we resume, Member for St. Augustine, you have six minutes of your initial time, and do you care to avail yourself of the additional 15 one time?

Mr. P. Ramadhar: Thank you very much.

Mr. Deputy Speaker: Proceed.

Mr. P. Ramadhar: [*Desk thumping*] Mr. Deputy Speaker, when we took the break, my dear friend the Member for Arouca/Maloney asked if I was going to answer the question in relation to the right of every citizen, including herself, under 4(c) of our Constitution that reads:

“It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:”

And at (c)—

“the right of the individual to respect for his private and family life;”.

Of course, the Constitution is to be liberally interpreted, and I am sure when my friend had her difficulties with the bank account and there was a lot of public interest as to source of funding and so, I could only imagine the human turmoil that she would have held in her heart and in her family.

Mrs. Robinson-Regis: Wait, is me you are talking to?

Mr. P. Ramadhar: Yes. Yes.

Mrs. Robinson-Regis: Oh, okay.

Mr. P. Ramadhar: So that you have a personal experience about the intrusion in one's private life, and I expect only the highest calibre and the conduct from my friend the Member for Arouca/Maloney, and therefore I am not one to presume guilt, I presume innocence that the Constitution requires me to do.

So that is a classic example of how things, the encroachment into your private life. But we in public life—so your private/public life, there is a big distinction between that and the average citizen for whom I speak here today. Once you put yourself into public life there are different criteria and a different standard to be adhered to, different expectations that you should be as transparent as you possibly could. But we are not talking about ourselves. We do not make laws for ourselves. We make laws for all of Trinidad and Tobago. [*Desk thumping*] So, in answer to the brilliant Member for Barataria—

Hon. Member: Yes. [*Desk thumping*]

Mr. P. Ramadhar:—it does affect that right. [*Desk thumping*] But getting back into the actual legislative intrusion, (2E) says:

“Nothing in this section shall be construed as requiring any person to give any information which may incriminate him.”

This is a catch-all Band Aid to put over a festering sore of all that came before it. Because all the law read above speaks now to the incredible power now to be given for you to give information—and I want to say this, there will be many occasions where the person may be answering questions in the best of faith without proper legal advice, appreciating that he could be incriminating himself in an offence. Because there are so many different complex laws that have come that what we would have taken as granted that we could do we can no longer do, and the population very often is unaware of many of the legislative changes that have made practice, criminal, and the law says ignorance of the law is no excuse.

So that this authority now being granted to request all this information, you know what I am struck by? That nowhere here says that they may do so only if you are a suspect, because the law has checks and balances. If they have suspected you of having committed an offence, then they must tell you as they approach you, “You have the right to remain silent, anything you say may be taken in writing and may be used in evidence against you.” That is a cold chilling statement when you hear it, it awakens you to the enormity of what may be before you. But this thing is like a “tief”, cloaked in priest's frock, coming as if to do you well, but to require from you information that they may be building a case against you, and there is no requirement under this procedural provision anywhere

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here, to say that they have to caution you in advance. And that, Member for Laventille West, you appreciate that more than anybody else, the need for a caution.

Because it is law, not just written in our Constitution at section 5(2)(d) which says, Mr. Deputy Speaker, with your leave:

“Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge, or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared.”

And at (d) under (2) it says:

“Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament”—that is us here—“may not—...authorise a Court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and, where necessary to ensure such protection, the right to legal representation;”

That is as clear as it comes, and if there is doubt about it, our local Court of Appeal, in the case of *Hayden Toney v PC Joseph Corraspe*, it is Magisterial Appeal No. 68 of 2008, Justice of Appeal Bereaux said this:

“...the right of silence and the privilege against self-incrimination forms part of the due process provision set out in section 4(a) and the right to the protection of the law set out in 4(b).”

If we are to enjoy these continued rights as is noted at (2A)—well, I beg your pardon—at (2E), then we are making a mockery, because you are not required here to inform a person that they may be a suspect, that there are criminal investigations in progress, and you may freely give information at the end of which you, having not been cautioned, can be used against you and then you talk about, I am not required to say anything that may incriminate me. But look at the inconsistency in logic that we are faced with. These are magisterial issues to be determined by a magistrate in terms of wilful obstruction. But the issue of the rights against self-incrimination is a constitutional matter, which cannot rightly be provoked before the very magistrate. Any constitutional issue is to be determined by the High Court.

Mr. Imbert: Serious?

Mr. P. Ramadhar: Absolutely! So that you will have a criminal prosecution in progress for wilful obstruction, and unless you have the resources or

wherewithal, or even competent counsel, to tell you, “Listen, what has happened here is an infringement of your right against self-incrimination, and the evidence now being produced, you have not been cautioned, you have not given evidence”, will then now become a constitutional matter to be determined by the High Court. So then you create a logjam of constitutional issues to be determined. [*Mr. Hinds raises hand*] Of course, Member for Laventille West.

Mr. Hinds: Thank you very much. Is the Member suggesting that we legislate need for police caution?

Mr. P. Ramadhar: I can see no harm in it.

Mr. Hinds: Could you cite any previous legislation?

Mr. Deputy Speaker: Member, address the Chair!

Mr. Hinds: Yes, I wish to direct to my friend the Member for St. Augustine the question whether he could cite any precedent in any legislation where we legislated the need for a police caution in circumstances such as that?

Mr. P. Ramadhar: And there is the dangerous mind-set of my learned friends. If there is no precedent then this is unprecedented. [*Desk thumping*] This is the conundrum—

Hon. Member: Would you give way?

Mr. P. Ramadhar: I have given more than sufficient leeway, so I have to be a “lil” stingy with my limited time now. [*Interruption*]

Mr. Deputy Speaker: Proceed! Proceed!

Mr. P. Ramadhar: Thank you very much. It is Christmas time, toys are coming soon; do not worry.

Now, the long and short of it is, they now put this catch-all to say that you have the right against self-incrimination, but everything above it says that you are required under the penalty of law to give information, to give evidence, to give statements without a caution. So my friend unwittingly may have touched something that is necessary, that in circumstances such as these where there is an ongoing investigation—unless there is no investigation. If there is no investigation why do you wish to have this information? [*Desk thumping*] So it is a catch—

Hon. Member: Two, two.

Mr. P. Ramadhar:—two, two. Catch-22. Which comes first? Do you now go and cast your net as wide as you could, and then at the end of which filter

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through and see if there is criminality there, and you unwittingly contribute without exercising your right against self-incrimination?

This is why so flippantly we hear that the Opposition is not willing to support. That is not true. The position as I have heard it from every Member thus far is Joint Select so that we get better law, and the history has proven. [*Desk thumping*] But it says, “Less speed and more haste”. Yes, whatever it is. There is old wisdom in taking your time when you go into issues of constitutional intrusions. So, this is very, very important. As much as it may be useful and helpful in a police state to have this sort of power, this is Trinidad and Tobago where our liberty is loved and we are willing to stand up for it. [*Desk thumping*]

It is easy now to cast the evil and speak of corruption, to speak of who has done what, but in that effort to deal with it you cannot go to the other extreme. You cannot. That is why you have a Parliament to ensure that there is balance in legislative change. Because when you are in power, oh boy, how sweet it is, because you believe that you make law for everybody else. That may be true, but I have been there, we have been there, and you realize there is an insulation that comes, and we have seen them no more dramatic insulation from the present Government and from the people, than in this last two and a half years. Suddenly language change. And we have it on both sides. This is how the politics works sometimes.

But rest assured that nobody is saying we do not want to support law to deal with corruption, because we are not saying that alone. We did it in our time with procurement. [*Desk thumping*] When we started the work, and I was so happy having demitted office—not to have been happy to have demitted office as much, but to have heard the Prime Minister and my friend the Member for Port of Spain North/St. Ann’s West speak about campaign and party finance reform legislation being high on the agenda. But I do not know how high is, but I thought high means first and everything else comes after. We are not seeing that, but I digress. We move forward.

There is so much impracticality in this thing. This requirement, Mr. Deputy Speaker, of having importers keep records for many years sounds good, but how useless is that? We cannot at the altar of incompetence or at the altar of inefficiency say that you will be investigating things five, six years down the line, and then call upon me to produce documents, and say if I do not produce it there is a criminal penalty for that? Maybe my friends have forgotten with the very valiant efforts of the former Minister of Trade and Industry, Mr. Vasant Bharat, and with the direction of the Prime Minister, Kamla Persad-Bissessar, and with

the Cabinet's confirmation of it, to push forward the ASYCUDA system. You know what that is? It dramatically changed the way Customs operates. That whenever you import—I am sure the Member for Arouca/Maloney knows about this, because it is one of the gems, that as much dirt they want to put on the Partnership they do not want people to realize the dramatic difference it has made in the way business is done in terms of importation. [*Desk thumping*] All documents—

Mrs. Robinson-Regis: They introduced ASYCUDA, is that what you are saying?

Mr. P. Ramadhar: No. I am not saying that; we participated in making it happen.

Mr. Deputy Speaker: I am sure you are aware of the procedure. Please!

Mr. P. Ramadhar: And it is right, we did not create it, but we knew it was there. They talked about it and we implemented it. [*Desk thumping*] Talk is cheap, action is rare.

Hon. Member: Yeah! [*Desk thumping*]

Mr. P. Ramadhar: So, what that does, Mr. Deputy Speaker, and I am no expert on this—I am learning as I proceed—that all documents relevant to the importation is electronically loaded in so that you do not have this thing about you have to go to wharf, and go and get this document stamp, and then go by this other office, and then go and get this other approval, and it takes you days, sometimes weeks, to get a simple shipment done, when it could all be done electronically. [*Interruption*]

Red tape—as we said, from the red tape to the red carpet, [*Desk thumping*] single electronic window and a host of other things, but it is not for me to campaign here but try to speak the truth on what happened.

5.15 p.m.

So, this issue of documentation is no longer relevant and I spoke to one of the finest lawyers in the country, especially in evidential matters, Mr. Jagdeo Singh, this morning and he says to me, “Look, da’is ole time thing”, you know, this thing about documentation. Under the Evidence Act, we do not even need original documents to prove a lot of cases. So why is it not on the State which already requires you to put all of the documentation into the system, electronically, to rely on that, but they put the burden now on an importer. It sounds like no big deal to keep documents, but if you are living in central and south and you know the kind of flood—“and you hear a flood come” and wash out all your documents and then

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they call upon you to produce it and you cannot. Criminal prosecution? I am giving real world examples of this thing.

Has the Attorney General spoken to anybody outside of the Ministry to decide if this legislation has practical, reasonable [*Desk thumping*] capacity to be successful? Where is the consultation when we were told “Let’s do this together”? Did we speak to the Law Association? Did we speak to the business groups? Did we speak to the Comptroller of Customs? I am sure, maybe. Did we speak to the Judiciary? Did we speak to the DPP on these matters? Or are we just shooting into the air, a flare, everybody looks up and says, “Wow” something has been done but it has been shot into water and not hitting a target. That is the point.

So the issue now—and there is another very mischievous thing in this, Mr. Deputy Speaker, as my time moves very quickly along, this one, at (2B):

“5. (ii) (2B) Where an importer receives notice of an adjustment”—note that—“in accordance with subsection (2A) which results in further duties or taxes being payable and the importer or consignee fails to commence proceedings before the Appeal Board within six months from the date he received notice of the adjustment, the Comptroller may refuse entry or delivery of subsequent shipments of the importer or consignee who has not paid the adjustment in addition to commencing proceedings under section 246 for the recovery of same.”

What is the practical effect of this?

Mr. Deputy Speaker, we are coming years after—“we”, when I say, “we” the State of Trinidad and Tobago, to tell that importer, look, we have reassessed you, we have readjusted how much duty you have to pay and you have to pay so much more than you paid four, five or six years ago. And that if you do—[*Crosstalk*] no, well I want to hear if that is not the situation I will be grateful to hear it, but if it is, what about situations where many importers are companies and there is an assessment on a consignment that four or five years after there is an adjustment; the companies are importing companies, they did not import it for themselves, and for whatever reason, they are seen as the importer on the documentation. And if they do not go to the Tax Appeal Board within six months, then the Comptroller of Customs has the authority—you bringing goods four years after somebody else who—and the Member for Laventille East, and they seized that. Think about that.

You had nothing to do with what happened four years ago, but your goods get seized because of some error, some mistake, maybe even some fraud that occurred some years before. Member for Tableland/Moruga, they seized your

goods, you had nothing to do with this. Could there not be great mischief afoot to destroy certain businesses and allow others to prosper? These are the things that we are very, very, troubled by.

Where in the world do we have this capacity to not understand the real world effects of a company that may have changed ownership during that period of time, but yet carry the responsibility and liability for which you may not have a record?

Mr. Hinds: The company has a life of its own.

Mr. P. Ramadhar: The company has a life of its own and every member has changed, every director has changed. But because—[*Crosstalk*] yes, thank you very much.

Hon. Member: The record can be digital or not.

Mr. P. Ramadhar: Exactly. So these are the things that trouble us much and I could see no real harm in echoing the call for a joint select because we want to make this thing happen. I too believe that we need to be rid of corruption. I want a country that says progress, not protest. I want a country that says construct, not obstruct. I want a country that says decency, not thievery. And you know the sanctimonious holiness that some of my friends speak with, that they know everything—[*Interruption*]

Mr. Deputy Speaker: You have two more minutes.

Mr. P. Ramadhar: Oh, thank you very much, Mr. Deputy Speaker. Look at—a most painful and grievous and hurtful occasion occurred here earlier today, when my dear friend, the Member for Chaguanas West, was referenced that he was not here and the most insidious and awful interpretations of his absence was given. I am grieved to tell you, Mr. Deputy Speaker, that Mr. Ganga Singh's father died this afternoon.

Hon. Member: What!

Hon. Members: Tell them that.

Mr. P. Ramadhar: And he was in the hospital. But here it is easy to say, to apportion that his absence was a result of the debate before us and I know you did not intend it and that is the most dangerous of things. Because when—[*Desk thumping*] you did not know, “yuh doh” know, but you assume the worst. Presumption of guilt on everybody else and that is a clear example why you could not give more power no other times. [*Desk thumping*] Mr. Deputy Speaker, I thank you.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly. Mr. Deputy Speaker, in accordance with Standing Order 50(3), I beg to move that this debate be adjourned. [*Crosstalk*] Yes. Shall I repeat, Sir?

Mr. Imbert: They are not listening and they are making noise.

Hon. C. Robinson-Regis: I think they are not listening.

Mr. Deputy Speaker: The Leader of Government Business.

Hon. C. Robinson-Regis: Thank you again. Mr. Deputy Speaker, in accordance with Standing Order 50(3), I beg to move that this debate be now adjourned.

Mr. Deputy Speaker: Hon. Members, [*Crosstalk*] as requested by the Leader of Government Business, this debate is now adjourned. However, you would recall that earlier in today's proceedings—[*Interruption*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

Mr. Deputy Speaker: Hon. Members, you would recall that earlier in today's proceedings there was an agreement between both sides of the House to introduce a Bill later in today's proceedings. I now revert to the introduction of the Bill and call upon the Clerk.

FINANCE BILL, 2017

Bill to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters [*The Minister of Finance*]; read the first time.

Mr. Deputy Speaker: Leader of the House.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move that this House do now adjourn to Wednesday, the 6th day of December, 2017, at 10.00 a.m., at which time we will be doing the Anti-Gang Bill. And, Mr. Deputy Speaker, we will be taking the Bill through all its stages on that day, on Wednesday, the 6th of December.

Mr. Deputy Speaker: Hon. Members, Members! Hon. Members, there are two matters that qualified to be raised on the Motion for the Adjournment of this

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House. However, one of the Motions has been deferred by agreement to the next sitting of the House. I now call upon the Member for Caroni Central.

**Preysal Government Primary School
(Structural Deficiencies)**

Dr. Bhoendradatt Tewarie (*Caroni Central*): [*Desk thumping*] Thank you very much, Mr. Deputy Speaker. The matter I wish to raise, hon. Deputy Speaker, Members of the House, citizens, is the urgent need for the Ministry of Education to address the safety of children and teachers because of the structural deficiencies of the Preysal Government Primary School. I want to start by indicating some facts about that particular school. When I became the Member of Parliament for that area, what we had was a school that was about 80 years old in which the children were housed and construction of a new school which had been stopped, which had ceased.

So, we had a situation in which the children were operating and the teachers in a dilapidated school and there was the issue of delayed construction of the new school. We had sewer problems in the school and we had a stench from the shower. I liaised with the Minister, both in personal terms and in writing and he did correct the matter. But after a while what happened was that the stench returned again. We had the sewer problems again and they were eventually fixed again. I want to say that. But there was a long delay and frustration started to set in, in the school compound involving the teachers and the children, but more than that, the parents who were very, very concerned because there were many days that the children would miss school and that caused a problem and an inconvenience and hardship to everyone.

In addition to that, it is an old school and the situation was kind of stuffy in the school. You had a suffocating situation. I worked with the private sector in the area and we were able to put fans in every classroom, but the fans, unfortunately, were not adequate to keep the school as cool as one would need to have a full day's classes. And there was a great deal of unhappiness in the school and a great deal of stress. The situation involved—the school sought to involve the supervisor for the area, the Parent Teacher Association, school was of course involved; they involved the National Parent Teacher Association and my approach was always to be supportive of the parents, the teachers and the children, without causing a commotion about the issue because I did not really want to disrupt the education of the children.

[MADAM SPEAKER *in the Chair*]

Now, the disruption of education for the children did cause a problem because although the school got as many passes in SEA this time, as they might have done before in percentage terms, the students of that school did not make it into many of the prestige schools this year although that had been a tradition in which a reasonable percentage of them would have gotten into Presentation and Holy Faith and so on, in the surrounding area of Central Trinidad. So, it did have an academic cost and perhaps a career cost to some of these children and of course that intensified the unhappiness.

The other thing, there is no way I can show a causal effect on this, but the year before the students had won the cricket competition nationally. This year they made it to the finals but they did not win and there are also good athletes in that school and they do very, very well. But I think both the athletics and to some extent the cricket also suffered.

So, all I would like to ask the Minister, I am not here for a confrontation at all and I just want to help the kids, I want to make things comfortable for them, it is something that I have raised with you before and I have written about. If I can get the assurance from the Minister, there is now consensus, Parent Teacher Association, principal, staff, children, parents, that it would be more convenient to move to the Community Centre in Preysal, which is not far away, which is air conditioned and has ample room and if it does not have ample room we can perhaps address that issue at a later stage, but it is manageable, so that the children would be spared the suffocating situation in the school.

And the second commitment, if I could get from him, as you know the new school was scheduled for continuation in the last budget and for various reasons it was not honoured. And it is now in this budget and I would like an early start for construction of the school. But I want to say that the situation is exacerbated by the fact that there were minor problems with the walls of the school and the Parent Teacher Association tried to get OSHA and the supervisor for the area for education and even the fire service to come and look at the school and do an official assessment of the school and what the state of the school was. That did not happen for whatever reason. I hope that it was not from a desire not to look realistically at what was happening at the school and the parent teachers eventually got a report done by an engineer.

I will be truthful. This is the report of a civil engineer. It is not the report of a structural engineer, but it does contain photos and I shared this document with the Minister of Education so he will see for himself and the indication of the report, without belabouring the issue, is that the pictures show a preponderance of

vertical cracks that separate the walls from columns throughout the building and it goes on to explain how the walls are constructed and at the end, basically, they suggest that, look, it is possible that nothing may happen, but should an earthquake occur, it is almost inevitable that the walls will come down and the roof may crash. And in that situation, the teachers and the children will be in danger.

So I ask the Minister, please, in an amicable way, let us solve the problem for the children immediately. Let us move them to the community centre with the consensus/consent of all the parties involved and with the blessings of the Minister and the Ministry of Education and let us honour our promise to start the reconstruction of the new school, which has been basically delayed for some time by at least a year, if not more, so that one, we can house them comfortably and two, within reasonable time we can move them into the new building which I am sure they are looking forward to and anticipating.

So I ask the Minister if he could respond positively, please. Thank you very much, Madam Speaker.

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, I am very happy to respond to the Member for Caroni Central, but in responding let me first say that this Motion to my understanding is predicated on the notion that the Ministry of Education is not taking care of our children or that we are not aware of the safety of the students.

Madam Speaker, let me begin by saying that the Education Act confers upon principals certain responsibilities, the foremost of which is, the care of the student under his guidance. I can tell you, Madam Speaker, from the very beginning, that this Ministry is doing everything to ensure the safety of the students at the Preysal Government Primary School and we will continue to do so.

The second point I wish to make is that the Motion talks about the structural deficiencies. We at the Ministry of Education can only determine if a building is deficient structurally upon an engineer's report and that engineer's report has to come from the Chief Designs Engineer at the Ministry of Works and Transport. That is the authority on which we rely. I am aware that the PTA commissioned an engineer to do a report on the school and while that is fine, in fact, I commend the PTA for such action, we are constrained to follow the advice of the engineer from the Ministry of Works and Transport. We have written to the Ministry of Works and Transport asking for such assessment to be done and we are awaiting that assessment.

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In the meanwhile, Madam Speaker, our officers will be visiting the school next week Tuesday to see for ourselves what can be done so that we can appease everyone, the parents, the teachers, and most of all the students. We will be making an assessment also, pending the report from the Chief Engineer of the Ministry of Works and Transport. We are also looking at an area that has been mentioned by the Member for Caroni Central and that is the community centre. Again, we have to examine that to make sure that all the health and safety requirements are put in place before we can decant our students to that community centre and that is something that we will be paying attention to.

So I want to assure the Member for Caroni Central that we are on board where this is concerned. We are not about to neglect our children. We are not about to trifle with the safety of our children. We will do everything to make sure everyone is comfortable.

In the case of the construction of the new school, I have informed the Member for Caroni Central on many occasions that we have listed a few schools that we will consider as priority and that the Preysal Government Primary School is one of those priority schools that we have listed. So as soon as funds become available and as soon as we are in a position to carry out the construction of a number of new schools, the Preysal Government Primary School will be high up on that list. Thank you very much.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.37 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Mr. Fazal Karim (Chaguanas East) earlier in the proceedings:

Government Tertiary Level Institutions (Security Improvements for)

8. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Education:

In light of the hostage attempt at the MIC Institute of Technology, Arima Campus on September 18, 2017, could the Minister state:

- a) the security improvements made to the MIC Institute of Technology, Arima Campus; and

- b) the security improvements made to other Government tertiary level institutions?

The following reply was circulated to Members of the House:

The Minister of Education (Hon. Anthony Garcia):

- (a) The following security arrangements have been instituted at all MIC-IT Centres:
1. Standard Operating Protocol (SOP) for Security developed and a manual outlining procedures to be followed was circulated to all security and other staff. The sensitization to the manual encompassed the following:
 - a. Enforcement of scanning of all personnel entering the compound;
 - b. Enforcement of searches for all personnel entering and leaving the compound; and
 - c. Other security initiatives aimed at ensuring the safety of trainees and staff.
 2. Steps are being taken to have all gates motorized. Pedestrian entrances to also be fitted with strike locks to prevent unauthorized access.
 3. Activities have been initiated to have alarm systems installed at all locations. Key personnel will be equipped with panic buttons which will activate quick response security teams from contracted providers.
 4. With respect to (2) and (3) above, site visits have already been conducted at the Trinidad locations. A site visit to Tobago will be conducted on Wednesday 15th November 2017. The initiatives at (2) and (3) will be implemented in the first quarter of fiscal year 2017/2018.
- (b) The following security measures have been implemented at the other Government tertiary level institutions:

COLLEGE OF SCIENCE, TECHNOLOGY AND APPLIED ARTS OF TRINIDAD AND TOBAGO (COSTAATT)

Though, from a security perspective, COSTAATT is deemed a low risk environment recording less than five incidents a year (theft, vandalism, harassment, etc.) at all six campus sites, based on the incident at MIC-IT, COSTAATT proposes to hire additional security staff and to upgrade its electronic security systems.

NATIONAL ENERGY SKILLS CENTRE (NESC)

1. Security officers are stationed at all entry points of each Campus.
2. Security barriers/gates are installed and operational at each location.
3. Perimeter fencing and lighting are installed, monitored and inspected regularly for breaches.

In addition to the above, additional measures have been implemented since the incident at the MIC Institute of Technology on September 18, 2017. These include:

1. Heightened safety vigilance at all campuses through additional searches of persons and vehicles upon entry and exit of compounds. Also, there has been an increase in random searches of students both at the security checkpoints and on the compound using metal detectors in order to identify persons bearing weapons.
2. Installation of additional safety cameras at Campuses and the main Administrative Office to enable on-screen monitoring by security personnel of the entire compound and to capture video footage of any possible incident or infringement.
3. Increased sensitization of students and members of staff through safety. Toolbox sessions on the importance of constantly monitoring their surroundings and taking measures to avoid safety risks, including prompt reporting of suspected behaviour.
4. Heightened level of awareness of security officers on an ordinary day of the possibility of the occurrence of an incident, such as the one at MIC, and the need for security personnel to always be vigilant.

UNIVERSITY OF TRINIDAD AND TOBAGO (UTT)

1. An increase in mobile patrols of UTT campuses and environs.
2. Security Officers have been briefed to be more alert to suspicious activities on campuses and environs.
3. Any suspicious activity is to be reported immediately to the relevant supervisor.
4. The Security Services Unit is working closely with the Student Support Services Unit and the Student Guild to identify “at risk” students.
5. Procedures have been put in place to contact the police immediately as warranted.

UNIVERSITY OF THE WEST INDIES (UWI)

The Campus's Security Services Manager has re-evaluated and reinforced its security policy to address the potential of hostile events, including hostage situations and active shooter incidents on campus.

In this regard, Security Services Manager will develop Standard Operating Procedures for:

1. Hostile Incident Command
2. Emergency Communications
3. Identification of Security Assets and PPE Equipment
4. Training and Exercises
5. Community Outreach and Engagement

Short term/immediate measures undertaken are as follows:

- Substantial investment in the Campus's Security Surveillance System, CCTV cameras, network devices and storage devices were refreshed. The System is undergoing a complete upgrade to ensure system stability and functionality.
- Increased joint exercises between Campus Estate Police and Trinidad and Tobago Police service to detect, prevent and deter criminal activities on campus.
- Reduction in access points to campus which include the "no thoroughfare zone".
- Conducted lectures to all on-campus residents, specifically at Halls, and distributed booklets on, "Ensuring Your Safety on and off Campus".
- Stricter enforcement of the campus's ID card policy.
- Collaborated with the Guild of Students and obtained their support and active participation in enforcing access control operations and the campus's ID card policy.
- Successfully negotiated with the Provost at the Police Academy to deliver on-going training for Campus Estate Police in all aspects of Policing.
- Experimental stages of having some of the students fitted with emergency devices that can alert UWI Estate Police, Private Security and the State Police when in an active or hostile event.

**YOUTH TRAINING AND EMPLOYMENT PARTNERSHIP PROGRAMME LIMITED
(YTEPP)**

YTEPP has reviewed its security system and found it to be adequate. The following measures had already been introduced by the institution:

1. Head Office – swipe card system, security cameras along with security officers.
2. Day time Centres – security officers along with camera system at the larger facilities.
3. Part time Centres – these are Government schools where security is already provided. However, at the high-risk areas e.g. St. Joseph, Belmont and Arima North Secondary Schools, when trainees leave the compound at night, mobile units are dispatched to provide security by YTEPP.

The following question was asked by Mr. Fazal Karim (Chaguanas East) earlier in the proceedings:

**Caribbean Examination Council
(Outcome of Meetings)**

15. Mr. Fazal Karim (Chaguanas East) asked the hon. Minister of Education:

Could the Minister state the outcome of meetings held in September 2017 between the Ministry and the Caribbean Examination Council in relation to the late release of results for the 2016/2017 academic year?

The following reply was circulated to Members of the House:

The Minister of Education (Hon. Anthony Garcia): On September 26, 2017, both Ministers in the Ministry of Education along with senior officials of the Ministry met with a delegation from the Caribbean Examinations Council (CXC), led by the Registrar, to discuss the issues which contributed to the inordinate delay in the release of the results for the May/June 2017 CSEC and CAPE examinations.

The Registrar apologized for the delay and expressed deep regret for the inconvenience caused to students, teachers and parents. He attributed the late release of the results to two (2) main factors:

1. Delays in completing in e-marking exercise due to challenges in recruiting the desired number of markers; and
2. Challenges with the CXC's internet service in handling the volume of traffic to its website when the results were released, causing further delays in students accessing their results.

The Registrar has given the assurance that in order to avoid a recurrence of such delays in the future, the CXC has embarked on a recruitment and training exercise to increase its pool of available markers. In addition, the Council is reviewing the current arrangement with its internet service provider and will take the necessary steps to mitigate the challenges experienced this year, even if this means having to change the provider.