

*Leave of Absence*

*Wednesday, September 30, 2009*

**HOUSE OF REPRESENTATIVES**

*Wednesday, September 30, 2009*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members, not entirely the Front Bench of the Opposition, but quite a few of them: the hon. Basdeo Panday, Member for Couva North, from today's sitting of the House; the hon. Kamla Persad-Bissessar, Member for Siparia, from today's sitting; the hon. Jack Warner, Member for Chaguanas West, for the period September 28 to October 20, 2009; the hon. Ramesh Lawrence Maharaj, Member for Tabaquite from today's sitting; the hon. Nizam Baksh, Member for Naparima, from today's sitting; the hon. Kelvin Ramnath, Member for Couva South, from today's sitting of the House.

The leave which all these Members seek is granted.

**PAPERS LAID**

1. Administrative Report of the Ministry of Planning, Housing and the Environment for the fiscal year 2007—2008. [*The Minister of Works and Transport (Hon. Colm Imbert)*]
2. Report of the Petroleum Company of Trinidad and Tobago Limited for the period October 01, 2007 to September 30, 2008. [*Hon. C. Imbert*]
3. Administrative Report of the Ministry of Education for the fiscal year October 2003 to September 2004. [*The Minister of Education (Hon. Esther Le Gendre)*]
4. Administrative Report of the Ministry of Education for the fiscal year October 2004 to September 2005. [*Hon. E. Le Gendre*]
5. Administrative Report of the Ministry of Education for the fiscal year October 2006 to September 2007. [*Hon. E. Le Gendre*]
6. Administrative Report of the Ministry of Education for the fiscal year October 2007 to September 2008. [*Hon. E. Le Gendre*]
7. The audited financial statements of Education Facilities Company Limited for the financial year ended September 30, 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]

*To be referred to the Public Accounts (Enterprises) Committee.*

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, although there is nobody there to ask, regrettably, Mr. Speaker, the Government is unable to answer the questions for Oral Answer on the Order Paper today and would request a two-week deferral.

**Mr. Speaker:** Your colleague is asking for a two-week deferral on questions, so let us, I hope, that in two weeks' time at least we would have some answers.

*The following questions stood on the Order Paper:*

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

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

**Registered Private Hospitals  
(Details of)**

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

**Summit of The Americas  
(Details of Cost)**

- 58.** Could the hon. Minister of Finance state:
- (a) The budgeted cost for the Summit of The Americas?

- (b) Whether there were any cost overruns? and
- (c) If the answer to (b) is in the affirmative, how much did the overruns amount to and the areas where they occurred? [*Mr. V. Bharath*]

**Pre-Summit Preparations  
(Details of)**

- 64.** With respect to the pre-summit preparations could the hon. Minister of Trade and Industry and Minister in the Ministry of Finance please advise:
- A. the number of personnel who were hired;
    - (i) to clean the area along the route travelled by the summit participants; and
    - (ii) paint the curb walls and road barriers along the route? and
  - B. whether this work was done by existing CEPEP and URP workers? [*Mr. J. Warner*]

**Solicitor General  
(Details of Appointment)**

- 67.** With respect to the appointment of a Solicitor General could the hon. Attorney General state:
- (a) the date on which the post became vacant;
  - (b) since the post became vacant, the number of times the Prime Minister objected to the appointment of persons recommended to fill the post;
  - (c) the names of the persons to whom he objected; and
  - (d) the reasons for his objection in each case? [*Dr. H. Rafeeq*]

**Chief Parliamentary Counsel  
(Details of Appointment)**

- 68.** With respect to the appointment of a Chief Parliamentary Counsel could the hon. Attorney General state:
- (a) the date on which the post became vacant;
  - (b) since the post became vacant, the number of times the Prime Minister objected to the appointment of the persons recommended to fill the post;

- (c) the names of the persons to whom he objected; and
- (d) the reasons for his objection in each case? [*Dr. H. Rafeeq*]

**Director of Public Prosecutions  
(Details of Appointment)**

- 69.** With respect to the appointment of a Director of Public Prosecutions, could the hon. Attorney General state:
- (a) the date on which the post became vacant;
  - (b) since the post became vacant, the number of times the Prime Minister objected to the appointment of the persons recommended to fill the post;
  - (c) the names of the persons to whom he objected; and
  - (d) the reasons for his objection in each case? [*Dr. H. Rafeeq*]

**Desalination Plant  
(La Lune, Morgua)**

- 100.** With respect to the desalination at La Lune, Morgua:
- (a) could the hon. Minister of Public Utilities state the period the plant has been out of service?
  - (b) whether the shutdown of the plant resulted from the non-payment to the contractor and/or contractors associated with the plant; and
  - (c) the total cost incurred, including the cost of truck-borne water as a result of the said shutdown? [*Mr. S. Panday*]

**Diego Martin Highway  
(Cause of Landslip)**

- 102.** Could the hon. Minister of Works and Transport state whether an investigation was carried out by the Ministry of Works and Transport to determine the cause of the landslip on the Diego Martin Highway in 2008 and if so, what were the results of such investigation? [*Mr. J. Warner*]

**Asphalt Works  
(Preferred Sub-Contractor)**

- 103.** With respect to the Churchill Roosevelt and Uriah Butler Highway Interchange, can the hon. Minister of Works and Transport state whether Vinci was the preferred sub-contractor for the asphalt works and if not, how was Jusamco selected to undertake such works? [*Mr. J. Warner*]

**Highway Interchange  
(Status of Contract)**

- 104.** Could the hon. Minister of Works and Transport state by how many months did the contract for the Churchill Roosevelt and Uriah Butler Highway Interchange exceed its original completion date and how much money, if any, did the contractor pay by way of liquidated damages? [*Mr. J. Warner*]

**Concrete Batching Plant  
(Details of Erection)**

- 105.** Could the hon. Minister of Works and Transport state:
- (a) which State authority gave approval for a concrete batching plant to be erected and operated in the vicinity of the Churchill Roosevelt and Uriah Butler Highway Interchange?
  - (b) whether a fee was paid for the use of such site and was the necessary statutory approval granted? [*Mr. J. Warner*]

**South Terminal Car Park  
(Details of Contract)**

- 107.** With respect to the south terminal car park can the hon. Minister of Works and Transport state:
- (a) the names of the contractors and the sums tendered for the paving of the south terminal car park? and
  - (b) why was the contract not awarded to the lowest bidder? [*Mr. J. Warner*]

*Questions, by leave, deferred.*

**WRITTEN ANSWER TO QUESTION**

*The following question was asked by Mr. Winston Peters (Mayaro):*

**Rio Claro/Mayaro Region  
(Landslip Projects for Repairs)**

- 84.** With respect to landslip repairs in the Rio Claro/Mayaro region and works undertaken by the Ministry of Local Government, could the hon. Minister of Local Government state:
- (a) all landslips repaired to date, (September 2008—December 2008), the location and the actual cost of works done for each; and

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- (b) all new landslip projects identified for repairs in 2009, the location and the estimated cost of works to be done?

*Vide end of sitting for written answer.*

#### QUESTIONS OF PRIVILEGE

**Mr. Speaker:** Hon. Members, I have received a matter—sorry, it is not a definite matter, but it is a question of privilege with respect to the Motion raised by the hon. Member for Siparia.

She has communicated with me—she was under the impression like most of us that the House of Representatives would have sat on Friday, so she has asked, and I have given her leave to raise the matter at the next sitting of the House of Representatives.

I have also received a question of privilege filed by the hon. Member for Caroni East, Dr. Tim Gopeesingh.

Normally, I would allow the Member to raise the matter; in this instant case, the hon. Member for Caroni East is raising a matter of privilege against the Prime Minister. As I said, ordinarily, I would have allowed him to raise the matter, but the difficulty is that a matter of privilege must be raised at the first opportunity; this is not the case here. This is referring to an incident on September 11, 2009.

My information is that the House sat twice since then on September 14, 2009 and September 16, 2009. So in future when you have to raise a matter of privilege, it must be raised at the first opportunity, that means at the next sitting.

If it is not raised at the next sitting, invariably the Speaker will not allow it, which I am not allowing in this instance.

Also, for the benefit of Members, when you are raising a matter, I have in my several rulings, indicated to Members that there are three situations that must be satisfied, in the instant case it is not so. So that, to Dr. Gopeesingh, the hon. Member for Caroni East, and to all other Members, you must satisfy those three criteria.

If the matter is deemed technical or trivial, which in this case, falls under both, it certainly will not be allowed. So generally, let me urge Members when you are raising a matter, raise it at the first opportunity.

Regrettably, Dr. Gopeesingh, you are very much out of time.

*Statement By Minister*

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**STATEMENT BY MINISTER  
Jamaat al Muslimeen  
(Sale of Property)**

**The Attorney General (Sen. The Hon. John Jeremie SC):** Mr. Speaker, in the course of my statement to the House on Monday, September 14, 2009 I made four specific references to a finding of the Court of Appeal that the affidavit in the Abu Bakr case was scandalous and irrelevant.

In the "Unrevised *Hansard*" after describing the orders of the Court of Appeal, this is on page 8, line 3, I said that decision was upheld by the Privy Council.

Mr. Speaker, the decision of the Court of Appeal was not reversed by the Privy Council; it was indeed upheld by the Privy Council.

It appears as though the Member for Siparia understood that sentence to mean that I said that the finding of the Court of Appeal that the affidavit was scandalous was upheld.

The Privy Council confined itself to saying that the affidavit was irrelevant. So I regret that the Member did not understand what I meant.

**FINANCIAL INTELLIGENCE UNIT  
OF TRINIDAD AND TOBAGO BILL**

[Third day]

*Order read for resuming adjourned debate on question [May 22, 2009]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** On that occasion, quite some time ago, on June 03, 2009 the hon. Minister of Finance was on her legs. She had used three minutes of her original time and therefore has 42 minutes remaining.

**Hon. K. Nunez-Tesheira:** Mr. Speaker, as you correctly stated, I had begun the winding up on the Financial Intelligence Unit Bill and I wish to conclude that debate this afternoon.

Clearly, Mr. Speaker, this legislation, the Financial Intelligence Unit, is not a stand alone piece of legislation; that is why we have treated it as part of a suite of legislation so to speak. That is the Proceeds of Crime (Amdt.) Act, as well as the subsidiary legislation, the Financial Obligations Regulations.

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This piece of legislation, however, is critical because it gives life and effect, in that it gives the enforcement provisions the vehicle to give life and effect to the Proceeds of Crime (Amdt.) Act (POCA) which really treats with the issue of money laundering.

Mr. Speaker, what is the relationship, therefore, with the Financial Intelligence Unit Bill and the Proceeds of Crime (Amdt.) Act in particular, as well as its amendment and the Financial Obligations Regulations.

Just briefly, the POCA legislation as we call it, the POCA amendment spoke about designated authority and, in fact, when you look at the main legislation, it mentions in several provisions in particular, section 55(7), the role of this designated authority, and this designated authority is defined in the POCA as the Financial Intelligence Unit. So this is a correlation between the Proceeds of Crime Act and the FIU.

In addition, Mr. Speaker, the Proceeds of Crime (Amdt.) Act, included in its Schedule a list of businesses, what they call listed businesses that would be captured by the anti-money laundering provisions which are set out in both the POCA as I said and given effect to in the FIU.

In that Schedule, it really recognizes the fact that money laundering is not limited or restricted to financial institutions in its traditional sense. In fact, its scope and breadth is very wide, it includes real estate businesses, the sale of motor vehicles, courier services, gaming houses, jewellery, private members' firms and even professions of accounting and law.

Again, you see the correlation between the two pieces of legislation so that the FIU will have regulatory authority over financial institutions as well as listed businesses as set out in the amendment to the POCA legislation.

Finally, Mr. Speaker, very critical is the Financial Obligations Regulations. This is called the FATF Compliance Regulations. As you know, I believe in 1989 and I think finally in 1990, a Financial Action Task Force (FATF) was established initially by the G7 countries. That was the initial scope of the organization, but it is one whose focus is to ensure compliance and have a monitoring role over the money laundering activities which we recognize are transnational in nature.

In fact, it is well established that many persons involved in money laundering indulge in what we call regulatory arbitrage, meaning that they go to jurisdictions where they believe they will get a soft landing, and where they believe that the enforcement and the legislation is not what it should be, it is weak, and therefore is facilitative of that type of activity.

This legislation, together with the POCA amendment, together with the Financial Obligations Regulations, together with the Financial Institutions Act, together with the Securities Exchange Act which were passed in the Lower House and before the Upper House, those pieces of legislation are intended to close that gap, and ensure that Trinidad and Tobago is not seen as a jurisdiction that is facilitative of those activities.

**1.45 p.m.**

When we speak of that, we speak about money laundering and one of the critical things that was accomplished in the POCA amendment, which is relevant to the FIU—because the FIU is going to be the entity or the vehicle for monitoring and looking at the issues of crime, of money laundering—it gave a definition of money laundering and expanded its scope and meaning of that provision.

But we are not here to talk so much about POCA, we are speaking here today about the Financial Intelligence Unit and in a simple definition which I took from the IMF 2004 publication, stated “Financial Intelligence Units, an Overview”—a simple definition is given. It is defined as an agency that receives reports of suspicious transactions or suspicious activity reports from financial institutions and other persons and entities, which will include, in our case, listed businesses, analyzes those reports and disseminates them to the appropriate law enforcement agencies.

Based on that definition, it is clear that the Financial Intelligence Unit has many functions. Its functions include that of investigation in a sense, an enforcement function, to analyze and disseminate that financial intelligence, a regulatory function, because, very importantly, it sets out the standards of financial reporting from the various entities which included, as I said, listed businesses. So it has various functions.

Having said that, we look at Trinidad and Tobago in particular and what is the rationale peculiar to Trinidad and Tobago. Well, the rationale, in general, really speaks to the significant deficiencies as occur currently in anti-money laundering. We have attempted to close some of those gaps, and we have closed them significantly, but there are still some gaps to be closed. What happens is that whilst there are extensive efforts to deal with money laundering, the fact of the matter is that there is no, what we call legal compulsion, no legal imperative. So whilst many of the financial institutions will comply—it is done more on a basis of moral suasion—nevertheless there are no regulations, no legislation which make record keeping mandatory. There is no legal requirement for financial

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institutions to examine the background of its clients; look at and examine complex transactions and unusually large transactions.

Very important, as I indicated when I spoke of the listed businesses, there is no coverage of those entities, the lawyers, notaries, independent professionals, credit unions, cambios, et cetera. Those are not covered by the remit currently of our anti-money laundering legislation. So this is what the POCA legislation has done, so we look now specifically, therefore, at our Financial Intelligence Unit.

It had several forerunners, I believe starting in 1997. At that point in time it functioned more as an administrative unit but finally, its last incarnation, so to speak, is what we call a hybrid form of a Financial Intelligence Unit. It was established in 2003 and it is referred to as the Counter Drug and Crime Task Force. This unit is an administrative unit located within the police service and it has a specialized focus and a specialized function.

Unfortunately, it has no legal framework; it has no legal compulsion, no legal imperative, so it operates, as I said, in a manner of moral suasion, so to speak. As a result, whilst this entity collects information, receives information, analyzes the information, and whilst it interacts directly or indirectly with financial institutions, there is no provision; it operates outside the parameters of the law, so to speak. So the intention behind this legislation is to cure that lacuna, that defect or that weakness that currently obtains. That, essentially, is the background behind the Financial Intelligence Unit of Trinidad and Tobago. As I said, it functions like a hybrid model but, as I said, it does not have the legal clothing and, therefore, it is this Bill that we have before us that is intended to treat with that.

Before I continue with my winding up, with your leave, I propose to move certain amendments to the Bill at the committee stage, which I believe were circulated. However, with your leave, I wish to merely give a kind of overview of the intention behind those amendments and I would like to take this opportunity to address them and give the rationale behind those amendments.

Essentially, the rationale behind the proposed amendments to the Bill is to deal with the issue of accountability and autonomy. There is that tension between the two. We know about the checks and balances argument. At the same point in time that you want the unit to function with a certain level of independence and autonomy, you also must be mindful that it must be accountable or else you will be creating, what we might call, a runaway horse. And given that central government is charged with the task of national security, clearly you cannot have a unit operating with those kinds of powers that the Financial Intelligence Unit

will have and operating outside the purview of our national security and, therefore, outside central government. So the amendments proposed are intended to create a balance which you would find in all the legislation that we looked at in making these proposals.

Additionally, there are concerns about the treatment of confidential information. Whilst we believe that the provisions that exist in the Financial Intelligence Unit Bill treat with that, for the purposes of being even more explicit and bringing comfort to those who may wish to have that sort of reassurance, we have included other provisions with regard to how confidential information is treated, in particular, specifically dealing with the issue of the political directorate, so to speak, ensuring that it is insulated from. And that type of information does not come into the purview of the Minister or persons seen to be part of the political directorate with the consequential, very, very severe penalties for breach of those provisions.

Finally, another major rationale behind these amendments is recent meetings that we had with FATF, the Financial Action Task Force. They made certain recommendations and they were included in the amendments. So I will just go through them briefly, if I may.

The first amendment is really with regard to clause 1. We included another clause, a subclause (2). This subclause (2) provides that;

“This Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.”

We are well aware that this Bill, because it allows certain powers to the Financial Intelligence Unit Bill, allows them to take information, to analyze that information, literally take it from the listed business or financial institution and have access to what is confidential information, certainly you are looking at certain rights that are enshrined in the Constitution of our country which, of course, is the highest law of our land. Therefore, it is important that the legislation states that: “This Act shall have effect though inconsistent with sections 4 and 5 of the Constitution”, very much as with many other pieces of legislation, including, as I recall, the Industrial Relations Act. Perhaps, an old Act, but that is an example that comes to mind.

Then we look at clause 2. In clause 2 we added a subclause (2)(1), a new definition of a law enforcement authority. Previously, the definition was very broad. What it means, therefore, when we look at how the FIU is going to operate, when the analysis is completed and is sent on to the next stage for investigation, it

talks about the law enforcement authorities. The original provision was very broad in its scope as to who constituted a law enforcement authority and there were concerns expressed that perhaps it may get into the hands of the wrong entity, allowing too wide a berth and, therefore, we needed to be more restrictive in the way that we treated with the information as it moved from the FIU to the next level, which is the investigative arm.

As a consequence, the recommendation and the proposal is:

“‘law enforcement authority’ means the Commissioner of Police or any law enforcement body prescribed by the Minister with responsibility for national security, under subsection (2).”

Why we are saying the Commissioner of Police is because as this point in time, as I mentioned, the hybrid version, so to speak, of a FIU, is currently the Counter-Drug Crime and Task Force and it really is an administrative arrangement. It does not have the legal clothing, so to speak, and as a consequence, we could not, in the legislation, at this point in time, point to that specific entity, which is intended to be, when the legislation is implemented, a special unit called the Financial Investigation Bureau. As it stands now, in the absence of that unit established by law, we have taken the position that it should be sent to the Commissioner of Police or any law enforcement body prescribed by the Minister, by order. That is intended to deal with that flow of information and ensuring that it has a very narrow berth and it goes to the entities responsible currently for that type of investigation.

Another amendment is, after subclause (1) of 2, we have a subclause 2(2). Again, it says:

“For the purposes of section 15...”

And section 15 is now the investigation provision, which is the provision where you send the information from the Financial Intelligence Unit to the investigating entity. So it provides:

“For the purposes of section 15, the Minister with responsibility for national security may by Order prescribe the law enforcement authorities to which the FIU shall submit a report within the context of its subject matter.”

A similar intention is set out in this new clause 2(1).

I go now to another amendment, clause 3(2):

Delete the word “staff” and substitute the words “suitably qualified officers.”

We have added in subclauses (2)(a) and (b) which is really to be more explanatory. It does not really add anything; it just really wants to be clearer in terms of who can be recruited as a director general. It could possibly be a person coming from outside and brought on contract, and as indicated here, it says:

“and may include –

- (a) public officers, appointed, assigned, seconded or transferred from another Ministry or statutory corporation to the FIU; and
- (b) officers and other persons appointed on contract by the Permanent Secretary of the Ministry.”

That gives you an idea of the kinds of persons who may be able to fill the post, the focus on being their skill sets and their suitability for the position.

I think this amendment is a more significant amendment. It is a new clause 4A. It speaks about the Minister may give directions. I will read it out. It says:

“The Minister may give to the FIU directions in writing of a general nature as to the policy to be followed in the performance of its functions as appears to the Minister to be required in the public interest or to materially affect the strategic directions of the FIU and the FIU shall give effect to those directions.”

The intent behind this provision really is expressing a power that the Government has and that is contained in two provisions specifically in the Constitution, both in section 75 as well as section 85. Section 75(1) states:

“There shall be a Cabinet for Trinidad and Tobago which...shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible there for to Parliament.”

Section 85 states:

“(1) Where any Minister has been assigned responsibility for any department of government, he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary whose office shall be a public office.”

So, as I said, there is provision in the Constitution, but we have taken the precaution of putting it in the legislation.

I just want to say with regard to that, we looked at many other pieces of legislation from different countries. In fact, they have the identical provision. We looked at St. Kitts and Nevis; we looked at Bahamas; we looked at Australia; we

looked at a number of countries which have an administrative model and they are all FATF compliant; they are all CFATF compliant. In fact, we almost lifted it verbatim from the Bahamas provision, tweaking it a bit, but essentially it is really to answer the question of accountability, as well as autonomy.

**2.00 p.m.**

I want to quote on that point from the IMF report because I think that it is important that we understand that there must be accountability for all entities operating within the Government. It says in the report at page 23:

**“Institutional Autonomy and Accountability**

The core functions of an FIU call for objectivity in decision making, the timely processing of incoming information, and strict protection of confidential data. As exchange of information between FIUs is based in large part on trust, building an FIU that inspires trust from its counterparts is key to effective cooperation.”

This is the point.

“To ensure that these requirements are met on an ongoing basis, FIUs need to be given enough operational autonomy to allow them to carry out their assigned tasks without undue interference.”

Operational autonomy.

“At the same time, as government agencies, FIUs are accountable for the way in which they carry out their mission. The means by which FIUs account for their actions and the person or body to which they are formally accountable will vary from country to country. Accountability mechanisms, however, need to ensure that the special powers entrusted to the FIU are not abused and that public resources put at its disposal are used efficiently for the intended purpose.”

Many FIUs are established as departments of a ministry or agency. That is the case in Trinidad and Tobago. That is the one on which I wish to focus.

Another amendment is in clause 7. We have inserted 7A, which deals with salaries and other conditions. It merely sets out that:

“The salaries and other conditions of service of the Director and Deputy Director shall be subject to review by the Salaries Review Commission, in accordance with section 141 of the Constitution.”

After that a number of clauses thereafter are renumbered. I do not need to go into too much detail.

Clause 8 is renumbered. The words "15" and "16" are renumbered and are substituted with the words "16" and "17" in paragraph 3(c)(i). In this same clause in B we deleted the word "investigate" in paragraph 3(c)(ii) and substituted the word "investigative". These are minor changes. Similarly, we have inserted the words "and prosecutorial authorities" at the end of paragraph 3(g).

In clause 11 we added the words "or elsewhere". If you look at the new clause 15, it provides us dealing with the powers of investigation. That provision is with the location of the proceeds of crime. It is saying that you do not limit the powers to circumstances where the proceeds of crime are located in Trinidad and Tobago. It could be Trinidad and Tobago or elsewhere. That is merely correcting something that was left out and to balance it so to speak with clause 15. It underscores the point that money laundering knows no borders and is truly a transnational crime.

Similarly, in (b) delete the word "14" and substitute the word "15".

Clause 12 is deleting a consequential amendment substituting the word "10" with "11".

Clause 13 is adding the words "or activity" after the word "transaction".

Similarly, another, not cosmetic but perhaps, is tidying up, in B inserting the word "suspicious" before the word "activity".

In clause 14, insert the word "suspicious" before the word "transaction".

We have the renumbering of clause 17 as 17(1). That deals with a notice to non-compliant country and the right of countries that are FATF compliant to publish notices in the newspaper and Gazette of countries that are non-compliant.

Clause 17(2) is a recommendation from FATF in the most recent meetings. It provides:

“In respect of countries listed in the Notice published under subsection (1), the FIU may by order set out the measures that may be utilized by a financial institution or listed business against such countries.”

It is to ensure that there is compliance.

The last set of amendments treats with Part IV of the Bill which deals with offences and penalties. Part IV the new clause 21 deals with the failure to provide information. We have deleted the original 21 and replaced it with a new 21(1).

We have added, "a financial institution or listed business". We added the words "listed business" because, as I indicated, the FIU remit includes listed businesses.

Additionally, in terms of the offence of financial institutions or listed businesses failing to provide that information under clause 12 of the Bill as prescribed, we have created two offences. One is a summary conviction and the fine for that is now \$500,000 and a further fine of \$50,000 for each day. Then, we created an indictable offence which is on conviction, a fine of \$1 million. As it stood it only dealt with summary conviction. Now, we are dealing with summary and indictable. In recognition we have included that the legislation cover listed businesses which can be jewelry stores, law firms and accounting firms. We have included the persons liable for failing to provide information; apart from the board of directors of a company or CEO, we have included owner or partner and repeated the words "listed business". This is dealing with both financial institutions and listed businesses and recognizing that the penalty for failing to provide information as required under clause 16 of the Bill, they are both a summary offence and an indictable offence. As a consequence, subclause (4) has been struck out. It has been dealt with under the new 21(1). Clause 21 has been renumbered 22.

The other one that I think is of particular significance is this new provision in 22A(1). It is to treat with the concern about the confidentiality of information. We have not only ensured that the information goes to a specific entity within the police service, but also ensuring that in addition to the provision in clause 22 which talks about the disclosure of confidential information to any person, which could include the Minister, we have included another provision which mentions specifically, the Minister or any other person.

We have included under that provision not only for the annual reports—

“The Director shall not disclose to the Minister or to any other person, except in accordance with this Act, the personal or financial details pertaining to an individual or business contained in—

- (a) a suspicious transaction or a suspicious activity report;
- (b) a report on any analysis forwarded to prescribed law enforcement authorities; and
- (c) information obtained from a financial institution or listed business concerning any account held by a customer or business,

and arising out of or in connection with the annual report or out of or in connection with any other circumstances.”

It is wide and specific at the same time covering the Minister in particular and not only the annual reports, but also any suspicious activity report.

The consequence of failing to comply with that is the new subclause 22A(2). It states:

“Where the Director contravenes subsection (1), he commits an offence and shall be liable on summary conviction to a fine of three hundred thousand dollars and...” not or “imprisonment for three years and on conviction on indictment to a fine of one million dollars and imprisonment for five years.”

This is the seriousness with which we have attempted to deal with the concerns expressed about the flow of confidential information and into whose hands it will get it. The other major changes are consequential I believe in numbering.

The last, of course, is that we created a new Part V. The reason we did that is we wanted to ensure that clause 25 talks about the disclosure of personal information. It states:

“Notwithstanding any other law pertaining to the disclosure of personal information, the power of the FIU to collect, disseminate or exchange information under this Act, shall prevail.”

It is like an omnibus provision. We created a separate part to ensure that was clear.

I think that I have gone through what I believe to be the critical components of the amendments to the legislation. We looked at various models. We had much discussion on this on the last occasion. I am sorry that the Member for Oropouche East is not here because he spoke quite eloquently on it. I believe that he used the same source I used. Somehow I need to say this and I have to correct him. He said "Er:Mont". I did French at school. If he wants to correct it he may want to say "Egmon". You do not pronounce the "t". I do not know that "g" was pronounced as "r". I stand to be corrected.

In any event every FIU model has its strength and weaknesses. There are four: the administrative, law enforcement, judicial and hybrid. I am indicating that now we are operating with the task force with a hybrid model, meaning that they do both the investigation and data collection. They are operating as a one-stop shop without the legal authority. When I say legal, compulsion to compel organizations to provide them with that information.

The judicial model is very limited to few countries from my understanding with a continental law background. The two options that we looked at were the administrative and law enforcement models. All models have their strengths and weaknesses. I want to speak a little on the two models at which we looked.

The difficulty with the law enforcement model is that it is premised on the basis that the unit is located within the police service. Whilst it has its advantage of probably speeding up investigations, investigating what? You must have the evidence upon which you can pursue investigation with the hope that at the end of the day you have a successful prosecution. The experience has been that there are financial institutions which are very reluctant to disclose information to that type of law enforcement model. They have concerns that they are putting that interface between the police and the financial institutions. They create a certain level of discomfort. This is not in Trinidad and Tobago. This is what the research says. That is the experience around the world.

There is a reluctance to disclose information even when it is no longer suspicious. When you look at the model it has its strengths but it has a significant weakness. The model that we have determined is the most appropriate model for Trinidad and Tobago is what we call the administrative model. It is the model that is being used in Bahamas, St. Kitts, Barbados, Australia and Canada.

The main rationale for this type of model is that it creates that buffer zone so to speak. Again, referring to the IMF Report it gave the reason. It said that it is:

“...usually part of the structure or under the supervision of, an administration... or law enforcement or judicial authorities. They sometimes constitute a separate agency placed under the substantive supervision of a ministry or administration... The main rationale is to establish ‘a buffer’ between the financial sector...and the law-enforcement authorities in charge of financial crime investigations prosecutions. Often, financial institutions facing a problematic transaction do not have hard evidence of the fact that such a transaction (is a result out of a) criminal activity...therefore (they are) reluctant to disclose it to law-enforcement agencies.”

That is the reasoning in the IMF Report—this is not Trinidad and Tobago—that did a study on various types of FIUs around the world.

### **2.15 p.m.**

There are a number of countries that have that model, some of which are Andorra, Aruba, Australia, Belgium, Bolivia, Columbia, Bulgaria, France, Israel, The Netherlands, Panama, Russia, Spain, Poland, Venezuela, and so on. When they gave an example of this unit, they said that by creating “a buffer between the financial institutions and law-enforcement sectors, authorities can more easily enlist the cooperation of reporting institutions”. This is reading item page 12 of the document.

They gave examples of it and said that it is a structure fully integrated as an office of the Ministry of Finance; a director appointed by the government reporting to the Minister of Finance and the government. We are not reinventing the wheel; we are doing what is done by models all around the world that have been considered to be FATF compliant and CFATF compliant.

I speak on that matter because, on the last occasion, the Member for Oropouche East, when we looked at the administrative model or other kinds of models, drew examples of countries, which he said had created this buffer even within the FIU, between the government and the FIU and had created some sort of council, corporation or body. We did our research too and looked at the models he mentioned and the example he gave of India. It says that the FIU is an independent administrative body reporting directly to the Economic Intelligence Council, but headed by the Minister of Finance.

It said that what they were proposing did not involve oversight or even the participation of the Minister of Finance. The Minister does not get involved in the operational activities of the FIU. As I indicated, they have an administrative body headed by the Minister of Finance. He used the example of Belgium and, in that example, the FIU manages its own business and the board is comprised of a president and vice-president, who are responsible for organizing the unit. They are appointed by the Ministers of Finance, Justice and Economic Affairs in Belgium.

That is only reasonable; that is how it should be. You cannot have an entity that is a critical part of your national security operating outside central government. Yes, you want to balance the question of autonomy, but you have to balance it against accountability. When you look at the report, one of the things they mention as one of the critical ways to ensure that type of autonomy is the filing of an annual report. As indicated in our legislation, there is provision for the Minister to file an annual report. As we go further, there is a time frame in which the Minister must bring the annual report to Parliament, which I believe is two months.

When we look at other jurisdictions which have this requirement for an annual report, it is noteworthy, for example, Mauritius, it says in section 34:

“The FIU shall make an annual report on its activities to the Minister, containing such statistical and other information as the Minister may require.”

But there is no obligation or compulsion on the part of the Minister to lay the report in Parliament.

In the Bahamas, while there is provision in their section 10 for the report to be laid, there is no time limit placed on the Minister for laying the annual report. In Bermuda, it says that the Minister, as soon as possible, should lay it. In the United Kingdom, there is no time limit for the Secretary of State laying the report in Parliament. We have gone a step further and ensured—the statute provides for it—that the report must be laid within a two-month period unlike many of the other jurisdictions where there is no such compulsion.

I would like to turn to the issue of how the FIU will operate. That is contained in the provisions of the legislation. They have been renumbered, so that the provision that starts with the functions and powers is the newly renumbered clause 8.

Essentially, as I said, the FIU will collect suspicious information, suspicious activity reports from financial institutions, listed businesses and they can request that information from those entities and, having requested that information, analyze it, evaluate the report and determine from that analysis and evaluation whether there is sufficient basis upon which to pass it on to the law enforcement agencies, local or foreign.

Having collected it, they are responsible, in order to ensure that they see a trend analysis, to keep annual and periodic reports in accordance with sections 16 and 17; they are required to do technical analyses and generate activity patterns; all intended to marshal the information and the data to make a determination because there will be a trend, taking that report, getting the information from financial institutions and listed businesses and doing the proper tactical analysis.

**Dr. Rafeeq:** I thank the Minister for giving way. You mentioned a while ago that when the Minister receives the report from the director, there is a provision that it be laid in Parliament within two months. That is commendable, but what happens if the Minister does not lay it. We have had several instances in law where the Ministers are required to lay reports and they do not do it. There is no sanction here if the Minister does not do it.

**Hon. K. Nunez-Testeira:** Mr. Speaker, we recollect that the report that is submitted to the Minister cannot be altered; it cannot be interfered with in any form or fashion, therefore I cannot anticipate that there should be any delay in laying the report. It is not a question of your saying that the director must provide the report by X date, which he or she should, but once it is in the hands of the Minister, I cannot envisage a circumstance where the two-month limitation would not be achieved.

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

*Motion made.* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. C. Imbert*]

*Question put and agreed to.*

**Hon. K. Nunez-Tesheira:** Mr. Speaker, I was indicating to this honourable House that the role of the FIU is to collect and analyze that information and, where it is satisfied that there is sufficient basis, to go to the prescribed law enforcement agency which at this time would be an enforcement agency as prescribed by the Commissioner of Police. The intention is that it would go to the Financial Investigations Bureau, which would be set up. The FIU also has the power to request further information and, having gotten it, send it to the next stage of the investigation.

The persons who will be operating within that unit, just like in the FIU, would have special skill sets and would have to get special clearance for the members of that unit. Clearly you are dealing with sensitive information. In fact, the legislation makes provision for an oath of office. It also makes provision for when the directors or members of that staff are no longer members of the FIU. They are sworn to secrecy and there is a penalty for failure to comply. There are strict provisions ensuring compliance.

The unit will be staffed by specially trained persons who will continue the investigation. In fact, when you look at the staffing requirements of an FIU, the task force is staffed by persons with special skill sets coming from police, immigration, customs, SAUTT and Inland Revenue. When you look at the requirement for staffing, again, in the IMF report, it recognizes that you need expertise in a wide range of fields, especially when the scope of the reporting obligation is broadened beyond financial institutions, which, in our case, includes enlisted businesses, economists, bankers, lawyers, law enforcement officers, information technology engineers, security brokers and insurance specialists; in other words, people with the knowledge and analytical skills who get the top clearance, just as is required for SAUTT, to be part of that entity; a very exclusive group of persons who will be operating at the FIU as well as the investigative arm.

I spoke on both penalties and there is a whole section which deals with offences and penalties. It speaks to the failure to return the ID by a person who is no longer a member of the FIU. They are fined \$20,000 and, not or, imprisoned for six months. I went through the provision for the failure to provide information. I went through the provision which deals specifically with the Minister or any other person and the general provision that deals with that, putting some serious

penalties, not only a fine, but a criminal penalty of imprisonment. In essence, I have attempted to look at the penalties, work and functions of the model that we have chosen, one that is used by many countries; why we chose the administrative model and what we were guided by.

In closing, we have talked about the FIU and why we need to understand the crime the FIU is intended to police. It is a crime that sometimes we forget about because it is dressed up so nicely in a white shirt and a tie and looks so respectable. We sometimes forget that those persons involved in organized crime are really the true criminals.

In my view, the symptoms of the crime are what we see expressed in our streets—the blood let by the young people. I was taken aback when I saw the statistics from the police saying that 2,500 have died because of gang-related crimes, murder, in four years. It speaks to the devastating impact of organized crime. With all due respect to everyone, may I say that we focus on those murders and those communities which we say are the hot spots and we seem not to make the connection to what is symptomatic of an underlying cause where the perpetrators and actors are not located in those environments.

I am reading from a provision here which says that the most common types of criminals who need to launder money are narcotics and firearm traffickers, corrupt officials and terrorists. Because the nature of their business is cash centric, narcotics and firearms traffickers are particularly dependent upon effective money laundering. And, as I said, they go to places where they can get a soft landing. It impacts on our society on many levels. Other speakers spoke about the economic impact. It impacts on the economy, the real sector, because it diverts resources into activity that we call underground activities.

I am reading again from the report on the harmful effects of money laundering. They say that perhaps one of the most serious threats that money laundering poses on the economy is the undermining of the local private sector. It is not just the parlour, front companies are often used which blend the proceeds of illicit activities with legitimate funds to hide the dirty money. They gave the example of pizza parlours in the United States.

Sometimes we tend not to make that connection and we believe that what we see happening—I do not want to be misquoted on this, but there is no doubt that it has something to do with the breakdown of family values. I will not stand here and say otherwise, but I am saying that the examples often touted are hot spots and areas impacted by organized crime and money laundering in its wide scope.

**2.30 p.m.**

When we look back 20 years ago, those same communities were the more economically depressed communities. There were communities with single families, where the mother was the matriarch. The matriarchal structure is what we have in many of our Caribbean communities. The unemployment level was much higher than it is today.

We have 5 per cent unemployment. There was higher unemployment. The poverty rate was 30-something per cent. It is down significantly. It cannot be an issue of just economics. It cannot just be an issue of the family structure, because if that is the argument, then that should have happened 20 years ago. There is a variable that is coming into place and it is organized crime.

When we see the young men and young women of our society who are losing their lives every day and their blood is being shed and we tend to, perhaps, adopt a kind of maybe self-righteous attitude; not all but some of us may. I am not casting aspersions on anyone. We may all be guilty of that. Some us have distanced ourselves from that conduct and say that it is a question of the breakdown of family values; the fact that there are no religious, spiritual values; the impact of the environment; and IT. I do not discount that. I am not saying they do not have an impact, but the real variable—you have examples of that. Look at countries such as Colombia and Miami in the 1990s, the variable is organized crime. To have organized crime, you have to have significant—who is laundering the money? It cannot be the small man, we all know that. It cannot be the small man, so we have to be realistic about this fight against crime.

Sometimes, we say that it is gang-related crimes. When we look at the statistics on gang-related crimes, we sort of categorize them as one set of crime being impacted by the drug trade and organized crime. I beg to differ. I have heard the Minister of National Security say oftentimes that there is a guns-for-drugs trade in Trinidad and Tobago, because it is a last transshipment point. This country is flooded with arms and ammunitions. When you look at that; even those crimes that are not directly related, the assassination-type crimes and the gang-related crimes, and even those that we call domestic crimes, in many instances, when we dig below, one of the children is on drugs, whether it is cocaine. Many times, when we hear of the number of robberies and domestic violence matters and when you enquire, there is some correlation. Nowadays, the young people are not ending or dealing with disputes with the mouth or even the cuff, it is inappropriate in the first place, you see them pulling out a gun. Where are they getting the guns from?

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I was looking at some statistics and they have showed that over 70-something per cent of the murders in Trinidad, you are getting it incrementally, are associated with murders committed with the gun. Where are our young people getting the gun from? My view on this is, yes there are some that you can say are directly related to gang warfare, organized crime and money laundering, but I will say that it is, again, further than that. It has affected the very social and spiritual fabric of our society.

I believe that this move by the Government to bring into effect this Financial Intelligence Unit Bill and the Proceeds of Crime Act, together with other initiatives which are being pursued, including SAUTT, which would be coming shortly, the Financial Institutions Act, the Securities and Exchange Act and a number of pieces of legislation, we are well on our way to really making a dent in crime, not at the symptomatic level, which is important. I am not discounting that; we have to deal with it, but at the root.

The Member for Caroni East is a doctor. We know when you get a cut, sometimes you put plaster on it, it will fester and get worse. I can look on my own side, sorry Member for Diego Martin Central, why did I do that? We would give them antibiotic, but we need to get rid of the underlying cause. I believe this approach is not a plaster to the sore, but it is an antibiotic; the necessary measures that we must take to root out the scourge of money laundering which starts, not in the hills of Laventille but somewhere else; where there are persons with the means and ability to launder their money and are able to bring in the guns and destroy the very fabric of our country and I dare say the soul of our nation.

This Government will not stand idle, will not be defeated and is committed to win, not only the war against crime, but the war against the people and the very souls of our citizens. As I say and I always say it, we continue to deliver, because we truly continue to care.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Mr. Speaker:** Hon. Members, before the Minister resolves the House into committee, I would like to make a statement concerning the extremely late arrival and circulation of the amendments.

I find it is a dishonour to this House, the Chair, the Opposition Members and even to the Government Members, that these amendments were circulated—

**Dr. Rafeeq:** Substantial.

**Mr. Speaker:**—substantial amendments were circulated at the 99.99<sup>th</sup> hour. I hope that those responsible at the relevant Ministries would act responsibly in the future and with due diligence and a situation like this should not and must not occur again.

In the circumstances, since these amendments are very substantial and I am sure that Members to my left and even Members to my right, Laventille West and San Fernando West, may have substantial interventions to make. In those circumstances, I will suspend the sitting of the House to include your tea break to 5.00 p.m., at which time I think Members should have sufficient time to go into the amendments and come back prepared.

The sitting of the House is suspended until 5.00 p.m.

**2.37 p.m.:** *Sitting suspended.*

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

*Bill committed to a committee of the whole House.*

*House in committee.*

**Mr. Chairman:** The committee is now called to order. Let me, at the onset, indicate to Members that, in terms of the renumbering, we will do that at the end in one goggle Motion. We will start with clause 1.

**Dr. Rafeeq:** Mr. Chairman, before we go to clause 1, I just want to say, on behalf of the Opposition, we consider this to be a very, very important piece of legislation and we would like to have the opportunity to support this piece of legislation, but we want to support good legislation. Because of the substantial number of amendments we have here, we do not think that we had enough time to deliberate on them. We would like to get some extra time to consult, so that we can have good legislation. I want to put that on the table; we did not think we had enough time to consider this legislation.

**Mr. Chairman:** Do you need half of an hour?

**Mr. Imbert:** How much time are we talking about?

**Dr. Rafeeq:** We need a couple of days. I am just telling you our position.

**Mr. Imbert:** We could give you another half of an hour, if you want. You want a couple of days? We do not have that kind of flexibility.

**Dr. Rafeeq:** Okay.

**Mr. Manning:** It is not that we are trying to ride roughshod over you or any such thing. We have had to operate this way because we have no choice, really. We have come up against a deadline and Trinidad and Tobago stands to be blacklisted, disastrous consequences, and that is what we are trying to avoid.

**Dr. Gopeesingh:** The deadline is October?

**Mr. Imbert:** October 09.

**Mr. Manning:** October 09.

**Dr. Gopeesingh:** Can we be given up till Monday?

**Mr. Manning:** No, we also have the Senate and all kinds of things.

**Mr. Imbert:** It has to be passed in both Houses.

**Dr. Gopeesingh:** We can come back Friday or whatever.

**Mr. Manning:** We also have Ministers aboard, who are due to go abroad and all kinds of things to do, so it is not a simple matter; it is very complex.

We would like to accommodate you but, unfortunately, we just do not have the flexibility on this occasion to do that.

**5.05 p.m.**

**Mr. Chairman:** Shall we proceed?

*Clause 1.*

*Question proposed,* That clause 1 stand part of the Bill.

**Mr. Chairman:** The question is that clause 1 be amended as follows:

A. Renumber clause 1 as subclause 1(1); and

B. Insert after subclause (1), the following:

“(2) This Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.”

**Dr. Gopeesingh:** Mr. Chairman, I had raised the question of the constitutionality of this, and it really begs the question that we are encroaching on people’s rights and freedoms as stated in section 4 of the Constitution—“the right of the individual to respect for his private...”

**Mr. Chairman:** We are dealing with clause 1.

**Dr. Gopeesingh:** This Bill does not need a three-fifths majority; it needs a two-thirds majority.

**Mr. Imbert:** Could you explain the point you are making?

**Dr. Gopeesingh:** The point I am making is that this is a very important piece of legislation which infringes upon an individual's freedom and respect for private life which is a banking account or anything like that. This goes deep into the Constitution and, therefore, when that is contemplated, I do not think that we should just look for a three-fifths support.

**Mr. Chairman:** You are saying that it is breaching the Constitution and it requires a two-thirds majority, perhaps you could point to the part of the Constitution that would support your argument.

**Sen. Jeremie SC:** There is nothing in the Bill that I have seen which, according to operational majority is more than a three-fifths majority. So, if you could point to a clause in the Bill—

**Dr. Gopeesingh:** Sure, clause 13(1), Part IV of the Constitution says:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

**Sen. Jeremie SC:** That is the reasonably justifiably section, and it is found in all Commonwealth constitutions. It does not prescribe the type of majority that you require. The Constitution itself would tell you what type of majority is required for various things. If you want to abolish appeals to the Privy Council, you need a three-quarters majority in the House and two-thirds in the Senate. That is prescribed in the Constitution. If you wish to amend a deeply entrenched provision, then you need a high majority. If you wish to derogate from rights, as we are doing here, all that you need is a three-fifths majority.

**Dr. Gopeesingh:** These are deep rights that you are looking into and it says:

“...unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

This goes at the heart of the rights and freedoms of an individual, and this is where it calls for a greater majority rather than a three-fifths majority.

**Mr. Manning:** It would be nice to find out the legal authority on which the Member for Caroni East is relying. The Attorney General is the legal adviser to the Government, and the Government's legal adviser has advised us that it does

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require a three-fifths majority and, therefore, we have to be guided by that, unless my good friend could come with some authority that suggests otherwise.

**Dr. Gopeesingh:** Well, the Constitution does not specify what areas need two-thirds or three-quarters.

**Sen. Jeremie SC:** It does.

**Dr. Gopeesingh:** In this instance—

**Mr. Chairman:** Well, in this instance, what you are saying would not apply.

**Dr. Gopeesingh:** Where does this apply?

“...unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights...”

In terms of the three-fifths, two-thirds or three-quarters majority, where does it come in?

**Sen. Jeremie SC:** Well, if you have the greatest majority—as I said, section 13 is found in most Commonwealth jurisdictions, and it allows a single judge to invalidate legislation that has been passed unanimously on the basis that the legislation is not reasonably justifiable in a society that has a proper respect for the rule of law. So, it is a generic clause by which we guarantee the rights we hold there.

**Dr. Gopeesingh:** So, are you indicating that if anyone has a difficulty with it he or she can go to the court and deem it unconstitutional?

**Mr. Chairman:** The hon. Attorney General has indicated that if any Member feels aggrieved that this Bill was passed with a majority that is allowed for it to be passed, then anybody can take it to the court.

**Dr. Gopeesingh:** Mr. Chairman, I thought it was sufficiently important for the Opposition to register its concern for the appreciation that this really goes to the heart of an individual's rights and protection of his or her private life. It is in this context I made that point.

**Mr. Chairman:** I think the Government has heard you and the Attorney General has spoken.

*Question put and agreed to.*

*Clause 1, as amended, ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 2 be amended as follows:

- A. Renumber clause 2, as subclause 2(1);
- B. In subclause (1), delete the definition of the term "law enforcement authorities" and substitute the following:
 

“law enforcement authority” means the Commissioner of Police or any law enforcement body prescribed by the Minister with responsibility for national security, under subsection (2).
- C. Insert after subsection (1), the following:
 

“(2) For the purposes of section 15, the Minister with responsibility for national security may by Order prescribe the law enforcement authorities to which the FIU shall submit a report within the context of its subject matter.”

**Dr. Gopeesingh:** Would you be kind enough to say what you mean by 'law enforcement authority' means the Commissioner of Police or any law enforcement body...? Can you give some reference to what you are thinking as a law enforcement body? The Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) is a law enforcement body, but it has no legal clout, because it is illegal at the moment. Can give us some examples of where this will go?

**Sen. Jeremie SC:** SAUTT is not illegal. It has not been established by legislation so it has no corporate status, so to speak. What you did not read was "prescribed by the Minister with responsibility for national security, under subsection (2)." If, for example, at some point in time SAUTT becomes a body corporate established by legislation, and the Minister wishes to designate SAUTT as a body, he can prescribe SAUTT as a law enforcement body under this subsection.

**Dr. Gopeesingh:** Did you consider the Customs and Excise Department and the Board of Inland Revenue and so on?

**Sen. Jeremie SC:** At the present time, no. It was just contemplated that this would extend to the Commissioner of Police.

**Dr. Gopeesingh:** For the time being.

**Mrs. Nunez-Tesheira:** In fact, if I could just clarify, if you look at the initial original provision, it did allow you to send it to law enforcement authorities including the Customs and Excise Department, the Board of Inland Revenue and so on, and the intention here is to narrow the remit in terms of whom to that information could be sent. There are other administrative models that are utilized

in other jurisdictions. What happened is that it was met with limited success, because after the information leaves the FIU, it goes either to customs or Inland Revenue and there is not sufficient oversight and expertise residing in those entities.

So, the intention is, until we have a Financial Investigation Bureau established, in the interim, we are making arrangements that the Commissioner of Police or any enforcement authority prescribed by the Minister would be utilized. The intention is that it would not go to the Customs and Excise Department, the Board of Inland Revenue or, as was mentioned, any police officer, but it would go to a specific branch. Presently, we have the task force operating, and they are really operating like a hybrid FIU. So, the intention here is to narrow the remit and narrow the entity to which that information goes.

**Dr. Gopeesingh:** Now, you have an Inter-Agency Task Force, is that one of the areas? I understand that there is also a Counter Drug Task Force, could this information be sent to those bodies?

**Sen. Jeremie SC:** At the present time, no. The prescription which has to be made by the Minister would presumably be to a law enforcement authority, a body which has legal status—

**Dr. Gopeesingh:** We are asking that question so that we could get an understanding—

**Sen. Jeremie SC:**—not just an arm of the police service or the Inter-Agency Task Force.

**Dr. Gopeesingh:** At the moment, are you contemplating that it be sent directly to the Commissioner of Police until the Financial Investigation Bureau comes on board?

**Sen. Jeremie SC:** For the time being.

**Mr. Bharath:** I just want to seek the Attorney General's comments on the issue of SAUTT. Are you suggesting that until the legislation is brought to Parliament for SAUTT to become a body incorporate, there can be no reference to SAUTT with regard to the FIU?

**Sen. Jeremie SC:** Yes. There will not be a reference to SAUTT, at least until that time.

**Mr. Bharath:** So, in the interim, SAUTT would not be involved in any of the activities related to the FIU.

**Mr. Manning:** SAUTT comprises police officers, soldiers and other categories of personnel. A police officer operating in SAUTT comes under the control of the Commissioner of Police and, therefore, is authorized by law to act in the capacity of a police officer.

**Mr. Bharath:** On an individual basis.

**Mr. Manning:** Well, on any basis, because he is a police officer, but for the time being operating on a particular arrangement. There is no need to complicate it.

**Mr. Bharath:** I am not attempting to. I just wanted to get clarification.

**Mr. Manning:** The fact of the matter is that the Inter-Agency Task Force or any of the task forces are just that. They are not agencies; they are task forces comprising people from different agencies. In this legislation, we are saying that the information goes to the Commissioner of Police to be handled in the way the Commissioner of Police normally handles these matters.

**Mr. Bharath:** It goes further to suggest that the Minister of National Security has it within his purview to then refer it to whichever agency he sees fit.

**Mr. Manning:** There is only one at this time. Until such time that there is a basis for doing otherwise, we do not propose to do that.

**Dr. Gopeesingh:** We can understand your rationale for the Customs and Excise Department and the Board of Inland Revenue, because the Government is contemplating bringing in the Revenue Authority. So, the Board of Inland Revenue and the Customs and Excise Department would be non-existent, and it is going to be under the Revenue Authority.

**Mrs. Nunez-Tesheira:** One of the concerns expressed here was that after the collection of the data it would go to different entities and, therefore, you would not be able to manage the way in which confidential information was handled. It may go into the hands of persons who are not properly trained with the proper skills with the authorization; the proper clearance. You need a particular clearance in order to deal with this confidential information. That was a major concern, and in order to address that concern, in the absence to date of SAUTT not being established by law, we tried to come to a sort of compromise in that regard to signal that the information would not be given to any entity, but it would go through the Commissioner of Police. The intention is that when the Financial Intelligence Bureau is established by law that is exactly where it will go. This is really to control. We do not have the TTRA in mind. It is controlling the information and leaving the FIU and going to the next stage of investigation. That is the thinking behind it.

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed,* That clause 3 stand part of the Bill.

**Mr. Chairman:** The question is that clause 3 be amended as follows:

- A. In subclause (2), delete the word “staff”, and substitute the words “suitably qualified officers”;
- B. Insert the following at the end thereof:
  - “and may include—
  - (a) public officers, appointed, assigned, seconded or transferred from another Ministry or statutory corporation to the FIU; and
  - (b) officers and other persons appointed on contract by the Permanent Secretary of the Ministry.”

**Mr. Bharath:** The Opposition has consistently expressed reservation with regard to the FIU sitting under the Ministry of Finance as proposed to be established at this point in time. We have had reservations simply because there have been alleged previous incursions in other institutions by governments.

**5.20 p.m.**

We felt that—as expressed during the debate—this particular unit should report to an independent commission, made up of people, representatives from organizations who are involved in the fight against this illegal trade. For example made up of representatives from the Ministry of Finance, the Ministry of National Security, Customs and Excise, Immigration and a wider body of people who would not just be independent, but would be perceived as being independent by the general public. I noticed that those recommendations were not taken on board by the Government, but we wanted to express again, our serious concerns that this FIU should be perceived to be reporting to a totally independent organization outside of the purview or control of any Minister of Government.

In fact, we would note a little earlier on, where the Minister talked earlier on when she was summing up that the Minister has the ability to direct the policy of the unit. She was clear that it did not involve the operational autonomy; however, policy can very easily be turned into operation. Therefore, I want to put on record our grave reservation with regard to this. I felt that a unit such as this, which has—as the Member for Caroni East says—serious possibilities of intruding on people's private lives, their bank accounts, their properties and so on, needs not just to be independent but to be seen to be independent as well.

**Mr. Manning:** There are two problems that lead to the suggestions that you made. The first is, if you set up a unit comprising people of various ministries, then all you do is, you bring a wider number of ministries into the information that you consider secret, and therefore, you increase to that extent the possibility of the integrity of the information being prejudiced.

Secondly, each ministry has a Minister and each person who is from a ministry sitting on that so-called independent body, reports to a Minister. So, instead of one Minister you now have a series of Ministers. In those circumstances we believe that the approach that we are taking is far superior.

**Mr. Bharath:** That is the problem Prime Minister, because we believe that it creates issues of control when you have one person directly in charge as opposed to having several people looking out for each other.

**Dr. Rafeeq:** Mr. Chairman, you are dealing with clause 3? Another concern that we have is that:

“The FIU shall consist of a Director and Deputy Director...”

There is nothing in terms of criteria for selection of a director or deputy director in the qualifications of such a person. We feel that such an important position, at least some criteria and some qualifications should be established for the director and deputy director.

**Mr. Imbert:** That could be considered in due course. That is something that has to be carefully thought through.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed, That clause 4 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 4 be amended as follows:

4A Inserted    Insert after clause 4 the following:

“Minister may give directions    4A. The Minister may give to the FIU directions in writing of a general nature as to the policy to be followed in the performance of its functions as appears to the Minister to be required in the public interest or to materially affect the strategic directions of the FIU and the FIU shall give effect to those directions.”

**Mr. Bharath:** Mr. Chairman, as expressed earlier, we feel that this clause, which gives the Minister—It says here the Minister has the ability to give:

“...directions in writing of a general nature as to the policy to be followed in the performance of its functions as appears to the Minister to be required in the public interest or to materially affect the strategic directions of the FIU and the FIU shall give effect to those directions.”

Effectively, it comes back to the point I was making earlier that this particular FIU is now under the direct control of the Minister and solely under the direct control of the Minister. We do not believe that the situation that exists in St. Kitts, Australia and the Bahamas that the Minister quoted is exactly the same as it exists in Trinidad. We do not believe that we have the checks and balances in Trinidad and Tobago to have a Minister or any Minister involved in direct control of a unit such as this.

**Mr. Manning:** What the Member for St. Augustine is really saying is that he has no confidence in the parliamentary officials, elected or nominated, to conduct the business with integrity; that is what you are saying and, with respect, I have to reject that for you.

**Mr. Bharath:** I am suggesting, Prime Minister, that regardless of whether we may think so or not, it must not just be the case but it must be seen to be the case. There is a general body of opinion outside of this Parliament that does not have the same level of confidence or trust in your Ministers as you might think they do. It is as simple as that.

**Mr. Manning:** What you are saying is, any group of officials, whoever they may be, will have more integrity than any one Minister of this or any other government. All we are saying is that we do not accept that.

**Mrs. Nunez-Tesheira:** May I just say that perhaps the Member was not, I would not want to say, paying attention. Every jurisdiction as you rightly said would have that provision and it is consistent with the rights of the Government under the Constitution, as I quoted, both sections 75 and 85, which is the gap, and the Cabinet and the appointed government has the right to set policy directions, and the Constitution, as you know, is the highest law of our land.

In fact, when we looked at the reading on this and the learning on it, they recognized the natural tension between wanting autonomy, and at the same point in time you have to look for accountability, and they must be accountable to someone. Since the central government is charged with the issues of national

security for the country, the accountability must be with the Government and therefore, you cannot have an entity, an FIU, operating as a renegade, operating outside the purview of the law. All the jurisdictions we looked at, every single one of them, had explicitly that provision.

So, what we are doing is putting in place a provision that recognizes the need to balance autonomy against accountability. Really what the hon. Prime Minister, Member for San Fernando East, said is correct. What you are really saying, at the end of the day, is that all the other jurisdictions are persons worthy of your trust and Members on this side are not worthy, because that can be the only basis for your argument, which we reject.

**Mr. Bharath:** I disagree with the issue that all jurisdictions have a clause and they are worthy. The Ministry of Finance, or the ultimate Minister who is in charge directly, exercises that level of control. In fact, in many jurisdictions, as I mentioned earlier, the control rests with a body of people and not with a particular Minister.

**Mr. Imbert:** Member for St. Augustine, I do not think what you are saying is accurate. I myself did some research and all of the jurisdictions that I looked at within the Caribbean, Belize, Barbados, United Kingdom, Israel, Italy, I mean I went all over the world and every jurisdiction I went to has a clause that is virtually identical to this, where the Minister sets the broad policy framework and then the FIU operates within that policy framework. I am not aware of a single country, where the responsible Minister does not set overarching policy framework.

**Mr. Bharath:** There is a buffer. You talked about the United Kingdom. There is a buffer between the Minister, the State Ship Sec and the unit, and that is what we are talking about.

**Mr. Imbert:** But that so-called buffer does not set policy. In the United Kingdom, the Minister sets policy.

**Mr. Bharath:** As is the duty of all—

**Mr. Imbert:** That is my point. In every country in the world that I looked at, the Minister—and I must have looked at 20—the Minister establishes the overarching policy framework. The concern is, after the Minister establishes the policy, what is the role of the Minister after that. The point is, the Minister sets the policy, then the director operates with some level of autonomy within the policy framework.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Dr. H. Rafeeq:** Mr. Chairman, I am not too sure if it is further down, but a person who contravenes section 2 commits an offence. Is there the penalty later on?

**Mrs. Nunez-Tesheira:** If you look at section 19, which is Part IV, you have offences and penalties, and there is a penalty for the offence.

**Dr. H. Rafeeq:** Thank you very much.

*Question put and agreed to.*

*Clause 5 ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed, That clause 7 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 7 be amended as follows:

7 A. Insert the following new clause:

“Salaries and other conditions

7. The salaries and other conditions of Service of the Director and Deputy Director shall be subject to review by the Salaries Review Commission, in accordance with section 141 of the Constitution.”; and

B. Renumber all subsequent sections accordingly.

**Dr. Gopeesingh:** I think we would like to seek some clarification on what you consider on clause 7(1), financial institutions and listed business. Financial institutions are banking and non-banking, or are there more? So, could you clarify what you mean by that. I think under the Financial Institutions Act, there might have been some definition somewhere on what financial institutions are. Could you clarify for us? The other issue is the listed business. Who is listing these businesses and what type of businesses are being listed?

**Mrs. Nunez-Tesheira:** If you would recall in the amendment to the Proceeds of Crime Act, there was a schedule to that, and in the schedule, set out all what constituted listed businesses and I read them out. Some of them are pawnbrokers, jewellers, accountants, lawyers, motor car dealers. Those are the businesses that are constituted as listed businesses but will come under the purview of the FIU.

**Dr. Gopeesingh:** Financial institutions now, clarify that for us.

**Mrs. Nunez-Tesheira:** Well, the banks. All banks, insurance companies. I think there is a definition of financial institutions that would include insurance companies, investment banks, commercial banks. All of them would be captured under this legislation.

*Question put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed, That clause 8 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 8 be amended as follows:

8 as renumbered    In clause 8 as renumbered:

- A. Delete the words "15 and 16" in paragraph (3)(c)(i), and substitute the words "16 and 17";
- B. Delete the word "investigate" in paragraph (3)(c)(ii), and substitute the word "investigative"; and
- C. Insert the words "and prosecutorial authorities." At the end of paragraph (3)(g):

**Dr. Gopeesingh:** We would like to seek some further clarification from the Government on the issue of the FIU, in terms of if this Bill incorporates all the recommendations of FATF, which are the 40 recommendations, and the 19 revised CFATF recommendations. I am asking this question because if we look at the 40 recommendations of FATF, I would like to draw Members' attention to some preliminary statements on the introduction of the 40 recommendations of FATF, on the introductory paragraph:

"The FATF calls upon all countries"—including Trinidad and Tobago—"to take the necessary steps to bring their national systems for combating money laundering and terrorist financing into compliance with the new FATF recommendations, and to effectively implement these measures."

And the FATF recommendations are 40 plus 19.

**Mrs. Nunez-Tesheira:** Nine.

**5.35 p.m.**

**Dr. Gopeesingh:** There is a document, “Caribbean Financial Action Task Force Revised CFATF 19 Recommendations”, I do not know.

**Sen. Jeremie SC:** FATF.

**Dr. Gopeesingh:** Okay, could you clarify that for us, whether this Bill incorporates all the recommendations—the 40 from FATF and the nine from CFATF?

**Sen. Jeremie SC:** The short answer is that it does not. But what it does is to bring us into compliance to a greater degree than we are at the present time. We are now largely not compliant. With the passage of this Bill, the Financial Obligations Regulations and the POCA (Proceeds of Crime Act) amendment in the other place; we would be compliant with, maybe, 26 of the recommendations.

**Dr. Gopeesingh:** In that context is it the thinking of the Government that it will come back with subsequent legislation to effect the other 14 recommendations?

**Sen. Jeremie SC:** Yes. As a matter of fact we are doing work as we speak with respect to terrorist financing which will carry us substantially further along the way.

**Dr. Gopeesingh:** I saw that as a future Bill to come, but how would the Egmont Group look at it, if we are to be part of that group and we only satisfy 26 of the recommendations and not the entire 40, how would they view Trinidad and Tobago?

**Sen. Jeremie SC:** Well, we are improving our position materially by passing these pieces of legislation. Rome was not built in one day. We just cannot—in a week or two weeks or maybe even a month—bring ourselves into full compliance with the 40 plus nine recommendations. It would require process, we are committed to that process and we are embarked on that process.

**Dr. Gopeesingh:** I hear you. Prime Minister, you want to say something?

**Mr. Manning:** Yes, what I was saying is that we are trying to do as much as we can within the time available to us. What this legislation would guarantee is that we are no longer exposed to the penalties that are being threatened if we had not taken action. So what this does, it gets us past that hurdle, but we need more time to bring the additional legislation that would bring us fully to compliance with the 40 plus nine.

**Dr. Gopeesingh:** We hear you. In that context—I crave your indulgence—when the Minister was winding up I tried to get her attention, I think she heeded my attention for a while but in the end I think she must have forgotten. I was trying to ask her about the first recommendation of the 40, which is the legal system, whether the offences that will come under the anti-money laundering issue, whether that includes any of the offences on the glossary in these recommendations. I am speaking about things like participation in an organized criminal group and racketeering which you were talking about, where some of the crimes come and the money laundering comes out of that. Trafficking in human beings and migrants smuggling, illicit arms trafficking, corruption and bribery.

I am asking that because it would seem as though these offences are not under the classification of the offences spoken about, and if there is any intention of the Government to include these offences. I am raising that, Prime Minister and Member of your team, because in legal system under the 40 recommendations in the second paragraph—“Country should apply the crime of money laundering to all serious offences with a view to including the widest range of predicate offences”—on the glossary, there are a number of offences which are not included in this. So what is your take on it?

Just let me make one last point. Whichever approach is adopted, each country should at a minimum include a range of offences within each of the designated category of offences and these categories of offences are on the glossary. Could you comment on it?

**Sen. Jeremie SC:** The point is the same that we made a couple minutes ago. That is to say that it is our intention to bring legislation where we have gaps and where we are deficient, eventually we will bring ourselves into full compliance. There are areas—corruption is one of them, and the Proceeds of Crime legislation takes care of that—in which we would not need to legislate, but for example, in relation to terrorist financing, we have gone some way towards outlawing that, but we have not dealt with charitable institutions and so on. Those things would come, but they are not before us at this point in time.

**Dr. Gopeesingh:** I ask that to get your answer.

**Mrs. Nunez-Tesheira:** If I understand your question, the POCA amendment—remember we have to look at the FIU, POCA and the Financial Obligations Regulations as a group of legislation and subsidiary legislation brings us into significant compliance. But the POCA was amended to define money laundering and it said “All specified offences” and specified offences include all indictable

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offences, so it covers the whole gamut of offences, all offences that are indictable offences excluding the terrorist offences, so it covers all what you have said. It covers the whole glossary to the point.

**Dr. Gopeesingh:** I see things like environmental crime, extortion and so on, and these are some of the things we have.

**Mrs. Nunez-Testheira:** [*Inaudible*]

**Mr. Bharath:** Mr. Chairman, brief interjection. Both the Prime Minister and the Attorney General stated that because of a lack of time we are not going to be in a position to implement the whole package of legislation to fully comply, but, please correct me if I am wrong. Were these recommendations not made since 2005?

**Sen. Jeremie SC:** They have been made for some considerable period of time. The point is we have a legislative agenda which is driven by our domestic concerns as well. Yes, we are bringing ourselves into compliance by a certain date, but between 2005 and 2009 we did not have the requisite majority for much of that time. I am sure you would have cooperated if you were there, but your colleagues at that time were not so minded and we were unable to pass legislation that required a constitutional majority.

**Mr. Bharath:** We did not have the numbers then.

**Mr. Manning:** I take it that your confidence is not misplaced. [*Laughter*]

*Question put and agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 10 be amended as follows:

- A. Delete the word "Tobago" and substitute the words "Tobago or elsewhere"; and
- B. In paragraph (b), delete the word "14" and substitute the word "15".

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Mr. Bharath:** If you could direct me please, it says here that:

“Where the information requested under section 10(a), is not provided within the time specified...”

I may have missed the part in the Bill that talks about the time specified so could you direct me to that area, please? What is the time specified?

**Mr. Imbert:** The director would establish the time, in the same way the inspector of banks would now call upon a bank to do something within a particular time frame; the director would establish the time frame.

**Mr. Bharath:** So, effectively it is at the director's discretion to determine between each entity, how much time he gives to one entity as opposed to another?

**Mr. Imbert:** When the inspector of banks establishes a rule, that rule is across the board for different classes of institutions. I cannot speak for the director, but I would expect that he be rational and establish a structured time frame.

**Mr. Bharath:** So, that is not something—

**Mr. Imbert:** What I am saying, if he does not act rationally, for example he gives one entity five minutes that is ridiculous and he gives another one five years, then judicial review will kick in because he would have acted irrationally.

**Mr. Bharath:** That is the point I am making, a decision of this nature would this be classified as a policy decision? Would this be a decision that the Minister of Finance—

**Mr. Imbert:** This is operations. This is a good example of the level of autonomy the director would have to establish these operational things.

**Mr. Bharath:** But it is also a good example, Member for Diego Martin North/East, of how the integrity, the character, the qualifications of the director are so hugely important and therefore this is the point that my colleague from Caroni Central was raising earlier on. It is a great concern.

**Mr. Imbert:** That is why I acknowledged the worth of that suggestion and indicated that it needed to be carefully thought through and we would address it in due course.

**Mr. Chairman:** The question is that clause 11 be amended as follows:

In paragraph (a), delete the word “10” and substitute the word “11”.

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12.*

*Question proposed, That clause 12 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 12 be amended as follows:

- A. In paragraph (a), insert the words “or activity” after the word “transaction”; and
- B. In paragraph (b), insert the word “suspicious” before the word “activity”.

*Question put and agreed to.*

*Clause 12, as amended, ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed, That clause 13 stand part of the Bill.*

**Dr. Gopeesingh:** Mr. Chairman, clause 13 speaks about regulations prescribed under section 26 and section 26 speaks about—of course, the Minister may make regulations necessary for carrying out or for giving effect to this Act. It is very sad that we come to Parliament and we do not see these regulations early. We pass an Act, but we do not have the necessary regulations to accompany the Act and it would have been better for us to have a clear view of the regulations so that we would know what we are passing and what are the regulations that the Minister may prescribe that would go along with this Act.

We hear that the regulations would come so we may pass the Act and the regulations are not there so you have to revert to POCA and the FIU will not be legal, because the regulations are not there. So, could you comment on the regulations issue and give us some idea of the time frame when that would come?

**Sen. Jeremie SC:** The last point you made about the legislation not being valid until the regulations are or may be enacted is not correct. The section says: “The Regulations may be prescribed...” It is not a condition precedent to the volatility of the legislation that there be regulations. In other words, what I am saying is that the legislation is a necessary prequalification for us to have regulations. The regulations will come and they will devolve as the work of the various units develops.

**Dr. Gopeesingh:** As we are on that point, could the Government offer that this will be considered as affirmative resolution rather than negative resolution then, so that we would have a—

**Mr. Imbert:** Member for Caroni East, this whole question about affirmative and negative, just recently we had a Private Members' Motion to negative a

resolution for the appointment of the Commissioner of Police. Whether it is affirmative or negative, if the Opposition is not in favour we are still going to end up with a debate. The point of negative resolution is for efficiency, because you want to save time. Every time you want to make a regulation you have to bring it to Parliament, lay it, debate it, pass it through both Houses; that is very time consuming and that is why for legislation such as this you want to go with negative resolution, otherwise, we would spend all of our time inside here debating these regulations.

**Mrs. Nunez-Tesheira:** That is what they want.

**Dr. Gopeesingh:** I hear you, but can I make a comment?

**Mrs. Nunez-Tesheira:** Sure.

**Dr. Gopeesingh:** We are allowed 42 days to bring notice to Parliament and have it discussed in debate, but my Chief Whip will tell you that when we wanted to discuss a negative resolution it was pushed to a Private Members' Day, which robbed us of a Private Members' Day. I think my colleague from Caroni Central will speak about that.

**Mr. Manning:** I could assure you that would not happen again if it happened in the past.

**Dr. Gopeesingh:** Thank you.

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

**5.50 p.m.**

*Clauses 14 and 15 ordered to stand part of the Bill.*

*Clause 16.*

*Question proposed, That clause 16 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 16 be amended as follows:

- A. Renumber clause 16 as subclause 16(1); and.
- B. Insert after subclause 16(1) the following:

“(2) In respect of countries listed in the Notice published under subsection (1), the FIU may by order set out the measures that may be utilized by a financial institution or listed business against such countries.”

*Question put and agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed, That clause 17 stand part of the Bill.*

**Mr. Bharath:** Mr. Chairman, the Opposition had made a recommendation that the report of the FIU on an annual basis should be passed directly to the Parliament to be discussed, rather than to the Minister and then to the Parliament. I noticed that—*[Interruption]*

**Mr. Imbert:** The Minister made the point and the Minister is just getting some documents, so I will just fill the time.

**Mr. Bharath:** Speak on her behalf.

**Mr. Imbert:** The Minister made the point that she has no power to modify, alter, change, do anything with the report. She is more like a postbox, than anything else.

**Mrs. Nunez-Tesheira:** And in any event—in fact, when we spoke about the autonomy and the question of accountability, when we look at the reading, one of the major bases upon which you could ensure that level of autonomy is the annual report, and in every instance it goes to the Minister. I have examples here. Mauritius: "The FIU shall make an annual report on its activities to the Minister, containing such statistical and other information as the Minister may require." Bahamas: "The Director shall prepare and submit to the Minister on or before June 30." Bermuda: "The FIU shall as soon as practicable, after the end of each financial year cause to be made and transmitted to the Minister." He is accountable to the Minister. In the United Kingdom, it is the same thing. So that in every example that we have there is a provision that it goes to the line Minister—*[Interruption]*

**Mr. Bharath:** We do have slightly different circumstances in Trinidad and Tobago.

**Mrs. Nunez-Tesheira:** But we will agree to disagree on that.

**Mr. Bharath:**—and therefore, this is the reason why the Opposition had recommended that the report go directly to the Parliament. In fact, in the United Kingdom, contrary to what you say, the report does go to the Parliament and not to the Minister, but anyway, we will not split hairs. But I wanted to just register the Opposition's position on this.

**Mr. Imbert:** Your comments are noted.

*Question put and agreed to.*

*Clause 17 ordered to stand part of the Bill.*

*Clauses 18 and 19 ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed, That clause 20 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 20 be amended as follows:

A. Delete subclauses (1) and (2) and substitute as follows:

"20. (1) A financial institution or listed business convicted of an offence under section 12, is liable—

(a) on summary conviction to a fine of five hundred thousand dollars and a further fine of twenty five thousand dollars for each day that the offence continues; and

(b) on conviction on indictment to a fine of one million dollars, and a further fine of fifty thousand dollars, for each day that the offence continues.";

(2) Where a person is—

(a) a member of the Board of Directors;

(b) the Chief Executive Officer or other Officer; or

(c) the owner or partner,

of a financial institution or listed business, and that person knowingly authorized or acquiesced in the failure to provide the additional information required, the person commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years."; and

B. Delete subclause (4).

*Question put and agreed to.*

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

*Clause 21.*

*Question proposed, That clause 21 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 21 be amended as follows:

- A. Renumber clause 21 as 21(1);
- B. Insert after clause 21(1) the following subclauses:
  - “(2) Subsection (1) does not apply to information in the possession of an FIU officer as a result of the execution of his functions under section 55 of the Act.”

**Dr. Gopeesingh:** Mr. Chairman, we hope that under the FIU, information does not leak as much as it leaked to the Integrity Commission?

**Mr. Manning:** You will get that. We agree with you.

**Dr. Gopeesingh:** And there is a penalty for it. We hope that the Government does not cause information to be leaked.

**Mr. Manning:** No, no, no. We agreed with you just now, now you want to change it. We agree with you.

**Dr. Gopeesingh:** It is a very serious situation.

**Mr. Manning:** We agree with you.

*Question put and agreed to.*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clause 22.*

*Question proposed, That clause 22 stand part of the Bill.*

**Dr. Rowley:** Mr. Chairman, clause 22, I take it that there will be more than one officer in the unit. Clause 22 speaks about "The Director shall not disclose" and gives the impression that there will be other officers who are not holding the post of Director. So I would like to suggest, to provide the protection that we are seeking, that an amendment be inserted there as a phrase after "Director", "or any other officer", which means that it covers all persons who are in this unit, and a similar insertion be put in subsection (2) after "Director", "or any other officer".

**Mr. Imbert:** "Or any other officer". That will go in 22(1) in the list of amendments after "Director"? The "Director or any other officer", in 22(1), and in 22(2), "where the Director or any other officer contravenes".

**Dr. Rowley:** Thank you, Mr. Chairman.

**Mr. Bharath:** Mr. Chairman, how is it going to be possible to determine that a Director or any other officer is not acting in accordance with the Act? Surely, the only way that he or she will come into possession of information, would be because they are members of this unit.

**Mr. Imbert:** If you take it back in the amendments, that goes to the clause that dealt with the Commissioner of Police—right at the front of the—  
[*Interruption*]

**Mr. Bharath:** No, the point I am making is if the Director met the Minister at a social event and said, "Oh, by the way, you know so and so", is that acting under the—  
[*Interruption*]

**Mr. Imbert:** That is totally ultra vires.

**Mr. Bharath:** Is it?

**Mr. Imbert:** Clearly.

**Mr. Bharath:** So, he is not acting in his powers under the Act, if he discloses that information?

**Mr. Imbert:** The Director cannot disclose information.

**Mrs. Nunez-Tesheira:** He absolutely cannot.

**Mr. Imbert:** Totally, absolutely cannot. If the Director does, whether at a party—  
[*Interruption*]

**Mr. Bharath:** Except in accordance with this Act?

**Mr. Imbert:** The Act states that the information can only be disclosed to the Commissioner of Police—  
[*Interruption*]

**Mr. Bharath:** Fair enough.

**Mr. Imbert:**—or a prescribed law enforcement authority. So to bring clarity, that is what that means. So when it says in accordance with this Act, it means that the Director can only disclose to this particular entity.

**Mr. Bharath:** Fair enough.

**Mrs. Nunez-Tesheira:** There is a recommendation here that to make it as wide as to say "or any other person".

**Mrs. Blake:** "Person" will include the Permanent—  
[*Interruption*]

**Mr. Imbert:** "Person" will include everybody.

**Dr. Gopeesingh:** I think the point that I was making—*[Interruption]*

**Mr. Imbert:** No, but "person" would involve the officers of the FIU and everybody else. So it is even wider.

**Mr. Bharath:** Unless you are a Member of the FIU, you would not have the information to disclose in any event.

**Mr. Manning:** No, you ought not to.

**Mr. Bharath:** You ought not to.

**Mr. Imbert:** Suppose you thief it? Suppose you break in and you thief it? *[Crosstalk]* Seriously, suppose they broke— Sorry, I am being corrected here. I should not use the vernacular. Suppose somebody broke into the office of the FIU and stole the information, or hacked their computer, or something like that. *[Interruption]*

**Mrs. Nunez-Tesheira:** Ask the Member for Caroni East about it.

**Mr. Imbert:** What would the Member for Caroni East know about that?

**Mrs. Nunez-Tesheira:** Because he was talking about the Integrity Commission.

**Mr. Bharath:** Sorry, just for clarification. You are suggesting that a person outside of the FIU will also fall under this Act? If a normal member of society— *[Interruption]*

**Mr. Imbert:** Yes, if by mistake they get something in their postbox— *[Interruption]*

**Mr. Manning:** As it happens.

**Mr. Imbert:**—as some people are wont to get, they cannot disclose it. Okay?

**Mrs. Nunez-Tesheira:** That is how wide it is.

**Mr. Manning:** Except under parliamentary privileges.

**Mr. Sharma:** Mr. Chairman, since this is new legislation, where it reads "a fine of three hundred thousand dollars", could we insert "up to" because there may be human errors with new legislation and "imprisonment of up to three years" and the same for "up to one million dollars".

**Mrs. Nunez-Tesheira:** That is what it is implying. The court always has the discretion. What it really means is, it creates a ceiling. Three hundred thousand dollars is the ceiling, it does not mean that the magistrate—*[Interruption]*

**Mrs. Blake:** *[Inaudible]* the Interpretation Act.

**Mrs. Nunez-Tesheira:** It is the Interpretation Act?

**Mrs. Blake:** Yes.

**Mrs. Nunez-Tesheira:** What it means—

**Mr. Sharma:** Would it not be easier if we put it in here?

**Mrs. Nunez-Tesheira:** No, that is how it is understood in all of the legislation.

**Mr. Sharma:** And the amendment suggested by Dr. Rowley, would apply to 22(2) as well?

**Mr. Imbert:** Yes. [*Crosstalk*]

**Dr. Rowley:** Mr. Chairman, I am not sure that what we just agreed to, is what I was suggesting.

**Mr. Chairman:** You are suggesting "any other person".

**Dr. Rowley:** Yes. If you say "any other person", it means that if a person is in a bank or on the street and they get information, according to what we just agreed to there, such a person cannot talk to the Integrity Commission. Because if you say "any other person", it means that anybody who may, in their normal life somewhere have information which they could refer to the Commissioner of Police or to the Integrity Commission by saying "any other person", are we not making such a person now a criminal? Whereas if you say "any other officer", you are confining it to those people who we have authorized to receive this information, only for the purpose of transmission to the specific authority and those officers are not to talk to third parties.

**Mr. Manning:** Information goes to the FIU for a particular purpose, and only those who have the authority to use that information for that purpose are authorized to use it. Anybody else, whether they be a member of the commission or not, is not authorized to use it, and therefore, it makes no sense really saying that some cannot use it—that is those in the FIU—but those outside of the FIU can use it. I know where you are heading, but I do not see— You cannot do that. [*Interruption*]

**Dr. Rowley:** It is not clear that clause 22 only applies to FIU officers and that it cannot be extended—[*Interruption*]

**Mr. Manning:** No, no. No, it has to apply to everybody. In other words, if you want that information for other purposes, you have to get it from other sources, not from FIU.

**Dr. Rowley:** Listen to my question, please. Is it that clause 22, where it says "the Director", that clause 22 is only meant to apply to FIU officers?

**Mrs. Nunez-Tesheira:** Member for Diego Martin West, I think we are looking and seeing that the intention was in clause 22, to limit it to the Director, I believe, because clause 23 deals with FIU officers. So there is disclosure with regard to the Director, and then there is disclosure with regard to the FIU officers and I think that is the intention— Am I correct here?

**Mr. Imbert:** No, no. No.

**Dr. Rowley:** If the answer to my question is, yes, well then I have no problem.

**Mrs. Nunez-Tesheira:** Clause 21 deals with disclosure of information by an FIU officer, and clause 22 deals with disclosure by the Director. So there are two provisions and it is achieving what you want, but one is dealing with the FIU officers, and the other one is dealing with the Director.

**Mrs. Blake:** Because the penalty for the Director is higher.

**Mrs. Nunez-Tesheira:** And the penalty for the Director is higher, I am being guided here.

**Mr. Chairman:** Are we going with "any other person"?

**Mrs. Nunez-Tesheira:** Member for Diego Martin West, we do not need it anymore because it deals with the concern you have.

**Mr. Imbert:** How does it deal with it?

**Mrs. Nunez-Tesheira:** Because clause 21 deals with the FIU officer, and clause 22 deals with the Director and the penalty is higher.

**Mr. Imbert:** Look at the clause before.

**Mrs. Nunez-Tesheira:** He saw it. He understands.

*Question put and agreed to.*

*Clause 22 ordered to stand part of the Bill*

**Mr. Sharma:** Mr. Chairman, could we quickly revisit clause 22(1), where it say "shall not..."—

**Mr. Chairman:** We have already passed that. If it is the desire of the Committee to revisit clause 22, we could—let us take that at the end. I will put it to the Committee in the end.

*Clause 23 ordered to stand part of Bill.*

*Clause 24.*

*Question proposed, That clause 24 stand part of the Bill.*

**Mr. Chairman:** The question is that clause 24 be amended as follows:

Delete and substitute the following:

"Act to prevail 24. Notwithstanding any other law pertaining to the disclosure of personal information, the power of the FIU to collect, disseminate or exchange information under this Act, shall prevail."

*Question put and agreed to.*

*Clause 24, as amended, ordered to stand part of the Bill.*

**6.05 p.m.**

*Clauses 25 and 26 ordered to stand part of the Bill.*

**Mr. Chairman:** Is it the wish of the House to revisit clause 22?

**Mr. Imbert:** Mr. Chairman, we will accommodate him for a few minutes.

**Mr. Chairman:** The House has agreed to revisit clause 22, hon. Member for Fyzabad.

*Clause 22 recommitted.*

*Question again proposed, That clause 22 stand part of the Bill.*

**Mr. Sharma:** Mr. Chairman, where it reads in 22A(1):

"The Director shall not disclose..."

I was wondering if we added, "or cause to be disclosed or communicated" or "cause to be communicated", whether it would add any value.

**Mrs. Nunez-Tesheira:** By cause it to be disclosed, it means that he is disclosing it. I do not know if that puts you along any further. If he causes it to be disclosed, he is disclosing it. [*Crosstalk*]

**Mr. Manning:** Supposing the Director leaves his office unlocked, he leaves a document on the desk and allows somebody to go into it, he has disclosed it.

**Mr. Sharma:** Yes and no.

**Mr. Manning:** Yes, he has disclosed it, that is the only way the man could have had access to it, because it has been disclosed by the Director.

**Mr. Sharma:** If he left his email account open and somebody forwarded an email?

**Mr. Manning:** He has disclosed it. [*Crosstalk*]

**Mr. Imbert:** Will you vote for the Bill now? [*Laughter*]

**Mr. Sharma:** "We reach that stage now?"

**Mr. Imbert:** "Cause to be disclosed."

**Mrs. Nunez-Tesheira:** Where do you want it?

**Mr. Sharma:** After "disclose".

**Mrs. Nunez-Tesheira:** In what clause?

**Mr. Sharma:** At 22A(1).

**Mr. Imbert:** After the words "shall not disclose" put "or cause to be disclosed".

**Mr. Bharath:** Is there a specific reason why 22A(1) mentions specifically the Minister with regard to the Director disclosing, but not section 21 where any other officer discloses? Is there any specific reason?

**Mrs. Nunez-Tesheira:** Again, I think we explained it, in the sense that while there was that general provision of non-disclosure, when this matter was brought up, when we were debating the matter, the concern was about the Minister having that information.

**Mr. Bharath:** I understand, but it says "The Director shall not disclose to the Minister or any other person..." but in section 21, it says an FIU Officer who discloses information to anybody; the Minister is not specifically mentioned in section 21. I am just asking if there is a specific reason. Is there an inherent thought process that the officer would not have access to the Minister?

**Hon. C. Imbert:** There is an explanation from the drafting team. The clause that you had queried, where the Minister could give general policy directives in the public interest, this balances it, so that in giving those general policy directives, one of them cannot be that you must disclose information of a confidential nature to me.

In this case, an ordinary person has no power over an FIU director or FIU officer and, therefore, it is not the same scenario. This is a balancing act where the Minister is given the power to give policy directions, but one of them must not be disclosure. An ordinary person cannot force—[*Interruption*]

**Mr. Bharath:** I am as perplexed as you are, Prime Minister. [*Laughter*]

**Mr. Imbert:** It makes perfect sense.

**Mrs. Nunez-Tesheira:** Quite.

**Mr. Chairman:** The committee having agreed to revisit clause 22 and having exhaustively discussed it—[*Laughter*] The question, therefore, is that clause 22 be amended as circulated and further amended by:

Insert after clause 22 the following:

- “22A(1) The Director shall not disclose to the Minister or to any other person, except in accordance with this Act, the personal or financial details pertaining to an individual or business contained in—
- (a) a suspicious transaction or a suspicious activity report;
  - (b) a report on any analysis forwarded to prescribed law enforcement authorities; and
  - (c) information obtained from a financial institution or listed business concerning any account held by a customer or business, and arising out of or in connection with the annual report or out of or in connection with any other circumstances.
- (2) Where the Director contravenes subsection 9(1), he commits an offence and shall be liable on summary conviction to a fine or three hundred thousand dollars and imprisonment for three years and on conviction on indictment to a fine of one million dollars and imprisonment for five years.”

*Question put and agreed to.*

*Clause 22, as amended, ordered to stand part of the Bill.*

*New clause 7.*

**Mrs. Nunez-Tesheira:** Mr. Chairman, I propose a new clause 7 which reads as follows:

A. Insert the following new clause:

"Salaries and other conditions 7. The salaries and other conditions of Service of the Director and Deputy Director shall be subject to review by the Salaries Review Commission in accordance with section 141 of the Constitution,"; and

B. Renumber all subsequent sections accordingly;

*New clause 7 read the first time.*

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

*Question put and agreed to.*

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

*Question put and agreed to.*

*New clause 7 added to the Bill.*

*Question proposed, That the clauses be renumbered.*

*Question put and agreed to.*

*Schedule.*

*Question proposed, That the Schedule stand part of the Bill.*

**Dr. Gopeesingh:** We just want to register that we believe that this Bill needs a two-thirds majority, rather than a three-fifths, as is stated in the Schedule.

**Mr. Manning:** Could I just address it? The very distinguished Member for Caroni East has made this point before. We have argued that the Attorney General, who is legal advisor to the Government, has looked at this matter and has advised us that a three-fifths majority is what is required and not a two-thirds majority. It would be nice if I could have advised myself on the matter, or if the Government could have taken the advice of the Member for Caroni East.

We have heard the point that you have made. We have checked it and we are in a position to reaffirm the position that it is our view that a three-fifths majority is required and not two-thirds. Therefore, in those circumstances, we hope that the distinguished Member for Caroni East could see his way to support us on this matter.

**Dr. Gopeesingh:** I am just raising this, because if this goes to court, sometimes the court, on constitutional matters, seeks to find out what happens in the Parliament. It is in this context that I raise this issue. Sometimes these matters could go to the heart of parliamentary debate.

**Mr. Manning:** Are you a doctor or a lawyer; what are you? [*Laughter*]

**Dr. Gopeesingh:** I am a medical doctor.

**Mr. Manning:** I thank you.

**Mr. Imbert:** Are you aware that you are not one of the listed businesses? In the practice of your primary profession, are you aware that you are not one of the listed businesses, that you are excluded from the FIU?

**Dr. Gopeesingh:** It does not matter.

**Mr. Imbert:** I am just letting you know; you do not fall under the FIU.

*Question put and agreed to.*

*Schedule ordered to stand part of the Bill.*

*Preamble approved.*

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

*House resumed.*

*Bill reported, with amendment.*

*Question put, That the Bill be now read the third time.*

*The House voted:      Ayes 26*

**AYES**

Imbert, Hon. C.

Manning, Hon. P.

Nunez-Tesheira, Hon. K.

Gopee-Scoon, Hon. P.

Kangaloo, Hon. C.

Abdul-Hamid, Hon. M.

Dumas, Hon. R.

Ross, Hon. J.

Taylor, Hon. P.

Swaratsingh, Hon. K.

Parsanlal, Hon. N.

Beckles, Miss P.

Mc Donald, Hon. M.

Hunt, Hon. G.

Le Gendre, Hon. E.

Browne, Hon. Dr. A.

Callender, Hon. S.

Cox, Hon. D.

Jeffrey, Hon. F.

Hospedales, Hon. A.

Joseph, Hon. R.

Hypolite, N.

Regrello, J.

Rowley, Dr. K.

Roberts, A.

Sinanan-Ojah-Maharaj, Mrs. I.

*The following Members abstained:* Dr. H. Rafeeq, [*Crosstalk*] Dr. T. Gopeesingh; Mr. V. Bharath, Mr. S. Panday, Mr. C. Sharma, Mr. H. Partap, and Mr. W. Peters.

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed—but it will be fixed very soon. [*Laughter*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.18 p.m.*

#### WRITTEN ANSWER TO QUESTION

**84.** *The following question was asked by Mr. Winston Peters (Mayaro):*

#### **Rio Claro/Mayaro Region (Landslip Projects for Repairs)**

With respect to landslip repairs in the Rio Claro/Mayaro region and works undertaken by the Ministry of Local Government, could the hon. Minister of Local Government state:

- (a) all landslips repaired to date, (September 2008—December 2008), the location and the actual cost of works done for each; and

- (b) all landslips projects identified for repairs in 2009, the location and the estimated cost of works to be done?

**The Minister of Local Government (Sen. The Hon. Hazel Manning):**

- (a) With respect to the Rio Claro/Mayaro region, no landslips were repaired for the period September 2008—December 2008.
- (b) the Rio Claro/Mayaro Regional Corporation has identified forty-five (45) projects for repair in 2009. The location and the estimated cost of works to do done are detailed in the table attached hereto.

The Ministry of Local Government through the Municipal Corporation, is trying to address the recurring inconvenience of landslips. However, owing to limited technical capacity and the complex nature of this problem it is extremely difficult to comprehensively alleviate these occurrences. This has been part of the thrust of the Local Government Reform to address comprehensively the deficiencies in these areas.

The Local Government Reform as outlined in the draft White Paper now provide for various institutional structures whose roles and responsibilities, inter alia, include disaster preparedness and management.

The Ministry of Local Government has embarked on an initiative to build the technical capacity of the Municipal corporations through the signing of the Memorandum of Understanding between the Ministry and the University of the West Indies. Further, the Special Purpose Companies are part of the interim solution for the acquisition of technical capacity. There are provisions in the budget for the fiscal year 2009/2010 to deal with landslips.

**LANDSLIPS TO BE REPAIRED IN 2009  
RIO CLARO/MAYARO REGION**

NO.	NAME OF PROJECT	LOCATION	DIMENSION	LENGTH	ESTIMATED COST \$
1.	Ortoire Hill Road	¼-½mm	Soil Test, Design & Repair Landslip	30mx3m	1,200,000.00
2.	Ortoire Hill Road	¼-½mm	Soil Test, Design & Repair Landslip	28mx3m	1,200,000.00
3.	Alice Trace	0-¼mm	Soil Test, Design & Repair Landslip	15mx2m	600,000.00
4.	Maloney Road	¼-½mm	Soil Test, Design & Repair Landslip	30mx4m	1,500,000.00

Written Answer to Question

Wednesday, September 30, 2009

NO.	NAME OF PROJECT	LOCATION	DIMENSION	LENGTH	ESTIMATED COST \$
5.	Maloney Road	½-¾mm	Soil Test, Design & Repair Landslip	25mx2m	875,000.00
6.	Alexis Street	0-¼mm	Soil Test, Design & Repair Landslip	30mx4m	1,500,000.00
7.	La Savanne Circular Road	¼-½mm	Soil Test, Design & Repair Landslip	20mx5m	900,000.00
8.	Cedar Grove Road	¼-½mm	Soil Test, Design & Repair Landslip	35mx3m	1,400,000.00
9.	Cedar Grove Road	¼-½mm	Soil Test, Design & Repair Landslip	27mx3m	1,080,000.00
10.	Eccles Road	¾-1mm	Soil Test, Design & Repair Landslip	20mx3m	800,000.00
11.	Oil Field Road	¼-½mm	Soil Test, Design & Repair Landslip	40mx3m	1,600,000.00
12.	Teemul Trace	¼-½mm	Soil Test, Design & Repair Landslip	15mx2m	525,000.00
13.	Pt. Radix Road	¾-1mm	Soil Test, Design & Repair Landslip	25mx3m	1,000,000.00
14.	Pt. Radix Road	1-1¼mm	Soil Test, Design & Repair Landslip	20mx4m	900,000.00
15.	Charuma Junction Trace	¼-½mm	Soil Test, Design & Repair Landslip	30mx4m	1,500,000.00
16.	Charuma Junction Trace	¼-½mm	Soil Test, Design & Repair Landslip	40mx4m	1,800,000.00
17.	Charuma Junction	½-¾mm	Soil Test, Design & Repair Landslip	40mx4m	1,800,000.00
18.	Killdeer Trace	½-¾mm	Soil Test, Design & Repair Landslip	80mx5m	4,000,000.00
19.	Poole Valley Road	½-¾mm	Soil Test, Design & Repair Landslip	30mx5m	1,500,000.00
20.	El Guaganapo Trace	0-¼mm	Soil Test, Design & Repair Landslip	20mx4m	900,000.00
21.	Campbell Trace	½-¾mm	Soil Test, Design & Repair Landslip	40mx5m	2,000,000.00

*Written Answer to Question**Wednesday, September 30, 2009*

<b>NO.</b>	<b>NAME OF PROJECT</b>	<b>LOCATION</b>	<b>DIMENSION</b>	<b>LENGTH</b>	<b>ESTIMATED COST \$</b>
22.	Campbell Trace	¾-1mm	Soil Test, Design & Repair Landslip	45mx4m	2,025,000.00
23.	Campbell Trace	1-1¼mm	Soil Test, Design & Repair Landslip	40mx4m	1,800,000.00
24.	Beharry Trace	¼- ½mm	Soil Test, Design & Repair Landslip	40mx4m	1,800,000.00
25.	Beharry Trace	¼-½mm	Soil Test, Design & Repair Landslip	60mx5m	3,000,000.00
26.	Lazarri Road	½-¾mm	Soil Test, Design & Repair Landslip	50mx6m	2,750,000.00
27.	Lazarri Road	0-¼mm	Soil Test, Design & Repair Landslip	20mx3m	800,000.00
28.	Riverside Road	½-¼mm	Soil Test, Design & Repair Landslip	45mx4m	2,025,000.00
29.	Riverside Road	¾-1mm	Soil Test, Design & Repair Landslip	35mx4m	1,575,000.00
30.	Dades Extension Trace #1	0-¼mm	Soil Test, Design & Repair Landslip	25mx3m	1,000,000.00
31.	Hamilton Trace	0-¼mm	Soil Test, Design & Repair Landslip	30mx4m	1,350,000.00
32.	Pariag Trace	¼-½mm	Soil Test, Design & Repair Landslip	30mx4m	1,350,000.00
33.	Mile End Road	0-¼mm	Soil Test, Design & Repair Landslip	20mx4m	900,000.00
34.	Union Road	1-¼mm	Soil Test, Design & Repair Landslip	30mx4m	1,350,000.00
35.	Union Road	¼-½mm	Soil Test, Design & Repair Landslip	60mx4m	2,700,000.00
36.	Union Road	½-¾mm	Soil Test, Design & Repair Landslip	40mx4m	1,800,000.00
37.	Union Road	½-¾mm	Soil Test, Design & Repair Landslip	70mx6m	4,200,000.00
38.	Hibiscus Arch Road	0-½mm	Soil Test, Design & Repair Landslip	30mx3m	800,000.00

*Written Answer to Question**Wednesday, September 30, 2009*

<b>NO.</b>	<b>NAME OF PROJECT</b>	<b>LOCATION</b>	<b>DIMENSION</b>	<b>LENGTH</b>	<b>ESTIMATED COST \$</b>
39.	Central Branch Road	¼-½ mm	Soil Test, Design & Repair Landslip	20mx3m	800,000.00
40.	Rio Claro Mayaro Road	2½-3mm	Soil Test, Design & Repair Landslip	30mx3m	1,200,000.00
41.	Rio Claro Mayaro Road	3-3½mm	Soil Test, Design & Repair Landslip	45mx3m	1,800,000.00
42.	Rio Claro Mayaro Road	3-3½mm	Soil Test, Design & Repair Landslip	75mx3m	3,000,000.00
43.	Fitts Road	1½-2mm	Soil Test, Design & Repair Landslip	60mx2m	1,500,000.00
44.	Lawrence Jones Trace	0-½mm	Soil Test, Design & Repair Landslip	30mx4m	1,350,000.00
45.	Mahabalsingh Trace	2-2½mm	Soil Test, Design & Repair Landslip	15mx2m	375,000.00
<b>Total</b>					<b>69,750,000.00</b>