Leave of Absence

HOUSE OF REPRESENTATIVES

Monday, February 13, 2017

The House met at 2.30 p.m.

PRAYERS

[Madam Speaker in the Chair]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, Dr. Fuad Khan, MP Member for Barataria/ San Juan has requested leave of absence from today’s sitting of the House of Representatives, and Dr. Bhoendradatt Tewarie, MP Member for Caroni Central has requested leave of absence from sittings of the House during the period February 13th—[ Interruption]

Mr. Singh: He is here. Sorry about that.

Madam Speaker: Right. So in respect of Dr. Fuad Khan MP, the leave which the Member seeks is granted.

JOINT SELECT COMMITTEES

(APPOINTMENT OF)

Madam Speaker: Hon. Members, I have received the following correspondence from the President of the Senate dated February 13th, 2017.

“Dear Honourable Speaker,

Establishment of Joint Select Committees.

Your letter dated February 07, 2017 on the subject at caption refers.

I wish to advise that a sitting held on Tuesday February 07, 2017 the Senate concurred with the House in the establishment of the following:

(i) A Joint Select Committee to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016; and the following six (6) Members were appointed to serve on the
Committee:
Mrs. Paula Gopee-Scoon;
Mr. W. Michael Coppin;
Mr. Foster Cummings;
Mr. Wade Mark;
Ms. Melissa Ramkissoon; and
Mr. Paul Richards.

(ii) A Joint Select Committee on the Insurance Bill, 2016; and the following six (6) Members were appointed to serve on the Committee:
Mr. Clarence Rambharat;
Mr. Daniel Dookie;
Dr. Lester Henry;
Mr. Wayne Sturge;
Mr. Stephen Creese; and
Ms. Jennifer Raffoul.

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

Respectfully,
Christine Kangaloo
President of the Senate”

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMDT.) BILL, 2016

Bill to amend the Public Procurement and Disposal of Public Property Act, 2015 to reduce the term of office for the Regulator and other members of the Board
appointed to govern the Office of Procurement Regulation [The Minister of Finance]; read the first time.

PAPERS LAID

1. Annual Audited Financial Statements of National Information and Communication Technology Company Limited for the financial year ended September 30, 2016. [The Minister of Finance (Hon. Colm Imbert)]

   Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.

3. Value Added Tax (Amendment to Schedule 2) Order, 2017. [Hon. C. Imbert]

4. Delegation Report on the 62\textsuperscript{nd} Commonwealth Parliamentary Conference - Collaborative Commonwealth - Unity, Diversity and Common Challenges held in London, United Kingdom from December 11 to 17, 2016. [The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)]

5. Ministerial Response of the Ministry of Planning and Development to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [The Minister of Planning and Development (Hon. Camille Robinson-Regis)]
6. Ministerial Response of the Ministry of Trade and Industry to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [Hon. C. Robinson-Regis]

7. Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [Hon. C. Robinson-Regis]


PRIME MINISTER’S QUESTIONS

Shareholders’ Agreement between CL Financial and the Government (Details Of)

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you, Madam Speaker. Could the Prime Minister kindly advise the reason or reasons for the non-renewal or non-extension of the Shareholders’ Agreement between CL Financial and the Government?

The Prime Minister (Hon. Dr. Keith Rowley): [Desk thumping] Madam Speaker, since the expiration of the last shareholders’ agreement, to date there has been no agreement between the Government and the shareholders on the way
forward.

Now as you know, Madam Speaker, the terms of the shareholders’ agreement require discussion before a new agreement or an extension of the previous agreement, before they can be finalized. I can advise that the discussion between the parties are ongoing.

**Mrs. Persad-Bissessar SC:** Hon. Prime Minister, would you kindly indicate whether there are any disadvantages to that agreement not being renewed, and the time frame since it has lapsed or since it has expired?

**Hon. Dr. K. Rowley:** What I could indicate, Madam Speaker, is that there are requirements for agreements. One person cannot agree. And my advice is that every time this agreement expires and comes up for renewal, the other parties have a variety of changes and positions to advance in furtherance of an agreement. That process is ongoing.

**Shelters, Rehabilitation Centres and Safe Houses**

**(Details Of)**

**Miss Ramona Ramdial (Couva North):** Could the Prime Minister identify the number of new shelters, rehabilitation centres and safe houses currently under construction in order to prevent and protect our men, women and children from domestic and sexual abuse and violence?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, there are seven shelters and safe houses being prepared and they are at various stages of completion and construction. Two are new constructions and five are residential homes which are being refurbished.

The dormitories at the YTC are being refurbished to meet the national standards for a rehabilitation centre for male young offenders. That work is far advanced and close to completion.
Three dormitories have already been refurbished and outfitted and the Office of the Prime Minister is collaborating with the Ministry of National Security for a rehabilitation facility for female young offenders.

**Statement Re: Incidents of Violence Against Women**

*(National Conversation)*

**Miss Ramona Ramdial (Couva North):** In light of recent statements attributed to have been made by the Prime Minister related to the high incidents of violence against women, does the Prime Minister intend to hold a national conversation with women groups to explain his stance and if so, when?

**The Prime Minister (Hon. Dr. Keith Rowley):** I will be assisted, Madam Speaker, if the Member could identify which particular statement she is talking about; I made a lot of statements.

**Miss Ramdial:** Mr. Prime Minister, the one where you alluded to women should choose wisely and you are not in their bedroom and their choice of men. They have asked for conversation with you.

**Hon. Dr. K. Rowley:** Madam Speaker, if I may comfort my colleague from Couva North, before becoming Prime Minister and as Prime Minister I have had many consultations with women and I have been in consultation with women’s groups and I continue so to do. *[Desk thumping]*

**Mr. Padarath:** Thank you, Madam Speaker. To the hon. Prime Minister: In light of the attempts made by women’s groups to meet with you to speak on the issues of domestic violence, could the Prime Minister indicate why today I am coming to the Parliament—*[Interruption]*

**Madam Speaker:** Member. Member. *[Crosstalk]*

**Mr. Padarath:**—that you have refused *[Crosstalk]* and sympathetic or indicate what is Government’s policy—is that is how you intend to deal with—
Interruption

Mrs. Robinson-Regis: Madam Speaker, Madam Speaker. Madam Speaker, that is gross disrespect of the Member opposite. Gross disrespect.

Madam Speaker: Member for Princes Town, I am sure that you are quite aware of the Standing Orders particularly when the Speaker is on her feet that you resume your seat. I would ask you to reconsider your breach. It is very early in the proceedings; if you withdraw your question and you apologize, we can continue. Member? Member, if you are rising, it will only be to apologize and take your seat.

Mr. Padarath: Madam Speaker, I withdraw the question, but I find it very difficult to—[Interruption]

Madam Speaker: Member.

Mr. Padarath:—apologize, but I will do so.

Mrs. Robinson-Regis: Is that an apology?

Madam Speaker: Member, as I said, it is very early in the day. Let us, please, give this House the decorum it requires. So all I ask you is to apologize and withdraw and we proceed.

Mr. Padarath: Madam Speaker, I withdraw.

Madam Speaker: Member for Couva North.

Legislation on Domestic Violence
(Details of)

Miss Ramona Ramdial (Couva North): Thank you, Madam Speaker. Could the Prime Minister inform this House what are some of the critical pieces of legislation he intends to introduce into the Parliament to address the exponential growth in domestic violence, especially against women in Trinidad and Tobago?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, any offence that we are aware of being committed against women in the context of domestic
violence, such offences are currently covered by existing legislation, and to the extent that there is need for any further review as we go along, we will do so. But insofar as violence against women is concerned, this country is liberally served by a series of pieces of legislation. [Desk thumping]

**Recruitment Agency Hire Pro Drivers**

**(Status of Discussions)**

**Mr. Rudranath Indarsingh (Couva South):** Thank you, Madam Speaker. Could the Prime Minister advise this House as to the status of discussions between the Government of Trinidad and Tobago and the Canadian based recruitment agency Hire Pro Drivers to fill 35,000 vacancies which was promised by the Minister of Labour and Small Enterprise Development to be concretised and cemented by December of 2016?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I am not aware of the Minister of Labour and Small Enterprise Development promised any 35,000 jobs to anybody to be concretized by any time. If the Member has other information, then he can bring that forward. I am not aware of that.

**Mr. Indarsingh:** Madam Speaker, is the Prime Minister telling this House that he is not familiar with the commitment that was made by the Minister of Labour and Small Enterprise Development in the budget presentation of 2017?

**Madam Speaker:** Move on and ask another supplemental question.

**Mr. Indarsingh:** Is the Prime Minister aware that Hire Pro Drivers was under investigation by the Alberta Government, the neighbouring province of British Columbia, over its offshore recruitment practices and allegations that it sought a fee in exchange for job placements services?

**Hon. Dr. K. Rowley:** Madam Speaker, the first question I answered was a question about the Minister of Labour and Small Enterprise Development
promising 35,000 jobs. I noticed the Member drifted away from that and is now talking about the behaviour of the company. I am not aware about the Minister of Labour and Small Enterprise Development promising any 35,000 jobs, and therefore, I could not engage that question. And the following question about the behaviour of the company, all I can say, Madam Speaker, is that the company is due here in short order for a discussion and possibly signing of an MOU.

Crime Prevention Plans
(Re-socializing of Males)

Mr. Rodney Charles (Naparima): Thank you, Madam Speaker. Given the spiralling crime rate including horrendous murders particularly against vulnerable women, could the Prime Minister inform this House, if and how his Government intends to address the urgent need to re-socialize our males as part of his crime prevention plan?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, Trinidad and Tobago has a number of initiatives in the public sector geared towards socializing males, if I may gather, if I may use that phrase. And if I may outline some of them which are programmes in various Ministries. There is the Citizens Security Programme where it also works in collaboration with police youth clubs, coordinating the Hearts and Minds Programme to assist young males in becoming more responsible citizens, in addition to exposing them to sports and mentoring them in the arts and music. There is the Cadet corps where we are training youths to be more disciplined and respectful; there is MiLAT which is a military-led academy training to help young males to be better citizens; there is the Civilian Conservation Corps which is also helping males to be better and productive citizens; and there is the police, prison and fire youth clubs which are training the minds of young males to be better citizens.
These are specific programmes outside of the many other initiatives in the Ministry of Sport and Youth Affairs, in the Ministry of Education, in the Ministry of Social Development and Family Services and together, Madam Speaker, they represent an impressive offering by the State. [Desk thumping]

Mr. Charles: On reflection, Prime Minister, and given the budgetary cuts to MYPART and MiLAT, Civilian Conservation Corps, Cadets, police youth clubs, YTEPP, MIC, NESC and Servol, on reflection would you say that the Government acted not in the interest of this re-socialization process that is necessary for males?

Hon. Dr. K. Rowley: I would not say so at all. I would acknowledge that there many things that we would like to do and do more of, but given the reality of the significant reduction in the Exchequer Account and the loss of revenues, all aspects of national life has been asked to take some kind of reduction. And as much there is medication in the hospital, whether it is paying teachers for after school classes, the police service, all areas of expenditure have been affected, and what we are expecting is that we would eliminate waste, corruption and do more with less. [Desk thumping]

Mr. Charles: Thank you, Madam Speaker. Given that the Prime Minister has said that there have been cuts to many of these programmes in the context of the budgetary constraints that you face, is there any attempt to measure the results of these organizations to ensure that the moneys that you put to them are targeted to give an output that is desired?

Hon. Dr. K. Rowley: Ministries are required to account for the funds allocated to them and I expect that the management in the Ministries will ensure that there is measurement and that there is value for money.

Dr. Rambachan: Prime Minister, you made reference to programmes in the Ministry of Education designed to re-socialize males. What specific programme in
the Ministry of Education is there that will serve to prevent males from becoming abusers or engaging in domestic violence?

**Hon. Dr. K. Rowley:** It will be inconceivable that we could be having in the school system thousands of teachers and thousands of students and the behaviour from discipline to empathy to general human behaviour not being part of the general teaching in the schools. And I can tell you, that is part of the schools’ programme starting with discipline and appreciation of your fellow man.

**Dr. Gopeesingh:** Is the Prime Minister aware that in the Ministry of Education that the areas of citizenry development and character development in the primary school curriculum, is he aware that that has been removed as a result of the changes in the primary school curriculum?

**Hon. Dr. K. Rowley:** I am not aware of that, but I know that it is in the primary school that character development is a part of the training that all young people go through.

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**Sale of Teak and Poui Platforms to Repsol**

(Details of)

**Mr. David Lee** *(Pointe-a-Pierre)*: Thank you, Madam Speaker, to the hon. Prime Minister. Could the Prime Minister state what plans, if any, the Government has for the National Gas Company workers who have been and will be dislocated by the sale of the Teak and Poui Gas Compression platforms to Repsol?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I am not aware that the purchase by Repsol is tied to any Teak and Poui platforms, but insofar as there is any disruption and dislocation, I am sure that the company would ensure that the interest of the workers are taken care of.

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**National Gas Company Pension Plan**

(Details of)
Mr. Davie Lee (Pointe-a-Pierre): Thank you, Madam Speaker. Could the Prime Minister state whether there are plans to make changes to the investment portfolio of the pension plan of the National Gas Company or whether such plans have already been effected?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I am aware that the management and the board at Petrotrin are reviewing the pension plan, but as of this time—NGC, sorry. The board and management of NGC are reviewing the pension plan, but as of this time the company has not advised the Government of any firm decision to make the kinds of changes contained in the question.

URGENT QUESTIONS

Contaminated Fuel Delivery
(Measures to Prevent Further Occurrence)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the Minister of Energy and Energy Industries. Based on media reports that eight (8) National Petroleum Service Stations received contaminated fuel in the past week, could the Minister state the precise cause of this contamination, as well as what measures have been implemented to prevent a further occurrence of this incident?

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker, I am advised by the petroleum inspectors in the Ministry of Energy and Energy Industries that on the 07 February, 2017, there were reports of contamination of super gasoline in seven National Petroleum service stations.

I am further advised that the National Petroleum company moved swiftly to deal with the reports of contamination and that on the 08 February sampling was done at a number of stations. I can report that in all, if not most of the situations, the fuel had returned to normal. Since this is an urgent question, I am going to do
some further investigations to see what was the cause of the problem. I do not have that information at this time.

Mr. Lee: Thank you, Madam Speaker. To the Minister of Energy and Energy Industries: would you be kind also when you are investigating, if the National Petroleum service company will also be compensating vehicle owners due to the contamination of the fuel to their vehicles?

Hon. C. Imbert: That is not a question I can answer at this time. I have to understand the situation first. As I indicated, this is an urgent question so I will do a full investigation and look into that issue as well that you have raised.

National Poverty Reduction Programme Coordinating Unit
(Discontinuation of)

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. To the Minister of Social Development and Family Services. Could the Minister inform this House why a decision was taken to discontinue the National Poverty Reduction Programme Coordinating Unit, which has resulted in sixty-six (66) workers losing their jobs, in spite of poverty eradication being identified as the number one goal in both Vision 2030 and the United Nations Sustainable Development Goals 2030?

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. Madam Speaker, the Cabinet under the previous People’s Partnership administration approved that unit for a period of three years and that period expired in 2016.

Mr. Indarsingh: Supplemental, Madam Speaker. The fact that the 2014 poverty report indicated that 24.5 per cent of the national population was living under the poverty line, will the Minister advise this House: will there be a successor unit to address this particular level of poverty in the society? And additionally, how will
the staff of whatever new entity be recruited?

Hon. C. Crichlow-Cockburn: Madam Speaker, it became necessary for the Ministry to conduct a review of the unit because it was discovered, one, that one of the main deliverables of that unit was the development and implementation of a national policy poverty reduction strategy. That policy has not been developed to date.

In addition, that unit, while approval was granted for it, approval was not granted for a structure or the human resource requirements. So what has been happening is that staff were employed, but it was not in sync with a strategy, so the structure, we cannot tell if the structure is suitable for the deliverables.

And in light of all of that, it is necessary for the Ministry of Social Development and Family Services to conduct a review and based on the findings of the review, we will develop a strategy and the structure that would be in sync with that strategy and Government’s policy. [Desk thumping]

Mr. Indarsingh: Madam Speaker, could the Minister advise this House as to how the 66 workers will be compensated for their years of service during their engagement at the said Ministry? And additionally, could the Minister advise how many workers have lost their jobs within that Ministry since 07 September, 2015?

Hon. C. Crichlow-Cockburn: Madam Speaker, at this point in time the issue of compensation does not arise because those persons were employed on short term, so there was no provision in their contracts for the payment of a gratuity. [Desk thumping]

Delayed Travel Times of Water Taxis
(Measures to Resolve)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the Minister of Works and Transport. Based on recent reports that the travel times of the water
Urgent Questions (cont’d)

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): [Desk thumping] Thank you, Madam Speaker. Madam Speaker, the HSC Trini Flash operating under the Water Taxi Service has been experiencing prolonged sailing times as identified by the hon. Member. To address this shortcoming, the Water Taxi Service wishes to advise of the return of the service of the HSC Paria Bullet from February 16, 2017. This vessel will replace the HSE Trini Flash. This will result in two vessels operating the Water Taxi Service namely, the HSC Paria Bullet and Calypso Sprinter.

The operation schedule will be as follows: departing from San Fernando 5.30 a.m.; 6.30 a.m.; 7.45 a.m.; 3.00 p.m. and 4.30 p.m. Departing from Port of Spain: 6.30 a.m.; 1.30 pm; 3.30 pm; 4.30 p.m.; and 5.30 p.m. Thank you.

Mr. Karim: Thank you, Madam Speaker. Will the hon. Minister indicate what is the total fleet, amount of water taxis we have and how many of those, in addition to the ones indicated, are currently operating?

Sen. The Hon. R. Sinanan: Madam Speaker, I will furnish the hon. Member for Chaguanas East with that information on the next question—if he poses that question as to the fleet, I will give you that at the next sitting. Thank you.

Mayo and San Fernando
(Disruption of PTSC Bus Service)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the Minister of Works and Transport, it has been brought to my attention that the travelling public is being severely inconvenienced as a result of the disruption in
Urgent Questions (cont’d)

the PTSC bus service between Mayo and San Fernando, could the Minister please inform this House as to what urgent measures will be instituted for an immediate resumption of the said service?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. The PTSC is currently implementing a repair programme in the San Fernando garage to increase the bus run-out. It is expected that the service will be regulated within the next two weeks. Madam Speaker, I wish to add that I had spoken to the Chairman of the Public Transport Service Corporation and have indicated to him that we can put some maxi-taxis on the route to ensure that the service is not disrupted. Thank you.

**Dr. Rambachan:** Can the hon. Minister indicate by what time those maxi-taxis—what space of time those maxi-taxis will be available, because it is almost six weeks now there are no buses on that route?

**Sen. The Hon. R. Sinanan:** Thank you, Madam Speaker. I have asked the chairman to at least by now and Tuesday of next week to have these maxi-taxis on the route. Thank you.

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, I would like to report that we will be answering all the questions—sorry, we will be answering questions 29, 43 and 45. Question No. 44, we are asking for a deferral of two weeks. And, Madam Speaker, with regard to the questions for written answer, we are asking for a deferral of one week for question No. 41 and question No. 42. Thank you very much, Madam—and question No. 18. All three questions. That is question No. 18, question No. 41 and question No. 42.

**Mr. Lee:** I hear the Leader of Government Business. Question 18, on the written questions, has been outstanding for a long time and has been deferred on several
occasions.

**Hon. C. Robinson-Regis:** Madam Speaker, with regard to question No. 18, we recognize that this has been outstanding for quite some time, but the information is quite a lot of information to be collated and we are in the process of doing that.

**ORAL ANSWERS TO QUESTIONS**

_The following question stood on the Order Paper in the name of Mr. Rodney Charles (Naparima):_

**Disbursement of Foreign Exchange**

**(Details Of)**

**44.** (a) Is the hon. Minister of Finance aware that the banking sector disburses foreign exchange according to its own priorities that may be inimical to the country’s interest?

(b) What steps are being taken by the Government to assume a leadership role in the disbursement of foreign exchange?

_Question, by leave, deferred._

**Job Losses and Jobs Created**

**(Details of)**

**29.** **Mr. Rodney Charles** *(Naparima)* asked the hon. Minister of Finance:

Could the hon. Minister state:

(a) the number of job losses from April 2016;

(b) the number of jobs created from September 2015; and

(c) the sectors most affected by job losses from April 2016?

**The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert):** Thank you, Madam Speaker. The analysis of the LATUS data from the Central Statistical Office showed that there were 612,400 persons with jobs in the second quarter of 2016—and this is what we have available at this
time—as compared to 617,800 persons with jobs in the first quarter of 2016, a difference of some 5,400 persons. It should be noted that the CSO does not produce data on job creation. However, based on the data available for the number of persons with jobs by industrial group, there were 9,550 additional jobs throughout the various sectors of the economy between the third quarter of 2015 and the second quarter of 2016. The number of persons with jobs increased in the following sectors in that time period:

- Other manufacturing excluding sugar and oil, from 44,700 persons to 50,700 persons.
- Financing, insurance, real estate and business services, from 57,600 persons to 59,400 persons in 2016.
- Transport, storage and communication, from 46,100 persons in 2015 to 46,900 persons in 2016.
- Community, social and personal service, from 20,460 persons in 2015 to 21,310 persons.
- Construction, from 88,300 to 88,400.

Analysis of the latest data from the Central Statistical Office shows that the sectors most affected by job losses between the first and second quarters of 2016 were: other agriculture, forestry, hunting and fishing; petroleum and gas, including production, refining and service contractors; and wholesale and retail trade, restaurants and hotels.

**Mr. Charles:** Thank you, Madam Speaker. The figure of job losses which you said approximated 5,400, are you satisfied that that is correct, and does it include contract workers whose contracts were not renewed?

**Hon. C. Imbert:** Madam Speaker, I just want to make it crystal clear, I never said there were 5,400 job losses between the first quarter and the second quarter of
2016. What I said, is that there are 5,400 persons less with jobs. And you will recognize that when people retire they no longer are on the employment register, and therefore you cannot extrapolate from this figure and say that this is job losses.

**Mr. Charles:** In terms of question (c), he said the sectors most affected by job losses, and he talked about petroleum and gas, agriculture, and the wholesale industry, is he aware that there are massive layoffs in the construction sector? And are these numbers to reflect that reality?

**Hon. C. Imbert:** Thank you very much, Madam Speaker. I will repeat what I said in response—[Interruption] Please! I will repeat what I said in response to part (b): Between the first and second quarter of 2016—which is the data available to us at this time—the number of jobs in the construction sector increased.

**Mr. Charles:** Madam Speaker, I will wish to invite the hon. Member of Diego Martin North/East to visit Naparima constituency where he will see more that 3,000 people laid off since this Government assumed power. [Desk thumping]

**Proposed Sandals Hotel in Tobago**

(Concession Agreements)

43. **Mr. Rodney Charles** *(Naparima)* asked the hon. Minister of Tourism:

   Could the Minister state the Government’s policy with respect to concession agreements for the proposed Sandals Hotel in Tobago?

**The Minister of Tourism (Hon. Shamfa Cudjoe):** The answer is, the negotiation process for the proposed Sandals Resort in Tobago is currently ongoing, and as such, concessions have not yet been identified, finalized or approved for the project.

**Mr. Charles:** Thank you, Madam Speaker. Is the hon. Minister telling us that there is no plan that will involve the grant or non-grant of concessions, or we are going into the negotiations with a tabula rasa?
Hon. S. Cudjoe: I will repeat just in case the Member did not hear properly. The negotiation process for the proposed Sandals Resort in Tobago is currently ongoing, and as such, concessions have not yet been identified, finalized or approved for the project. And further, Government policy is in keeping with the laws of Trinidad and Tobago as they relate to tourism development and investment. [Desk thumping]

Mr. Charles: I agree that it is consistent with the laws of Trinidad and Tobago, but the question is, is it consistent with good business practice in negotiations with multinational corporations?

Madam Speaker: I will not allow that question, please.

National Security Initiatives
(Details of)

45. Mr. Rodney Charles (Naparima) asked the hon. Minister of National Security:

(a) Given that the murder rate for 2016 was the highest murder rate for the last six years, does the Minister agree that his policies have failed?

(b) Does the Minister intend to propose new national security initiatives with the objective of reducing this rate in 2017?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. The present murder rate is cause for concern. Accordingly, the Ministry of National Security has employed several initiatives to address the current murder rate. These include:

- Collaborating with the Office of the Attorney General to implement several pieces of legislation.
- Strengthening of the detection rate with establishment of a DNA database and appointing a DNA custodian.
Further, the Trinidad and Tobago Police Service has advised that they will be implementing several priority measures to detect crime such as:

- Introducing additional technology software to aid in the management of homicide investigations and training;
- strengthening of the cold case unit with addition of extra officers, who have distinguished themselves as investigators, to aid in addressing outstanding investigations;
- effectively prosecuting firearm offenders to the point of case completion as a priority;
- actively pursuing priority offenders for arrest and prosecution;
- hot spot policing with special emphasis on night-time patrols;
- increase in mobile and foot patrols with uniformed police officers to provide greater visibility;
- stop and search exercises with emphasis on arresting firearm offenders; and
- intensifying patrols in coastal areas across all police geographical divisions.

**Mr. Charles:** Madam Speaker, would the hon. Minister agree that what he has presented is a list of activities, and what we are talking about, SMART objectives, that are specific, measurable, attainable, realistic and timely; would he tell us any of those activities, what is the quantifiable objective? That is the question.

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, no, I do not agree with the Member. The initiatives have been placed before the House.

**Dr. Rambachan:** Thank you, Madam Speaker. Hon. Minister, you made reference to two strategies, the appointment of officers in a cold case unit, and also the establishment of a DNA database. Can you say whether officers have been in fact
appointed to the cold case unit, whether it has been established? And secondly, what is the status of the DNA database, because we have been hearing of it for a very long time?

Hon. Maj. Gen. E. Dillon: Thank you very much, Madam Speaker. There are officers employed in the cold case unit, and the Commissioner of Police is in fact strengthening that unit by recruiting investigators, who have proven themselves, to further strengthen the manpower in that particular unit. With respect to the DNA, we have just recruited a DNA custodian who actually is on board right now [Desk thumping] and that, again, would affect—would also add to the detection rate as we now put together the DNA database.

Dr. Gopeesingh: Bearing in mind, hon. Minister, your intentions to strengthen the DNA database area, would that be incorporating the fingerprinting or the database, putting together for members of the security services—all the members of the security services, would they be put unto that database?

Hon. Maj. Gen. E. Dillon: Madam Speaker, the DNA database first area of concentration would in fact be our prison population, and we continue throughout as the need arises.

Mrs. Gayadeen-Gopeesingh: Thank you, Madam Speaker. Hon. Minister, you also indicated that you are going to increase legislation and bring more legislation to the Parliament, but increasing legislation cannot deter crime. What is happening with the detection rate with the police service?


Mrs. Gayadeen-Gopeesingh: You have just indicated that one of your measures is to increase the number of legislation to curb crime, but I am saying you could bring the number of how much initiatives with legislation to Parliament, but to
deter crime, because one of the things is deterrence. My question is, what is the police service doing with respect to detection of the crime?

Hon. Member: He just answered.

Hon. Maj. Gen. E. Dillon: Madam Speaker, I just referred to the introduction, the employment of the DNA custodian as a way, as a means of strengthening the detection rate. I am not too sure what else the Member wants me to—I am not too sure.

ANTI-TERRORISM (AMDT.) BILL, 2017

Bill to amend the Anti-Terrorism Act, Chap. 12:07 [The Attorney General]; read the first time.

JOINT SELECT COMMITTEE REPORT

TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016

(ADOPTION)

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): [Desk thumping] Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016.

Madam Speaker, on Friday the 1st of February—

Mr. Al-Rawi: Sorry, Wednesday the 1st of February.

Hon. C. Imbert: On Wednesday the 1st of February, the report of the Joint Select Committee on the Tax Information Exchange Agreements Bill, 2016 was laid in the House together with the Minutes of the proceedings.

Mr. Al-Rawi: Our meeting was a Wednesday and it was laid on the Friday.
Hon. C. Imbert: Sorry, it was laid on Friday, my apologies. Now, Madam Speaker, the Bill before us, the Tax Information Exchange Agreements Bill, 2016 was introduced in this House in the First Session of the Eleventh Parliament and read for the first time on the 9th of September, 2016. Debate on the Bill also commenced on that day after the Bill was read the second time. Thereafter, debate continued on the 14th September 2016, at which time the parliamentary Opposition indicated that whereas they did not have written amendments to the Bill, there was some points for clarification with respect to the legislation.

On the 23rd of September 2016, the Bill was carried over to the Second Session of the Eleventh Parliament pursuant to Standing Order 79(3). In between the First and Second Sessions of the Eleventh Parliament, the Opposition published in all of the daily newspapers a full page advertisement outlining their concerns with respect to the Bill in its original form. The newspaper advertisement, however, did not propose specific amendments, but indicated that the Opposition had concerns with clause 5, clause 6, clause 7, clause 8, clause 21 and clause 25 of the original Bill, which I will summarize as follows, the concerns:

Clause 5 which provided for the President by Order to declare a tax information exchange agreement, a declared agreement, the Opposition contended in this advertisement that the Inter-Governmental Agreement, better known as the FATCA agreement, did not require this, and further that the provision gave blanket approval for any future agreements signed by any government to become law without debate or parliamentary approval.

Clause 6 which provided for the Minister to authorize a person to perform the functions of the Competent Authority under the Act. The Opposition contended that the Board of Inland Revenue should be the Competent Authority as obtained under the 1989 Tax Information Act.
Clause 7 which provided for the Minister or person authorized by him to exercise any powers conferred under the law necessary for giving effect to a declared agreement. The Opposition contended that this clause should be deleted since the Inter-Governmental Agreement did not require it, and that it allowed the Minister to exercise powers where the pre-conditions for the exercise of that power had not arisen.

Clause 8 which provided for and still provides for the removal of certain privacy provisions in written law that may prevent the exchange of information required under the Act. The Opposition contended that when read with clause 7, this clause removed the protection of the law for citizens, and they further contended that the phrase “any other law” was too vague and that the affected law should be specified.

Clause 21 which authorized the Competent Authority to enter into a Memorandum of Understanding with the United States Treasury for the establishment of procedures for the exchange of information. The Opposition was of the view that the contents of such an MOU should be subject to consultation with all stakeholders and subject to affirmative resolution of Parliament.

Clause 25 which provided for the Minister by Order to amend either the 89 TIEA or the 2016 Inter-Governmental Agreement in Schedules 1 and 2 respectively or its annexes. The Opposition contended that any such Order should be subject to the affirmative resolution of Parliament.

When the debate resumed on the 23rd of September, 2016, we indicated that the Government was willing to look at the concerns raised by the Opposition, even though they had not submitted any written amendments at that time, which we did. As a result, amendments to the Bill were prepared by officers of the Legislative
Drafting Department of the Attorney General’s Office for circulation and consideration by Members of this House. However, when the debate on this Bill continued on 9\textsuperscript{th} December, 2016, the Members of the Opposition did not participate in the debate on that day. Debate again resumed on the 12\textsuperscript{th} of December 2016, where, once again, the Opposition did not participate in the debate. Notwithstanding this, cognizant of the looming deadline for compliance with the requirements of the Inter-Governmental Agreement, and in an effort to ensure that the progress of the Bill will not be stymied, the Bill on the 12\textsuperscript{th} of December was referred to a committee of the whole House to introduce and debate amendments to the Bill proposed by the Government. These amendments were formulated specifically to address the concerns of the Opposition which had been detailed in their advertisement as well as to further strengthen the Bill.

Madam Speaker, I can report that those amendments that we looked at on the 12\textsuperscript{th} of December went even further than what had been proposed or requested by the Opposition in its newspaper advertisement. A major component of the amendments introduced during the committee stage on that day was the deletion of all provisions that would allow the Government through the Minister of Finance by Order to allow for future, similar agreements to become part of domestic law. As a result, in order to remove the power of the Minister to allow for future agreements to become part of law, in the long and short title of the Bill after the word “agreements”, the words “United States of America” were inserted in order to make it clear, crystal clear, that this 2016 agreement—well, the legislation—would only be applicable to the agreement with the United States of America, on a stand-alone basis, and would not empower the Government to enter into other agreements with other countries without parliamentary oversight.
The effect of this amendment was to ring-fence this Bill so it applies only to the two agreements with the United States, specifically attached to the Bill at Schedules 1 and 2, the 1989 Tax Information Exchange Agreement and the 2016 Inter-Governmental Agreement. So that in the future, if the Government is required to—if and when the Government is required to incorporate future bilateral and multilateral tax information agreements into our domestic law, this must come to Parliament each time, with fresh legislation. This is a contrast from the existing Tax Information Exchange Agreements Act, Chap. 76:51, which has been on our books since 1990—so if we do some quick mathematics there, that would be 27 years. So that we have made a change, which is not the same as the current Tax Information Exchange Agreement which dates back to 1990, the law, which allowed for future Tax Information Exchange Agreements to be incorporated into the Act by order. So, in the past, through a series of governments; the NAR Government, the PNM Government, the UNC Government by two, the 1989 Act had allowed amendments and future tax information agreements to be incorporated into that Act by Order, without debate by the Parliament. At the committee stage on the 12th of December, amendments were made to the following clauses of the Bill:

- Clause 1 was amended to make the short title the Tax Information Exchange Agreements United States of America Act, 2016. Again, to make it crystal clear that this legislation dealt only with agreements with the United States.
- To introduce a new clause 2 which provides for commencement by proclamation. Because there are a number of things that need to be done, in particular, the Central Bank has to prepare guidelines for
compliance with the agreement.

- Clause 2 was adjusted to reflect the change of the omnibus legislation to the United States of America focus legislation.

- Clause 3 was amended to include and change certain definitions such as the definition for a declared agreement, and to delete certain definitions such as the definition for the “Competent Authority”. It is a very important point, Madam Speaker, we deleted the definition of the Competent Authority as the Minister of Finance. So, the Minister of Finance was removed as the Competent Authority from the legislation. And, as you will determine, you will discover later on, replaced by the Board of Inland Revenue.

We also, on that day, deleted clauses 4, 5, 6 and 7, to address some of the concerns raised by the Opposition in its advertisement.

Part III was changed to Part II, because we are now dealing just with the United States; clauses 9, 10 and 11 were renumbered; Part IV was changed to Part III; clauses 12 to 24 renumbered because of all the clauses we deleted, and some amendments made for cross referencing.

Clause 21 which was in the original Bill was raised as an issue by the Opposition in its advertisement, was renumbered as clause 18 and amended to refer to the Competent Authority entering into an agreement instead of an MOU with the United States Secretary to the Treasury. Both to address the concerns of the Opposition and to more accurately reflect the precise provisions of the Inter-Governmental Agreement. A new clause 22 was introduced, providing for consequential amendments to section 117, and inserting a new section 117A into the Income Tax Act. A new clause 23, for consequential amendments to sections 2
and 36 of the Central Bank Act, was inserted; clause 25 was renumbered; clause 26 provided for consequential amendments to the Financial Institutions Act, and further consequential amendments to section 10 of that Act. And all of this had to do with the removal of the Minister as the Competent Authority, and the designation by law as the Competent Authority being the Board of Inland Revenue.

Clause 27 provided for amendments to the Securities Act. Again, to introduce the Board of Inland Revenue and to introduce guidelines to be prepared by the Central Bank. There were further consequential amendments to sections 4, 14, 19, 89, 90 and 146 of the Securities Act to give effect to the changes made to accommodate the concerns of the Opposition.

Clause 28 was renumbered and a new clause 28 was inserted to provide for immunity from suit in circumstances where the Board of Inland Revenue disclose any information it was required to disclose in compliance with the Act.

Following the amendments made to the Bill at the committee stage on the 12th of December, the Government also published a full-page advertisement on the 5th of January, 2017 detailing amendments made to the Bill at committee stage, the reasons for those amendments, and the efforts of the Government to address the concerns of the Opposition in terms of their published advertisement.

The debate on the Bill was again resumed on the 6th of January, 2017, at which time the Bill was referred to a joint select committee pursuant to Standing Order 68(3).

3.30 p.m.

On that date a deadline of the 3rd of February was given to report back to this House on the recommendations of the Joint Select Committee. And now, Madam Speaker, the amended Bill and the list of amendments which was submitted as part

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of the report of the Joint Select Committee, more or less, reflect the changes made to the Bill when the Bill was addressed in a Committee of the whole House on the 12th of December, 2016. So that the vast majority of amendments to this Bill in this JSC Report reflect the amendments we made in the Committee of the whole on the 12th December, 2016. These amendments were used as a starting point for the deliberations of the Joint Select Committee and the members of the Committee were given an opportunity to present comments and recommendations on those amendments, as well as to suggest any additional changes.

Nevertheless, since the original Bill was referred to the Joint Select Committee, and I just want to make that point, even though we had started the Committee stage in the House on the 12th of December, when the matter was referred to the Joint Select Committee, we went back to square one and looked at the original Bill together with the proposed amendments.

I would now like to indicate that before recommending the amendments to the Bill, the members of the Joint Select Committee invited comments in writing from stakeholders, including: the Trinidad and Tobago Chamber of Industry and Commerce; the Law Association of Trinidad and Tobago; the American Chamber of Commerce; Faculty of Law, UWI, St. Augustine. The Committee also examined in person representatives from the following critical stakeholders: the Board of Inland Revenue; the Central Bank of Trinidad and Tobago; the Bankers Association of Trinidad and Tobago; the Trinidad and Tobago Securities Exchange Commission; the Cooperative Credit Union League of Trinidad and Tobago.

The Bill that was referred to the Joint Select Committee contained four parts and 30 clauses. The amended Bill or the recommended amended Bill now has five parts and 32 clauses. Part I of the amended Bill deals with the preliminary issues,
contained four clauses. Part II and Part III of the amended Bill provide for the 1989 Tax Information Exchange Agreement and the requirements of the 2016 IGA respectfully. Part IV of the amended Bill deals with the related amendments to other enactments that were necessary to ensure effective implementation of the Tax Information Exchange Agreement and the Inter-Governmental Agreement. Those Acts being: the Income Tax Act, the Central Bank Act, the Financial Institutions Act, the Securities Act and the Insurance Act. The final part of the Bill contains Miscellaneous Provisions.

I will go into the Bill clause by clause. Clause 1 of the amended Bill is the short title, as I said before, Agreements United States of America. The commencement provision is now at clause 2, allowing for proclamation of the Act. Clause 3 provides that the Act is inconsistent with sections 4 and 5 of the Constitution and this would be in respect to confidentiality. Clause 4 of the amended Bill deals with the interpretation of certain words and phrases in the Bill. I would ask you to note, however, that both Part II and Part III of the Bill also contain definition clauses that define words and phrases specific to the ’89 agreement and the 2016 agreement.

In clause 4, I draw your attention specifically to the definition of the term “declared agreement”, which is now as a result of request from the Opposition limited only to 1989 agreement and the 2016 agreement. This Bill now applies only to the Tax Information Exchange Agreements between Trinidad and Tobago and the United States of America. The provision that allows for the President by Order to declare an agreement, any agreement, a declared agreement for the purpose of the Act, has been deleted.

Clauses 5, 6, 7 and 8 are clauses in Part II of the amended Bill and deal with
certain articles found in the 1989 agreement and between Trinidad and Tobago and the United States. Clause 5 defines certain words and phrases used in that part. A particular note, Madam Speaker, and this is an important request made by the Opposition which we agreed to, the definition of “competent authority” now means the Board of Inland Revenue, established by section 3 of the Income Tax Act. You may recall, Madam Speaker, that in the original Bill the Minister was defined as the competent authority and in the original clause 6 the Minister was empowered to authorize any person to give effect to any declared agreement.

This provision was one of those most strongly objected to by our honourable friends opposite in its advertisement and the Government accepted this suggestion when the Bill was amended at the Committee stage of the House. This change was also agreed to by members of the Joint Select Committee and in the amended Bill is now abundantly clear that only the Board of Inland Revenue is the competent authority for the purposes of the Bill.

Clause 6 of the amended Bill list the particular United States information about which can be exchanged under the 1989 TIEA, which was originally clause 10 of the Bill. Clause 7 of the amended Bill was originally clause 11 of the Bill. An amendment was made to subclause (4) which now states that the information provided by a financial institution under that subclause should be provided in writing.

Another noteworthy amendment is that the original subclause (5) was deleted and that the subclause indicated that information provided should be provided in the same form and manner as it would have been required to have been provided had the request been made in respect of Trinidad and Tobago taxes. The new subclause (5) now requires the competent authority, the Board of Inland Revenue,
Revenue to provide any information to the US Secretary of the Treasury in the manner that he request.

There was also an amendment to sub clause (7) and this is another very important amendment that we have made in response to queries coming from the Opposition that the Board of Inland Revenue is not to supply information to the United States Treasury which is not obtainable under the laws of Trinidad and Tobago. Originally, the words in the normal course of administration were applicable to this. These have been deleted since the method by which the Board of Inland Revenue will comply with request to supply information will not be in the normal course of administration.

And I want to make it clear, that although the intention of the exchange information between Trinidad and Tobago and the United States is not to be absolute at any cost, the information will be provided under the TIEA as part of a special request from United States Treasury.

Clause 8 of the amended Bill was also clause 8 in the original Bill, was designed to remove the privacy provisions in existing legislation for the limited purpose of allowing disclosure of information pursuant to this Bill. And this is at the core of this Bill and this is why we require a special majority. We must allow the Board of Inland Revenue to provide the information required. Clause 8 therefore deals with the other laws that might affect this such as the Data Protection Act, the Income Tax Act and the Financial Institutions Act. At the recommendation of members of the Joint Select Committee, specifically the Member for Caroni Central, the amended clause 8 increases the offence for disclosure of information other than for the purpose for which it was obtained. The original clause imposed a fine of $30,000 and imprisonment for two years. The
amended clause provides for the offence to be triable either way with a fine on summary conviction of $100,000 and imprisonment for two years and on conviction and indictment of a fine of $250,000 and imprisonment for five years.

Clause 9 of the amended Bill is the first clause in Part III, the heading of which was originally 2016 IGA. It is now headed Inter-Governmental Agreement. That part incorporates into Trinidad and Tobago domestic law the provisions under the 2016 IGA.

Also contained in Part III are clauses 10 through 23. The majority of the amendments made are typographical in nature. As I indicated, clauses 10 to 23, for example, amendments to 12, 13 and 14 were not amended in any material respect save to correct some typographical and cross-referencing errors. These are the previous 15, 16 and 17 of the Bill. Clause 17 was originally clause 20, sets out the timeline for forwarding information. Clause 18 was originally clause 21 which provided for the BIR and the Secretary of the United States to enter into an MOU. It is now amended for them to enter into an agreement which is more accurately reflective of the IGA.

Clauses 19, 20 and 21 have been amended just to provide for proper cross-referencing. Clauses 22 to 23, new clauses inserted into the Bill, to provide for disclosure of information despite privacy provisions and to include a penalty for disclosing information other than for the purposes of the Bill.

Clause 24 is a new provision inserted to treat with necessary amendments to the Income Tax Act. This will allow the BIR to obtain information, to summon officer of a bank to provide the information pertinent to the operation of the agreement. Clause 25 is a new provision and amends the Central Bank Act by making it clear that a declared agreement is only the 1989 Tax Information

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Agreement and the 2016 Agreement.

Clause 26 addresses consequential amendments to the Financial Institutions Act. A new amendment was recommended by representatives of the Central Bank who appeared before members of the Committee, to expressly allow the Central Bank to disclose information to the BIR for the purposes of the Act so that officers of the Central Bank would not be in conflict with the law when assisting the Board of Inland Revenue in obtaining information.

There is also a new consequential amendment to section 86 of the Financial Institutions Act, empowered the Central Bank to issue compliance direction to any financial institutions who fails to comply with the requirements of the agreement.

Clause 27 deals with consequential amendment to the Securities Act. Clause 28 provides for consequential amendments to the Insurance Act arising out of changes made. The last part of the Bill is Part V which deals with clauses 28 to 32. Clause 28 was originally clause 25, allowing for the Minister to amend the Schedules in the Bill that has been deleted. Clause 25 allows for the Minister to amend the Schedules in situations where the agreements are amended between the parties. Clause 29 of the amended Bill was inserted to protect the Board of Inland Revenue as the competent authority from any action that may be taken against it for disclosing any information that it would be required to disclose under the Act. Obviously, it has to act in good faith. Clauses 31 and 32 are the same as 29 and 30 and remain unchanged from the original Bill.

Madam Speaker, I want to thank all members of the Joint Select Committee for attending meetings and participating in the proceedings which resulted in a report of the Committee being submitted by the 3rd of February deadline. I would also like to thank all the critical stakeholders such as the Board of Inland Revenue,
Central Bank, Bankers Association, Securities Exchange Commission, who have already assured the Committee that they would be ready in time to comply with the requirements of the IGA once this Bill becomes law on schedule which is this month. It is my sincere hope therefore that we will be in a position as an elected House to pass this Bill today, to avoid damage to the financial sector and all of the other adverse consequences that will flow.

Now, Madam Speaker, there has been a lot of talk about, what will happen if we do not pass this Bill, including, I observed some unsolicited advice from persons who are not resident in Trinidad and Tobago and I just want to let Members know that some of these people have made comments, who do not live here and are not citizens or residents of Trinidad and Tobago, have made it their life’s work to go all over the world and oppose the FATCA Bill. Yes, that is what they do for a living. So I just thought that Members should know this, that some of the comments that one is seeing are from persons living abroad who have made it a career and they earn a living by going all over the world trying to oppose FATCA. [Crosstalk] No, I am talking about Jaturas. [Crosstalk] I did not say that. They are not talking about that. No, I did not say that.

Madam Speaker, let me just deal now with the consequences. Now, it is not hard to find out what the consequences will be. I have here something published by PricewaterhouseCoopers, in August 2013 which would have been while the former administration was in Government and it is entitled:

“The widespread reach of FATCA: How will it affect your business?”

August 2013 published by PricewaterhouseCoopers. And I will go straight to page 8 of this document and what it indicates to us.

What is the—“cost of noncompliance?
Businesses that do not adhere to the new obligations…may face a variety of consequences.”

Now these are not my words, Madam Speaker. This is a publication by PricewaterhouseCoopers when the last administration was in Government.

“The possible loss of 30% of the value of specific payments is of foremost concern. Consistent with other US information reporting regimes, a payor who fails to deduct and remit FATCA withholding when required will be liable for 100% of the amount not withheld as well as related interest and penalties. Depending upon the…arrangement between the parties, these amounts may not be recoverable.

Potentially negative consequences with respect to financial statements also may occur. Financial accounting rules”—such as—“(…ASC 450…) may require the establishment of reserves for contingent tax liabilities if there is a risk of assessment by a tax authority. This potential drag on financial statement earnings”—will certainly be a serious adverse consequence.

“A payee within the group that receives a payment that is less than expected due to FATCA withholding will be problematic. …organizations should ensure they have communicated with their counterparties both to provide documentation and determine if the counterparty intends to be FATCA compliant.

Wasted time and resources also may occur if policies and procedures are inadequate to address the documentation reporting, and withholding obligations.”

So that was PricewaterhouseCoopers, very conservative description of what they think would happen. But I would speak about two other persons who have made
comments, two economists, one is, Vaalmikki Arjoon, another one, Indera Sagewan-Alli and they have said that this is not a matter that we as a Parliament should be playing politics with.

“...many every day transactions could be very costly and complicated because FATCA affects bank to bank relations.”

And here is an example given by Ms. Alli.

“If you have a child studying, whether it is in the Caribbean or the”—United States—“once it involves US dollars and you want to send money it is done through an intermediary bank. If the local banks are not compliant, then you cannot send the money.”

She also made the point that:

“...without compliance any US transaction would be subject to a 30 per cent withholding tax.”

This is—“what the customer”—will—“have to pay. So if you...wire transfer US$100 you will have to pay 30 per cent on that.”

Vaalmikki Arjoon—that was Sagewan-Alli—Vaalmikki Arjoon said that:

“FATCA”—is—“one of the most significant pieces of financial regulations in history.

The implications for the local economy is so huge that those in authority must move swiftly to ensure its passage. It does not just affect banking and business, it affects everyone.”

In his opinion:

“...failure to pass the Bill...would ultimately result in higher food prices.

It could mean that businesses would not be able to get products from abroad resulting in shortages and higher prices. There would be an inability to pay
for goods and services.

We are an import intensive economy and in order to pay for goods globally businesses have to pay through the banks. If the legislation is not passed they will not be able to pay on time.

…the ripple effects include businesses being forced to downsize and workers not being paid on time.

…Credit card transactions will be affected, this will affect persons who shop online, wire transfers—your bank may not be able to send money to your children studying abroad—remittances will be affected and there”—will be—“implications for…foreign exchange…”

And in this article which is in the *Guardian*, September 24, 2016, they also summarized how FATCA failure would affect us.

“…non-compliance with FATCA affect ordinary bank customers?

…Local banks may eventually be restricted or cut off from relationships with correspondent banks internationally, if they…are not FATCA-compliant. This would result in reduced availability or unavailability of everyday banking services we take for granted, such as remittance services, wire transactions, currency transfers and other services requiring access to the US financial system. Even if these services”—are still—“available, the cost”—would go up if—“FATCA”—compliance—“is not place.”

With respect to local businesses.

“The ease of doing business in T&T will be affected if there is a loss of correspondent banking relationships. The capability to provide certain services will be adversely affected and access to trade services which are
indispensable to many local businesses, will be restricted or unavailable. This will increase the cost of doing business in Trinidad and Tobago resulting in reduced profit margins for businesses in general. Are there…penalties”—and, Madam Speaker, these are not my words. This is an article that was published by the Guardian:

“Banks that do not comply with FATCA are subject to a 30 per cent withholding tax on US”—dollars. They also risk probable termination of their correspondent banking relationships”—and—“their access to the international financial system”—would be jeopardized. “Banks that have suffered such disruptions cannot easily provide services to their clients in the areas of trade finance and facilitation and foreign currency transactions. The costs of doing business will increase…profitability will decline. Banks”—would not be able to—“adequately discharge their FATCA reporting obligations without establishment of an appropriate…legislative regime for FATCA compliance…

What is the impact of failure to implement FATCA on the economy?”

Again, Madam Speaker these are not my words. This is an article written by the Guardian without any reference to the Government.

“A country that is non-compliant with FACTA runs the risk of erosion of competitive advantage, perception of a lack of transparency and the possibility of negative impact on the local economy. The financial services sector contributes approximately 14 per cent to T&T’s GDP. If this sector is adversely affected by imposition of the 30 per cent withholding tax…this will directly affect an economy”—which is—“already affected by depressed prices for its energy commodities.”
What do we need to do, we need to conclude the Inter-Governmental Agreement and we have a responsibility as a country, this is the Guardian’s view, as I said, not my view and it is very, very, apt, astute and on point.

“The country has a responsibility to enact legislation for FATCA compliance…To avoid any adverse consequences, conclusion of an IGA must be accompanied by an appropriate legislative regime to support the domestic enforcement of obligations under the IGA.”

Madam Speaker, how much more time do I have?

Madam Speaker: You stop at four o’clock and 45 seconds.

Hon. C. Imbert: Six minutes, okay, fine.

Madam Speaker, all of our commercial banks who are part of the Bankers Association have made it clear in all their public statements, in correspondence, in advertisements and in their evidence given to the Committee, that non-compliance with FATCA by way of domestic legislation will have a severe adverse effect on Trinidad and Tobago.

As I said, I have summarized what was in that Guardian article which was very well written, very to the point, but in addition to that, Madam Speaker, we also have problems with CFATF. In the latest Trinidad and Tobago Report on CFATF, tax evasion was identified as a major area of vulnerability in Trinidad and Tobago. It was identified by CFATF that tax evasion is a higher risk issue for Trinidad and Tobago and a priority action item for the country. Aligning FATCA with anti-money laundering compliance regimes into Trinidad and Tobago’s financial institutions are imperative.

Madam Speaker, Trinidad and Tobago is also being rated as non-compliant by the global forum because of issues such as FATCA in terms of a regulatory
framework. In July 2017, the G20 Leaders Summit of Heads of State which will be held in Germany, at which time there will be an announcement of the listing of non-compliant jurisdictions in the world in terms of the information of tax information. If we do not pass this legislation, I can assure you that there is a high probability we will appear on that list.

Madam Speaker, now let me deal with deadlines. Let me deal with deadlines. Based on the correspondence to the United States and the feedback that we received from them which was shared with members of the Joint Select Committee, Madam Speaker, the United States expects us to pass legislation in this month, February 2017. After this legislation is passed, Madam Speaker, it will be necessary for the Central Bank to issue the necessary guidelines for all of the institutions, non-banking or otherwise that could possibly be affected by FATCA. It will then be necessary for all of these institutions to put their infrastructure in place to allow for automatic reporting by the Board of Inland Revenue to the United States Treasury on the 30th of September. Even if we pass this legislation today, we have a very short window between today and September to put all of the mechanisms in place which will include: the compliance direction, the guidelines to all of the institutions, the insurance companies, to the banks, to the non-banking financial institutions and so on and also the reporting system and the oversight and monitoring system.

We already have an extremely tight deadline. And the reason why we avoided sanctions in September 2016 is because we submitted to the United States of America an action plan which included, the passage of the legislation in this month, February and all of the other consequential activities by the Central Bank, by the insurance companies, by the commercial banks and all of the other financial
institutions in Trinidad and Tobago. Based on the last communication I have had with the United States, which was last week, Madam Speaker, the United States has informed me that—this is local United States Embassy—in all their communications with the US Treasury as we speak, Madam Speaker, in this month and last month in all their communications with the United States Treasury and the relevant authorities in the United States, there has been no change to the United States position on the implementation of FATCA and on the requirement for compliance by this country with all of the provisions of the Inter-Governmental Agreement.

So, Madam Speaker, as I said, I hope that I have given a proper explanation of what has transpired and I beg to move. [Desk thumping]

Question proposed.

4.00 p.m.

Dr. Roodal Moonilal (Oropouche East): Thank you very much, Madam Speaker, for the opportunity to join this debate on the Motion before us to consider and adopt a report from a joint select committee. May I also begin by extending our own gratitude to the committee and members of that committee, including three members of the Opposition: Sen. Gerald Ramdeen, the Member for Caroni Central and the Member for Caroni East, for their contribution to the Joint Select Committee effort. [Desk thumping]

Madam Speaker, it is public knowledge that the Government went to the Joint Select Committee kicking and screaming. It was not a joint select committee that the Government, at any point in time welcomed; it was not a joint select committee that they embraced; it was not a joint select committee
that they initiated. The Joint Select Committee arose—it is public knowledge—as a result of actions and positions taken by the Leader of the Opposition and the Opposition in Trinidad and Tobago. [Desk thumping] And the Leader of the Opposition led that charge to consider the FATCA legislation before us and to ensure that we arrive at good law, to ensure that we do something we are proud of and to scrutinize and consider the Bill so that at the end of the day Trinidad and Tobago benefits while we assist a friendly neighbour, and an important neighbour in the United States of America.

I wanted to begin by saying that it was the Government that went to the committee kicking and screaming because it explains, as well, the outcome of the Joint Select Committee. Madam Speaker, I will, in my contribution, refer to some of the points raised by the Minister in piloting his Motion, but I just wanted to put, for the record, that the Opposition in Trinidad and Tobago stood, and continues to stand in support of good law, good legislation, in support of defending the citizens of Trinidad and Tobago from any abuse, any dictatorial or any attempt by a tyrant and rogue government to undermine and violate the constitutional rights of citizens of Trinidad and Tobago. [Desk thumping] And we do that whether we are popular or not. [Desk thumping] Madam Speaker, when we were elected to this House, we were elected to this House to serve all the people of Trinidad and Tobago without favour or fear, and this is also a moment when we must declare we have no favour, but we have no fear as well to stand up for what is right. [Desk thumping]

The committee met, conducted its business. Madam Speaker, we have a report before us. Madam Speaker, may I put on record a couple points about the
report? I have had the benefit of reading the Minutes of the meetings that constitute this report. I had the benefit, of course, of reading the brief report—as reports of these nature are always brief—and, of course, the supporting documents supplied by the Parliament. I was not in the Joint Select Committee or, as the Prime Minister would say, I was not in the bedroom. But I was not in the Joint Select Committee so I do not know what is going on there, and, as you know, members of that committee ought not, and should not, be disclosing information and the contents of those very sensitive discussions. So like other colleagues, I waited patiently to get my report to read my Minutes of the meetings and so on, and therefore, to assess the situation.

Madam Speaker, there are certain fundamental concerns I want to share with the national community, the Parliament, on behalf of the Opposition as it relates to the Joint Select Committee’s work. I would also like to rely on two documents, first of course is the verbatim notes of those meetings because I believe out of five meetings—and the first meeting is always a procedural meeting when you meet very briefly, I believe, to elect a chairman and so on. Out of the four substantive meetings, two of those Minutes came to us and they were unconfirmed, if I am correct. They are unconfirmed Minutes. Therefore, this led me to go to the verbatim notes which I therefore depend on, because the Minutes of the meetings are unconfirmed.

Secondly, Madam Speaker, my colleagues and those Members of the Opposition who worked so hard on this matter, day and night—and when I read the verbatim report, one member of our team in the Opposition was actually asked by the Chairman to undertake, in writing, to provide documents and
reports and given a deadline, today for tomorrow, you know, and bring it in by Wednesday, midday, and so on. So they worked very hard. There is no doubt about that.

But, Madam Speaker, my colleagues have drafted a report on the Tax Information Exchange Agreements Bill, a report coming out of the joint select committee. Because of the nature of how those meetings came to an end our colleagues did not have opportunity in good time to consider a final draft. Our colleagues, therefore, may not have, in that time—because of the nature of those meetings and how they ended—may not have also had the opportunity to submit a minority report. But there is a report that we have before us, Madam Speaker, from the colleagues of the Opposition on the business at hand and the conduct of those meetings.

It is noteworthy that, all three Members of the Opposition, they were sworn to secrecy in the conduct of those meetings so we could not have information on what was happening, but at the end of this exercise, when the Chairman, the Minister from Diego Martin North/East, declared that a report would go to the House, that report—whether it was a final report or an interim report, Madam Speaker, we are very much accustomed in this House that when the deadline comes of a time for a committee to report, an interim report comes, and the Chairman of the committee, or a member authorized, will rise and say, “This is the report. We ask for an extension for the work.” But what came our way by February 3rd or thereabout was what purported to be a final report and a final report declared by the Chairman.

Three of our colleagues immediately, Madam Speaker, had cause to
express their concern about this and therefore they submitted through emails to the Secretary of the Committee to indicate that they were not in support of a final report, and I can look at the documents. We have an email here dated February 3\textsuperscript{rd}—because February 3\textsuperscript{rd} it all happens—where one member, for example, on February 3\textsuperscript{rd} is indicating to the secretary that “It is now 8.44 a.m. I just saw this. I sent some corrections and observations earlier and it is only now I saw a call for agreement by 9.00 a.m. of that same Friday.” So at 8.44 you received a document that you must agree to at 9.00 a.m. And our member on that committee—I believe it is the Member for Caroni Central—indicated that “The Chairman can indicate that we are soon to complete and we need one more meeting as the case may be to finalize our report. Given the great controversy over this Bill, I think it would be a mistake to proceed hurriedly and run the risk of contention on the floor during the debate among members of the Committee.”

That was the submission from one of our members. The two other members are also on record, Madam Speaker. The Member for Caroni East also sent in an email with concern in which the Member for Caroni East expressed his concern about this premature end of the business of the Committee, when members wanted to follow up on certain issues, and I will come to those issues now, in a few moments.

We also have, Madam Speaker, another member writing, and I believe it is the Senator, a member from the other place, indicating his deep concern with the sudden and abrupt end of the business of the Committee. And, Madam Speaker, I do not want to spend too much time but to say that three members are on record immediately on Friday the 3\textsuperscript{rd} of February, expressing their deep
concern about the abrupt and sudden end to the Joint Select Committee. [*Desk thumping*]

But what I want to focus on, I read the verbatim notes emanating from the business of the Committee and there are fundamental issues that one needs to raise concerning the work of the Committee. And I keep saying, this is a committee that the Government never wanted. And at several points in the business of the Committee an undertaking is given for several pieces of information. Let me begin with one. The Member for Diego Martin North/East stood today, as he did before, and told us about deadline after deadline after deadline. It was September, he said. They dodged a bullet, he said. He moved it to January. They dodged a bullet, he said. He is dodging bullets every month. Now the Member is telling us it is February 28th or February 1st, I am not sure.

**Mrs. Persad-Bissessar SC:** And then September.

**Dr. R. Moonilal:** And then September. In the meeting—it is in the verbatim notes here. And what struck me as well about this committee meeting is, at the first meeting they sit down to do business; within five minutes the meeting “stop”. It was a lot of confusion. Five minutes into the business of a joint select committee, they had to adjourn for five minutes because confusion reigned over this draft, and that draft, and the other draft. That is how they began their work. And to this day, Members are saying in their report that we have no evidence in writing about any deadline. [*Desk thumping*]—no evidence in writing about any deadline.

When I read the report there was a quotation from a letter sent by an authority in the United States saying, “If February is your deadline, proceed”.

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But we could not get the correspondence from the Minister of Finance or any authority in Trinidad and Tobago to the United States that confirms a deadline. So we have an evidence-free deadline, and that deadline is being used as a whip to beat the Members of the Opposition. Listen, today, I want to factor in the abuse. I want to factor in the humiliation. I want to factor in the insults that this debate and this matter has led for Members of the Opposition and others, who dare raise their voice in opposition. [Desk thumping]

So, the Member for Diego Martin North/East, all he had to do for the Committee was bring a document from the United States’ relevant authority or person and say, “This is the letter”; was sent to me on this date. Look, she or he—I think it is a she—says February 28th is the deadline.

Mr. Indarsingh: Enter it into the record.

Dr. R. Moonilal: And put it in the record and give our colleagues. But to this day, our three colleagues have not received one iota of evidence that there is a deadline of February 2017. [Desk thumping] Maybe the Minister has it and he keeps it close to his chest. Maybe he has it and he put it in his back pocket, but the Members of the Opposition and the members of the Committee never got any evidence of a deadline. And why do you do that? [ Interruption ] The country has none and you have big people in this country talking about gloom and doom and what will happen, and the economy and the banking sector would collapse.

Dr. Gopeesingh: Doomsday.

Dr. R. Moonilal: Doomsday. That is what they are doing. They are creating a paranoia in this society. The whole world has changed. Mr. Trump is in office. The world has changed. We are not even sure if the Attorney General could
travel to the United States. [*Laughter*] The world has changed, and you are
telling us now—[*Interruption*]

**Hon. Member:** He could go to Iraq.

**Dr. R. Moonilal:** No, but there are serious policies in the United States that
may debar him. It is a public interest concern I have. Madam Speaker, and today
we are being told of a deadline and we have to push. But you know what
happened in that verbatim report that I read as well? The Minister of Finance
came in the meeting, he said, “Look, ah doh have any paper buh ah just talk to
somebody on de phone from America and, listen, dey impatient and dey
frustrated”.

This is a sovereign country of Trinidad and Tobago and we must never
sell out the sovereignty of Trinidad and Tobago. [*Desk thumping*] Somebody in
America say, “dey frustrated and impatient”. The Member for Port of North/St.
Ann’s West, well, he also had me a bit concerned. He said “We have to pass this
becor dey watching us. Dey watching us.” Who watching you? Who watching
you? If you have concerns about a Bill or a measure, tell the United States we
have concern. They go to the Committee without giving evidence of a deadline
and say, “We have to pass this. They are impatient and they frustrated.”

So there is no deadline, and I put that on the record, unless the Minister
has something that he deliberately and wilfully did not produce and did not
distribute, did not circulate, at the Joint Select Committee. All right?

**Mrs. Persad-Bissessar SC:** Or anywhere else.

**Dr. R. Moonilal:** Or anywhere else for that for matter.

**Hon. Member:** And why not?

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Dr. R. Moonilal: Madam Speaker, the need for further work of this committee was highlighted by no less a person than the Attorney General. At page 78 of the verbatim notes of the fifth meeting of the 1st February, 2017, the Attorney General had this to say:

“Mr. Chairman, I just wanted to also add that I think we need one more meeting because we have some issues that need to be resolved. And importantly…”

Hon. Member: What? Say that again.

Dr. R. Moonilal: You did not hear it? Let me repeat it.

“Mr. Chairman, I wanted to also add that I think we need one more meeting because we have…”

Hon. Member: The left hand “doh know what the right hand doing”.

Dr. R. Moonilal: The wordy Attorney General is saying:

“…we have some issues that need to be resolved. And importantly, is the work of this Committee apart from the report that will go, is the work…”

Well, he was not perfectly coherent, but I understand the point, that the Committee needs to do further work.

Mr. Indarsingh: We understand why.

Dr. R. Moonilal: The fact that another meeting was needed was frontally addressed by Dr. Tewarie, Member for Caroni Central, in his email, and I said that before. Dr. Gopeesingh, the Member for Caroni East also sent in his email. So that the report does not accurately tell us what transpired in the Committee.

Madam Speaker, the work of the Committee was not completed and, to me, one of the most offensive features of the incomplete and inaccurate nature
of this report, due to no fault of the Members of the Opposition, is that this committee, unless I am mistaken—and I pray that I am mistaken—they invited members of the public, critical institutions, to make submissions. There is a newspaper article that came out. We will get it. Somebody will give me now. There is a newspaper article that came out inviting citizens, institutions, to “make your submissions to this important piece of legislation”. Madam Speaker, the deadline for submission was February 10th. The report was laid on February 3rd.

Hon. Member: What?

Dr. R. Moonilal: So the Minister says, “Come dong, talk. We want to hear you.” He said that in the House. He said to the national community and maybe the international community: “Send your submissions. We want to hear from you on this critical matter. Come on. Bring it. Let us have it. Bring it on.” And then he slammed the door shut. Then they slammed the shop door. I want to tell you, neither Brian Kuei Tung, Larry Howai nor Gerald Yetming, would have shut the parlour door that way. [Desk thumping]

They shut the door. And today the Minister came and dismissed with contempt, persons who are making submissions. He says they are professional objectors. All over the world they are objecting. Is Steven Kangal a professional objector? I do not know—other persons who have expressed interest. I understand the credit union indicated that they needed more time to make a submission. The Law Association indicated that they needed further time to make a submission. The University of the West Indies, Faculty of Law, indicated that, “Listen, we have received your correspondence. We need some
more time to make a submission.”

Mrs. Persad-Bissessar SC: We do not even know if they did send any.

Dr. R. Moonilal: We do not know. So you are telling us that the Law Faculty, the Law Association, the credit union, interested persons, they are professional objectors. There is no greater undermining of a democratic principle than that, and it happens when the Prime Minister, having a national conversation, he wants to talk to the world about the problems facing this country. The Joint Select Committee, driven by his Government, invites the public and institutions for submissions and then shuts down the work of the JSC because of an evidence-less deadline upon us.

So, Madam Speaker, the work of the Committee cannot be completed unless you have received written submissions. Madam Speaker, do you know, someone contacted me, a citizen of the United States working in Trinidad raised this FATCA matter with me? I spoke to the person. I said, “Chief, listen, I am not on any joint select committee. I doh know what dey doing dere, but I know that they will invite people to make comments and so on. They must.” The person told me they made a written submission. So they have received submissions from nationals and citizens of Trinidad and Tobago and citizens of the United States of America who are also affected in a serious way by this legislation. But nobody has a clue of those—they received it and throw it in the bin. They received it and throw it in the garbage bag.

It is a sham. It is a mockery and it is obscene that you would do something like this. [Desk thumping] What prevented you from extending your work and taking on board the submissions from the critical agencies and
stakeholders, which we asked for, which you agreed to? But, Madam Speaker, it speaks to maybe something very deeper here in this matter, and I am coming back to the deeper issue of why all of this was done. Because there is a “why”. There is a smoking gun available here.

Madam Speaker, we understand that the Committee advised the Secretary to request written responses from ANSA Merchant Bank, Unit Trust Corporation, Association of Insurance Companies. Maybe you feel these people are useless and irrelevant and nothing they say will add anything to it. Maybe that is your view, but the democratic principle requires that you hear from people before you go about making law. [Desk thumping]

**Dr. Gopeesingh:** That is what you have a joint select committee for.

**Dr. R. Moonilal:** Yes, that is the purpose of a joint—so you are undermining the purpose of a joint select committee to tell the country, “Look at the Opposition. They want JSC; they get JSC. What they complaining about now?” That is what they are coming to say. “Yuh want JSC, yuh get it. What yuh complaining now?”—while you undermine the very process and the sacred nature of a JSC, which is to hear people. Otherwise, we did not have to have a JSC in the first place.

Madam Speaker, the other matter, of course, involves a critical matter which remains in the present legislation, in the present draft or Bill that they bring, concerning section 117 of the Income Tax Act of Trinidad and Tobago. The Attorney General indicated to the Committee that he was originally informed by the Treasury Solicitor to delete subclause (6) and replace it with a (7), but on the morning of the meeting of the 1st of February, 2017, he received
further requests that we keep (6) and remove (7). The Attorney General indicated that further work needed to be done on this issue, and he said and I quote:

“I am putting it in very simplistic terms. So what we will do, we will go back and look at 6 to make sure we are not giving away anything at all.”

That is the Attorney General, you know, making a case to continue the work of the Joint Select Committee. The Minister of Finance, former Chairman of the F&GP, slammed the door on the Joint Select Committee—slammed the door. “We will have none of it, AG. Whatever you want to study, study by yourself. We concern with passing this thing and going back to the House.” That is the regard between the Minister of Finance and the Attorney General.

Madam Speaker, well, we raised the issue of the stakeholder consultation already, which was a sham, as we say. When we came to the House, in the debates before, we were told by Members opposite of widespread consultation and stakeholders were already—and everybody knows of this thing already. You know, when they went to the Joint Select Committee, it is only the Bankers’ Association that was consulted on this matter? Only the Bankers’ Association, nobody else consulted.

**Hon. Member:** Nobody?

**Dr. R. Moonilal:** Nobody. And they made a song and dance about, “We spoke to everybody and no need for stakeholder consultations”. They discovered inside there, it was the Bankers’ Association. And then they talk about the Central Bank. [Crosstalk] Those things were prior. Did they consult with Central Bank in the Joint Select Committee? Did the Central Bank appear in the
Joint Select Committee?

Dr. Gopeesingh: Yes.

Dr. R. Moonilal: They then spoke about stakeholder consultation before going to the Joint Select Committee. [Desk thumping] It was before. Why did you lie—not lie, Madam Speaker. Why did you speak untruths before? Why did you speak untruths before? These institutions appeared before the JSC. Had there been no JSC there would have been no Central Bank appearing. [Desk thumping] Had they not go on to the JSC kicking and screaming, nobody would appear to give their views. [Interruption] I am coming to that.

Madam Speaker, while they were doing this, they were bullying Members of the Opposition. I have here the Hansard records.

Miss Mc Donald: “We bullied all yuh?” Oh God!

Dr. R. Moonilal:—in the build-up to this matter. Madam Speaker, I had the opportunity to hear Diego Martin—why is the Member for Port of Spain North disturbing me, Madam Speaker? Madam Speaker, while I look at you I cannot help but hear this muttering.

Madam Speaker: Move on, please.

Dr. Gopeesingh: Marlene, cool it, cool it.

Dr. R. Moonilal: Madam Speaker, the Members opposite, the Member for Diego Martin North/East, the Member for Port of Spain North/St. Ann’s West, certainly the Attorney General, the Member for Laventille West—any time I speak he is always missing in the House, I do not know why. But, Madam Speaker, they came to the House and sought to whip the Opposition into submission by raising issues about Members have cocoa in the sun, coffee in the
rain, dry mango on the banister. They came with all of that to say the reason the Members of the Opposition are not in support—[Crosstalk]—even you will have enough of it now.

**Madam Speaker:** Members, please settle down. Continue please, Member for Oropouche East.

**Dr. R. Moonilal:** Thank you very much, Madam Speaker, for your protection. Madam Speaker, the Members came to this House in their contributions and raised issue—the Minister of Finance, in December, “What going on? What they have to hide? Why are they against this?” I have noticed statements made by Members opposite. The Member for Laventille West, the last time I gave him advice I made five calypsos and three editorials. That is the last time I gave him advice. I will not do that today, although we are in the height of the carnival season.

But, Madam Speaker, they went on that the last Government—and this was allowed. Well, we were not in the House at the time but it was allowed:

This Bill gives right to automatic exchange of information; will show where money has been stolen under the last Government; is parked and they are afraid of engaging; what agenda they have; they are in morbid fear of Opposition Members; the Opposition is running from that disclosure; not a soul opposite to contradict me.

Now, we were not in the House so we could not contradict him.

Why do they not want to pass this legislation? It is for the benefit of everyone.

He made the link between this legislation and, what, section 34. That is where

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they went, you know, talking about former Government Ministers having property and so on:

“They…too wicked.”

That is what he said in this House.

“They are too wicked.”—This must be passed otherwise they will be—

“allowed to hide. They”—will—“do strange things in strange places.”

This is the Member for Laventille West.

**Madam Speaker:** Member, is that the *Hansard*?

**Dr. R. Moonilal:** Yes, Ma’am.

**Madam Speaker:** Could you just properly refer to it, please?

**Dr. R. Moonilal:** 2016, the 9th of the 12th, Ma’am, in a debate on this matter. Madam Speaker, no less a person than the Attorney General got into his usual business of blaming the Opposition—and I say that lightly. Madam Speaker, he said the IGA specifically provides—in the same debate, Madam Speaker. It is the 14th of the 9th month, 2016, on this matter.

The United States, it provides for disclosure, will facilitate with disclosure—


—he asked. He says:

“…FATCA is directly associated with allowing the United States of America to list out assets, bank accounts,…held by Trinidad and Tobago citizens, including corporations.”—Why are they so afraid of asset
disclosure?

Madam Speaker, the Attorney General stands here in every debate, tells us about civil forfeiture of assets and, what?—following the money. I really feel the money is following the Attorney General now. *[Desk thumping]*—following the money.

Madam Speaker, I want to tell the Attorney General that we have a body of law in this country that you can currently prosecute anyone for white-collar offences. *[Desk thumping]* Members of Parliament, every year I am among the first, I am sure, to receive a certificate of compliance from the Integrity Commission of Trinidad and Tobago. Some of them, they are published in the newspaper. They cannot supply their information. They cannot get a certificate of compliance. *[Desk thumping]* They cannot declare. Madam Speaker, I am the first to get a certificate. In fact, one time the Integrity Commission wrote me a letter. They were suspicious that I had so few assets. A few years ago they were suspicious. I had to tell them, “Well, you know, that is how life goes, but I try my best.”

**4.30 p.m.**

Madam Speaker, every minute they come to this House and talk “bout who have cocoa in de sun”. The Attorney General tell businessmen you do not need to make a profit every year, but he had to collect rent every year. They could collect rent every year, but they do not need to make a profit every year.

**Hon. Member:** Ghost employees.

**Dr. R. Moonilal:** About ghost employees and so on. But they are using this because, I think, a semblance of truth comes out of this. I think there is truth in
Madam Speaker: Hon. Member for Oropouche East, your original 30 minutes have expired. You are entitled to 15 more minutes. And Members, we will take the suspension by agreement from both sides at 5.30 p.m. Continue.

Dr. R. Moonilal: Thank you very much, Madam Speaker. So, I am now coming to the reason why this is done. The reason why Members of the Government speak about this “cocoa in de sun” and attacking Members of the Opposition—now I want to tell you, Madam Speaker, Members of the Opposition are not only the Members in this House. They are every citizen of Trinidad and Tobago who may be opposed to the People’s National Movement. They are members of the Opposition. And when they come to this House and talk about that, is it because they also want to use this legislation to get into people’s business; to get information on ordinary, harmless, defenceless citizens of Trinidad and Tobago; their bank accounts; [Desk thumping] their investments; where they have their children studying; how much money you have in an account in America providing education for your children; where you get that money?

You know we had cause to explain to ourselves one day that people in this country know they are innocent. They have money; they make money; they work hard; they have US accounts; they take care of their children; they manage property abroad as part of their investment portfolio, but you do not know how devious a Government could be. You do not know the tyranny of an administration that wants information on you, that can blackmail you, that can pass on to criminal elements. We have had Governments in the past that sought to impeach a sitting Chief Justice; that wired a member of the Judiciary to go and speak to a Chief Justice that put a House Speaker, I think it was the first female House Speaker—if
you are the second, I think it is the first—under House arrest. Poor lady had to survive on coconut water, created a state of emergency. No such fate will befall you, Madam Speaker, so long as this Opposition remain strong in defence of our democracy. [Desk thumping]

So I believe that the Government Ministers, by speaking in this language, exposed their own desire, their own dark thoughts that this legislation can be used for that, and therefore, give us the power to do that. The dark underbelly of a Government that wants this power, not for Roodal Moonilal. “If you could find something on Roodal Moonilal you find it ah ready.” “If you could find something on any Member opposite here you find ah ready.” “Listen, if you could ah find anything, you have done audit after audit after audit, you find it already.” That is what they do. “Dey” spending their whole time doing audit, and revising, and reviewing, and delivering nothing, but, Madam Speaker, is it that the Government wants to do this because they see a golden opportunity here?

The Obama administration—and this is Obama’s work—made agreements with several Governments across the world. Those agreements do not have any statutory backing in the United States. [Desk thumping] Let us be very clear. These agreements are not part of the law of the United States of America. So not being able to pass an agreement into law in the Congress, they ask countries throughout the world, they say, “Listen. American citizens evading tax. They are not paying the IRS. Come, help we ketch them.” What they want to do is to ask you to violate to the constitutional rights of your citizens to help them to get people who avoiding tax in the United States. That is what this is about. They are not doing it. They are not strengthening their legislative framework to catch tax dodgers, but they ask you in Trinidad and Tobago, “Change your law so that you could track them here and
tell we, so we can get money in the United States.” By the way, you pay the cost for that too, eh. You are paying the cost for that.

So the United States came up with this—what was described once as a hare-brained suggestion—to put FATCA throughout the world and tell Governments that are coward, Governments that cower, Governments who say they are impatient we have to act now, tell you to do this, violate your own Constitution to help them to collect money in the United States because they cannot do it themselves, and no money for Trinidad and Tobago to this. You do it. Government then say, “Listen, we have to do otherwise they will crash the banking system, they will crash the economics faculty, they will crash and do this.” They talk about Belize, somebody there not getting a cup of tea or something. Belize has a completely different model, completely different, completely different case.

I went during the Christmas holidays, I think, in a fit of boredom and researched the economy of Belize. I did not see that Belize collapsed at all. I did not see it. Maybe it is there, I did not see it. But if Belize collapsed because of FATCA, it did not make any newspaper in Belize for one year. I went and check. I had nothing to do. I went and do that. So they come to frighten us, and they have intelligent people in this country who are frightened.

Hon. Member: Which is Schnoor.

Dr. R. Moonilal: Snore?

Hon. Member: S-N-O-R-E.

Dr. R. Moonilal: They have intelligent people in this country and, Madam Speaker, they are trying—yeah, they have intelligent people who are frightened.

There is an article by Noel Kalicharan. I think he is a learned man. I think he has some education. I think he could read English and he could write English. In an
article in the *Sunday Express*, December 11, 2016—that is quite recent, Madam Speaker—this man, like me, had the time to go and research FATCA. He went and research section 1471 of the US Internal Revenue Code. “Where he find that, we doh know”. He went and read all of these documents, do you know what he concludes, Noel Kalicharan:

“I could not find anything in the IGA or the IRC”—that is the revenue code—“that would lead one to conclude that the banking sector and the local economy will crash, or that consumers will pay more for goods and services from the US, but I am happy to be enlightened”—if somebody could convince me.

The fella is a university lecturer, you know. I think he is a—[Interruption]

**Hon. Member:** A national scholar.

**Dr. R. Moonilal:** A national scholar and in what area? In mathematics—mathematics.

**Dr. Gopeesingh:** IT and maths.

**Dr. R. Moonilal:** IT and so on. Noel Kalicharan, and that is home.

But, Madam Speaker, let me just tell you, there is a global tidal wave building against FATCA. Maybe it is being led by the Member for Siparia, I do not know. [Desk thumping] But the Member for Siparia—and I like the term—had the “Fenwickian audacity”—and go and research that too—to stand up and ask the Trump administration, “Are you going to keep a promise?” The *Wall Street Journal* said that from a tiny island—in Trinidad—one leader did what several of the global big shot leaders could not do. She put it to the United States, “What are you going to do about FATCA as per your promise?” The *Wall Street Journal* recognized that it was the Opposition in little Trinidad and Tobago that asked the
most important question in the global economy. [*Desk thumping*]

It was the Member for Siparia—when the Member for Siparia did that, they laugh you know. They laughed. They say, “Whey you doing that, you think Trump taking on you?” That is what they said. That was their response. Their public policy response was you think Trump taking on you? When you write an American administration, you are not only concerned with the individual who is President, you are concerned with the view of an administration. You are concerned, Madam Speaker, with the view of the administration; you are concerned with the thinking and the policy direction. You are not writing like a pen pal to the American President. They make it sound as if it is a pen pal writing a pen pal.

Madam Speaker, this is the *Wall Street Journal* and the *Wall Street Journal* said the Caribbean:

“…tiny nation”—island of Trinidad and Tobago—“Kamla Persad…leader of the opposition…recently did something no other world leader has done: She read the U.S. Republican Party platform. … discovered that the GOP had called for repeal…”

And—roughly eight million Americans working overseas have been hit hardest by this bad law. Some foreign banks and financial institutions have responded simply by refusing to take American customers on the ground of FATCA requirements. Part of the downside of FATCA is that the banks may not even want American clients.

Businesses—one businessman told me that he was going to enter into a joint partnership with a company in the United States to provide goods and services in Trinidad. He said, “I change my mind because once this American people come down here, is all this FATCA business. I do not want to do nothing with America.”

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That is what is happening under FATCA. So Mrs. Persad-Bissessar’s question resonates throughout the world. So two cheers to Mrs. Persad-Bissessar for asking that question. [Desk thumping]

Madam Speaker, I have in my hand The Street, “Why Americans Abroad Want Trump to Act on FATCA”. We have The Economist, FATCA flawed. Madam Speaker, do you know just today a development is taking place in our hemisphere? Just today a development is taking place in our hemisphere involving prominent members of the University of the West Indies community. Prof. Kenneth Hall, former Prime Minister Owen Arthur and others are meeting just today to deal with FATCA and the editorial of the Jamaica Observer yesterday—imagine yesterday the Jamaica Observer—I think the President of Banking Association should read the newspaper from her country of origin. The Editorial of the Jamaica Observer says, “FATCA hurting Caribbean: Revoke it, Mr. Trump.” While the Government of Trinidad and Tobago should look at the implications of FATCA for the economy, follow this type of thinking, they say, “Hey, the people impatient and frustrated. Leh we pass it quick”. That is the problem.

Madam Speaker, the latest development is this seminar is being held today at the Centre for Sustainable Development in New York. The Caribbean team including Dr. Richard Bernard, Owen Arthur, Kenneth Hall, Dr. Damien King, Compton Bourne, Professor—not the Member for San Fernando West, I noticed; he is not here—they are meeting to deal with this FATCA. Madam Speaker, the Indian Express had an article recently raising concerns about the inability of American citizens to conduct business in India, one of the largest growing economy in the world.

The Wall Street Journal, the Hill from Congress, raised this matter as well.
Now the *Jamaica Gleaner*. There is a global tidal wave coming at which the Government of Trinidad and Tobago is under that wave. You should be more progressive in your thinking and stop behaving as if we are still under colonial power. [*Desk thumping*] They say do it—Madam Speaker, it is a point acknowledged yesterday, I cannot quote, but in yesterday’s *Express* by Michael Harris as well. The local writers are now coming around. Sometimes in a society people need strong and courageous leadership before they come around, but we must never fear. We must have the courage to say what we believe to be the truth and right. Others will come along, but the reason we are here is because we are leaders. That is why we are here. [*Desk thumping*] So “doh fraid”. Members opposite, they are scared.

Madam Speaker, in closing, I want to warn the Government that this Opposition will not participate in any process of law making that allows this Government to access sensitive financial information of anyone, including Members of the Opposition, but including Members of the Government. Yesterday in the *Express*—I have how much minutes? Two minutes? Yesterday the Attorney General is in the *Express* newspaper as saying he requested information from Republic Bank on a fellow Member of Parliament. Under what authority did the Attorney General ask Republic Bank [*Desk thumping*] for information on a Member of Parliament? And worse, he said the bank gave him the information. If you can do that with your own colleague, what will you do with somebody who is not your colleague? This is a dangerous precedent where the Attorney General has not retracted this article that he personally called a bank and asked for verification of documents on a Member of Parliament.

**Mr. Al-Rawi:** Quote where I say that.
Dr. R. Moonilal: Well, give me more time. Give me your time and I will do it. No, but it is here in black and white. When I read this, Madam Speaker, I understand what they are pressing for. Why they are hurry, why they are driving outside of the speed limit to pass FATCA, because they want to get into people’s business.

Given all that I have said, I propose an amendment to this House and to this Motion. We believe that this Report should we accepted as an Interim Report and we move an amendment that the work of the Joint Select Committee be extended for the Joint Select Committee to complete its work and report to this honourable House. [Desk thumping]

Madam Speaker, I thank you.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I rise to join in contribution to the Motion to adopt the Report of the Joint Select Committee on the Tax Information Exchange Agreements Bill, 2016. I am constrained, as a matter of urgent priority, to correct the factual matrix that has been distorted by the contribution of the last speaker, the Member for Oropouche East. I say so because Trinidad and Tobago has been dealing with the FATCA debate, the proposals to amend the Tax Information Exchange Agreement since September of last year. We have had six debates in the House of Representatives. We come here this afternoon after having five sessions at Joint Select Committee to commence a report to adopt the work of the Committee. House of Representatives appointed the Joint Select Committee on 6th of January, 2017; the Senate appointed its Joint Select Committee team on the 11th of January, 2017. The Joint Select Committee met Friday, January 13, 2017; Tuesday, January 17, 2017; Friday, January 20, 2017; Friday, January 27, 2017; Wednesday 01 February, 2017; and we laid the report of the committee Friday, February 03, 2017.

The hon. Member for Oropouche East, in his contribution, stated a number
of things. He stated that a report was in fact circulated by Members opposite, and that report I saw the Clerk passed around and we received what is referred to as a minority report on the Tax Information Exchange Agreement. I want to note as a matter of record, having heard the Member for Oropouche East say that on the 3rd of February, 2017, that Members of the Opposition team had written instantly, he said that they were given an email at 8.44 a.m. and told to return at nine o’clock a.m. the same morning. The hon. Member should know that in the circulated document sent out by the Opposition at the table of this Parliament today, we saw in that circulated version of emails attached as Appendix B, the printed proof delivered by Members opposite, that the Clerk of the Joint Select Committee had in fact circulated—and it is in here in black and white—the final report at 6.55 p.m. the day before.

So he comes with gallery and grand charge as he always does, he says 8.44 a.m. implying that there is 15 minutes only to reply, and then he said, very importantly, the Members of the Opposition acted immediately to say they disagreed with the Report. The 3rd, the 4th, the 5th, the 6th, the 7th, the 8th, the 9th, the 10th, the 11th, the 12th, the 13th as we now stand today, hon. Members said that they acted with immediacy, but on the 13th today, we now have something labelled a Minority Report on the Tax Information Exchange Agreements Bill. Really, there was no time the hon. Member said to submit a Minority Report?

Madam Speaker: Member, my recollection, there is no such document laid as a Minority Report. So that, please.

Hon. F. Al-Rawi: Madam Speaker, I am responding to the argument put. I will be guided by you. I am responding to the contribution of a contrary report. There was a document circulated on the table, all of us have it, I will be guided by you. The
document that is now discussed by the hon. Member, the contribution is one which cannot be recognized by the Standing Orders, pursuant to Standing Order 114(6) of the Standing Orders of this House.

I just wanted to set that straight, Madam Speaker, because my respectful submission is that 10 days is a whole lot of time to come together with positions. [Desk thumping] And I say so because appearing at page A10 of today’s Trinidad Guardian, there is an article by Rosemarie Sant this says, “As Parliament debate resumes UNC to reveal FATCA position” and I quote:

“The Opposition United National Congress intends to meet in caucus to take a final decision on its position on the Foreign Accounts Tax Compliance Act (FATCA) ahead”—of—“today’s meeting of the Lower House...Parliament to discuss the report of the Joint Select Committee...”—that they had taken no position.

But, Madam Speaker, I certainly find it a contradiction in terms for the hon. Members to say that they were hard-pressed for time, an implication that there was only 15 minutes to respond to a final report on the 3rd of February, but that they acted with immediacy, and 10 days later to see a fat report coming which the hon. Member speaks about today in details.

It leads me to believe that a position was clearly known to the Opposition that they very well intended not to support the FATCA legislation, the Bill to amend the TIEA of Trinidad and Tobago. Because, Madam Speaker, I think Trinidad and Tobago can say with certainty, when you hear an entity such as the Bankers Association produced a media release which finds itself right under the article I just referred to at page A10 of today’s Guardian, “BATT pleads with Opposition to support bill”. Madam Speaker, permit me to read the media release

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BATT makes final plea for passage of FATCA Bill. The Bankers Association of Trinidad and Tobago (BATT) is making a final appeal to the Opposition to support the passage of the Tax Information Exchange Agreements (TIEA) Bill when it comes up for debate in Parliament on February 13th, 2017. BATT has spent the last five years working with both the former Government and the present Government on the implication of the FATCA regime.

The issues surrounding the TIEA Bill have been reviewed extensively by the recently concluded Joint Select Committee which the Opposition requested. Having ventilated all the issues, the time for debate has now come to an end. The TIEA must be implemented to allow the Board of Inland Revenue time to begin the implementation process for the FATCA reporting requirements which are due by September 2017.

The consequences for non-compliance with our international obligations have been reported on extensively and we cannot run the risk of damage to the reputation of our country.

As BATT has indicated the FATCA reporting requirements will impact US persons only who already have an obligation to report their tax obligations to the IRS. This requirement is therefore not new and does not impose any new requirements on US persons. No other information other than that what is explicitly stated in the FATCA requirements will be reported by banks to the BIR.

BATT urges the Opposition to do what is in the best interest of the country
and work together with the Government to pass the TIEA Bill.

Now, Madam Speaker, for the record, the Bankers Association of Trinidad and Tobago comprises all of the banks in Trinidad and Tobago and it is not something which is to be trifled with; it is not something to be mocked; it is not something to hear Members refer to people as “Snore” almost as in implied reference to the similar sounding surname of the current President of BATT, Anya Schnoor. I mean, where are we going if we are to be a serious country where an hon. Member, like Oropouche East, a senior past Member of the last Government of Trinidad and Tobago, could be so jovial and comfortable in comedy to be making the kind of contribution that he does today? [Desk thumping]

Madam Speaker, I want to go to a very, very large issue on the table. The hon. Member for Oropouche East in what appeared to be strong advocacy—I try to be as polite as I can—chastised the Government. He said that there was no evidence—and I am paraphrasing—of any stated deadline. He said that the Minister of Finance had perhaps been guilty of suppression of information; of not circulating information; of an impending deadline; if he the hon. Member, the Minister of Finance had it, that he had an obligation to circulate it. He said that the Government was duty-bound to actually circulate this information. He went on to say that there is no deadline, that there was deliberate and wilful, there was no procedure.

Madam Speaker, that is a senior Member of the Opposition speaking. Do you know what shocked me? What shocked me is the ability for a senior Member to stand up saying he read the report. He confessed, the hon. Member did, that he is not a member of the JSC. He is the first contributor, the hon. Member, to this JSC’s report. The hon. Member stands up and said, “He like the rest of the world
had to rely upon the report and he read it.” The hon. Member said he did. He said that he read the minutes of the report. Madam Speaker, Report of the Joint Select Committee on Tax Information Exchange Agreements Bill, 2016, at page 165 of the report says under paragraph 3.3:

“Per Item 4.5 on page 2, THE Chairman confirmed that the email from Ms. Elena Virgadamo of the US Treasury was circulated to Members by the Secretary to the Committee.”

[Crosstalk] Madam Speaker, let me go further.

Dr. Moonilal: Read the email.

Hon. F. Al-Rawi: He is now asking read the email. What I find rather interesting is that the hon. Members complained that they have received nothing. Now they are saying to read something. So I will in fact read it. You see, Madam Speaker, I want to just point to the record that in the submissions coming today on the Parliament floor by the hon. Member for Oropouche East, the hon. Member referred to emails circulated from Members of the Opposition team to the Secretariat, quite conveniently forgetting the following email which I am now tying into the specific reference at page 165 of the very report that the hon. Member says that he read.

“From: JSC Tax Information Exchange Agreements
Sent: Thursday, January 26, 2017 12.59 PM
Cc. Angelique Massiah; Simone Yallery; Keiba Jacob”

And for those Members who do not know, those are members of the Secretariat.

“Subject: Reminder - 4th Meeting…”—et cetera.

Email attachments: Email from US Treasury 26th January, 2017, pdf.

Last month, more than two weeks ago, we are on the 13th now, we are heading
down to three weeks ago.

“Dear Member

The Fourth Meeting of the above-named Committee has been scheduled for
Friday, January 27th at 9.00 a.m. . . .

AGENDA”

And it goes down.

“The following documents are attached for your information:

Item No. “3. Correspondence from the US Treasury; . . .”

So according to the hon. Member for Oropouche, who says that he has read
in detail the report, first responder on the Opposition Bench, it does not exist; it is
subterfuge; it was never circulated; all of a sudden written proof in the minutes,
email coming from the Secretariat, and now, Madam Speaker, permit me, email
from US Treasury Department. It is an original message:

“From: Elena S. Virgadamo

Sent: Tuesday, September 27, 2016 3.10 PM

To: Carla Carter”— who is the Treasury Solicitor

“Cc:” to the Minister’s Permanent Secretary—“Maurice Suite”

“ . . . RE: Trinidad and Tobago/United States of America IGA”

The email effectively starts off with:

“Dear Carla

I apologize for my delay . . . .”

She was out of office. She writes to clarify.

She says that the IGA is in fact deemed to be in operation by virtue of the signature
of the IGA and then she goes on specifically in a two-page letter to say that the
previous—[Interruption]
5.00 p.m.

Dr. Moonilal: Yes, yes.

Hon. F. Al-Rawi: “Well ah doh know how yuh saying yes, yes, cause yuh doh have it”, so I will read it for the first time. I will read it for the first time:

“A previous Treasury and IRS notice (Notice 2016-55) had required that in addition to the jurisdiction demonstrating firm resolve to bring the IGA into force, in order for FFIs”—which is Foreign Financial Institutions—“to continue to be treated as complying with, and not subject to withholding under, FATCA, any information that would have been reportable under the IGA on September 30, 2015, (i.e., 2014 information), would need to be exchanged by September 30, 2016, together with any information that would be reportable under the IGA on September 30, 2016 (i.e., 2015 information).”

She goes on to say:

“Announcement 2016-27 clarifies that Treasury does not intend to find FFIs to be in significant non-compliance with the IGA as long as any information for prior years is exchanged before the next September 30th after the obligation under the IGA to exchange information has taken effect (i.e., if the obligation under the US-Trinidad and Tobago IGA takes effect by February 1, 2017 as per your letter, then Trinidad and Tobago FFIs will not be in significant non-compliance with the IGA as long as the information is exchanged by September 30, 2017).”

[Interruption] Madam Speaker, let me put this by way of explanation because my learned friend is very jumpy right now.

Madam Speaker: Members, I would like to hear the contribution, please.
Hon. F. Al-Rawi: So, Madam Speaker, having sat quietly as I did, let me explain this to the people of Trinidad and Tobago. Point number one, lead contributor for the Opposition.

Dr. Rowley: Madam Speaker, I rise as per your assistance. [Interrupt] I would like to hear—[Interrupt]

Hon. Members: What Standing Order?

Dr. Moonilal: Name the Standing Order, name the Standing Order.

Madam Speaker: Members, let us please conduct the business of the House in accordance with the Standing Orders. All Members are advised to please listen in silence. Let us desist from crosstalk and if one has to speak, in very hushed tones. Please, continue, Member for San Fernando West.

Hon. F. Al-Rawi: Madam Speaker, point number one, allegation by Opposition by way of direct statement from the Member for Oropouche East: no evidence of deadline, nothing circulated, subterfuge committed by non-circulation. Response number one: entirely untrue, refer to Minutes page 165 of the report, specific reference; further see email exchange directly from Secretariat, making an absolute and complete untruth of the statements from the Member for Oropouche East. [Interrupt]

Second, number two, the specific correspondence by the United States Department—[Continuous interruption] Madam Speaker, the Member for Oropouche East cannot continue in running commentary.

Madam Speaker: Members, I have asked you all to comply with the Standing Orders. I will hereafter strictly enforce the Standing Orders. Please, continue.

Hon. F. Al-Rawi: Madam Speaker, point number two, apart from demonstrating the unadulterated untruth by the Member for Oropouche East, the email from the US Department of Treasury to the Ministry of Finance sets out in specific terms

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that Trinidad and Tobago will be treated as FATCA compliant by virtue of having signed the IGA in September 2016 as we did only if we are in a position to exchange information by September 2017 provided that we get through the February deadline which the US Government has agreed to. [Desk thumping] That, for anybody who is willing to appreciate it, is the written and clear position which the members of the Joint Select Committee, who represented the Opposition, had in their possessions and came today to say they did not have. I cannot understand a more untruthful position than that occurring on the record and I am being extremely polite.

**Dr. Gopeesingh:** We said there is no date. [Crosstalk]

**Hon. F. Al-Rawi:** Madam Speaker, the hon. Member for Oropouche East, opposite, referred to a number of issues. He dealt with the issue of Confirmation of Minutes, the hon. Member. He dealt with the position of public advertisements complaining that the public did not have the opportunity to comment on this issue. The hon. Member said that ANSA Merchant Bank, Unit Trust, ATTIC, should have been consulted. The hon. Member said that the Law Association and the Faculty of Law should have been consulted. The hon. Member went on to say that had they not come today to unveil the position that the allegation was that only the Bankers’ Association was consulted.

I want to put on the record, Madam Speaker, the Board of Inland Revenue, the Securities Exchange Commission, the Central Bank of Trinidad and Tobago, all of the bankers comprising the Bankers’ Association were, in fact, all consulted prior to coming to Parliament to bring the Bill originally and also in the Joint Select Committee as the Minutes and records and verbatim notes of the report, which we are here to adopt, demonstrate. Secondly, it is pellucidly clear that the
invitation to several Members was sent out. In fact, the recommendation that the ANSA Merchant Bank, Unit Trust and ATTIC, et cetera, be written to, was complied with. They were given a deadline point and I am informed and verily believe by the Secretariat to the Joint Select Committee that no responses have been received by them to date. We cannot compel people to respond, we can invite them to respond.

And when the hon. Member says they are perpetuating a fraud, I wonder if he understands that the Secretariat is comprised of members of the Parliament staff of Trinidad and Tobago. There is no “they” in that. That is a direct condemnation of the staff that comprises the Committee of Parliament because it could certainly not be that we would condemn public servants in that fashion.

Madam Speaker, the Law Association of Trinidad and Tobago, the University of the West Indies have also not responded. Further, the CWU, Mr. Joseph Remy, was invited—sorry, the credit union society which came before the Joint Select Committee was specifically invited to submit a response. The verbatim report demonstrates that at page 66 under tab 9, which is the consolidated version of the verbatim reports, that the hon. Joseph Remy indicated that they would respond by Tuesday 31 January, 2017. I am informed and verily believe by the Secretariat to the Joint Select Committee that no response has been forthcoming because the 31st of January has long passed.

I want to get to the issue now and I want to centre upon the public advertisement’s point as well as the allegation of the Confirmation of Minutes and to demonstrate the unadulterated boldfaced untruths by the hon. Member for Oropouche East. I want to refer to the Minutes of the verbatim report and that specifically is to be found in the report circulated. Madam Speaker, would it
surprise you to know that the request for publication came about by way of an agreement between all Members of the committee. In fact, and I read here from page 272 of the Minutes, the JSC, Mr. Ramdeen is quoted as saying:

“I think at the outset we had all agreed that this was a matter that would be sent to the Joint Select Committee because of the public effect that it would have on all and the public importance. Whereas we have…”—concluded—“all—and you, compliments to you in the way in which it has been done, I think we have achieved a lot—I think the one thing that we have not addressed in our minds to is the fact that the public has not had any input in relation to anything that we have been doing as a committee.”

He asked:

“What are we going to do about any views or contributions that could be made from the public as a committee?”

The hon. Member went on to say that he thinks, and I am quoting here that:

“…the flip side to that…we should have given people who could not have come which, I think, we agreed to. If we…just put out an ad and ask people to—…Yeah. I know that time is a concern but I think it would not reflect well—”

That is, in fact, when I contributed at page 273—not page 79 as the Member said—to ask Mr. Chairman whether, in fact, we needed one more meeting to confirm certain matters, and Mr. Chairman said specifically—conveniently omitted:

“…we do not…”—need—“to have a meeting for that. We can do that by round robin.”

Mr. Chairman:

“We will do that by round robin. I am just trying to address the point that—
because it is just one point—I am trying to address the point that Sen. Ramdeen made about the timing of this whole thing. If we put out an ad tomorrow, how much time you are going to give people to respond?”

Mr. Ramdeen then enters into a reply followed by Dr. Tewarie, and Mr. Ramdeen says:

“I mean, I think as a Committee, having regard to how we came here and why we came here, I think it might not be much, but I think that there are people who would want to just express their views, not on whether we should pass the Bill or not. I think we are long beyond that. But there may be somebody who might see something that we do not see or…has a view to express…”

Dr. Tewarie then contributes:

“Is there not a normal provision. I mean, you could lay the Bill or lay the report.”

Mr. Chairman says—that is the Member for Diego Martin North/East:

“A kind of hybrid approach. Let us go ahead. We have to debate it anyhow, so let us go ahead and…do the public ad, because we would not be debating this on Friday.”

Mr. Ramdeen:

“Since we are strapped for time, can we not send out an ad immediately in the newspaper and invite that and whatever we do after in terms of an ad hoc way whatever we come up with—”

That is Sen. Ramdeen saying that. Mr. Chairman:

“That is what I am proposing.”—Let us—“put out the ad, but let us lay this thing and debate it. If…”—someone—“comes up while we are debating,
because we will not be debating it right away.”—Is that—“okay?”

Mr. Roach then enters saying that there has been enough time, members of the public had adequate opportunity. I then entered, saying that we have received nothing in the AG’s office notwithstanding the fact that it has been around that long. Mr. Chairman says:

“This thing will not be debated on Friday, maybe a week from now or two weeks from now…”

Remember, this meeting is on the 1st of February, today is the 13th of February.

“This thing will not be debated on Friday, maybe a week from now or two weeks from now, and during that period any information that comes in, people who are going to be debating it can address it. But I am not slowing down the—I should not say, I am not. I do not wish to miss my deadline of the 3rd of February, because if I do, we lose credibility as a country.”

Mr. Ramdeen:

“I never intended for that.”

Page 276. Mr. Ramdeen:

“That is why I said, we could issue an ad—”

Page 276. I will remind you, Madam Speaker, the ad came out the next day. Mr. Chairman:

“I want to make the deadline of the 3rd. Okay? That is why, AG, we will do whatever this thing by round robin. All right?”

Dr. Tewarie enters; Mr. Chairman then enters:

“We wait and see what they say, but I cannot see…”—this thing—“being materially different from what we have been told already.”

The Chairman then asked this:
“Can we agree as a Committee, the Parliament will—you will have to get these ads in the papers tomorrow?”—Can you—“achieve that?”
[Discussions with the…]” Secretariat. “Well, we are trying…for tomorrow….tell them the website…”

Mr. Ramdeen then says:

“You would know when you are debating this. So let us give them—”

Mr. Chairman:

“A week?”

Madam Speaker: Member for San Fernando West, your original time has expired, you are entitled to 15 more minutes.

Hon. F. Al-Rawi: Yes, please, Madam Speaker.

Madam Speaker: You may proceed.

Hon. F. Al-Rawi: Mr. Ramdeen then says:

“You…know when you are debating this. So let us give them—”

Mr. Chairman jumps in:

“A week?”

Listen to this, Mr. Ramdeen’s response:

“A week. Yeah.”

Page 277. Mr. Chairman:

“A week. One week. Right? By next…Friday. By the 10\textsuperscript{th}—of February.

Dr. Tewarie then enters saying we need to make it more credible with more time.

Mr. Chairman:

“…We have to finish this…in February, you know. Both Houses, you know. Ten days. How about 10 days?…Ten days from today. Okay?

So, we have a lot of work to do folks…CPC, you have to finish tidy
up…deal with this last remaining point, this complication with negative resolution…”—and I will come to that.

Mr. Chairman continues. Mr. Ramdeen:

“You will say laid and debated.”

Mr. Chairman:

“Yes. So the objective is that we have reached agreement. I want to say that one more time.”

This is the Member for Diego Martin North/East.

“I intend to or wish to lay a report indicating that the Committee has reached agreement. Everybody okay with that? Thank you very much. All right. I thank you very much for your cooperation.”

Madam Speaker, does anything of the verbatim report that I have just read out sound anything vaguely like what the Member for Oropouche East stood up to say. [Desk thumping] I thank God Almighty for the CAT Reporters, the stenographers, who capture every word that is said [Desk thumping] because when you hear it in chronology, you hear it in flow. It is an incredible thing to hear what we heard today, desk thumping and all.

You see, Madam Speaker, the only things left on the table in the Joint Select Committee were very few issues. Number one, do we have a second look at clause 117(6) and (7) in light of section 116(2) and (3) of the Income Tax Act? Number two, do we, in fact, go through any measures to look at having the ability to have guidelines to be issued by Central Bank, financial institutions, Securities Exchange and the financial aspect of CBTT to regulate Insurance Act subjected to negative resolution? Those were the only two issues on the table apart from agreement by the Opposition together with the Government that we will lay the report, we will
allow for 10 days, we will not debate until 10 days had passed between the 1\textsuperscript{st} and today’s date. We now stand 13\textsuperscript{th} versus the 1\textsuperscript{st}.

With respect to section 117(6) and (7), we have confirmed that the position recommended in law is exactly the position to be advanced, no change; and with respect to whether we should subject the guidelines to negative resolution of the Parliament, we said on the record and confirm again, that we cannot subject the guidelines of the financial institutions via the CBTT’s expression of guidelines under the FIA section 10; we cannot subject the insurance industry via submission of guidelines by the CBTT under the Insurance Act, and we cannot subject the entities which are regulated by the Securities Act to be anything other than guidelines as a matter of law because of the operationality of section 53 of the Constitution, which says we must produce written law as dovetails with section 75 of the Interpretation Act which says guidelines are not subsidiary legislation and there can be no criminality associated with a breach of guidelines because the Central Bank regulates and the Securities Industry is regulated by guidelines for administrative purposes only. If you breach a guideline, you, in fact, are visited with a compliance direction.

And the architecture of guideline supervision is well established in a suite of laws and so we made only one concession. We recognize that we could not put negative resolution, so what we did instead is to at least take, as is in the Bill, as is in the report, take the guidelines produced and lay them in Parliament. We have gone a step further than Central Bank Act, Financial Institutions Act, Securities Act, the Insurance Act, in a method to meet the gentleman opposite us and to find some degree of commonality.

Madam Speaker, I want to say this very carefully: We have done everything
possible, [Desk thumping] everything possible to come up with a law that meets the scrutiny of Members. Sen. Ramdeen was complimenting the hon. Member for Diego Martin North/East on his management of the Committee. The verbatim report shows there was fulsome agreement on the Minutes, on the round-robinning process, on the manner in which we will engage the public, on waiting to see if we got any responses in writing from members.

Madam Speaker, we were convinced; I was not intended to speak today. I came and spoke today when I received the copy of what the Opposition was referring to, which is what they labelled a minority report. I was not scheduled to speak today because there was agreement that we would deal with the report. There was supposed to be one speaker each. One, one, as gentlemen. But instead, we are now greeted with the rantings and ravings of contributions that cannot withstand scrutiny as they rank up to truth. [Desk thumping]

Madam Speaker, the country knows that the deadline for demonstration of commitment is February 2017, today is the 13th of February. We are committed to this course of action because the last Government elected to go down the IGA model 1A route. It was open to the country then to stay out as a Government, let the banks regulate themselves. All the banks had to do was write every customer and say, “Look, we are going to disclose your information, you agree or not? If you do not agree, close your account.” No problems. But Minister Larry Howai took a Note to Cabinet under then Member for Siparia’s leadership as Prime Minister on two occasions for principal Notes in 2013 and two confirmations following each Note, so four times the UNC Cabinet considered this and they committed Trinidad and Tobago to an IGA Model 1A and they initialled it in 2013.

We went down that road, we have given to everything that they have
recommended and today they come to the Parliament, last minute, cannot even meet the requirements of submitting a minority report under the Standing Orders because they should have done that before the 3rd of February. They come on the 13th of February to now tell the country “We ha big concerns and who dey roll out first to talk, Oropouche East who could not even talk the truth.” [Crosstalk] And, Madam Speaker, “truth” being a very parliamentary word which my learned friend used on repeated occasions, I will say he spoke unadulterated untruths on this Parliament floor today. [Desk thumping] Unadulterated and on behalf of the citizens of Trinidad and Tobago, I object and take umbrage to his approach.

I want to end by referring to the Bankers’ Association submission to say, again, that the bank—

**Mr. Imbert:** You have another eight minutes.

**Hon. F. Al-Rawi:** I have eight minutes, well then I will continue. The Bankers’ Association of Trinidad and Tobago is making a final appeal to the Opposition to support the passage of Tax Information Exchange Agreements Bill. What I am pointing out there is that there is absolutely no mention of the Government in this letter and that being the case, Trinidad and Tobago’s fate, as the hon. Members opposite know, Trinidad and Tobago’s fate on well-known consequences of withholding taxes being applied to the tune of 30 per cent, of potential derisking and loss of correspondent banking, of reputational damage and therefore increase in the cost of borrowings and banking, of the effect upon the price of food, of importation, of sending children to school, of making sure that we have ease of doing business. All of this is integrally interwoven into the Opposition’s support which is required for the passage of this Bill, but it goes further. The Global Forum is going to be determining, in a matter of a couple of days at end of February,
between the 20th and the 24th in France, a fast-track mechanism to do exactly the same thing that we are doing under the tax information exchange amendments that we propose now, for what is referred to as the Global Forum.

In 2013, the Member for Siparia led a Government which signed on to the Global forum and committed Trinidad and Tobago, as they did for FATCA with the United States. In 2013, they committed Trinidad and Tobago to complying with 15 other versions of FATCA with 15 other countries in the European Union. Fifteen other countries. And you know what they did to make sure we complied? Sweet nothing. Not a shred of work was done. To the point where the hon. Minister of Finance had to approach the Global Forum to say we are clearly in default because there is nothing between 2013 to 2015, how can we get out of this, and the proposal is for a multilateral treaty. And they have invited us, the Global Forum, to come and figure out an accelerated programme, but hear what. If we do not have it in place by June 2017, “crappo smoke the national pipe”.

**Dr. Moonilal:** “Ah next deadline.”

**Hon. F. Al-Rawi:** Yes, I am hearing the Member for Oropouche East, “ah next deadline, ah next deadline”. Churlish commentary, sometimes offered. But, Madam Speaker, this was known to the Member for Siparia’s Government in 2013, 2014, 2015, 2016 and now in 2017. Five years of knowledge with absolutely no action. And again, I must ask: what is the problem with disclosure? What is the earth-shattering issues that we have with disclosure? I want to put it on to the national record. As sold to me by the Bankers’ Association, the consequences of non-compliance with FATCA is what is referred to as death by a thousand cuts. Death by a thousand cuts, slow and proper losses.

And what happens as a result of that is that if there is at maximum 1 per cent
of Trinidad and Tobago’s banking community involved in the situation of being both a US citizen and a Trinidad and Tobago resident for taxation purposes, then that 1 per cent, if it is even so much, will have crippled, by way of non-cooperation of the Opposition, the entire business of Trinidad and Tobago. We are way too far down the path. Sen. Ramdeen, in the verbatim notes, admitted that there was no need to debate the matter of fact as to whether we should do this. All that concerned his mind was allowing for the public to have an intervention. The Government adopted the proposal from Sen. Ramdeen, and we stand here today with bated breath. Today is the deadline day. There is no more dancing, no more talking, today is the day for the vote, [Desk thumping] and the country will have to wait to see what the Opposition intends to do.

Madam Speaker, I will sit here. I commit as Attorney General to receiving any contribution that is necessary for way of amendment, et cetera, on the substantive provisions of the law because we have been doing this for a very long time. The issues are not wide. There are no clear issues on the table, none, because I have addressed all of those put on by the Member for Oropouche East. In those circumstances, we are here prepared to work and today is the day which Trinidad and Tobago has, not by our calculations but by way of discussions with the United States which we have read into the record in the email from the Treasury Department as all Members had in their possession who were members of the Joint Select Committee.

I thank you, Madam Speaker. [Desk thumping]

Dr. R. Moonilal: Standing Order 44(8).

Madam Speaker: Member, I will take that after the suspension. This House is now suspended until six o’clock.
5.29 p.m.: Sitting suspended.

6.00 p.m.: Sitting resumed.

Madam Speaker: Member for Caroni East.

Dr. Moonilal: Madam Speaker, 44(8), you had agreed that I would—
[Interruption]

Madam Speaker: Member for Caroni East.

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, I rise to second the Motion moved by my colleague, the Member for Oropouche East, that this report be considered an interim report and that the joint select committee be allowed to continue its work to its completion.

Madam Speaker, immediately I want to go into the—and respond to the statements made by the Member for San Fernando West, and before doing that I just want to state there was a guy by the name C. P. Scott, a great liberal journalist, who said facts are sacred, opinion is free. This evening, Madam Speaker, we had no facts from the Attorney General. [Desk thumping] There were opinions from him, and I would go to say that a lot of his statements were what you call terminal inexactitudes or unmitigated falsifications of veracity.

The first of these, Madam Speaker, I want to deal with the question of the dates that have been spoken about. We received—while in the Joint Select Committee, we asked the Chairman for information related to the deadline dates. The Chairman indicated that he will search for it and try and provide it. The next meeting we came back and we asked him to give us the information related to the deadlines and then he had a letter with him and he began to read from it and he said: “You know what? I will circulate this and give it to you.” Then we asked him: “Is there any letter that you all would have written to the United States
Secretary of the Treasury?” There was no answer on that. We sought to get all correspondence related to the deadline date and we got one letter that was given to us, the same letter that the Member of Parliament for San Fernando West raised. Madam Speaker, there is nowhere on this letter that has a deadline date set for us to complete our FATCA Bill [Desk thumping] and I will lay this letter on the table for everyone to see. This is the letter. One particular area I want to raise here is that when he said:

“…the IGA to exchange information has taken effect (…if the obligation under the US-Trinidad and Tobago IGA takes effect by February 1, 2017 as per your letter,…”

[Desk thumping] That was a date that was set by the Government writing to the United States Treasury Secretary telling them that that is the date they are setting:

“…as per your letter,…”

So the United States Treasury Secretary had set no date and there is no date on this letter that had been set by the United States Treasury Secretary for us to abide by. [Desk thumping] They set the date and they wanted us to follow that date. I will pass this on for the Parliament.

The next area I want to speak about, the Member for San Fernando West alluded, in his closing statements there, just a while ago, the only things left on the JSC was 117(6) and (7), the Income Tax Act; and, two, the guidelines by the Central Bank, subject to negative resolution. That means there were outstanding matters to be dealt with by the Joint Select Committee, Madam Speaker. He admitted that just a while ago. So if there are outstanding matters to be dealt with by the JSC, why you come to lay a report and then say that we must debate it?— that is the final report. We understood that that report was going to be an interim

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report because there was outstanding work to be done. And Madam Speaker, I will go through the nine areas where there were outstanding issues to be dealt with.

So when he said that they had completed the work—and then he even went further to say there was agreement that we will have one speaker and they will have one speaker. Who made that agreement? Where did that agreement come from? Was it out on Mars? Nobody on this side made any agreement with anybody on the other side. So that is the statement being made by the Member for San Fernando West. What utter terminal inexactitudes and gross untruths. That is gross untruth. [Desk thumping]

Madam Speaker, I want to go through the chronology of the laying of the issues related to the Bill. When we finished the meeting on the particular day and we left, we all came to the understanding that a lot of work had to be done still. And then to our surprise we saw an email, which included consolidated Bill minutes of fifth meeting and verbatim notes of the fifth meeting held on 1st February, 2015. Members were asked to indicate their agreement by 9.00 a.m. tomorrow. That came on Thursday 2nd February, at 6.55 a.m.

But at 11.01 p.m. we received another email to us attaching the revised consolidated Bill and asking that the previous emails be disregarded. So when the Members states that we had so much time to deal with it and why we did not deal with it, there was a Bill that was given to us first and then a consolidated Bill, which was a revised Bill sent to us at 11.01 p.m. in the night. So when guys got up in the morning, we sleep—I go to bed at about 11.00/11.30, if I have to do a little more reading, 12.00, but you cannot be checking your telephone all the time. “Wha yuh checking yuh telephone for?” You have to be reading.

So in the morning of Friday 03 February, 2017, 7.42 a.m. Dr. Tewarie
responded and he sent the comments to the committee secretariat. So we get it at 11.01 p.m. and first thing Dr. Tewarie, luckily he was awake, and I think he called me that morning. He did. He called me a few minutes before that and he said: “Tim, have you seen the email?” I said: “No, I have not seen it yet. I am going to read it.” And then at 8.22 a.m. members received the final version of the committee report, which included the consolidated version of the Bill. There was no confirmation of any minutes whatsoever, the fifth meeting. There was no confirmation of the minutes. So how can we say that we are bringing a report to Parliament when we have not even confirmed the minutes of the fifth meeting?

Then at 8.45, members received email from the Committee regarding offences and guidelines and updated Bill. So it still continued to pour in to us. At 8.50 a.m., Dr. Tim Gopeesingh writes to Ms. Jacob saying that we need one more meeting at least to finalize some areas. At 8.51 a.m. Dr. Bhoe Tewarie sent email to the Committee that he cannot agree on that as a final report and we need one more meeting. [Desk thumping]

At 8.57 a.m. Dr. Tewarie writes the Committee expressing his views that all matters were not dealt with. We were telling them from since then that the matters have not been dealt with. So where is it that they are coming to say that this is the final report and we must debate the Bill today and that we must have one speaker on one side and one speaker on the other side? They are dreaming. Are they in dreamland, Madam Speaker? Where it is that they find? So they are misleading the Parliament day in, day out, all the time, [Desk thumping] and they want to cast the blame on us and if they want to cast the blame on us, they must look at themselves.

The hon. Leader of the Opposition told them, when they brought this Bill in September, that this Bill must be sent to a joint select committee and they

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dilly-dallied and they made all sort of huff and puff and they have gone through the Committee of a Whole and when they realized they could not pass the Bill, then they began to backtrack. So they are testing the Opposition to see what the Opposition is doing. But we are representing. We are the alternate Government and we representing all the people of Trinidad and Tobago, [Desk thumping] not only those who voted for us but who did not support us and we ensure that we are going to pass proper legislation. Once we believe it is proper legislation, we would do the right thing and honour the sacred vows that we have taken for all our people of Trinidad and Tobago.

And then Dr. Tewarie at 8.57 a.m., I mentioned that he wrote expressing his views that all matters were not dealt with. At 10.33 a.m. Gerald Ramdeen writes to the Committee indicating that he cannot agree with that mandate and that the Committee has been completed. At 10.40 a.m., I write to the Committee indicating that I agree with both Sen. Gerald Ramdeen and Dr. Bhoe Tewarie. At 11.39 a.m. Gerald Ramdeen received response from the Committee indicating his email was forwarded to the Chairman. We asked the Secretariat to send our emails to the Chairman, and then to our surprise the Minister laid his report and here it is, there it is. He laid it as a final report when we believe it is an interim report, so that work has to be done by the Committee still.

So he said the only things left on the JSC, 117(6) and (7) Income Tax Act and I would deal with that shortly, and guidelines by Central Bank subject to negative resolution and he said we had 10 days to put our interim report. But we do not do it like them. We have to take our time and consolidate the matters which we think are critically important, and this is why today the Member for Oropouche East raised the Motion that we want this as an interim report and that the work of
the Committee must continue until the final report is laid. [Desk thumping]

They are preaching doomsday every day that the sky will fall upon Trinidad and Tobago and everything will close down, all the banking sector would come to naught, and there were people, Madam Speaker, all over the country, trying to put pressure on the Opposition. But the people who are speaking out loudly, and for me, I am sorry to have to say it, when we asked what consultations took place, because the Member for Diego Martin North/East, when he made his first statement in Parliament in September: “We had widespread consultation across the country and everyone is satisfied that we must pass this legislation”. When we went to ask for where is the widespread consultation? Give us some documentation on widespread consultation, do you know where we got only one report? It was from the Bankers’ Association of Trinidad and Tobago, one report. So where is the widespread that they were speaking about?

And the Member for San Fernando West is trying to tell us, and the Member for Diego Martin North/East as well, that we had widespread consultation because the BIR came to consult, the Central Bank came to consult, the Securities and Exchange Commission came to consult. But they came to consult with us on the Joint Select Committee, not before that. [Desk thumping] No consultation was done by them, and here it is you have people like the American Chamber speaking out loudly every day. I mean, they have a role to play but they did not submit anything to the Joint Select Committee. There was no documentation from them, nothing from the Trinidad and Tobago Chamber. So all these people who were speaking about the Opposition must support this FATCA, there was no evidence of any consultation done by them. If there were, we did not receive any information on that whatsoever.
So, as my colleague pointed out, it is doomsday, everything will fall down. Now they are talking about death by a thousand cuts. So no longer is it a deadline day, but every day now is one cut out of a thousand cuts. So make up your mind where you really want to go and what you want to do. When is the date? Fooling the population every day.

So, let me move on to the nine areas. We had five meetings, and the point I wanted to make is when the Leader of the Opposition said bring it to a joint select committee, if we have to work day and night for one week we will do the hard work and we will complete what we have to do and all this time this could have been passed long ago, but you take three months, four months. Then you were forced to send it to a JSC and you rushed the JSC. We had basically four meetings.

In three hours we had to have consultations with four major groups, most important is the BIR, then the Central Bank, the Securities and Exchange Commission and the Bankers’ Association of Trinidad and Tobago. We were pushed to do that in three hours, less than three hours. So consultations with these four major organizations, because we wanted to get the work done. A lot of work was done. Good work was done. [Desk thumping] My colleagues were right there working hand in hand with the Chairman. Well, there were some members of the Committee who did absolutely nothing on the other side. We did not even hear them utter one word, one word. I would not name them.

So this report was not signed by any of us on the Opposition and, therefore, we said that that was an interim report and we are deciding not to support it. No opportunity was provided to any member, therefore, before the laying of the report by the Chairman, to express our views on whether the work of the Committee was complete. Indeed, all of us expressed the view that the work of the Committee was
incomplete before the report was laid in the House of Representatives. We said that there was need for a subsequent meeting after the 1st of February. At the conclusion of the meeting, it was clear that the work of the Committee was not complete and there was need for another meeting.

And here is what the Attorney General said, I am quoting from page 273 of the report:

“Mr. Chairman, I just wanted to also add that I think we need one more meeting because we have some issues that need to be resolved.”

—and he echoed those same sentiments here again this evening.

”And importantly, is the work of this Committee apart from the report that will go, is the work of this Committee going to be—see the amended Bill attached with list of amendments?”

So page 273 of the report, he indicated that the work of the Committee was incomplete. So how could the Chairman and the Minister of Finance come on Friday the 3rd, and paragraph 3.1 of page 5 of the report that was given to us, saying that the work was complete? Here is what my colleague, Dr. Tewarie, Member for Caroni Central said:

“What happens to the submissions that we have requested that have not come in and the requests that we are sending out today? We said that we would send out requests to three institutions today.”

Mr. Chairman said—that is the Member for Diego Martin North/East:

“We wait and see what they say.”—We wait and see.

“So you waited and see what they say. We ain get anything.” Nothing has been provided to us but you come to lay a final report and you expect us to sign it without querying, when the third meeting and the fifth meeting of our meetings
were not confirmed and we never saw anything that we were asking for while we were members of the Committee.

The fact that another meeting was needed was frontally addressed by Dr. Tewarie in his email on the 3rd of February, and I also indicated that I was not in agreement with the report in the form in which it was being proposed to be laid and that a further meeting was required, by my email at 8.50 on the 3rd of February.

The report of the Committee that was laid in Parliament and signed by the Chairman stated:

“In accordance with Standing Orders 114(1) and 104(1) of the House of Representatives and the Senate, respectively, the Committee wishes to report that it has completed its mandate within the required deadline.”

And we said we did not agree with that. This was factually incorrect at the time of the laying of the report and I want to re-emphasize that at the end of the fifth meeting of the Committee, there were a number of outstanding issues that were to be addressed before the report could have been final and a mandate of the Committee complete.

Let me give some areas. One, the public advertisement inviting public comment on the Bill was only placed in the newspapers on the 2nd of February, 2017, and that was put in the Newsday on the 2nd of February, 2017. Then the Express newspaper on Sunday the 5th of February and the Trinidad Guardian on Tuesday the 7th of February. So three public advertisements went out indicating that the deadline for the submission of the comments and views would be Friday, the 10th of February, 2017. So imagine the Trinidad Guardian sending out the advertisement on the 7th of February, so giving them three days. The Express, on the 5th of February, giving them five days and the Newsday on the 6th of February,
giving them eight days. So where are we going?

We left the meeting saying that we are going to give them 10 days to make their submissions, the general public. My understanding is that there are about five or six organizations and people who have submitted, through this advertisement. We as members of the Joint Select Committee, up to today we have not seen anything. So what is the use of putting out this advertisement, which they agreed to? We have nothing on record. So how can we say that the work of the Committee is complete, when we have not seen anything there from them? [Desk thumping] And there are people who have submitted. Are they hiding it? Are the submissions indicating that something is wrong with the FATCA Bill and this is why they are hiding it? Why did the Chairman not send it to us so that we could see what was happening? No, they are hiding things again.

The consultations, at item 5.4 of the Minutes of the fifth meeting of the Committee:

“…the Chairman advised the Secretary to request the written responses from:

    ANSA Merchant Bank…
    Unit Trust Corporation...
    Association of Trinidad and Tobago Insurance Companies…”

The issues, with respect to the receipt of these responses before any report was laid in Parliament, were raised by Dr. Tewarie at the fifth meeting of the Committee. But up to the time of laying the report, the members were not made aware of the written responses from these entities, if there were any.

So we are members of the Joint Select Committee. The Joint Select Committee sends out to ask for written responses from these people. Have they
submitted? Have they not submitted? And if they have submitted, where are they? Where are the response? So you see how much work there still needs to be done? What were we sitting there doing? We were working but there it is suddenly the Member for Diego Martin North/East as Minister of Finance lays a report and says: “Look, ah put this report now, all yuh agree to it. Sign it and we are going to debate it.” When we saw so much work that has to be done.

At item 5.1 of the Minutes of the fifth meeting of the Committee, the Secretary to the Committee informed the Committee that the Law Association of Trinidad and Tobago and the Dean of the Faculty of Law, UWI, had requested more time to make submissions to the committee after having been invited to do so by the committee. Two major institutions of law, the Law Association and also the UWI Faculty of Law asked for more time. There was no more time given to them. We do not know what has happened, and so, therefore, we had no contributions from them. We are still awaiting the contributions. I do not know whether they have received it and if they have kept it from us, Madam Speaker.

So there was no indication at any time whether the extension of time requested would be granted by the Committee to these two important and independent institutions who would have a meaningful contribution to make on the passage of this important piece of legislation. It was critical to receive the views of these two bodies and up to the date of the laying of the report the members of the Committee were not informed if any submissions were received from these two bodies.

The fourth area, it was only at fifth meeting of the Committee that the Committee was informed that there existed a double taxation treaty between this country and the United States of America. How hilarious this matter is, Madam
Speaker. You have three senior people on that Government side, the Attorney General, the Minister of Finance and the Minister of everything. All three of them, they presented a Bill on FATCA and they do not know that there is a double taxation treaty existing in Trinidad and Tobago.

The Chairman, the Minister of Finance say: ‘Do we have one? We going to try to find out.’ The Attorney General say “we doh have none” and then the Chairman say, wisely, “let us ask the CPC if we have any double taxation treaty” and the CPC said: Yes. Do you all not know we have a double taxation treaty since 1971? So three members, laying something about FATCA and talking about finance, talking about exchange of taxation information and so on and do not have a clue about whether a double taxation treaty exists or not. This was a fundamental basis for the passage of this legislation, whether there existed—whether you have a double taxation.

Having discovered the existence of the double taxation treaty, the Chief Parliamentary Counsel department was mandated by the Chairman to make sure that there was no conflict between the intended legislation and the treaty. So up to then we did not know. The CPC had to give us a verdict on that and up to today we do not know what the verdict is because of the double taxation treaty.

And so, up to the time of laying of the report, members of the Committee were not informed of the views from this Chief Parliamentary Counsel Department on this issue and we say that this is a very important issue that must be clarified, as it would affect the wide cross-section of persons and the provision of their personal information. That is affecting thousands of people. So this double taxation treaty, what is the impact upon this with the FATCA piece of legislation?

Next point, at the fourth meeting of Committee, the Chairman of the Board
of Inland Revenue was asked to provide the Committee—this is a very important point, Madam Speaker—with the number of times that the Board of Inland Revenue had provided private financial information to the United States under the 1989 Tax Information Exchange Agreements and the purpose of requesting this information was to make Parliament aware of the acts that it was being asked to validate.

[MR. DEPUTY SPEAKER in the Chair]

We are being asked to validate, Mr. Deputy Speaker, acts committed by the Board of Inland Revenue. So we have to validate from 1989 to 2017, 28 years. So we asked what number of times that the Board of Inland Revenue had provided private financial information to the United States under the 1989 TIEA. The Board of Inland Revenue was uncertain. They did not know if they had provided or not and they were given up until Friday, the 10th of February, to provide this information.

So long after, that the Chairman gave them the 10th of February, knowing the 10th of February, BIR will submit the information. But he put in a final report and “he say: Look, we are going to debate that final report”, when the BIR has not told you what do we have to validate. How can we as legislators go and validate something in an Act, when we do not know what we are validating? [Desk thumping] That is basic, Mr. Deputy Speaker, and that is crucial information not provided, despite the Chairman shortening the deadline for the provision of information.

So, we are saying, in those circumstances, where Parliament was being asked to validate acts of the Board of Inland Revenue in a vacuum. How can we make legislation in a vacuum? It is to be noted that despite the failure to provide
this information, up to today that validation clause remains in the legislation. So we do not have the information. BIR does not know what they did and we are being asked now to leave that in this legislation, when there has been a whole vacuum? How could we go and validate something when we do not know what to validate and how many acts have been done illegally?

6.30 p.m.

Next point. At the fifth meeting of the Committee, an issue arose as to the effect the present legislation would have on section 117 of the Income Tax Act, having regard to certain amendments that were proposed to be made. The Attorney General indicated to the Committee that he was originally informed by the Treasury Solicitor to delete subclause (6) and replace it with a (7), but only on the morning of the meeting of the 1st of February, 2017, he received a further request that we keep (6) and attenuate (7). The Attorney General indicated that further work needed to be done on this issue when he said and I am quoting:

“I am putting it in very simplistic terms. So what we will do, we will go back and look at (6) to make sure we are not giving away anything at all.”

Mr. Deputy Speaker, so the Chairman himself acknowledged that this needed to be done, and it is in the verbatim notes of the 5th Meeting held on the 1st of February on page 71. So up to the time of the laying of this report the Committee had not been informed whether this task had been done or completed by the Office of the Attorney General or the Chief Parliamentary Counsel Department and the Bill remained the same with the proposed amendments to the Income Tax Act.

So this is a very important issue that we are looking about. The Income Tax Act, are you going to throw out (6) and bring in (7)? What she said? Attenuate (7)? Up to now we are still not clear on that. My colleagues have been saying that this
Tax Information Exchange
Agreements Bill, 2016 (cont’d)
Dr. Gopeesingh (cont’d)

is a very critical piece. It deals with the Income Tax Act. So is it not clear and patent that more work needs to be done? So why are they coming with a huff and puff? Both speakers before said that we finished and the work must be completed, and we must be satisfied that by the end of February—which they set a date for themselves—the work of this FATCA piece of legislation must be finished.

At the third meeting of the Committee—this is another point—the Attorney General and the Chairman—[Interruption]

Mr. Deputy Speaker: Hon. Member, your speaking time has expired. Do you care to avail yourself of the additional 15?

Dr. T. Gopeesingh: Yes.

Mr. Deputy Speaker: Proceed.

Dr. T. Gopeesingh: Thank you, Mr. Deputy Speaker. The Chairman indicated to the Committee that all of the correspondence between the Attorney General and the stakeholders would be disclosed to the Members of the Committee. To date and up to the time of presentation, as I have indicated earlier, of the report, the Attorney General had not disclosed the communication between himself and the relevant stakeholders. Hear this bravado: “We had widespread stakeholder consultation”, and we could not even get one piece except from the Bankers Association of Trinidad and Tobago.

We also asked about a communication plan, Mr. Deputy Speaker. At the third meeting of the Committee, the Chairman gave an undertaking to submit to Members, one, the communication plan which was expected to be used by the Ministry of Finance upon passage of the Bill as well as, two, the existing practices used by the BIR for the exchange of tax information used with the United States. Up to the time of the laying of this report this information had not been provided to
the committee by the Chairman. So I am laying out the amount of information that we needed to have by the JSC and which were not provided. So how could we have said that we concluded the work of the Joint Select Committee, Mr. Deputy Speaker? So no communication plan, no information about the practices used by the BIR for exchange of information.

At the fourth meeting held on 27 January, 2017, Mr. Joseph Remy of the Credit Union Society indicated that his membership wish to make submissions that would be delivered to the committee by Tuesday 31 January, 2017. Mr. Remy said that they had over 600,000 people who were with the credit union movement, and at least 1 per cent—which means 600,000 divided by 00, that is 6,000 people—1 per cent is affected by this FATCA piece of legislation. He wanted to give a report, but we do not know where that report is, whether a report was made and so up to the time of the laying of this report that submission was not seen by Members and the Members were not told if submissions were received or not.

So in conclusion on those matters, Mr. Deputy Speaker, from the preceding nine points that I gave you, that I gave to this House, about non-fulfilment of certain issues that we needed to have before us as a committee, it is clear that the mandate of the Committee was not complete. It was also clear that there were a number of outstanding issues that were to be addressed before the work of the Committee could be said to be truly complete. These matters were brought to the attention of the Chairman of the Committee, upon Members being asked to agree to the contents of the draft report.

In those circumstances, Mr. Deputy Speaker, it cannot be correct to state in the report that the work of the Committee is complete, to submit a report before the views of the public are received and considered is improper [Desk thumping] and
sends the message to the public that their views are irrelevant—you are telling the public that their views are irrelevant to the Committee—and the invitation to submit their views was merely to satisfy the need for public participation and nothing more. To mamaguy the population—you have done three days and five days and seven days—send it in in ten days’ time by the 10th of February and then close it on the 3rd of February, seven days before the people could submit. So how you make those people feel? Are they not citizens of Trinidad and Tobago? Do they not have a right to be heard, a right to have their views expressed? This is the whole purpose of a joint select committee which the Leader of the Opposition has been talking about. A joint select committee gives you the opportunity to get submissions from the wider cross section of people who are affected by the legislation and here it is we have nothing. So that is a mockery and shameful. I sat in that committee and I was disappointed at the end we did not have the information that we sought. This legislation is important. It is far-reaching and has the potential to affect, we know, the entire financial system.

So the need to ensure that all persons who are potentially to be affected by the passage of this legislation and those who may have expert views on issues that touch and concern this legislation cannot be overstated. No material provided to the Committee or its members as evidence that there was a February 28th deadline for the passage of this legislation which I brought out earlier.

So, in these circumstances, the public good and the discharge of our parliamentary responsibility to the people of this country require that the issues identified herein be addressed in a satisfactory manner before any report is laid to the House of Representatives. This is why I stand proud this evening to indicate that I support the Motion by the Member for Oropouche East to indicate that this
report that is laid here this afternoon be an interim report, and that the work of the Joint Select Committee be allowed to continue and to its conclusion, and I second the Motion. Thank you very much, Mr. Deputy Speaker. [Desk thumping]

Dr. Bhoendradatt Tewarie (Caroni Central): Thank you very much, Mr. Deputy Speaker. There are some incontrovertible facts that we need to establish. One is that the email from the US authorities referred basically to deadline set by the Government of Trinidad and Tobago. [Desk thumping] There is nothing wrong about that except that the facts must be made clear. What is clear from the email is that the Government of Trinidad and Tobago set an agenda, the US being unwilling to tell you what to do, so to speak, went along with the agenda you had and proceeded on that basis. So all the deadlines, based on the facts available, were set by the Government of Trinidad and Tobago. [Desk thumping] They were not insisted upon by the US Government, but there is an implication which is that if you set one deadline, let us say, February, then there are deadlines that are triggered by the deadlines that you yourself have set. It is important for the population to understand that, Mr. Deputy Speaker.

I think we have established that before we went to the JSC, there were no consultations outside of the Government sector except for BATT. That is a fact. [Desk thumping] The consultation involving a broader section of the private sector and asking for contributions actually came to the JSC, which is what a JSC is for. [Desk thumping] The engagement by the public was something that was set in motion on the last day that we actually met, and the idea was that all outstanding correspondence, all outstanding information and contributions from the public would come to the Committee and, therefore, the Committee would have the ability of scrutiny and engagement of these issues before the Bill was actually laid
and the report actually laid in Parliament.

The fact that two of the Minutes were unconfirmed is also a fact, and that cannot be disputed. Had we been there for another meeting, the Minutes may have had amendments [Desk thumping] and, therefore, the unconfirmed Minutes are very important. The Attorney General mentioned three things that he said were outstanding, and he is correct. The section of the law 117(6) and (7) I think of the Finance Act—[Interrupt]

**Mrs. Persad-Bissessar SC:** The Income Tax Act.

**Dr. B. Tewarie:**—the Income Tax Act, sorry, and the guidelines for the Central Bank, those things were outstanding, but I want to mention two others: the double taxation treaty issue which needed to be resolved because part of the conversation in the Joint Select Committee was that a lot of this Bill was premised on the notion that there was no existing—what you call it?—double taxation treaty and we needed a clarification on that.

The other issue also was the issue of the double taxation treaty and then the issue of parliamentary scrutiny. Because if you look at the Bill that we actually have here you will see that although we agreed in committee that any changes to the IGA would find its way to Parliament subject to resolution, you have a Minister to amend clause 29 miscellaneous:

> “The Minister may by Order, where the parties modified—
> (a) the 1989 TIEA in Schedule 1; or
> (b) the IGA or its annexes in Schedule 2,
> amend the…TIEA or the IGA or its annexes contained in Schedules 1 and 2, respectively.”

What we should have is a clause which says:
“subject to the negative resolution of Parliament”
and it is not there in the Bill. This is the Bill that was submitted with the report.

So I want to agree with the Attorney General that we had more work to do
and we had other issues to scrutinize. And I want to agree with him also that there
were other issues that he did not mention which would add to the number which is
why we asked for one day more to go through the Bill and to go through the report.
Why it was not granted? I do not know. It could have been because they felt the
urgency of the deadline but, to me, the more important thing was to do the report
and the Bill properly rather than to meet a deadline for completion. [Desk thumping]

I want to say that we did, Mr. Deputy Speaker, a lot of good work in the Bill
and there is a lot in the amended Bill that recommends itself. The Bill which
accompanies the JSC report to the Parliament is a very different Bill from the one
that came here before. When you look at the number of amendments that have
been made—and the Minister of Finance and Chairman of the Committee, in fact,
indicated that when he spoke—it is really very, very clear that the original Bill put
forward by the Government was extremely flawed and that all the criticisms and
points of advocacy of the Leader of the Opposition and the Opposition were
legitimate as anything. [Desk thumping] So the very fact of the amendment of the
Bill confirms the fact that the Bill was flawed and we had legitimate concerns
which were answered by referral to the JSC and the work of the Committee.

In this particular Bill, the effect of the Bill is that the Minister of Finance has
no formal standing in the exchange of information to be exchanged via this law.
The competent authority for Trinidad and Tobago is the Board of Inland Revenue,
which will act in accordance with the provisions established in this Bill and other
laws which bind them to confidentiality. We have increased the penalties for violation of this secrecy provision and confidentiality provision.

The Bill emanating from the work of the JSC targets US citizens and residents who hold financial accounts in Trinidad and Tobago, and who own a company or part of a company here and who are subject to US tax liability. Under this law, there is no provision for reciprocity and in this way it differs from the IGA and must require the US to act to make reciprocity possible. I mentioned the issue of the revised penalties upward for confidentiality.

This Bill requires parliamentary scrutiny, and it is clear that we need an amendment to the Bill to make that possible, based on that clause that I just outlined. I think it is 29, if I am not mistaken. [Crosstalk] No, for the clause in the Bill itself, so that we can do that. And the other thing is that—so that there were real achievements in the Bill and there were amendments that made a big difference in the Bill.

The question is: what is the right thing to do in relation to this? Look how contentious this whole thing has been from the very beginning, and look how contentious it is now, because of the fact that we did not follow due process and complete the Bill as we were supposed to, give the extra day, make it possible. Look at the issue. I, mean, I in fact indicated to the Minister of Finance by email that it was important to address these issues well and to take the time to do it so that we do not have this contentious issue here.

Now, we could have had a collaborative Parliament to advance the people’s business throughout the tenure of Parliament, whoever was in Government, but the culture of political parties is combative and it is prone to conflict generation. It does not seem to allow for collaboration and for management of conflict. We saw a
situation here in Trinidad and Tobago starting from September with the budget and how it was presented—the budget review, the appointment process for the police commissioner, the SSA, the Marriage Act—all of these things, and now we come to FATCA with all of these conflict prone and unable to find a collaborative way forward.

Now, things are not always what they seem. It seems that the issue of character has gone from politics; principle is dead in politics; truth is an aberration in politics and we are seeing that confirmed not just in Trinidad and Tobago, but in other parts of the world. It is all about image and PR and spin and manipulation of public opinion. I want to say that this is not going to do us any good in Trinidad and Tobago. It is not going to do the country any good. It is not going to do the world any good.

We have entered a world now of the greatest uncertainty and unpredictability and this is unprecedented. This is the worst that we have been in terms of unpredictability and uncertainty. The fact of the new US President, Mr. Trump, in America has created that uncertainty not just for the United States, but for the entire world and the uncertainty includes certain things like: Will Mr. Trump last? That is the first thing. Is he going to last the four years? Is your Government going to last the rest of the five years that you have? [Desk thumping] This is the world that we are dealing with today. This is the reality of Trinidad and Tobago. This is the reality of the world. You do not know anything for certain. If we are doing something here we might as well try to do it well.

So my colleague, the Member for Oropouche East, pointed it out. He said the world has changed, you know, and the world is changing every day and the conversation on FATCA has changed. This conversation on FATCA started with,
you have to comply. That was the position. The question that is emerging now because of the conversation and the evolution is: why should we comply? And, therefore, we are caught in this in betweenity because we signed an IGA some years ago, and we are now at the point where we must meet our obligations on the basis of that, but the financial system has its own logic. Wall or no wall between Mexico and the United States, technology connects a world financial system and that is a reality with which the world has to deal.

And whether or not we pass laws to comply with FATCA, institutions in the USA and the OECD countries are now bound by FATCA to which they have already committed, which unless changed by the Trump administration or somebody else, remains US law in an interconnected financial network involving Europe so that you have the banks of the US and you have the banks of Europe as well, even though Europe itself as an institution, as a unity, is threatened with disintegration. They have all signed on.

So they in Europe and the United States have the main banks, all the main banks in the world—correspondent banks to our banks—and they are complying with FATCA and because they have complied, they have their own logic now for dealing with countries and banks in counties such as ours. So correspondent banks are cutting their losses, embarking on a path of de-risking and they are stripping off countries, financial institutions and stripping off customers. The big banks and financial institutions are making new rules to optimize efficiency gains and focusing on profit margins and high network customers. This is the reality of the world and we are reaping the connectivities of the system because the world exists. There is nothing we could do about it. The financial system exists.

This is opening up opportunities locally for financial business while limiting
options for individual clients, because there are billions in US accounts in the United States by Trinidadians and other people in the Caribbean. There are billions in overseas accounts—millions sorry, in US accounts here. There is the issue of low interest rates and penalties for idle accounts, and you have, for instance, the emergence of an institution like CMMB that is trying to deal with realities such as that that is happening in the world system trying to take advantage of the opportunities here in Trinidad and Tobago and in the Caribbean.

So in the context of foreign exchange limitations and shortages and possibly a devaluation, people are holding on to US dollars as a hedge. They are investing it globally because of the bad local investment climate. There are local institutions that need to be secured and US dollars and hard currency customers need to feel safe about their investments.

Then there is terrorism. The focus of FATCA in the US is tax collection, globally from their citizens, US citizens, and curtailment and prevention of terrorist financing. President Trump as a businessman may be soft on tax collection, but as an anti-terrorist President, he may turn out to be strong on preventative measures which target terrorist financing. We do not know. That is the nature of the uncertainty.

So we have today’s reality and tomorrow’s possibilities. Our best option can only be to deal with the world as it is, and try to change the world into what we would like to see even while we ensure survival in the current reality. What to do, therefore? What must we do? We need to comply with FATCA to make our financial sector less vulnerable yet, at the same time, we must advocate on behalf of Trinidad and Tobago and the Caribbean to change what is essentially a lopsided global financial regime which discriminates against small countries, which
discriminates against developing countries, which discriminates against unsophisticated financial systems and which discriminates against ordinary citizens in the world generally.

Now we must distinguish between the two dealing with the world as it is and changing the world to a better place to which we might respond more effectively, and that is what the advocacy about change is about. Now, can we do both simultaneously? Yes, we can, because you can chew chewing gum and walk. There is absolutely no conflict of interest in doing both together. In fact, as a complaint country, our advocacy for change will have more weight and credibility in the outside world.

I want to take the opportunity to congratulate the Leader of the Opposition. Once again, she has demonstrated courage [Desk thumping] and boldness and won the attention of the world on this particular issue by writing to the President of the United States, Donald John Trump. She has raised international issues on women’s issues before the United Nations. [Desk thumping] She has co-signed with the United States on anti-terrorist initiatives in the United Nations and now she has raised the issue of FATCA. [Desk thumping]

7.00 p.m.

Mr. Deputy Speaker, we said in the Opposition that we wanted a JSC. The Government reluctantly agreed to a JSC. The Member for Oropouche East indicated that they went to the JSC kicking and screaming. Government conceded when they had no choice and after they had embarked on a journey to nowhere, except a dead end.

The UNC members of the JSC contributed fully and in good faith with positive results, [Desk thumping] some of which I outlined earlier in my
contribution. What we need and what we have tried to do is to create a Bill that serves our national interest and does not surrender our sovereignty; a Bill that insulates the process from direct political interference—which I think we have achieved—a Bill that does not legislate for TT citizens to be subject to US BIR scrutiny, unless they are liable to the US for taxes, and a Bill that increases parliamentary scrutiny over the entire process. I mentioned that that particular principle was violated because either an error or a mistake or whatever it is—

Mr. Imbert: We will fix it.

Dr. B. Tewarie: Okay. And so we have two contending positions, Mr. Deputy Speaker, contributing to a good Bill, which we can pass in the national interest, and advocating for change to move to a more desirable position in the world. That is what the members of the university community are doing seeking to engage this issue internationally, and that is what the Leader of the Opposition is doing by advocating this case internationally.

But I am a student of literature, and I want to quote something from F Scott Fitzgerald who used to write about the 1920s in the United States and who wrote really excellent novels, and I quote from him. He said:

“The test of a first rate intelligence is the ability to hold two opposed ideas in mind at the same time and still retain the ability to function.”

This is known as what you call “creative tension” in the literature which is focused on psychology. All great creators understand that this creative tension is a prerequisite for any creative breakthrough. I really think in a sense that we have caught the Government, you might say, with their pants down on this one. [Desk thumping] I will tell you why; I will explain what I mean. The Government has been on this FATCA issue—
Mr. Deputy Speaker: Members, Members; Member for Naparima, I heard you.

Dr. B. Tewarie: The Government has been on this FATCA issue in a political way rather than in a governmental way. [Desk thumping] They started the process by fuelling partisanship, rather than providing good governance and leadership on this issue. You would remember that before the Bill even came to Parliament and after they had made commitments which they did not hold to, which they did not keep, they were advocating on the outside that members of various institutions pressured the Opposition to do certain things in Parliament. The Prime Minister himself went to a political platform to chastise the Opposition and “say how” when the Opposition cannot get their way they want to mash everything in the country, and went so far as to talk about the Opposition had, in fact, not supported independence in Trinidad and Tobago.

They also resorted to bullying on the political platform and in the press. They have been less than straightforward in their dealings with the Opposition on this FATCA matter, because they would say one thing and do another. I was part of a committee who met with Members on the other side. They made a commitment to go to JSC, they reneged on it, came to Parliament. They have supported—I do not think I even want to get into this. We had a situation here where the US ambassador, a guest of the people, of the Government and people of Trinidad and Tobago, was advocating as if he belonged to the political party on the opposite side.

They also in this institution ambushed and violated the parliamentary process on several occasions in relation to FATCA. They operated here as a bull in a China shop. I remember the day they came here and they suspended and they said “all yuh” come and meet us. They misrepresented our legitimate choice of a walkout on one occasion when the Leader of the Opposition was speaking to an
issue not related to FATCA and we moved out, to cast aspersions on the Opposition’s motives for wanting changes to the Tax Information Exchange Agreements Bill.

As I pointed out here today, the work of the Joint Select Committee indicates very clearly that the Bill was flawed, [Desk thumping] changes were necessary to improve the Bill, and we are at the point where we are almost there, but because we did not take the opportunity to complete the thing properly, we ended up with hangovers admitted by the Attorney General and I added some of them myself here today. So we have about five or six or other things; there may be other things that we need to attend to.

They agreed to the JSC only when they hit an impregnable wall, and as they botched up the process related to FATCA compliance legislation throughout. From the beginning when they promised to engage us with the legislation and did not, and all the things in Parliament, all the things outside, the pressure the politics, et cetera, they botched up again now the end of this JSC process.

I am not blaming anybody. I am not casting aspersions on anybody. I, in fact, said in the JSC at the end that the Chair managed the process well, but the point is that after that day, given the collaborative nature of the discussions in the JSC and given the positions articulated by the members of the committee on the Opposition, who are not unreasonable people, why would the Chair not respond in a positive way? I could not understand that. It is at that point I said I could not support this, because I felt that the Chair was being insensitive. I felt that he was unresponsive. Perhaps he was not on this occasion being arrogant, but I think he was a little bullheaded about it, and he created a situation in which we had to prepare a minority report. He had laid the Bill and there was no time to do it except
after the report was laid and, therefore, the minority report was, in fact, presented.

It is important, in my view, to take the views of the members of the committee and let us try and finish this thing properly. [Interuption]

**Mr. Deputy Speaker:** Member, your time has expired. You will take the additional 15 minutes?

**Dr. B. Tewarie:** Yes, I will.

**Mr. Deputy Speaker:** Proceed.

**Dr. B. Tewarie:** So the question needs to be asked, why did the Government politicize the issue in this partisan way before the JSC process? Why did they try to browbeat the Opposition during that process? Why did they spend so much time trying to manipulate public opinion against the Opposition? Why did they over and over again violate acceptable parliamentary practice and normal parliamentary practice and not go to the JSC? Could it be that the Government never wanted to pass this Bill and that they had to find a way to blame the Opposition if the Bill was not passed? Why will you pick a quarrel over every step of the journey as they did? What is the point? Why would you create a controversy after the JSC process revealed that there were so many flaws in the Bill in which the JSC process facilitated so many good changes in the national interest, and when the Opposition advocated their position strongly in the JSC, but conducted themselves in a constructive manner, contributing to cordial meetings of the JSC and progressive steps? Why? What is the point? What is the point of not agreeing to one more day when I asked for it and when other members pointed it out, when your Attorney General indicated that it might be necessary? Why would you not concede that?

What difference would one more day, creating value, make to the deadline for this matter really? [*Desk thumping*] What is the point? It is February 13th today,
why could we not lay a proper report on February 17th, for instance, after all outstanding responses would have come in? This is another matter. There are outstanding responses and public responses that we solicited through the Chairman and the Committee and the secretariat that we have not seen. We do not know whether we got any, what they are, what they said, whether it would make any material difference to the Bill that we have already agreed upon and made changes to.

Then, if we had done all of these things, let us say we took the extra day or let us say it took even two more days, it would have been easy passage of the Bill. There would have been no problem. In that situation the Opposition would have been hard-pressed because it would have truly been completed. So what do we do? Here is my humble suggestion, and I do this in good faith. I do this in good faith, but I want to precede it by quoting again from a few important people.

I quote from Theodore Roosevelt who once was the President of the United States. He said that character is in the long run the decisive factor in the life of individuals and nations alike. This is important. Character is in the long run the decisive factor in the life of individuals and nations alike. I want to speak from Ralph Waldo Emerson who was a 19th Century thinker in the United States during the transcendental period.

“Nothing is at last sacred but the integrity of your own mind.”

It is important to understand that what we are doing here is the nation’s business, that what we are trying to do, in the context of this global system and the United States law we are trying to secure national interest. I say that it is important in that context that we do certain things.

So the first thing that I want to suggest to the Government, Mr. Deputy
Speaker, through you, is that the Government admit without quarrel that you have violated the process throughout the engagement of FATCA with the Opposition and that you made a genuine error in violating the process in the JSC, and that you will rectify it, [Desk thumping] by waiting for all outstanding matters due to the Committee, including the deadline for public views, and that, in fact, you will support the amendment so that we could finish this. [Desk thumping] That following this debate we will return to a JSC to examine all outstanding documents and review matters not yet attended to, and we have identified some of them. There may be one or two others, but it certainly will not be 100 things, because we have gone through the JSC process for four working days.

I think it is important for the Government to make the minority report part of the entire report, and to facilitate the passage of the Tax Information Exchange Agreements Bill in a spirit of cooperation and collaboration. We started this badly, let us finish it good. This is what I am asking of the Government.

All the anger that exists, whether it is on the part of Members opposite or whether on the part of our side, because I think that the Government looking at this feels hard done by and the Opposition certainly feels that the Government has not been straightforward in this matter. Let us channel that anger into creative opportunity and get this thing done. In that way we respect the Parliament and the parliamentary process, and the people of Trinidad and Tobago who elected all of us to serve them and to serve the nation’s best interest. In that way also we satisfy the issues of transparency and accountability, and certainly the issues of acting in the national interest in a most transparent way. [Desk thumping]

I want to thank you, Mr. Deputy Speaker, for the opportunity to speak. I speak on this issue because I think it is important. I was part of the Committee; I
was part of the contribution. My colleagues, the Member for Caroni East and Senator in the other place Gerald Ramdeen worked and contributed to this. We do not want to see the work go to waste, but at the same time we cannot simply have the matter shoved down our throat in this way. There are outstanding issues. So let us do the right thing.

What is the right thing to do? Let us support the amendment; let us get the Bill right; let us pass the Bill. Thank you, Mr. Deputy Speaker.

**Mr. David Lee (Pointe-a-Pierre):** Thank you, Mr. Deputy Speaker. I, like my colleague the Member for San Fernando West, did not plan to speak here this evening. I would like to start off by asking the hon. Attorney General, when he was debating, and coming to the end of his contribution he said that there was a gentleman’s agreement on this side about having one speaker alone. So I will like to ask, and I will give way to the Attorney General, who might that person be on our side?

**Mr. Al-Rawi:** Several of your colleagues who we spoke to, and I think that it is clear. The same way you just told me you did not know who was speaking next. I just remind you of these positions. When I asked directly whether you had other speakers, you said you did not know who was speaking. I am so surprised to see you stand and speak now however. Tell me I lied or told an untruth.

**Mr. D. Lee:** Well, I would not say he told an untruth, but clearly the only person that could agree to that is the Chief Whip, which I am, and I did not agree to any such thing. We never had a discussion. So if the Attorney General wants to take in that passion as being an untruth, that is his prerogative.

Mr. Deputy Speaker, I would like to start my contribution here tonight, at 7.18, with a quote from the great Muhammad Ali.
People will hate you, rate you…break you. But how you stand here tonight is what makes you.

Today we stand in the fifth month of debating this FATCA, the Foreign Account Tax Compliance Act legislation in Parliament, after the Government claimed that the sky would fall if this legislation was not passed since last year September 30, 2016. Today is February 13, 2017, and I have a colleague, the MP for Mayaro, he made a statement to me today and my other colleagues: What would happen in a year’s time if we did not pass this legislation? [ Interruption] If we passed it. So that is food for thought. Like the many doomsday scenarios put forth by this Government, the end of the world was postponed as always to a later sitting of Parliament.

As an Opposition it is our duty, not only to question the Government, but also to hold them accountable. We as an Opposition entered Parliament with one goal, to pass good law, and the Government fought us every step of the way. Every time I reviewed the Hansard from September 14, 2016 to this present, preparing for this debate, it was about the Government side scaremongering, politicking and trying to scare this country into feeling that the sky would fall out if this legislation was not passed, and as we recently heard 1,000 cuts.

I consider myself to be an inexperienced Member of Parliament, and when I was reviewing the verbatim notes from the Joint Select Committee, I admire the kind of camaraderie that I read in those verbatim notes. And somewhere I am not seeing that camaraderie, that oneness, where the Opposition, the Independent Senators and the Government representatives came together as one to try and pass good law. Somewhere along the way that fell by the wayside here this afternoon.

Despite the Government’s constant politicking, we have largely been...
successful, after months of wrangling. Even the Minister of Finance has been forced to see the wisdom of our position. The Government wanted us to give the Minister of Finance access to people’s personal banking information of any person in Trinidad and Tobago, and we stopped that from happening without any help from the bankers or private sector. Now the law only applies to entities or persons who may be evading US taxes. While the Government was busy fearmongering the Opposition Leader, my political leader took the necessary step of contacting President-elect Trump to ask whether the legislation is even necessary, given the Republican election campaign promise to repeal FATCA.

I ask myself, over the period of five months, what was the endgame for this Government with this piece of legislation? Why was all this gamesmanship, politicking by this Government? Why did the US ambassador have to get involved? Why are we validating passed deeds? Mr. Deputy Speaker, they need our votes, but it appears that they do not really want it, and they do not really want to show true patriotism in allowing this to happen. I listened to the Attorney General this afternoon, and the more I heard him talk, something came across me that made up my mind that I should speak here tonight. Where is the conciliatory process that happened in that Joint Select Committee, here today?

Mr. Deputy Speaker, there is an issue that we did not address throughout this debate about costing, and I will refer to that later. I have two questions that must be asked as we deluge into this process, the first being, why did it take so long to reach this present stage? The fact is we spent over five months going back and forth trying to reach middle ground, when that middle ground was simple. The committal of this legislation—[Interruption]

**Mr. Deputy Speaker:** Members, Members please.
Mr. D. Lee:—to a joint select committee, it was such a simple task that would have saved time and allowed for true, mature political camaraderie in the name of nation building. Had the Government kept its commitment after the first debate in September, we might have had this legislation assented to already. But what was the rationale for keeping it so long? Was it a political game? Was it to blame the Opposition? Was it because the request came from the Opposition? However, we are here after much lobbying to now examine the report that has been submitted and work towards the passage of proper legislation. The second question, Mr. Deputy Speaker, arises—[Interruption]

Mrs. Robinson-Regis: Mr. Deputy Speaker, I would like to refer you to Standing Order 44(10), and ask whether the Member has permission to read a speech.

Mr. Deputy Speaker: Overruled, proceed. [Crosstalk] Member proceed.

Mr. D. Lee: The second question that arises is why legislation that is geared at regulating this process—[Interruption]

Mr. Hinds: Standing Order 48(11), the Member is speaking from a prepared speech. Did you grant authority for that, Mr. Deputy Speaker? [Crosstalk]

Mr. Deputy Speaker: Overruled, proceed.

Mr. D. Lee: Thank you, Deputy Speaker.

The second question that arises is why legislation that is geared at regulating the process by which American citizens are held accountable by their Government, with the assistance of States such as ourselves, including provisions which will affect the constitutional rights of our own citizens.

When one looks at the meaning of FATCA, one sees that according to the US Treasury Department the foreign account FATCA is a 2010 United States federal law to enforce the requirements of United States persons, including those living outside the US, to file yearly reports on their non-US financial accounts to
the Financial Crimes Enforcement Network. So one can see why the Opposition was focused on obtaining a JSC, so issues like these would be highlighted. The fact that this clause has been removed signals that there was merit to what we have been saying.

What is even more important to note as a nation, this particular issue as it deals with reciprocity or obtaining information on citizens outside, has not been a problem as in the JSC the Chairman of the BIR indicated that we never utilized many of those requests in the past year.

I want to turn to the implementation cost of FATCA. Throughout the Government’s deliberation, whether it be in this House or in the media, they have never once told the nation the cost associated with implementing FATCA. They have been presenting a picture to the citizens of Trinidad and Tobago that the only aspects needed to enact FATCA, or allow Trinidad and Tobago to become FATCA compliant is the passing of this legislation. This is the furthest from the truth. As a matter of fact, the legislation before us today is just the tip of the iceberg, if Trinidad and Tobago is to become FATCA compliant. This legislation just enacts or paves the way, via the legal and lawful implementation—[Interruption]

**Mr. Charles:** Standing Order 53(1) (e), (f) and (g). I cannot hear the hon. Member for Pointe-a-Pierre. [Laughter and crosstalk]

**Mr. Deputy Speaker:** Members on both sides, there is chatter. If both sides would minimize the chatter, I think all of us would be able to hear what is happening this evening in the Chamber. Member for Pointe-a-Pierre, proceed.

**7.30 p.m.**

**Mr. D. Lee:** Thank you, Mr. Deputy Speaker. As I was talking about the cost implementation, Mr. Deputy Speaker, this legislation just enacts or paves the
way via the legal and lawful implications to allow the process to begin. However, what is the process? The initial process as followed in other nations is the creation of a special unit within the Revenue Authority or competent authority who, in this case, is the Board of Inland Revenue. There will be need for specific training of this task force or department to understand the new task required to undertake reporting, collection of information, as well as monitoring of financial institutions.

So the question must be asked: does our BIR have the human resource capacity to undertake such tasks? Coupled with the human resource factor, is infrastructure and technology aspects. To ensure our competent authority is able to fulfil its international requirements there will be a need for technology, creation of databases, creation of filing systems, as well as benchmarking systems.

Without any of these systems this piece of legislation is just paper. Without the provision of the needed infrastructure, Mr. Deputy Speaker, we will not be compliant. So compliance is not only achieved at the parliamentary level, it is only complete when every single aspect, every single “I” is dotted and “T” crossed. But the important question to our taxpayers is: What is the cost associated with these factors? One can only assume that it will be extremely burdensome on the Treasury given the fact that it was equivalently burdensome on the treasuries of foreign States.

So, Mr. Deputy Speaker, when you review internationally the cost of implementing FATCA, to a lot of the countries like Canada, have been very, very high. In Canada it is somewhere in the vicinity of over $15.7 million to
$15.8 million.

As we discuss the unfinished JSC business, Mr. Deputy Speaker, I can now come to the issue of cost, again, of FATCA. To date, no information has been given as to how these costs would be financed, either by the Bankers’ Association or the Government, nor was there any discussion in the JSC as to the legislative methods that might be used to reduce compliance costs, but more on this later as I talk.

As we are all aware, FATCA is designed to prevent tax evasion by persons deemed to be US persons. Thus far in Trinidad there has been little discussion on the fact that we will be footing the bill for this entire endeavour. When I say “we”, I mean the taxpayers and bank customers of Trinidad and Tobago. We are already under pressure like we have never seen. I am worried that we will all face higher taxes and increased bank fees because of FATCA compliance, and let me tell you why.

The actual cost that has been incurred in other jurisdictions has been quite substantial. In the Wall Street Journal reported on 27th July, 2014, in article, “Canada’s Banks Tally Their Tax-Compliance Tab” that the five largest banks in Canada has spent over $693.5 million on initial FATCA compliance. In 2013—[Interuption]

Mrs. Persad-Bissessar SC: Why are you whispering to the Speaker? Stand up if you want—

Mr. D. Lee: In 2013—[Interuption]

Mrs. Persad-Bissessar SC: He is an independent, Mr. Deputy Speaker.

Mr. Deputy Speaker: Members, Members. Member for Pointe-a-Pierre.
Members, the Member for Pointe-a-Pierre is on his feet.

Mrs. Persad-Bissessar SC: Thank you, Sir.

Mr. Deputy Speaker: Right? I have recognized him as the Member that is partaking in the debate at this time. So, please, Members, do not bring the Speaker’s Chair into the debate, please. Kindly proceed, Member for Pointe-a-Pierre.

Mr. D. Lee: All right. Thank you, Mr. Deputy Speaker. When you look at the compliance cost throughout the international arena and you look at overall in Canada, in the USA and England, the cost is very astronomical. And reviewing the verbatim notes and even in the JSC, I do not think that that is being considered. And when you look at the compliance cost in Trinidad, Mr. Deputy Speaker, and you look at, and I want to refer to the banking structure, the banking fees that have been—when you look at the newspapers on Sunday, in the Guardian, “Eyes on the bank”, Sunday Guardian, Imbert mulls law on fees.

Some of the concerns by the small man and even the normal citizen of Trinidad and Tobago that banking fees and the banks are really creating a sort of a revenue-generating system of increasing these fees to the small man. So when I reviewed the cost associated with these fees, and I would like to refer to some of the issues.

So for example, when you look at the profitability of the major banks in Trinidad and Tobago, Republic Bank, for the financial year and I quote, September 30th, 2016. Republic Financial Holdings registered a $946.3 million profit in 2016. The bank also saw an increase in non-performing loans moving from 3.7 in 2015 to 5.1 in 2016. On an asset in First Citizens Bank they had a
$637.2 million in profit. RBC which was in papers, in the *Guardian* yesterday, Mr. Deputy Speaker, had a $956 million profit. Scotiabank had also a $625 million profit. And when you look at the kind of bank fees that they are now asking the core of citizens to pay, for example, just to deposit your money, there is a fee to deposit your money.

So, we are saying as an Opposition that we are asking the Government to look at the banking structure fees that the small man and the normal people of Trinidad and Tobago are paying. We consider it very draconian in some issues. And I would like to read out some of the complaints of the customers:

Citizens threaten to close accounts as a result of RBC’s increased fees. Senior citizens have threatened to close their accounts because of increased fees and the unfair practice.

Citizens told—

“With prices like these it’s best to keep your money between your mattress!”

Mr. Deputy Speaker, the chambers also complained of the high bank rates expressed. Just recently the President of the Chaguanas Chamber of Industry:

Mr. Richie “Sookhai said that the fact there have been no decreases in prime lending and overdraft rates might reflect a lack of interest by banks in adapting like other business organisations and in sharing in the burden of adjustment in a very challenging environment.”

Mr. Deputy Speaker, you know, when we look at confidentiality in this whole situation, and confidentiality is one of the issues that played a great part in this FATCA legislation, and just recently in the newspapers yesterday one of
my colleagues on the other side had a confidentiality issue with their banking information. And that should not have happened. It should have been a sort of a comfort that the individuals would be able to feel free that their banking information was free from interference.

So, when I reviewed the verbatim notes, and I agree with all of my other speakers that we need some more time. There should have been more time in the JSC. When I reviewed the verbatim notes, I do not understand why the Chairman did not give some extra time because the Committee’s work was not completed.

So, Mr. Deputy Speaker, with those few words, I thank you. [Desk thumping]

Mr. Deputy Speaker: I recognize the Member for St. Augustine.

Mr. Prakash Ramadhar (St. Augustine): [Desk thumping] Thank you very much, Mr. Deputy Speaker. Today, in this Chamber we heard the term that “a thousand cuts, a thousand cuts”. You know what has been cut a thousand times?—the credibility of this Government. [Desk thumping] This debate, with all due respect to “meh” friends, has really shown what politics ought not to be in a country that is on the verge of crisis on daily basis. Not yet 17 full months in Government we have seen a precipitous drop from the winning of the election in September 2015. In so short a time a government has shown itself, repeatedly, to have failed the people of Trinidad and Tobago.

Now, like many of the speakers who have gone before me, I truly had not intended to speak on this matter. However, I think it is necessary for me to add my voice to the absolute disappointment I have had in this Chamber to have
heard gentlemen on both sides say things and when you put them together they cannot all be true. Where does the truth lie on the floor of this hallowed Chamber when one side needs to show itself superior to the other? When one side needs to show itself to be right and the other wrong?

Now, Mr. Deputy Speaker, the FATCA debate, when one looks upon it objectively, can be seen as nothing short of pure politicking and it will be left to the population to decide on whose part. Because we have had the statements made that, come September last year a deadline would be upon us. Now we are hearing February. We are not even sure if there is such a deadline. What I can tell you however, is that the Government under which I served, signed a memorandum or signed an agreement that there shall be legislation to govern these matters. And as a matter of honour, I think it is necessary for us to do that.

But the Leader of the Opposition took a very bold position and a position that I commend, that whenever there is law that may affect the constitutional rights of a people, it should not be left only to parliamentarians in a very quick debate to decide whether we should change these rights, but certainly to widen the consultative level in the country. [Desk thumping] But you believed that the years of attack on the then Government of 2010 to 2015 and the extension of that onto the Opposition, that you had met a punch-drunk Opposition and that whatever you brought we will just have to roll over and accept it on the basis that you have “cocoa in sun, yuh tief and yuh have money to hide” and all of these, you know, statements of infamy, none of which, as the Member for Oropouche East has pointed out, none of which in your 17 months have you been able to prove that a dollar has been stolen and squirreled or secreted away
Mr. Hinds: So far.

Mr. P. Ramadhar: Absolutely—so far.

But you say you need this legislation to find where money, money hidden in America, the United States of America? Let us get real, people. Absolutely. I have property in America for long and I will continue so to do. I have nothing to hide. [Desk thumping] But do not try to come in the people’s Parliament and bully anybody that legislation has to be passed and if “yuh doh pass it, is because yuh have thing to hide”. That is not the way of making law. That is not the way of a Government that is confident in itself. That is the way of a tyranny in the making. [Desk thumping]

When Thomas Jefferson said that when that the people—sorry—when a government is afraid of the people, you have liberty, but when people are afraid of the government you have tyranny. That is what we have in the society. And you are feeding off the worst things of the society. When you came in, probably not because of you, but the timing was almost [Cell phone rings] profound.

Mr. Deputy Speaker: Members, the rule of the Chamber continues to be mobile devices on silent or switched off. All right? I think this is about the third or fourth time for the day that I have heard a mobile device has gone off. So, please, on both sides, please, Members, mobile devices switched off or on silent. Member for Princes Town. Okay? All right? Proceed.

Mr. P. Ramadhar: Thank you very, very much, Mr. Deputy Speaker.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-
Mr. Deputy Speaker: The business of the House will now continue. Proceed, Member for St. Augustine.

JOINT SELECT COMMITTEE REPORT
TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016
(ADOPTION)

Mr. P. Ramadhar: Thank you very much, Mr. Deputy Speaker. I was making the point that when the PNM came into power in September 2015, [Crosstalk] what—power? Yeah. Whatever you want, “yuh in charge”. Yes. When they came into the authority of government, if they “doh” like that, because they really have no power. What they have is the authority to govern us and they have proven that they are incapable of doing so. [Desk thumping] At almost every level the timing was almost, as I repeat, divine.

As they came in the economy almost crashed. As they came in the unemployment rose. As they came in the people started to fear for their future. As they came in crime rose dramatically and it continues to do so. And you ask yourself, how is that? Almost in a blink, people have started to forget pre-September 2015. People were not concerned about liming out late in the evenings. They were not as much concerned about their future, that it felt secure. There was not much concern that their children will be properly
educated. They were not concerned much that health care was improving. That was a reality.

What do we have today? A country that is on decline. A country where everything is at the point of crisis. Why is that? When this legislation was brought, and I too will add my voice to compliment the Leader of the Opposition for the position that she took. [Desk thumping] Because, and this is not for me to pamper anybody, you know. This is the reality. Because if the legislation that they had brought then had been passed, then the Minister of Finance would have had his finger, his arm and any other body part up your business in this society. We would have had law where our rights would have been infringed because we passed in this House by the necessary constitutional majority to give authority to you.

But I ask the question: Why was this legislation drafted that way? And others have been hinting at it and I will say it openly. It could not have been intended to be passed in this House with the support of the Opposition. And they believed that as I said, the punch-drunk Opposition they felt that existed, would have just rolled over and would have accepted it.

When the Minister of Finance brought this legislation before this House did he expect, did he intend for us all to support it? Mr. Deputy Speaker, I am hardly one, now I am back in the courts, to ask for protection because I know how to deal with it there, but here I need your protection. The utter childish conduct that I hear from other side when I am attempting to make a very important point, is nothing short of a clear identification of how they view everything else in this country, a joke. [Desk thumping] But I want to tell you
something, I am no longer in Government, I am in Opposition and back in the courts, I am back into my space of authority, and when I stand here I speak not on behalf of any party or person, I speak on behalf of the people of Trinidad and Tobago and the people of St. Augustine. [Desk thumping]

So if it is they have brought legislation that no reasonable person could expect to support, then they intended it not to be supported. And they wanted to continue the propaganda that the Opposition is responsible for all things that are evil and wrong in the society. That “all ah we tief”, all of us have money to hide and that the failure of your Government to protect the people, to secure the economy is as a result of the actions of a government past. “Come nah man, get real”.

You are in Government now for a year and a half and ongoing. You are already in a state of pre-collapse. I do not know if you know it, but on the streets they are fed up with Government, and I want to also say, [Desk thumping] fed up of politicians who play games across the board, because the stakes are so high now. And you do something like FATCA where the threat had been that, the banks will close, the economy will collapse, that you would not be able to do any financial transactions with any other country that is participating in this thing.

And I also want to congratulate the members of the Joint Select Committee, because of that work they have brought legislation that is reasonable, that is supportable, Mr. Attorney General. But then to hear in the tail end, forget all of the issues of the promise of the Joint Select Committee and the reneging of those promises, forget all the different deadlines and dodging the
bullet, but we have to dodge some other thing on this side, to hear in the very final moments that the Chairman will issue a final report when everybody apparently, from what has been said and what has been read to us, believes that there was need for a little, little bit of extra work.

So that nobody could have stood here today and the Attorney General’s dream that there would be only one speaker on one side and one on the other could have been a reality. Why was that sabotaged? Why? Have you painted a target on the Opposition and waiting for us to pull the trigger on ourselves? Is that your intent to suggest that we not support it and therefore, this thing should not pass and your deadline will go and the failed economy will be our responsibility, you know? Is that what the game is all about?

I endorse fully the sentiments of “meh” friend from Caroni Central. This can be fixed in the glare of the public eye. Send this thing back and let it be done properly and in a short day or two [Desk thumping] when you return, nobody in good conscience who cares about this nation could say that they will not support it. It is as simple and as easy as that.

But looking at the thing, looking at the evidence, looking at what is before us, this thing is being sabotaged on a daily if not weekly, if not monthly basis. You do not want this thing passed, and if you do, Attorney General, “meh” good and noble friend, agree that the amendment go forward, that we do send this back to the Joint Select Committee, finish it and finish it properly and take away the trauma from the people of Trinidad and Tobago, because that is what it is. [Desk thumping] If we do not do that you will put us in a bind. That is your intent, to say that some will support and some others will not, to try and rupture
the Opposition in some way? All you are doing is rupturing the society.

I ask myself, how is it that this country is so beautiful. Yesterday, I went on a drive to Maracas with my daughter Urvi and wife, Jaya. I met so many people. I saw the most beautiful landscape. The weather was perfect. I had to go to London early last year, I took my wife and child with me also. The bitter cold was so awful. And when I returned my child told me, she said, “Daddy, I love this country, I could kiss the ground every day.” You know when she told me that, I recommitted myself to doing all I can to make this place a better place because I want my child to grow here.

But we in the politics, is who win, who lose. As some writer has put it, you all, some of us, all of us sometimes, are involved in premeditated grand charge. And to what benefit? To whose benefit? When the community looks upon us, those who support the Opposition agree with what we do. Those who support the Government agree with what you do only because you have taken a side or the other. Where is reason in the society? Where is it? And I do not have the words of “meh” learned friend from Caroni Central, but to be reminded where you could hold two separate thoughts, independent thoughts opposing each other and still function. Where is reason in the society? “Is either yuh PNM or yuh UNC and if yuh one yuh cah be the other, yuh cah support de other.”

When I went to Jamaica with the Prime Minister and people condemned me, I went as a Trinidadian to help. [Interuption]

Mr. Hinds: We did not condemn you.

Mr. P. Ramadhar: Many did.

Hon. Member: Who?
Mr. Ramadhar: There are many in the society who do not understand that a country in crisis is a country in need and for us all to give the best that we could possibly give. And the Leader of the Opposition has shown, against all of the criticisms that she was right in what she did. [Desk thumping] I may not always agree, but if you are right, I will say so, if you are wrong, I shall also say so. [Crosstalk] And you were wrong to bring FATCA in the way you did. [Laughter]

Now “meh” friends, this is not the time for ego and, Mr. Deputy Speaker, I just wanted to ventilate my point of view that there are simple fixes to very difficult problems once we have the same intent and I am not sure that we all have the same intent. Your plan is to demolish the Opposition so that nobody else could stand in your way.

I am seeing the signs of tyranny, and oppression starting. And I want to tell you something, like a grand plan when you just came in, you know, but power has that allure, that seductive presence in it, that you want it. You want all of it and nobody must ever have an opportunity to take it from you. But I want to assure you of one thing in this country, I have great faith in it, that the age of a second term is over. Your countdown has begun. [Desk thumping] That does not mean that our time has started. It has to mean that we have to earn the right to come next election that the people will say, “enough ah you, we ready for you”. And this is what we must do, and nothing is wrong with that. We can be adversaries, but we do not need to be enemies. And unless we understand in this small society, the moment that we become enemies at the leadership level, then you will have enemies at the lower levels.
It is really not a psychological enigma to understand why crime has gone so rampant in the society. When the leadership of a nation speaks in vile language, in violent terms, in a sense of being a bully in everything that we say and do. What do you expect the society to be led towards? I want to tell you something. I, Prakash Ramadhar, Member for St. Augustine and all my friends on this side will not be bullied by anybody. [Desk thumping and crosstalk]

Mr. Deputy Speaker: Members, Members. Member for St. Augustine, if you direct the Chair in your deliberations I think we will avoid the couple, little, small comments. So, please, you seem to be enjoying it also.

Mr. P. Ramadhar: I was just about to say, I was enjoying it.

Mr. Deputy Speaker: Right. But, please, direct the Chair, please.

Mr. P. Ramadhar: I think it is important for us to have this level of openness. We are all human, you know. At the end of the day this is the nation that most, I am not sure, if all were born into, but this is the nation we are living in today. This is the nation that we want to live in tomorrow and it is the responsibility of each and every one of us to make it even better by the things we do, by the things we say, by the examples we set. And I hope never ever to offend to the point you hate. But I will always say things to try to show that maybe you are wrong and this is the way it should be done right. And I AM also open to hear that if I am wrong that you could tell me this is the way to do it right.

And this legislation, with all due respect, started off with an evil intent, never to pass good law, never to do the right thing. You look at the evidence and it tells you that beyond a reasonable doubt. Because if you had done the right thing, as you claimed you always want to do, then the legislation that you
brought would not have given yourselves the kind of power you know the Opposition could never have supported.

We never wrote the legislation. You wrote it! [Crosstalk] I was chairman of the Legislative Review Committee. I want to tell you something. We never passed legislation like that. [Desk thumping] If it is one thing that you will see a consistency over the years when, they call it the UNC Government in its first incarnation, they passed legislation that gave rights to the people, freedom of information, integrity legislation. Oppressive legislation never came from anything other than the PNM. [Desk thumping] The legislation that you passed is always about taking away from the people and empowering yourselves.

8.00 p.m.

It was the last Government that brought procurement legislation, let me remind you. [Desk thumping] Integrity legislation, certainly. We attempted constitutional reform that you demonized. What has been your legislative agenda? What has it been to show that you empower the people? Absolutely nothing. And when I spoke here—when you just came in—I warned the young faces in your grouping that you will represent things that after a while you would not even recognize yourself doing, you know, because you came in—I could tell you from experience. Of course, and that is the power I speak about. You have to be careful of power. You do not ever own power, you know. You use power, and sometimes power overcomes you, and you do things for the sake of retaining that and after a while you do not recognize yourself, but today the country recognizes you.

It recognizes that you, when you said “We will do this together”, never meant consultation. When you said “We shall do this together”, what did it actually
mean to the people of Trinidad and Tobago? That you will condemn everything else that is not flagrantly PNM. So, with all due respect, I want to support this legislation, I think we all do, because it has been dramatically improved from what you brought. [Desk thumping] But, there is much a slip between the cup and the lip, and it does not take much more to make this thing right.

So, Mr. Deputy Speaker, I thank you for the opportunity, and I want to congratulate all those who have spoken on this side for their stance in protecting the democracy of Trinidad and Tobago.

Thank you all very much.

Dr. Surujrattan Rambachan (Tabaquite): Thank you very much, Mr. Deputy Speaker. I am very happy to join this debate which I think is a very important debate. It is a defining moment I believe in the life of this Parliament. I want to congratulate the members of the JSC, and particularly the Member for Caroni Central, the Member for Caroni East and Sen. Ramdeen for the very courageous work, and hard work that obviously they have put in in the details that have come before this Parliament today.

Mr. Deputy Speaker, we have a chance in this Parliament today to move from being a good Parliament to a great Parliament, from moving from being good representatives to great representatives, to recognizing that as representatives of the people we are actually servants of the people first, and leaders thereafter. On this side we have shown the courage that parliamentarian should have, we have shown the fearlessness that parliamentarians must have [Desk thumping] in doing what is right for all people, not just for the Opposition, but for all of Trinidad and Tobago. We have gone the extra degree in doing that, even in the face of vitriolic language, and the very harsh language on the part by some Members on the other side, one
who is accustomed to leaving the House when I speak, Mr. Deputy Speaker.

**Hon. Member:** Who is that?

**Dr. S. Rambachan:** The Minister of the post office. Mr. Deputy Speaker, I want to tell you that we are going to continue to stand firm on this side, and to go by what we swore when we became Members of this Parliament, to act without fear and favour in this country. [Desk thumping]

Mr. Deputy Speaker, the behaviour of my colleagues on this side reminds me of the difference that one degree makes. You know, you can speak about water getting hot and it gets hot at 211 degrees, but something dramatically happens—

**Hon. Member:** Fahrenheit.

**Dr. S. Rambachan:** Two hundred and eleven degrees Fahrenheit—when it gets to 212 degrees. At 212 degrees it boils, and with boiling water comes steam, and as you know steam can power a locomotive. And it is that extra degree that makes all the difference. We on this side are prepared to go that extra degree in order to create the energy in this Parliament that will make the difference for all of Trinidad and Tobago. [Desk thumping]

Mr. Deputy Speaker, our leader has shown that 212 degrees Fahrenheit in her courageous determination to write a letter to the president, and it has gotten a real level of international support that any leader of any opposition in any part of the Caribbean has ever gotten [Desk thumping] and that must be admired. Because while she was scoffed at by Members of the Government side she stood her ground, and went that extra degree because she knew that she would create a steam, a wave that has now gone beyond Trinidad and Tobago, that has encompassed a number of leaders in the Caribbean, distinguished members of academia and business who are meeting in New York to discuss the implications of
FATCA for the Republic of Trinidad and Tobago, and for the Caribbean as a whole, and that is a very important development, and that is as we speak, and I think that it is very important that we note that.

[Madam Speaker in the Chair]

So that the debate on FATCA and its relevance, its importance, has gone beyond the walls of this Parliament. In fact, the very country, Jamaica, which agreed to FATCA and so on, their newspaper is now publishing editorial and they are raising doubts about FATCA. I wonder whether the President of the Bankers Association has read the Jamaican newspaper, because I believe she has come from Jamaica and whether she will have a comment to make about her own country’s position, and people in academia in her own country who are now taking perhaps a different look at FATCA in the particular circumstance.

Madam Speaker, throughout this debate and throughout the last few weeks the pressure seemed to have been placed on the Opposition to support this Bill. But I did not see the same pressure being put on the Government. I did not see people raising the kinds of issues, people who are asking the Opposition to support this Bill, I did not see them asking those searching questions of the Government, and I wondered why they were not doing it. Whose interest were they serving? And while they accuse the Opposition of being self-serving, were they serving their own interests and not the interest of the people of Trinidad and Tobago. [Desk thumping]

Mrs. Persad-Bissessar SC: One point two billion in profit.

Dr. S. Rambachan: The Opposition Leader correctly reminds me, that banks make an average of $1.2 billion. Scotiabank, I think, almost $800 million in profit. Why is it that the very bankers who are getting down the throats of the
Opposition, and the small man in this country, why are they not getting down their own throats and the throats of their colleagues in terms of the kinds of fees they are beginning to charge the public of Trinidad and Tobago. [Desk thumping]

Why is it that the hon. Minister of Finance has not gone through with his promises in the budget of 2017 when he promised to look into the charges, and rates, and fees that banks are charging? [Desk thumping] When you point your finger at others madam President of the Bankers Association, when you point your fingers at others three fingers are pointing back at you. Look at thyself and what you are doing to the poor people of this country, even as you try to put pressure as a banking association upon the Opposition, who I tell you without fear, we are going to do what is right rather than do what you want us to do. [Desk thumping] That is why we were put here, and that is why we defend the interest of the people of Trinidad and Tobago.

Madam Speaker, we will not imperil the future of this country. We will not do that. We want to be a government again, and therefore we know that we have to do the things which the country will admire, and which will cause the country to grow to trust us as much as they have now grown to distrust you the Members of the Government, because of your performance over the last 17 months. Madam Speaker, it bothers me. It bothers me. Really bothers me that the Opposition is being asked all the time to be the ones to act responsibly in the country’s history. Show me in the last 17 months where the Opposition has not acted in the country’s interest. We have stood up here on every matter and debated, we have brought matters before this Parliament under all kinds of Motions in the interest of Trinidad and Tobago. We have done it. [Desk thumping] We may have been refused, but we have done it. We have stood to what we promised to do and what we swore to do.
Madam Speaker, we have been made, perhaps, to look like villains, and BATT, the Bankers Association of Trinidad and Tobago, and Ambassador Estrada, they have been most vociferous against the Opposition. Most vociferous. In fact, one may even say that the president of the Bankers Association, the head of Scotiabank in Trinidad, has been most brutally aggressive towards us, towards the Opposition in particular, and one wonders why. Suppose the customers who are Members of the Opposition in this country were to get such brutal aggression against the bank and withdraw their money from Scotiabank, would she feel the same? People are afraid to ask these questions, but I ask these questions in the name of the public interest. [Desk thumping] I ask these questions. I ask these questions, because when you can just impose all kinds of charges upon the population, and you have no control over what they are doing, then somebody has to stand up and say, “that must stop now”, and I stand up to say that “that brutality upon the people must stop now”. [Desk thumping] It must stop! In which country you will have a US ambassador coming into that country and speaking as he does, entering into the political fray of a country, as he does as a guest of this country?

Madam Speaker, the Government wants this Bill to be passed, we want this Bill to be passed. We understand the implications of this Bill, but we have been asking and I ask again, at what cost is this Bill going to be passed? The hon. Attorney General and Member for San Fernando West, in his contribution, he himself admitted there is unfinished business, so what has happened to that unfinished business? And if there is unfinished business, is the Government saying that it is going to allow a report to be adopted in this House knowing that it is an incomplete report, what kind of Government is that? That in itself is deficient governance, and you cannot have a government that says we are in charge engaged
in governance by deficiency. It cannot be. It cannot be, Madam Speaker.

Madam Speaker, even the hon. Attorney General admitted that he himself had asked for one more meeting because there were things to be done. Today I heard him speak of a particular section, 117, I believe, and if it is that your own Attorney General is telling you that we have unfinished business, and that this report is incomplete, why are you now wanting to accept an incomplete report? What it is that is propelling you? And therefore in that context I ask the question, who is really imperilling the future of this country? And it is not the Opposition, it is you who are doing that. It is you who by trying to be a bull in a China shop, trying to bully the Opposition, trying to get your way knowing that there is a deficiency, you are the ones imperilling the future of this country. And I hesitate to think that you are being supported by the Bankers Association of Trinidad and Tobago and other institutions in Trinidad and Tobago who are somehow putting on blinkers to a range of truths that exist about this FATCA legislation. The fact that this legislation went to a JSC and has come back with so many amendments—I understand that it might have been about 500 amendments—in itself tells a story of the deficiency of the legislation before it went to the JSC.

Madam Speaker, you know, as I talk about the banking sector, I am very worried about the banking sector, you know. When I read about the banking details of a Member of this House in the newspaper, I am worried about whether there are people in the banking sector who are guilty of giving out information on politicians to places where that information should not be given out. How safe is your information even now without any legislation in the domain of the banks, and what can the banks now say to us that would convince us that they are not guilty of giving away private information of citizens and Members of Parliament to the
public? How does the newspaper come into such qualified information about a Member of the Parliament? That is worrisome. And the Bankers Association should be worrying about that also and not just about FATCA legislation. They should be worrying about confidentiality of people who bank with them.

Madam Speaker, you know, the Vienna Convention—I want to go back to John Estrada, Ambassador, because the Vienna Convention, there is an obligation, the obligation to not interfere in the internal affairs of a receiving State.

Mrs. Persad-Bissessar SC: As a diplomat.

Dr. S. Rambachan: As a diplomat, yes. And it is the second obligation under Article 41(1), and it is important that I remind Ambassador Estrada about that, because I think he stepped over the line and somehow we were afraid to tell him he was stepping over the line, descending into a political arena where he should not have been engaged. Madam Speaker, so they tried over these few months to show us as uncooperative, to show us as “villians”.

Hon. Member: Villains, villains.

Dr. S. Rambachan: Villains. Okay, so I did not pronounce the word right. Maybe the learned Attorney General in the UK, maybe pronounced it right, but the people understand what I am saying, and they understand very well that I am standing here to speak on their behalf here today and that is what is important to them. [Desk thumping]. That is what is important to them.

Madam Speaker, therefore, who is really imperilling the future of this country? Who is really doing it? Who is really doing it? My colleague, the hon. Member for Oropouche East, placed an amendment before the House to say that this report should be considered an interim report and that the JSC should be allowed—send it back to the JSC and be allowed to complete its work so that when
it comes here everybody will agree. Everybody will agree. What is so difficult? What difficulty does the Government have in really allowing for that process to be complete? If the Government stands on the platform, like it did when it was in Opposition, always saying about good governance, we will stand on the platform of good governance, we are committed to making law that is good and proper for the country, what is happening today? Why is there some kind of distance between your philosophy and how you intend to act? Trust and integrity depends on how you close the gap between what you propose and what you do, and it seems to me that there is a big gap in terms of the Government’s behaviour, in terms of what they always speak and what they truly do, Madam Speaker, and that was proven in the SSA debate in this Parliament also, professing one thing and doing, and saying another thing.

Madam Speaker, who is imperilling, therefore, the future of this country? It is not the Opposition. Not the Opposition, it is the Government, and I ask like the Member for St. Augustine, whether they really wanted this legislation passed, or whether what they were doing was playing a game. Playing a game and making it look like the Opposition is the one who is opposing everything, and therefore they are put in a dilemma. We have never said that we are not going to support this Bill. Let me repeat that, and let me make that very clear, we have been very consistent in our position, but we have said that we want good legislation. They took us to the brink, and they took this country to the brink, they put undue stress upon people in this country by refusing the JSC and then finally relented and had the JSC. The JSC would have taken one more day. One more day, and I repeat even the Attorney General recognized that they needed one more meeting when it came to the end, and that would have quelled all of this that is happening here today.

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Madam Speaker, the Opposition is not imperilling the future of this country. What is wrong with the Government is that the act of listening, the act of listening is now foreign to them. They have stopped listening, they have stopped listening. They pretended to listen in order to win the hearts of the people to get into Government, but now they are there they think there is no need to listen again. And you see, Madam Speaker, there is a vast difference between listening and hearing. When you really listen you have to engage in deep listening so you will really hear the hearts and the cries of the people, and the concerns of the people, and they have lost it. They have lost it.

Madam Speaker, today this debate, and the amendment we are proposing, the Government should not consider that amendment, accepting or rejecting, as ceding ground. It is not about ceding ground, you know. When we are in this Parliament it is not about how much I win over you, or how much you lose as a result of my actions. That is not what this Parliament is about. That is not what the people out there want, you know. The people want to know, are you being a total team in our interest? Are you acting in our interest? That is why we put you there. That is what the people are asking out there, you know. Are you acting in our interest? Do you understand our needs? Are you treating us as customers? This is what people are asking, and today if the Government refuses the amendment we are proposing, that this report be considered an interim report, and that the JSC be given an opportunity to complete its work then they will be guilty of not only imperilling the future, but they will be guilty of ignoring the country’s cries and the ability they have to rise into a service culture, a true service culture as a Parliament. And if the Government does not understand that, and the Government is more concerned about ego, and where they stand, and who is in charge, then the
people will send a strong message to them, not long from now, in terms of where they consider they should be, and where we should be.

Madam Speaker, governance is not about being a bull in a China shop. It is not about that at all. Governance is not about power. Governance is how you use the authority that is invested in you, or which people have trusted you with, to increase the ability to govern themselves in a country. The best governance is when you can empower people to govern themselves, and you become a facilitator of the people’s experience at self-governance. That is what it is, and this Government is not about that. This Government is not about that.

Madam Speaker, it is unfortunate that because of the lapses of this Government, because of their lackadaisical attitude to governance that we are descending into the chaos of crime and lawlessness that this country is descending into also.

Madam Speaker: Member, please come back to the Bill.

Dr. S. Rambachan: Yes, Madam Speaker, but it is about governance. Madam Speaker, I want to say that we have an opportunity here today to do better as a Parliament, and I hope and trust that good sense is prevailing on the other side. We have fought hard on this side, and we know we have fought hard. I stood here presenting a convincing case on this side. I think we have shown the omissions and commissions that the Government has made in this matter, and I think we have done it well. I commend the speakers on this side who have stood here with valour, and courage, and determination, and done the job they are supposed to do. [Desk thumping] Madam Speaker, sometimes it is not easy, the taunting that goes on from the other side, on this side, but I want to tell you we are not deterred. We are not deterred. After 36 years of myself in this process, I am strengthened and
enamoured. I have ceramic all around me.

**Miss Ramdial:** Teflon.

**Dr. S. Rambachan:** Teflon. [*Laughter*] As I close, I wish to propose and beg to move that Committee Motion No. 1 be amended by inserting at the end of the recital the words:

“As an interim report and the time extended for the JSC to complete its work and report to the House.”

Madam Speaker, as I make that amendment, I just want to remind people that tomorrow is Valentine’s Day, and maybe the Government could put a little love into their style this evening. Thank you very much. [*Desk thumping*]

**Mr. Singh:** Madam Speaker, I beg to second the Motion, and I reserve the right to speak.

*Question, on amendment, proposed.*

**Madam Speaker:** Hon. Members, I shall now propose the amendment moved by the Member for Tabaquite and seconded by the Member for Chaguanas West. The question is that the Motion, Motion No. 1, be amended by inserting at the end of the recital after the words “2016” the following words:

“As an interim report, and the time be extended for the JSC to complete its work and report to the House.”

*Question put.*

*[Opposition Members say Aye]*

**Mrs. Persad-Bissessar SC:** Division.

**Madam Speaker:** Question again put?

*[Government Members say no]*

**Mrs. Persad-Bissessar SC:** Division.
NOES

Al-Rawi, Hon. F.
Imbert, Hon. C.
Young, Hon. S.
Deyalsingh, Hon. T.
Hinds, Hon. F.
Mitchell, Hon. R.
Cudjoe, Hon. C.
Garcia, Hon. A.
Crichlow-Cockburn, Hon. C.
Dillon, Hon. Maj. Gen. E.
Forde, E.
Webster-Roy, Hon. A.
Gadsby-Dolly, Hon. Dr. N.

Madam Speaker: Member for Chaguanas West.

Mr. Singh: Yes.

Mrs. Persad-Bissessar SC: But, they called a division.

Mr. Padarath: In the middle of a division? [Crosstalk]

Madam Speaker: Members!

Hon. Member: Are we in a vote?

Madam Speaker: Members, I have proposed the question, it was seconded, it was not taken, so we proceed with the debate. Member for Chaguanas West.

Mr. Ganga Singh (Chaguanas West): Thank you, Madam Speaker. It was not my intention to speak in this debate, but I thought that having regard to the
manner in which this debate has proceeded that there is need for a kind of a conciliation to allow the national interest to be protected.

Madam Speaker, you will recall that I spoke on this Bill that subsequently became the subject of the Joint Select Committee and that that report is before us. Madam Speaker, the Motion before us says:

“Be it resolved that this House adopt the report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016.”

And what is before us really is that the Opposition is saying, let us have an amendment, making this report an interim report, and that therefore the gap between the report and an interim report is not a large gap. The question is, how do you find and negotiate that distance, which is not a large distance. Because, you will recall, Madam Speaker, that when we spoke on this Bill on the 23rd of September 2016, we in fact created the conditions whereby we pointed out about eight amendments necessary. It is interesting to note that the Government and the Opposition in the Joint Select Committee worked well together, and I want to commend all my colleagues, the Member for Caroni Central, the Member for Caroni East, and Sen. Ramdeen in the other place, for the hard work they did together with Members on the Government side to reach the stage where the process having gone before the Joint Select Committee after a struggle, I think it was captured well by my colleague, the Member for Oropouche East, who indicated that the Government had to be pulled into a Joint Select Committee kicking and screaming.

So, the process issue is something that we recognize, and the Government failed to recognize initially, to engage the Opposition, because it was necessary to
engages the Opposition in order to get the law right. So, at the level now of the Joint
Select Committee, you have the substantive law being dealt with, and as my
colleagues in the Joint Select Committee indicated, that there was something like
500 amendments and the substantial amendments—

**Mr. Young:** We did not have 500 amendments.

**Mr. G. Singh:** That is what I was told. [Interruption] Yes, maybe typos and so on,
but the major amendments with respect to the competent authority together with
the role and function of the Minister, was dissipated and the BIR became the
competent authority, and there were consequential substantive amendments.

8.30 pm.

So, Madam Speaker, at the process now, the substantive law was improved
considerably and it is the work on both sides that allowed for that. So why are we
at this stage now, through a process issue, it is a process issue that is allowing this
considerable amount of work to flounder when all that is required is a level of
maturity, a level of maturity on the part of the Government to not to truncate the
report and make it a final report of the Joint Select Committee on the FATCA Bill,
but rather an interim report that will allow the committee work to be completed.

Madam Speaker, this is the first piece of legislation within recent times that
has a global impact, a regulatory impact on the laws of Trinidad and Tobago. It is
the IGA that gave rise and crystalized in the Bill that is before us which is
contained in the report before us. And what you have now is globalization, the
regulatory framework of globalization in the financial services sector, impacting
upon the sovereign state of Trinidad and Tobago through the American legislation
and now you have the Parliament of this country dealing with this piece of
legislation.
So, Madam Speaker, what you have is that globalization impacting upon the national sovereignty of the country, in a sense, trumping the national sovereignty of the country and allowing that treaty, the IGA, to be crystalized into local law. And it is really a precedent for other things that will follow. So it is necessary that we ought to have gotten this process right and I am really concerned that from the very inception that there was a mismanagement of the process and unfortunately the mismanagement of that process continues today. It started in 2016 and it has reached in February 13, 2017, a continuance of that mismanagement of the process.

So I think we got the substantive law, to a large extent, right. So why should we allow this matter to flounder? I am of the view that the recommendations made by the Member for Caroni Central, in his excellent contribution, pointed out a pathway to bring about conciliation to the benefit of this society. And that is the way after 55 years of independence a mature society, a mature Parliament should proceed.

So, Madam Speaker, Dani Rodrik, Harvard Professor, coined a term: “The Political Trilemma of the World Economy.”

And in this “...political trilemma of the world economy” speaks of: “...economic globalization, political democracy, and that the nation-state are mutually irreconcilable.”

Rodrik indicates that:

“We can have at most two at one time. Democracy is compatible with national sovereignty only if we restrict globalization. If we push for globalization while retaining the nation-state, we must jettison democracy. And if we want democracy along with globalization, we must shove the
nation-state aside and strive for greater international governance.”

And that is part of the dilemma we are facing as we confront this international trilemma.

Madam Speaker, when we negotiated the IGA we negotiated as a sovereign nation and it was an act of national self-determination when we agreed to the terms and conditions of the IGA. When we brought that IGA and made it into law and brought it before this Parliament, before the sovereign Parliament of this country and we crystalized that by way of process into the Joint Select Committee, we continue to deepen the democratic process with a view to embracing a global regulatory framework.

We can speak of executive overreach and so on by the United States but the reality is, given our size, given our state, that is a reality. We can punch above our weight but we have to recognize the reality. I think the hon. Member for Caroni Central captured it well when he spoke about dealing with the future and also dealing with the reality of today.

So we are in this reality, what do we do? How does it impact upon our society and how can we retrieve the current situation in the tit-for-tat of the adversarial politics of this Westminster system. How do we find the common ground? How do we give vent and crystalize the collective assent of the people of this country. That is the challenge for us. And when you are in Government, you have a role to perform and that role means that you—when you recognize you do not have the parliamentary majority you must embrace the Opposition as happened in the Joint Select Committee. Why did we truncate the process of the Joint Select Committee in that fashion? Was it done by error? Was it done by oversight? It is not an irretrievable situation.
So, Madam Speaker, what is required as we move forward is that you hear the lack of trust and the fact that there is a lack of trust, I would say, based from my interaction, there is a lack of trust on both sides. The Government is of the view that if they continue the process of the Joint Select Committee we will shift the goal post. They say that in an unarticulated way and we are of the view that they want to push this down our throat and bully their way as they are want to in so many other areas.

So we must find this common ground, Madam Speaker, and I am saying the pathway pointed by my colleague, the Member for Caroni Central, is the way to proceed. We must therefore recognize that the substantive area of law has been dealt with and I really want to indicate to the hon. Minister of Finance, the hon. Member for Diego Martin North/East, that you took chairmanship of the Joint Select Committee, you received the accolades of Members of the Opposition in the manner in which you conducted yourself and the committee meetings. Why do you now allow that to go in abeyance? You must just therefore take the leadership and retrieve the situation for the benefit of us, benefit of the national community. Therefore, if you attempt to do anything otherwise than to not recognize the need for the continuance of the Joint Select Committee in an opportune way, to bring an end to the deliberations and present, subsequently, the final report of that Committee, you would be doing the country, you would be doing the parliamentary process a great disservice.

Madam Speaker, I want to commend the approach taken by my colleague, the hon. Member for Caroni Central in the recognition that it is necessary for us to complete the work and in the words of the hon. Attorney General when he said, at page 78 of the verbatim notes:
“Mr. Chairman, I just wanted to also add that I think we need one more meeting because we have some issues…to be resolved. And importantly, is the work of this Committee apart from the report that will go…”

So, therefore, there is recognition that the work is incomplete and that therefore we have to find now that common ground, that collective assent, that wave that we can bring about the compromise necessary to take this country forward in the Parliament in a mature fashion.

Madam Speaker, with those few words, I thank you. [Desk thumping]

The Minister in the Ministry of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker, as I rise to contribute very briefly and succinctly on what has evolved into quite a significant debate. Madam Speaker, I would like to put us in perspective for all of those right-thinking citizens looking on because we have heard almost every speaker on the other side, for the last six hours, try to convince the population that they want to pass this Bill, that they want to support the Bill, that they will support the Bill once it is good legislation. So if we can start at the inception of September 2016 when a Bill was first brought to Parliament and just dissect for a brief moment under a microscope the behaviour of those who are charged with the responsibility to pass legislation for Trinidad and Tobago.

The Bill was brought and from the inception it was said that they would support good legislation. The citizens of Trinidad and Tobago will recall, Madam Speaker, that no amendments were proposed at the outset. What then led and what then happened was a call for a joint select committee and again we came back to the House on a number of occasions, Madam Speaker, and we asked, tell us what are the amendments you want? Tell us what are the amendments so we can discuss
it and we can move forward to pass good legislation. Those calls and those cries fell on deaf ears.

On another occasion as we came to Parliament, we were supposed to come to Parliament and at the stroke of midnight, Madam Speaker, we found on the Internet, they did not even have the courtesy to send it to us before, a full page ad that we now know was paid for by the taxpayers of Trinidad and Tobago with not proposed amendments, with suggestions as to the difficulties they had with respect to the Bill that was then before the House. Immediately, we set to work.

The hon. Attorney General, the very hard-working technocrats and public servants, we applaud and thank for their hard work for the past few months and we came to the House that day with proposed amendments to address all of the items—save for I believe one—that were brought in a newspaper advertisement to the population with no articulation, no suggestion, no development of what the problems were. We put it, absolutely no comment. I think on that day was the first walk out.

I want the population of Trinidad and Tobago to recall what happened thereafter when we came back to this House to do the people’s business with this very important piece of legislation. They walked out twice again. On the last occasion that they walked out, Madam Speaker, we saw, and the population should know, them in this House upstairs looking at it on television laughing. Again—

[Interruption]

Mrs. Newallo-Hosein: Madam Speaker, 48(1).

Hon. S. Young:—we continued with the debate, Madam Speaker—[Crosstalk]

You all did not discuss anything in the report.

Madam Speaker: Continue, Member.
Hon. S. Young: Thank you very much. Again, we see the nervousness as they are reminded because the population is looking on at their behaviour. And, Madam Speaker, what then happened was a call for a joint select committee, a call for a joint select committee, but nothing coming forward from the other side. So eventually, Madam Speaker, and it was a Bill that we were dealing with that was 28 clauses and I remind the population as the Attorney General reminded us this afternoon, the only reason that we are in this position today is because in 2013 under a Government led by the hon. Member for Siparia, they agreed to a specific model, the IGA 1A and they initialled it. And they are the ones who parked us into this position.

So we fast-forward now to the Joint Select Committee that we eventually went to and I would like to say, Madam Speaker, that it was a very productive five meetings at this Joint Select Committee. We had the Member for Caroni Central, we had the Member for Caroni East and we had a Member from the other place on behalf of the Opposition. We also had Independent Senators Roach and Shrikissoon, and we sat and we worked hard for a number of hours.

I have heard complaints this afternoon from the Member for Caroni East, not really complaints from the Member for Caroni Central, but really pointing out certain aspects and I would like to take the population through some of these complaints to show exactly what it is that once again we are dealing with.

Madam Speaker, the question I would like to ask here and I am hearing a lot of murmuring from the other side, so I am posing this question to the Leader of the Opposition and I will give way for her to answer. As we stand here having come through a number of debates, a number of opportunities for debates, we have taken it through the full committee stage, we have gone to the Joint Select Committee, we sat down, we listened to every single suggestion made, we answered every
question as we could of, made by the other side and the independent Senators, we produced a report.

We stand here today and for the first time, just before coming this afternoon, tonight, some suggestions as to grumblings, if I may call them that, were made by the other side and I will give way at this stage and I ask the Leader of the Opposition to please tell the country now what it is they want one more day for? What it is they call this interim report for? What is it, Madam Speaker, that they want? [Crosstalk] What is it that they are calling on us to do at this stage? Specifics and not the generalities, Madam Speaker.

Madam Speaker: Order!

Hon. S. Young: So, Madam Speaker, on behalf of the young people and the citizens of Trinidad and Tobago, I will give way at this stage for the Leader of the Opposition to tell us what are the exact specifics and why it is they will not vote for this today. [Member sits] And there again the population of Trinidad and Tobago, you have seen it for yourself again tonight, [Crosstalk] the semantics, the charades the great theatrics by those on the other side writing to the president-elect, as he then was, and now the President of United States.

Madam Speaker: Order! Order!

Hon. S. Young: So, Madam Speaker, now we look at what it is they have produced for today. They say that they produced a minority report that we now know is not really a minority report because they did not get it in on time. Let us take it step by step, Madam Speaker, if I may.

Madam Speaker, they start off by saying there were five sets of Minutes from committee meetings, two of which were not confirmed. I would like the population of Trinidad and Tobago to listen very carefully. There are five
meetings, they say meeting number three, the Minutes were not confirmed and meeting number five, the Minutes were not confirmed. Let us start with meeting number five. If there is no meeting number six, how could you confirm meeting number five? [Crosstalk] If you have a meeting number six, you had to have a number seven to confirm. So that is a fallacy in your argument to begin with. [Desk thumping] As the hon. Attorney General was at pains to point out from the verbatim notes, the last meeting on the fifth broke off with the agreement by all present, unanimously, that it would be done via round robin, [Desk thumping] attempts to mislead the Parliament once again and the population of Trinidad and Tobago.

Meeting number three. They say the Minutes were not confirmed, not a single shred of complaint at meeting number four or five by those on the other side that Minutes were not confirmed. Wait “til” now to complain and cannot complain, Madam Speaker. Every single speaker that has gotten up, not one of them can point to a single element in the report of any Minute that is inaccurate or that they want corrected.

The next point that they make is they want one more meeting and they quoting the hon. Attorney General saying look, we think there should be one more meeting. But what they do not say is what came after that, that they agreed it would be dealt with via round robin.

Mrs. Persad-Bissessar SC: And was it dealt with?

Mr. Al-Rawi: Of course.

Hon. S. Young: And the answer is, yes, it was. They say, Madam Speaker, if I may, the report does not accurately report what transpired in the Committee. So the Opposition are telling the population that the report does not—[Interruption]
Dr. Moonilal: You contributed nothing in the Joint Select Committee. [Crosstalk]

Madam Speaker: Members, could we have some order please. Please continue.

Hon. S. Young: Thank you very much, Madam Speaker. So they complained that the report does not accurately report what transpired in the Committee and I would like the population of Trinidad and Tobago to know under that heading they have two paragraphs and this is what they say. Under the heading on page five, “Witnesses”, the report of the Committee identifies the different parties who were summoned to give evidence before the Committee but it does not identify that there were a number of undertakings that were given to produce documents and that had not been produced.

The other one is, under “Written Submissions” the list of the persons from whom written submissions were requested is incomplete.

Madam Speaker, at the Joint Select Committee, we gave the opportunity to everyone to put in their written submissions. For example, the credit union movement, they told us they would get it in on a certain time and they did not do so. There is nothing that the Joint Select Committee could do to force persons to make submissions to them, Madam Speaker. [Crosstalk] You were there. It was on the 31st, the next meeting was on the 1st, did you ask where the submissions were from the 31st? No. Complete and abject silence from them as usual, but now turn up here to make a lot of noise.

Madam Speaker, I want to just go through some of the misleading submissions made by those on the other side. They talked about consultations and they said that the Member for Diego Martin North/East said that there was widespread consultation before the Joint Select Committee. Madam Speaker, I challenge them to produce where that was said. What the Member for Diego Martin North/East said at that stage is there was consultation with stakeholders and
at that point in time there was consultation with the Central Bank, the Board of Inland Revenue, the Bankers Association of Trinidad and Tobago and the Trinidad and Tobago Stock Exchange.

We heard them complain about—my friend, the Member for Caroni East said that when there was consultation at the Joint Select Committee stage we were forced to do all the consultations in three hours. Madam Speaker, at every single stage the Chairman was at pains to ask, does anyone have any further questions. Is there anything further that they would like addressed and again it was unanimous at the Joint Select Committee that we got through all that was needed to be gotten through at that stage. There was absolutely no complaint on that date that there was not sufficient time for consultation.

**Dr. Moonilal:** Let us vote and go home “nah”.

**Hon. S. Young:** I hear them say, let us vote and go on. We will go to the vote very shortly, Madam Speaker, and I can assure all who are looking on that Trinidad and Tobago is looking on and let them judge at the end of this vote who it is that has put Trinidad and Tobago in a precarious position. We have heard them—well, I have gone through the complaints about the lack of confirmation of Minutes. I have heard them say that we are hiding things and the Committee received reports that they have hidden from the public. Again, not a single instance of that. They talked about the double taxation treaty, yet again a red herring, Madam Speaker. There is absolutely nothing that affects this Bill, this legislation, the IGA and any obligation on behalf of Trinidad and Tobago that deals with a double taxation treaty, and as the Attorney General is pointing out, he was at pains and it is found at page 270 and 271 of the verbatim notes to set out exactly what it is and how ineffective, inconsequential and absolutely of no relevance a double taxation treaty

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They say they were being asked to validate. How could we be asked to validate what we do not know? That was with respect to instances of the Board of Inland Revenue before. We again were at pains to point out in the Joint Select Committee that whilst we had asked the Board of Inland Revenue and we all asked them for the numbers we could not get the specifics because that would be in breach of the current legislation and, in particular, the secrecy provision at section 4 of the Income Tax Act.

Another fallacy, another ridiculous argument put forward, Madam Speaker, was, they would not support this because there was no communication plan. So they are now telling the population of Trinidad and Tobago that they are not prepared to support a report where we went through the pains on five occasions, of going through every single clause of the proposed Bill making all of the amendments at the end process of which there was agreement. There is one outstanding matter that was pointed out by the Member for Caroni Central that we have conceded was an error on our part, which is at clause 29 that we are now proposing, as I will in a short while, that clause 29 be subject to the negative resolution of Parliament. Every single other clause was painstakingly gone through. Every question answered and there was agreement that that is how we would proceed. And for section 117, the advice that we have gotten from Treasury Solicitor is, it must remain as is.

Madam Speaker, they are telling the population of Trinidad that they are not prepared to support the report and the amendments to the Bill because there is no communication plan. We now go to—[Crosstalk] Does the BIR have resources? The hon. Member for Pointe-à-Pierre could be excused because he was not at the
Joint Select Committee. We went through, when the BIR came to us, the specific question was posed by the Member for Caroni East, that exact question was posed to the Board of Inland Revenue by the Member that they put forward, from the Member for Caroni East at the Joint Select Committee: Do you have the resources? They said they are actually prepared for the implementation of it now.

So the Central Bank and the Board of Inland Revenue have indicated, as has the Bankers Association, that they are ready to implement this and once the legislation is passed they will be ready for the deadline of September 2017. And they say, as well, he said he is worried about increased taxes and costs, Madam Speaker. That is quite ironic, because if they do not agree to the passage of the legislation, we put on record for the umpteenth time, this will cost the citizens of Trinidad and Tobago who transact any business with the United States an extra 30 per cent surcharge on all of their transactions. So it is quite ironic that they are worried about cost.

We heard from my good friend, the hon. Member for St. Augustine that this FATCA legislation has been pure politicking. I again found that quite ironic from those on the other side who made up reasons to leave the Chamber on three occasions rather than sit here and do the people’s work. The Member for Tabaquite. Madam Speaker, I hold no brief for anyone, but the Member for Tabaquite and some others here tonight engaged in behaviour of attacks on citizens who are not part of the parliamentary process, who are not part of the parliamentary privilege process and he, in particular, attacked the President for the Bankers Association of Trinidad and Tobago. Exactly what they are saying now I would like the population of Trinidad to know—[Interruption]

Madam Speaker: Order!
Hon. S. Young:—the population of Trinidad and Tobago to know that the Member for Oropouche East and the Member for Tabaquite are shouting, that who attacks them they must be allowed to attack. And I want the population to take note that that is the behaviour of those on the other side. Anyone who disagrees with anything, anyone who defends—anyone who says anything—[ Interruption ]

Madam Speaker: Members.

Hon. S. Young: Madam Speaker, I mark it here again that the behaviour of those from the UNC is that anyone who disagrees with them they will attack them personally and they will do so as cowards under the privilege of parliamentary privilege. Go outside and make the comments you have to make about these citizens. [ Desk thumping ] The same thing, they are attacking as well, Ambassador Estrada. Why are they attacking Ambassador Estrada? They themselves alone know that.

Hon. Member: Because he is a PNM, because he is a PNM. Simple as that.

Hon. S. Young: So, Madam Speaker, what we found ourselves doing here again today is once again filibustering with those on the other side. They have not put forward a single proposed amendment to the report from the Joint Select Committee save that it be called an interim report as opposed to a final report. And I want to mark the record here again, Madam Speaker, with the greatest of respect, not a single amendment has been proposed by any speaker on the other side, the 12 speakers or however many of them, nine speakers on the other side, to the legislation which has been dealt with. As the Attorney General puts forward, there was only one proposed amendment which we concede is an error and we have now proposed to amend clause 29(2) that it be subject to negative resolution, which was an oversight.
So, Madam Speaker, without much further ado, we on this side would just like to make the point that we have come here from September of last year, we have done every single thing that is reasonable for the passage of this legislation and let the public at the end of the day decide and we hope that when people go to the vote, they will actually do what is right for Trinidad and Tobago.

Madam Speaker, having said that, I beg to move that the Committee Motion No. 1 be amended by inserting at the end of the recital words:

“subject to the recommendation of the Bill to a committee of the whole House for the purpose of considering a proposed new clause 29.”

And we have circulated the proposed clause 29. Madam Speaker, with those few words, I beg to move.

Mr. Deyalsingh: Madam Speaker, I beg to second the Motion and reserve the right to speak at a later time.

9.00 p.m.

Madam Speaker: The Minister of Finance.

Dr. Moonilal: I want to speak on the Motion.

Madam Speaker: Member, you have already spoken.

Question, on amendment, proposed.

Madam Speaker: The debate continues, and therefore I recognize the Member for Oropouche East.

Dr. Roodal Moonilal (Oropouche East): Thank you very much, Madam Speaker. Madam Speaker, I know when other speakers earlier today stood and said they were not prepared to speak, most of them were well prepared with quotes, but on this occasion you take me seriously, because this is another
bewildering moment in the history of this bizarre journey of the FATCA legislation in Trinidad and Tobago. If I understand clearly what the Government has done tonight, it is to move a Motion that the report be taken back to a committee of the whole but, Madam Speaker, there is a Bill at the committee of the whole.

So my speech, which I am contributing to this, is really to ask for clarity, that the Government has amended a Government Motion to say that the Motion be taken back to the committee of the whole, but the committee of the whole had been dealing with the Bill that gave rise to a joint select committee. So what is going back to the committee of the whole? The Motion is to adopt a report. The Motion is not to bring an amendment to the Bill. So that, Madam Speaker, I will argue now and, I mean, I stand guided. There are persons in this hallowed Chamber much more knowledgeable on these matters than myself—

Hon. Member: Like who?

Dr. R. Moonilal: I do not know who. There must be. But, Madam Speaker, I have had the opportunity to serve in several capacities in the Parliament here and the matter before us is to either adopt a report or not adopt a report, or you can amend the Motion that we are debating. I am now thinking that you cannot bring an amendment to a Bill, whether it is clause 29, 39 or 19, and ask the Parliament that is debating a Motion to now agree that an amendment to a Bill go back to the committee of a whole. That is nonsensical, quite frankly. And that the Government has created this rather strange and bizarre development speaks volumes about their incompetence [Desk thumping] in dealing with this matter.

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You see, Madam Speaker, I do not know what is happening here tonight with this FATCA. I do not know if it is deliberate on their part. I do not know if it is deliberate to win by confusion, to confuse the Parliament and the national community and then declare victory. Madam Speaker, we either adopt the report with or without amendments. [Desk thumping] The report then goes as a report adopted. When you get back to a committee to deal with a Bill, then you bring an amendment to amend anything you want. [Desk thumping] So this is an abuse of the Parliament yet again. [Crosstalk] Madam Speaker, I am at a loss for words, which is rare.

Now, I want to come to my substantive argument, the Opposition spent the last six hours, or whatever time here, asking that the Joint Select Committee be allowed to continue and finish its work. Members opposite have had the opportunity to speak to the Motion and the amendment. Earlier in my first contribution on this matter I raised the issue of the amendment and they had notice of it; it was formalized properly, according to the procedure required by the Member for Tabaquite, seconded by the Member for Chaguanas West. So you have a Motion before you.

Why is the Government hesitant to go to continue and finish the work of the Joint Select Committee, yet confuses themselves to go back to a committee of the whole with an amendment to a Bill that you cannot properly put before this debate? Why do you do that? Because you do not know what you are doing, [Desk thumping] and this really typifies the entire approach on the FATCA. It typifies the approach on the FATCA legislation. And what has been the rejection of our argument, Madam Speaker? What has been the rejection?

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The Attorney General, in an earlier debate, spoke about this famous letter that they got concerning the extension, and the letter—

**Madam Speaker:** Member, I have only allowed you to speak to the point of view of the clarification and what is before. Okay? Please.

**Dr. R. Moonilal:** Okay, sure. Well, Madam Speaker, on that note, therefore, is the Attorney General or Members of the Government with responsibility for this legislation, willing to tell the House in this debate—[Interruption] Now, we have several versions and this is why the Committee fell down five minutes into its work, when they had to adjourn.

Could we ask the Minister of Finance, pursuant to all the amendments that they propose, pursuant to the adoption of the report, to make available to us the letter sent by one Carla Carter to Elena S. Virgadamo concerning the deadline?

**Madam Speaker:** Member, I am not giving you two bites of the cherry. You asked to speak on the amendment that is before the House.

**Dr. R. Moonilal:** Sure, thank you. So, Madam Speaker, the amendment before us, which I believe is improperly here but—

**Hon. Member:** Two amendments, it seems.

**Dr. R. Moonilal:** Is it two amendments? I am seeing an amendment, clause 29.

**Madam Speaker:** That is all that is before us right now.

**Dr. R. Moonilal:** The amendment, clause 29, has the effect of proposing an amendment to the Bill. The Bill is not before us. So, Madam Speaker, could I speak to the amendment to a Bill that is not before us? I am asking for your leave. Could I be permitted to speak on an amendment to a Bill that is not
before us? The Motion is before us. At any time in the work of the select committee they would have had an opportunity to discuss this and to deal with the matter. The very fact that you bring an amendment to the Bill this way is an admission by the Government that they have failed in the Joint Select Committee to complete its work. [Desk thumping]

And if you come by “vaps” now and by some irregular procedure—at best, an irregular procedure—to do this, it suggests that there are other matters that we have to deal with, and I plead with this Government, as the Member for Caroni Central, in a much more restrained yet equally reasonable manner, plead with you, do not make mistakes like this on the hoof. This is much too serious for you to make legislation by “extempoing”, by rhapsodizing, by discovering something is wrong and trying to correct it instantly.

Mr. Indarsingh: “Seukeranizing.”

Dr. R. Moonilal: By “Seukeranizing”, if you want to use that term, Member for Couva South. I know you like that term. This is too important a matter to try to make amendments this way. The very fact that you circulate this, suggests that you are aware that more work has to be done in the Joint Select Committee. [Desk thumping]

In an equally bizarre occurrence an hour or so ago, a vote began on the Motion. Madam Speaker, I sat here bewildered that Members of the Opposition were voting on a Motion, the Motion before us—

Madam Speaker: Member, I have already cautioned you. I think you have made the point about clause 29. I ask you now to resume your seat.

Hon. Members: Ayyyyyy!
Madam Speaker: Member for San Fernando West.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I rise to just make a very quick contribution to this particular Motion and I think it necessary to give the text of the Motion perhaps in a little bit slower pace. The Motion before us now for debate is that committee Motion number 1, which is the Motion to adopt the report of the Joint Select Committee, be amended by inserting at the end of the recital the words:

subject to the re-committal of the Bill to a committee of the whole House for the purpose of considering a proposed new clause 29.

I wish to debunk the position offered by my learned colleague from Oropouche East. Regrettably, he has not refreshed his memory in relation to amendments under Standing Order 42, or certainly under Standing Orders which permit the re-committal, in very specific terms, of a Bill for the position of going back to a committee of the whole. In fact, Madam Speaker, Standing Order 72 provides for the procedure on Bills reported from select committees appointed, and therefore, the procedure of this Motion, the hon. Member having said that the Government is attempting to win by confusion; they “doh” know what they are doing; he is entirely wrong because the Standing Order at 72 is abundantly clear in saying:

“Upon a motion to approve the report of the Select—

Mrs. Persad-Bissessar SC: Madam Speaker—

Mr. Young: What Standing Order?

Hon. F. Al-Rawi: Which one? [Crosstalk]

Mr. Young: “Yuh cyar hole up a book and jes stand up and say ‘Standing
Order’.”

**Hon. Member:** Come on, do not be rude.

**Hon. F. Al-Rawi:** Which one?

**Madam Speaker:** Members, a Member is on her legs.

**Mrs. Persad-Bissessar SC:** Standing Order 44(6), Madam Speaker.

**Hon. Member:** Imputing improper motives.

**Mrs. Persad-Bissessar SC:** If you do not know, read it.

**Madam Speaker:** Member, you are speaking just on clause 29?

**Hon. F. Al-Rawi:** Of course.

**Madam Speaker:** And you have read the text of what it is supposed to be? You have read the text?

**Hon. F. Al-Rawi:** No.

**Madam Speaker:** You have read the text, as far as I am concerned, of what it should be for the Motion—the proposed amendment. [Interruption] Yes, you have read what the proposed amendment to the Motion should be in terms of the re-committal of the Bill to the committee of the whole for the purposes of dealing with clause 29. You have already read that. Yes? Okay. So that once you have read that and you have made that clear—[Interruption]—you have read that and you have made that clear and, therefore, I now ask you to resume your seat.

**Hon. F. Al-Rawi:** But, Madam Speaker—[Crosstalk]

**Dr. Moonilal:** I resumed my seat, you “cyar” resume yours?

**Madam Speaker:** I would suspend this sitting for five minutes.

**9.14 p.m.: Sitting suspended.**
9.51 p.m.: Sitting resumed.

Madam Speaker: Prime Minister. [Desk thumping]

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, before I make a short intervention I want to be clear on what exactly is before the House because we have had three or four amendments and I crave your leave to raise an observation under Standing Order 42(17) and to withdraw the last Motion that was before the House. And if that is not permissible, well then I will proceed to treat with the matter before that, but I just want to be clear what I am dealing with. So could you just advise?

Madam Speaker: Hon. Members, there are two amendments before the House—the original Motion. One moved by the Member for Tabaquite and seconded by the Member for Chaguanas West, that the original Motion be amended to add after the words, “2016”, “that the report be considered an interim report and that the JSC continues its work and report to the House”. Then there is a further amendment which was moved by the Member for Port of Spain North/St. Ann’s West, seconded by the Member for St. Joseph, and that is to the effect that the original Motion be amended to read “that the Bill be recommitted to the committee of the whole to consider an amendment to clause 29”.

Hon. Dr. K. Rowley: Thank you very much, Madam Speaker, because that being so, I propose to move an amendment at the end of my short contribution which would take care of—in fact, I should move that amendment now and that will have the effect of withdrawing the amendment from my colleague, the Member for Port of Spain North/ St. Ann’s West. What I propose to do is to, in
accordance with Standing Order 42(16), I beg to move an amendment to the amendment proposed by my colleague, the Member for Tabaquite which was seconded by my colleague, the Member for Chaguanas West, and to add the following to the end of that proposed amendment—add: “by Thursday, February 23, 2017.” [Desk thumping]

What that amendment would do, Madam Speaker, is to allow the specific conditions for a vote to be taken here next week Thursday. It means that the Opposition—[Interruption] Madam Speaker, I sat in silence for the whole day and I would appreciate if my colleagues would hear me in silence. What my colleagues from the other side, the Members for Tabaquite and Chaguanas West have said, is that as a condition for supporting this measure they would like the report to be extended for a further week and to allow that, and I heard from other contributors, one more meeting. And I also heard from a particular contributor that there were documents to be received and I heard a plethora of accusations and allegations.

I want to make it abundantly clear that the Government, from the beginning, set out to have this Bill passed so as to allow the people of Trinidad and Tobago not to be subject to the deleterious effects of the failure of being deemed to be a non-compliant country. We started this last September and it is going to end next week Thursday. [Desk thumping] I do not want to spend much time tonight pointing out motives, far less ulterior motives, because all those who observe this debate—and I am sure today a lot of people in this country observed this debate. Because the last time when the Minister of Finance spoke, he said that when we meet today—we picked this day, today—it will be the day
that the vote will be taken. The debate went on today, all afternoon into tonight, and for the second time we would go back to the Joint Select Committee and it will be the last time. [Desk thumping]

Because all who have eyes to see would have seen, and all who have ears to hear would have heard. If there is any intention to vote for the Bill we will find out next week Thursday and if there is no intention of voting for the Bill, under no condition, we will find out next week Thursday. The Bill goes to a vote next week Thursday. [Desk thumping] That would give the Chairman of the Committee an opportunity to meet just one more time that was asked for and whatever has to be collected and received—because, you see, Madam Speaker, I am interested in a particular area of interest. We heard in our debate here today about what is likely to happen in America with respect to FATCA.

**Dr. Moonilal:** Madam Speaker, 48(1).

**Madam Speaker:** Continue, please, Prime Minister.

**Hon. Dr. K. Rowley:** We heard that one of the reasons why we should be delayed, one of the reasons why we should not have a vote on this matter is because in America, in Washington, moves are afoot to have the abolition of the IGA and the necessary consequential abolition of any need for there to be this response in our country, or any other country. And I heard my colleagues today praising their leader for writing a letter to President-elect Trump. Well, I hope that the people in the parts of the country which are known for participating in the use of plant-like substances—

**Hon. Members:** Ahhhh!

**Hon. Dr. K. Rowley:**—that the next time—[Crosstalk] Madam Speaker, it is
my speech and I will make it how I would. [Desk thumping and crosstalk]

Madam Speaker: Member for Diego Martin West. [Desk thumping]

Hon. Dr. K. Rowley: What I was saying, Madam Speaker, since it is reasonable to assume that we should not proceed with this Bill and with all that we have done because the American politicians might, in the future, remove the need for it because the President might overturn the law that exists now, then when somebody comes to your house in a police uniform and, in fact, is likely to take you down to the station for marijuana, you could say—[ Interruption] Madam Speaker, I just want to put some—

Madam Speaker: Member, please direct your contribution to me.

Hon. Dr. K. Rowley: He is disturbing my trend of thought. I sat here for the whole day. He performed, he performed, and I did not disturb him. I am saying, since it is reasonable to assume that there is an intention to make marijuana legal, the next time a policeman comes to your house anywhere in this country, stay inside. Say you are not coming out because they intend to make marijuana legal. [Desk thumping] Because that is the logic. That is the logic. The logic is that some people are arguing that it should be legal, the same way some people are arguing that FATCA should be repealed, and all I am saying, we in Trinidad and Tobago cannot operate on the basis of what might or is likely to happen in the Donald Trump Government. [Desk thumping]

We have to assume that what exists now and the requirement as a country is what we have to deal with. If some time in the future it is all repealed, then it all comes to nought and there is no need to. But as we see it now, nobody is forcing anybody to do anything. I heard people talking about our sovereignty
and protection of our democracy. Nobody is forcing anybody to do anything.

There used to be a time in this country at Olympics, we watch the Olympics, carried by NBC, I think, usually, and we always complain that our athletes do not get any exposure in the Olympic coverage, and we seem to forget, NBC is an American station covering American athletes. So when our athlete comes first and they come fourth, they cover the one that comes fourth. It is their television. You do not have to watch it. Eventually, we set about in the Caribbean to have our own coverage so our athletes can have more exposure on television. That is how we are dealing with it.

It is the same thing with the banking system. Nobody is forcing you to go and use American banks. The American Government decided that it will treat with American citizens who are abroad or who are in America and hiding their assets abroad, in a particular way, and they have said to American banks, that if you are to treat with people like that in those circumstances, these are the conditions of the American Government. And they are very firm in dealing with the banks, in treating with people who have assets which are undeclared. It may be illegal or legal, we do not know, but that is the law.

The banks are now told by their home government, “If you are going to treat with banks in territories external, you have to have that done in countries that have complied with these conditions”. And more than that, the Americans came to countries like us and said, “Listen, we have two models of compliance, you choose which one you want to choose”. We in Trinidad and Tobago, under the last government, chose Model 2.

Hon. Member: One.
Hon. Dr. K. Rowley: Model 1, sorry. Model 1.

Hon. Member: One A.

Hon. Dr. K. Rowley: Model 1A. But I must point out something here. Had we not chosen that model and wanted to continue banking from Trinidad with American banks, every account that was opened in Trinidad, or existed in Trinidad, the owner of that account would have had to sign in the bank to allow the bank to provide the information to the American Government. Are you aware of that, Madam Speaker? But by agreeing to choose Model 1A and to go down the steps that we have gone since 2013 to now, we have actually got a “bligh” to continue banking the way we were without actually being in compliance.

So all this talk about sovereignty and democracy and all that, is from people who do not know what they are talking about or they know, and they are playing smart with foolishness. [Desk thumping]

So the praise to the Opposition Leader for writing Donald Trump and asking him what is going to happen in America, and people saying that we should delay this because something could happen—[Interruption]

10.05 p.m.

Mr. Padarath: Madam Speaker, 48(1).

Hon Dr. K. Rowley:—interestingly enough, the person who is doing that and who is advising the Opposition, I am simply saying to my colleagues, you got to be careful who you are talking to and who is advising you because Mr. Jatras is commercial business for hire. If you want to be seen as the emperor of Babylon, he is for hire to promote you in that way. So we are unimpressed to what Mr. Jatras
has to say.

As a matter of fact, if you see who Mr. Jatras’ clients are, I would advise my colleague, the Member for Siparia, to stay far from him.

Hon. Member: *The Wall Street Journal*.

**Hon Dr. K. Rowley:** *The Wall Street Journal*? I can quote for you. I could quote for you who they are and you will understand where the praise is coming from.

**Mrs. Persad-Bissessar SC:** What is the relevance on this?

**Hon Dr. K. Rowley:** The relevance is that—[*Interruption]*

**Mr. Padarath:** Madam Speaker, 48(1).

**Hon Dr. K. Rowley:**—we in Trinidad and Tobago—[*Interruption]*

**Mr. Padarath:** Madam Speaker, 48(1).

**Hon Dr. K. Rowley:**—are not to be advised—[*Interruption]*

**Madam Speaker:** Two Members are not to be on their legs at the same time. Member, please continue.

**Hon Dr. K. Rowley:** I am simply saying to those who were paying attention all day today—Madam, let me just make it quite clear. I am not speaking to my colleagues on the other side. I am speaking to the people of Trinidad and Tobago who might have been misled [*Desk thumping*] and those who believe that Mr. Jatras’ advice is useful advice.

Mr. Jatras’ firm is notorious for publicly defending or contracting himself to work on behalf of odious international figures and I could name many of them, but I do not want to upset my colleagues on the other side. I want to maintain some quiet. The bottom line is this. Today for the nth time I heard my colleague saying that we in the Government set about to terrorize people, and to mislead people, and to frighten them, but, of course, to quote my colleague, the Member for Siparia,
“The sky will not fall in if it does not pass”. We of the Government of Trinidad and Tobago, we cannot take that position because we are convinced and we know that the sky may not fall in, but many, many storm clouds could fall in Trinidad and Tobago if we do not pass this Bill, and that is why we bent over backwards and have gone to length, and tonight we are going the last week to ensure that the Opposition has every opportunity to vote for the Bill. [Desk thumping]

Madam Speaker, you cannot have it both ways because, you see, those who are saying that the sky would not fall in and that in fact it is just the Government terrorizing the population for no good reason, and who is praising the Opposition Leader for standing up to the Americans on the matter, listen to what the same source is saying and it is this:

“If any country refuses to comply, it will be hit with crippling penalties to its financial sector that will tank its economy.”

So in one breath you are fighting it because you are saying if a country does not comply this is the condition, “hit with crippling penalties to its financial sector that will tank its economy”. But on the other hand you are saying, if it does not pass the sky would not fall in.

But, Madam Speaker, I simply want to say this issue is not only in Trinidad and Tobago. This issue is an issue which has attracted the attention of Caricom. The first Caricom meeting—and think I said this in the Parliament before and I am going to repeat it. The first Caricom meeting I went to was in Belize last year February. By that time, Belize had already lost its correspondent banking status between Belizean banks and American banks. The Prime Minister of Belize was at pains to recruit the assistance of his Caricom colleagues and others to seek to get reinstatement because that development was damaging the Belizean economy in a
way that they had not thought. That was February last year.

By the time we got to Guyana, I think it was July, the matter was before Caricom. I am going to Guyana on Wednesday to the Heads of Government Meeting in Georgetown, and on the agenda is this matter of compliance and the threat posed to our banking system by the whole question of FATCA and de-risking and de-banking, which in Trinidad and Tobago we have been told is no big thing. The sky would not fall in.

It is so serious that the Caricom Heads have sought and obtained the support of the President of Chile to go and lead a team to Washington to ensure that we are not penalized accidentally. And I could say to the people of Trinidad and Tobago, anybody who is telling you that this passage is unimportant and nothing big will happen if it does not pass, they are setting out to deceive you, as Mr. Jatras and his company and friends say, the crippling penalties—because 30 per cent surcharge on a foreign transaction is a crippling action in the financing of Trinidad and Tobago. It means every dollar you spend, the dollar is only worth 70 cents only because our country is not compliant with the requirement. The Americans are not forcing us to pass any law you know. They are simply saying, “If you want to do business with our banks and you do not want that applied to you, the way to do it is to pass this legislation and then you would not be subjected to that”.

I will tell you something else too. It is not the Government that is really saying that you know. The banks themselves that are exposed to the American Government penalties, they are the ones that will protect themselves by not doing business with us, or by doing business with us on such terms that the cost of doing business would become prohibitive and oppressive, and I do not know why we are behaving as though somebody is forcing us to do something.
We fly an airline, Caribbean Airlines; it flies into American ports. Well okay, since we are sovereign in Trinidad and we democratic in Trinidad, and nobody will tell us what to do, well let CAL attempt to fly into New York or Miami and not meet the American terms laid down for international air transport and see if you can go in there. Since you big and you bad, and it is a sovereign thing, and it is our plane, the Americans lay down their conditions and all they say, if you want to participate these are the terms and the legal terms to meet.

Mr. Padarath: Madam Speaker, 48(1).

Hon. Member: “A, a, whay wrong wit you boy?” [Crosstalk]

Hon Dr. K. Rowley: I make this point, Madam Speaker, not to diminish our sovereignty, not to diminish our requirement to protect ourselves at all stages, but to indicate that in these matters of international trade and international business, we in Trinidad and Tobago do not make the rules. We do not even set the price. We are price takers on some of these matters. We produce oil. We do not set the price of oil. We sell a barrel of oil by a price set by a port somewhere. So do not pretend as though we do not subject ourselves to international norms.

If we are part of the international marketing community—and I will tell you something. There is something else, you know, that was said in The Hill document where the Prime Minister is praised for asking Donald Trump—[Interruption]

Hon. Member: The Leader of the Opposition.

Hon Dr. K. Rowley: The Leader of the Opposition—asking Donald Trump whether he will get rid of FATCA because it was Obama. And it says, even major financial powers like Britain, Canada, Switzerland and Germany have bowed the knee, both signing agreements and enacting domestic legislation to implement them, but not tiny Trinidad and Tobago. Well if that is the advice we are getting

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and some people want to take that advice, then it is still a free country, but the Government is not taking that position.

We are saying that the Government of Trinidad and Tobago signed an intergovernmental agreement in 2013 and there were a number of steps to take us to compliance, and that compliance will protect us from the penalties. We came back here last September—in fact, I knew all along that it was the intention of some people not to support this legislation. When we met at the Prime Minister’s Office in the contact over crime—very cordial meeting we had—and in that cordiality I said to my colleague, the Member for Siparia, that this matter is coming to the Parliament in September and we ought to take it through because we need to comply. We were already falling behind because it started in 2013 and by the time I became Prime Minister, the matter was already of concern with us being a non-compliant nation.

So I took the opportunity on that day to say to the Prime Minister and her team that the matter is coming, the Attorney General is ready, we coming to the Parliament.

Mr. Al-Rawi: Leader of the Opposition.

Hon Dr. K. Rowley: The Leader of the Opposition, sorry. I got the impression then that it was a simple straightforward matter, and I took the opportunity and the liberty to assume quite wrongly that since the matter originated in the last Government and would have been ventilated within the walls of that Government, that Members of that Government would have known and we were just continuing something. Lo and behold, when we came here with the Bill that flowed from that IGA, that was signed by that Government, the first reaction of our colleagues on the other side was to make very heavy weather of not seeing this thing and it is the
first time they saw the Bill, and they made a lot of heavy weather of that. But it must have been the first time they saw the Bill because the Bill was done by this Government, but the requirement for the Bill, and the deadlines, and the consequences were there from the very beginning.

From the time you signed on the IGA, the consequences were there, but the *Hansard* would be replete with references to this sudden arrival of this matter, and then we saw all the other carryings-on, the shenanigans. Today I heard my colleague, the Member for St. Augustine, talking about playing politics. I am not sure who he was talking to, but it could not have been the Government because the Government did not run from this Parliament once, twice, thrice. [Desk thumping] He could not be talking about the Government. And, of course, Madam Speaker, as we go forward, I do not know that it is necessary, a lot has been said here today, a lot has been done, but the one thing that was not done as per the last position, we have not brought the matter to a vote.

I even heard the preposterous. I heard the preposterous that we had not taken into account the cost of implementing this matter. Is that really a serious position? That drives me to say that the Opposition, some Members, maybe not all, but some Members are looking all over, up, down and across for a reason to not vote for the Bill. [Desk thumping] Because it would have been cleared up in committee, in talking to the agencies that would execute the compliance that we can do it. It is ready to be done and whatever the cost—if we are not going to be subjected to the crippling penalties, we have to absorb that cost. So what is the issue about cost? Do Members on the other side have a cheaper way of doing it? Can we farm it out? Can we outsource it? The answer is no.

**Hon. Member:** We need to know the whole thing.
Hon Dr. K. Rowley: We need to know the whole thing. Since September to now, you do not know the whole thing. Well, you have one more week to know the whole thing. [Desk thumping] Next week Thursday this country will know whether in fact when you went to the polls and you gave your franchise to those on the other side, you will know next week Thursday how they intend to use it because we on this side, we have—[Crosstalk] Madam Speaker?

Madam Speaker: Order! Order, please.

Hon Dr. K. Rowley: Every vote on this side will vote for this next week Thursday. [Desk thumping] I want to make one final point before I take my seat and the point is this, with all the talk that went on, and all the “hasikara” that went on, if you ask anybody who watched this debate today, outside of this Chamber, what is the specific issue that is obstructing the Opposition from voting for this Bill, they cannot tell you. What is the exact clause in the Bill that is so objectionable that the Opposition is saying we cannot support that action, or this action? They cannot tell you.

It is all a whole set of esoteric, a whole set of sham, a whole set of work to be done. I heard whole day we have work to be done, we need more time for work to be done. Work to be done on what they cannot tell you. Cannot tell you. I am saying that is the proof that it is all the Opposition looking for a way to be able to vote against the Bill and blame the Government for not pacifying them. [Desk thumping]

Madam Speaker: Member for Diego Martin West, your original 30 minutes have been spent. You are entitled to 15 more minutes if you wish to.

Hon Dr. K. Rowley: I thank you very sincerely, Madam Speaker, but I do not need it. I would simply say that I have moved an amendment to the—I simply want
to end by adding to the Motion moved by my colleague, the Member for Tabaquite, and seconded by my colleague, the Member for Chaguanas West, and add to that Motion that by Thursday, February 23rd, 2017 and to ask colleagues to come prepared to vote for or against Trinidad and Tobago with this thing. [Desk thumping]

Mrs. Robinson-Regis: Madam Speaker, I beg to second the Motion and I reserve the right to speak.

Madam Speaker: Minister of Finance.

Mrs. Persad-Bissessar SC: Madam, I am standing. [Crosstalk] I stood up before the Minister of Finance, Madam Speaker. [Crosstalk]

Madam Speaker: Member for Siparia, when the House was suspended, I had asked the Clerk to enquire if there were any other speakers. My information was that no such information. [Crosstalk]

Dr. Tewarie: Madam Speaker, may I speak? I told the Clerk of the House—[Interruption]

Madam Speaker: Member! [Crosstalk] Minister of Finance. [Desk thumping]

The Minister of Finance and the Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you very much, Madam Speaker. Madam Speaker—[Interruption] I ask for your protection, Madam Speaker.

Madam Speaker: Member for Caroni East, I am on my legs. Minister of Finance. [Crosstalk] Order! Order! [Crosstalk] Minister of Finance. [Desk thumping]

Hon. C. Imbert: Madam Speaker, for the benefit of those Members opposite who may not be familiar with parliamentary procedure, the effect of the amendment and the proposed addition to the amendment, if approved by this Parliament, will mean that we are in fact treating this report as an interim report, and if the House agrees
with the proposed amendments that we will return to this Parliament on the 23rd of February to deal with the final report of the Joint Select Committee appointed to consider the Tax Information Exchange Agreements Bill—[Interuption]—Madam Speaker, please, this is running commentary. It is very difficult. Thank you. I do not know what is wrong with the Member for Oropouche East and the Leader of the Opposition. This is really unnecessary.

Madam Speaker, as I said, if the House approves the amendments as proposed, this report will be treated as an interim report. We will have the one more meeting of the Joint Select Committee that the Opposition has asked for and a final report will be submitted to the House on the 23rd of February, at which time we will of February. So there is no need, in my view, for all of this that we are hearing debate that final report. So everybody who wishes to speak, can speak on the 23rd here tonight from the Members on the other side, because we on this side have acceded to the Opposition—[Interuption] Madam Speaker, please, it is hard. I am asking for your protection. Thank you very much. We on this side have acceded to the request of the Opposition that we have one more meeting and that we treat this as an interim report. This is the effect of the amendments.

Now, Madam Speaker, may I also deal with another procedural matter for the benefit of hon. Members opposite. According to Standing Order 72, there are two ways you can approach a report of a joint select committee. You can move a Motion to adopt the report without amendments, that is Standing Order 72(2)—and this is particularly for the benefit of the Member for Oropouche East. Or, according to Standing Order 72(3), you can adopt the report with amendments, and in so doing you can recommit the Bill to the committee of the whole. That was the procedure that was proposed by my hon. colleague, the Member for Port of Spain North/St. Ann’s West, fully in compliance with Standing Order 72(3).
So let me repeat, Madam Speaker. The House can agree to adopt the report without amendments or with amendments including re-committal of the Bill, either the whole Bill or some part of the Bill or some parts of the Bill or some proposed new clause, or amendment or new schedule. So that the procedure adopted previously was perfectly in order and in compliance with the Standing Orders of this House. I just wanted to deal with that.

I also would like to deal, Madam Speaker, with a matter raised by the Member for Oropouche East, who was not a member of the Committee, who alleged that we on the Government side did not provide the Opposition with information with respect to the deadline for FATCA, and I want to read into the record a part of this email from the Treasury that was not read verbatim by my hon. colleague, the Member for San Fernando West, and this is the important point.

“…Announcement 2016-27 provides that on Jan. 1, 2017, Treasury”—this is the US Treasury—“will begin updating the”—Inter-Governmental Agreement—“list on the Treasury website to provide that certain jurisdictions that have not brought their IGA into force will no longer be treated as if they have an IGA in effect.”

Dr. Gopeesingh: And due because of your letter.

Hon. C. Imbert: Madam Speaker, it is hard with this rumble coming from the other side. Let me read again.

“…Announcement 2016-27 provides that on Jan. 1, 2017…”

And this is being written to us by the Office of the International Tax Counsel, US Department of the Treasury. These are their words not ours.

“…Announcement 2016-27 provides that on Jan. 1, 2017,”—the—“Treasury will begin updating the IGA list on the Treasury website to provide that
certain jurisdictions that have not brought their IGA into force will no longer be treated as if they have an IGA in effect.”

January 1st, 2017 as you will appreciate, Madam Speaker, has long passed. It passed six weeks ago.

“Each jurisdiction…”

Mrs. Persad-Bissessar SC: Minister, would you kindly give way?

Hon. C. Imbert: No, let me finish. Not at this time, please. In a little while.

“Each jurisdiction with an”—Inter-Governmental Agreement—“that is not yet in force and that wishes to continue to be treated as having an IGA in effect must provide to Treasury by December 31, 2016, a detailed explanation of why the jurisdiction has not yet brought the IGA into force and a step-by-step plan that the jurisdiction intends to follow in order to bring the IGA into force. Your letter”—this is the US Treasury speaking to Trinidad and Tobago now—“suffices for this requested explanation and plan.”

Let me read that again.

“Your letter”—the letter from Trinidad and Tobago—“suffices for this requested explanation and plan.” [Crosstalk]

Madam Speaker: Members, order please.

Hon. C. Imbert: Madam Speaker, what has happened with this debate and so on is that whenever the relevant points are made the Opposition starts to scream because they do not want the public to hear what the facts are. So I will read again. I will read again.

“Each jurisdiction with an”—Inter-Governmental Agreement—“that is not yet in force”—by January 1, 2017—which is Trinidad and Tobago—“and
that wishes to continue to be treated as having an IGA in effect must provide to the Treasury by December 31, 2016, a detailed explanation of why…and a step-by-step plan that the jurisdiction intends to follow in order to bring the IGA into force.”

And, Madam Speaker, it is practical common sense that if you have to provide a plan to the United States Treasury that we will be fully FATCA compliant by September 30, 2017, that the plan must make sense, and this is why, recognizing that in order to meet—[Crosstalk]—Madam Speaker, this is ridiculous. I am asking for your protection again.

Madam Speaker: Members, you are reminded of the provisions of the Standing Orders as relates to Members who are not speaking.

Hon. C. Imbert: Madam Speaker, what the Opposition does not want the public to know is that we had to supply a detailed plan. Having not met the 30th of September, 2016, deadline, we had to supply a detailed plan to the US Treasury by the end of December 2016 to show the US Treasury that Trinidad and Tobago was taking reasonable steps to become fully FATCA compliant by September 30th, 2017. And the plan, as I have said before and I will say again, must make sense.

10.35 p.m.

So that there is a certain period of time after we pass this legislation for the Central Bank to draft the guidelines in consultation with the various stakeholders such as the commercial banks, the financial institutions, the non-banking institutions and so on, there is a certain period of time that the Central Bank requires to draft these guidelines with insurance companies, et cetera and there is a certain period of time for all of the commercial banks and the institutions to set their house in order, to create the infrastructure, to put the units in place, the
compliance units and so on, and there is a certain period of time for the Board of Inland Revenue to put the staff in place, to put the procedures in place, for compliance with FATCA.

And therefore, Madam Speaker, it is practical common sense that in order that we become compliant that you must have a reasonable period of time after this legislation is passed by this place and the other place. And therefore, it is reasonable that if we pass this Bill in February, six months from February takes us to September when we will have sufficient time for everybody to put their system in place to become FATCA compliant. It would be nonsensical to pass this legislation in August for September. It would be nonsensical. It is reasonable that we would take six months after we pass the legislation to put all the infrastructure in place, and we presented this plan to the United States and because our plan made sense, the United States has accepted it as a detailed step-by-step plan to reach FATCA compliance. Of course, it is our plan. It is only logical. The United States has asked us to submit to them a plan so whose plan could it possibly be? It has to be our plan.

Madam Speaker: Member, order, order.

Hon. C. Imbert: And Madam Speaker, in that plan—

Dr. Gopeesingh: Would you give way?

Hon. C. Imbert: No, not at this time. In that plan, they would have certain timelines; you would have targets; you would have goals and objectives that have to be achieved between February and September 2017.

Now, Madam Speaker, the other point that needs to be addressed is that the Opposition has just—they have asked for two things. The Member for Caroni
Madam Speaker, this is ridiculous.

**Madam Speaker:** Member for Caroni East, your deep baritone.

**Hon. C. Imbert:** The Member for Caroni Central has said that if we amend the agreement, the Schedules, that this should be subject to negative resolution. As far as we can recall, that was a matter that was discussed in committee to which the Government had no objection.

**Hon. Member:** Clause 29.

**Hon. C. Imbert:** Clause 29. So that that is one point that has been raised by the Opposition to which we have no objection and the amendment has already been circulated.

**Hon. Member:** Too late.

**Hon. C. Imbert:** We are debating it. Madam Speaker, through you, just let me repeat that we could have asked for the House to adopt the report either with or without amendments. We could recommit the Bill, the whole Bill, part of the Bill, one clause, which is exactly what we were going to do. That is the procedure. So we could, if we had agreement from the other side, have recommitted clause 29 to amend that to add negative resolution. Standard procedure. So, Madam Speaker, it was raised by the Member for Caroni Central today and immediately we acceded to the request and drafted an amendment.

The other point that Members have made is that they want to get feedback from the various people who have been asked to make comments. Now, Madam Speaker, some of the stakeholders that they, on that side, asked us to invite comments from—the University of the West Indies and et cetera, the Law Association—they were asked weeks ago to submit comments on this Bill and they have not yet submitted comments on the Bill. It would be ludicrous to sit down and
wait for the next five years for persons to submit comments.

**Dr. Rowley:** They may never do it.

**Hon. C. Imbert:** They may never submit comments. So that we will deal with this aspect in the last meeting of this—[**Interruption**] Would you be quiet? We will deal with this aspect in the last meeting of the Committee which we intend to have between now and the 23rd of February. I am thinking of either Friday or Monday and Members will be appropriately informed of the appropriate day.

So there are only two issues that have to be dealt with. And in terms of commentary from the public, so far in terms of what we have received from stakeholders and so on, nobody has proposed any amendments to the legislation. Nobody has proposed amendments to any clauses. The comments we have got are either that people are in general agreement—[**Interruption**] No, I am talking about the comments that—Madam Speaker, I keep hearing this rumble. I am talking to you, Madam Speaker. I am speaking about the comments that have been circulated to members of the Committee that form part of this Joint Select committee, now interim report.

In none of the comments coming back, Madam Speaker, so far, in none of the presentations made to the Committee, the oral evidence, the examination of the Board of Inland Revenue, the Bankers Association, the Securities and Exchange Commission, the Credit Union Co-operative League, et cetera, et cetera, none of these important stakeholders have asked for amendments to the Bill that would destroy the purpose and intent of the Bill. Some of them have asked for amendments to tighten it and we have incorporated that into the Joint Select Committee Report. But we have not received a single recommendation from anyone recommending any amendment to the Bill that the Committee has not
addressed, but we will deal with this matter at the final meeting of the Committee.

**Dr. Gopeesingh:** But it is functus.

**Hon. C. Imbert:** So—Madam Speaker, I just cannot believe what I am hearing.

**Dr. Rowley:** Just ignore him man.

**Hon. C. Imbert:** I mean, come on. These are people who have higher degrees and educated and saying the Committee is functus. We have an interim report, the Committee is alive obviously, and if it is being recommitted, sent back to the Committee, clearly the Committee is still functioning, it cannot be functus. [Interruption] A little learning is a terrible thing. It is a terrible thing. [Continuous interruption]

**Madam Speaker:** Order. Order.

**Hon. C. Imbert:** Madam Speaker, a lot of things have been said today which are simply not true, simply not true and I will close by reading the verbatim report into the record. And I want to deal specifically with the request for public comment which came from Sen. Ramdeen. When Sen. Ramdeen suggested that we advertise for public comment, one of the Independent Senators, Sen. Roach, made the point that this has been going on for a very long time in Parliament. Members of the public have been following this.

**Hon. Member:** “Dais yuh partner.”

**Hon. C. Imbert:** You see, Madam Speaker, “dais we partner”. And I would like to say that the two Independents on the Committee have signed the report and are fully in support of the recommendations. Two Independent Senators, both of them have indicated no reservations with the amended Bill that is the subject of the report. So Sen. Roach said:

“Members of the public would have been following this. Up to this morning,
I am watching the head of the banking association, a guy came before us speaking that they had an international person from Deloitte Touche dealing with it as well...People have been calling in on shows...and commenting continuously along this line.

You appoint a government, and the Government that exists here is everybody in the Parliament, the Opposition, the Government and the Independents as well, the Executive...they are”—all—“representing constituencies...When you debate a Bill in Parliament you expect that you are representing constituencies, and by having Independent Senators in the Upper House, you want to believe that they are bringing a nonpartisan approach to this whole thing...

So to delay this again on going out to the public is to say that somebody “may this” and “may that”, to me, it is just taking this to an extent down to the wire. I do not see the need for it.”

So when Sen Roach made that intervention, [Interruption] I, then, sought to clarify the issue. I said:

“Sen. Ramdeen made the recommendation and I modified his recommendation to say, let us go ahead...Let us lay this report. This thing will not be debated on Friday...”

I was talking about in the past.

“...maybe a week from now or two weeks from now...”

—which is now.

“...and during that period any information that comes in, people who are going to be debating it can address it...I do not wish to miss my deadline of the 3rd of February, because if I do, we lose credibility as a country.
Sen. Ramdeen:

I never intended for that.”

Never intended for us to miss the deadline. [Interruption]

Madam Speaker, as we go along, we see the Committee agreed that we lay the report and when we are debating it, we will deal with issues that might have come in from the public. This is what the verbatim notes tell us. This is what the verbatim notes tell us. [Interruption] Let me refer to myself:

“So the objective is that we have reached agreement. I want to say that one more time. I intend to or wish to lay a report indicating that the Committee has reached agreement. Everybody okay with that? Thank you very much.”

This is the verbatim.

Mrs. Persad-Bissessar SC: Nobody answered.

Hon. C. Imbert: Nobody said no.

Mrs. Persad-Bissessar SC: Nobody answered.

Hon. C. Imbert: Nobody said no, Madam Speaker.

Mrs. Persad-Bissessar SC: Who can say no to you—

Hon. C. Imbert: Sure yes, you were there.

So, Madam Speaker, I want to debunk what has been said in this Parliament tonight. [Desk thumping] It was clear to all members of the Committee and no one objected in our final meeting that we would lay the report and then there would be a two-week period, more or less, to allow persons opposite to receive comments from interested parties and to raise matters in the debate. Not one of them tonight, not one has come and given us any indication of any proposed amendment from any member of the public. [Interruption]

Madam Speaker: Please, continue.
Hon. C. Imbert: This is the whole point. When we state the facts on this side, they just want to interrupt and cause confusion. [Desk thumping] They have not, tonight, proposed a single amendment that has come from any commentator that has given them an amendment. The only person who proposed an amendment tonight was the Member for Caroni Central and that arose from our deliberations in the Committee. But from the time, on the 1st of February that we completed the final meeting, from then to now, not a single Member of the Opposition who has spoken tonight has produced one single proposed amendment that comes from the alleged members of the public that deals with the 31 clauses in the Bill, and this has been the pattern since September, since September. Madam Speaker, since September, five to six months ago, not a single amendment, bar the two amendments proposed by the Member for Caroni Central, two amendments. [Interruption]

The Member for Caroni Central proposed an increase in penalties to which the Committee agreed and he has tonight reminded us that we agreed to put amendments to the Schedules to negative resolution. All the other amendments have come out of our interpretation of their newspaper advertisement, and our attempt of trying to understand what they are trying to say but they have never submitted to us, never, a list of written amendments to this tax information exchange Bill, 2016. Not once have they submitted a list of amendments.

And tonight for yet another time, the only person who proposed an amendment is the Member for Caroni Central and not one of them who are asking for public comment after five months has been able to produce a single amendment to this tax Bill. So confirming the statement made by the hon. Prime Minister, the Member for Diego Martin West, we will be reconvening the Committee at their
request. We will treat this report as interim and we return to the Parliament on the 23rd of February to finish this matter. I beg to move. [Desk thumping]

Question, on amendment, [Dr. K. Rowley] put.

Mrs. Persad-Bissessar SC: Division.

The House voted: Ayes 39

Robinson-Regis, Hon. C.
Rowley, Hon. Dr. K.
Al-Rawi, Hon. F.
Imbert, Hon. C.
Young, Hon. S.
Deyalsingh, Hon. T.
Hinds, Hon. F.
Mitchell, Hon. R.
Cudjoe, Hon. C.
Garcia, Hon. A.
Crichlow-Cockburn, Hon. C.
Forde, E.
Dillon, Hon. Maj. Gen. E.
Webster-Roy, Hon. A.
Gadsby-Dolly, Hon. Dr. N.
Cuffie, Hon. M.
Smith, Hon. D.
Francis, Hon. Dr. L.
Jennings-Smith, Mrs. G.
Antoine, Hon. Brig. Gen. A.
Olivierre, Miss N.
Mc Donald, Miss M.
Lee, D.
Persad-Bissessar SC, Mrs. K.
Charles, R.
Rambachan, Dr. S.
Karim, F.
Tewarie, Dr. B.
Moonilal, Dr. R.
Newallo-Hosein, Mrs. C.
Gopeesingh, Dr. T.
Gayadeen-Gopeesingh, Mrs. V.
Indarsingh, R.
Ramadhar, P.
Singh, G.
Padarath, B.
Bodoe, Dr. L.
Paray, R.
Ramdial, Miss R.

Amendment agreed to.

Madam Speaker: I will now put the question on amendment proposed by the Member for Tabaquite and seconded by the Member for Chaguanas West.

Question, on amendment, [Dr. S. Rambachan] put.

Mrs. Persad-Bissessar SC: Division.

The House voted: Ayes 39
Robinson-Regis, Hon. C.
Rowley, Hon. Dr. K.
Al-Rawi, Hon. F.
Imbert, Hon. C.
Young, Hon. S.
Deyalsingh, Hon. T.
Hinds, Hon. F.
Mitchell, Hon. R.
Cudjoe, Hon. C.
Garcia, Hon. A.
Crichlow-Cockburn, Hon. C.
Forde, E.
Dillon, Hon. Maj. Gen. E.
Webster-Roy, Hon. A.
Gadsby-Dolly, Hon. Dr. N.
Cuffie, Hon. M.
Smith, Hon. D.
Francis, Hon. Dr. L.
Jennings-Smith, Mrs. G.
Antoine, Hon. Brig. Gen. A.
Olivierre, Miss N.
Mc Donald, Miss M.
Lee, D.
Persad-Bissessar SC, Mrs. K.
Charles, R.
Rambachan, Dr. S.
Amendment agreed to.

Madam Speaker: Hon. Members, is it that leave is granted of the House to withdraw the Motion for the amendment as proposed for the Member of Port of Spain North/St. Ann’s West and seconded by the Member for St. Joseph? [Interruption] Okay, I take it that it is yes.

Amendment [Mr. S. Young] withdrawn.

Madam Speaker: And then I will now put the question on the original Motion, as amended.

Question, on amended Motion, put and agreed to.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to Thursday, the 23rd day of February at 2.30 p.m., at which time we will
debate the report of the Joint Select Committee and conclude this matter. Thank you very much, Madam Speaker.

Mr. Lee: Madam Speaker, can I ask under Standing Order 33(5), if we will be having 33(5) on the 24th of February?

Madam Speaker: Member for Pointe-à-Pierre, the question is with respect to the adjournment. I believe on the 23rd, the Leader of the House will indicate that.

Mrs. Persad-Bissessar SC: Madam Speaker, can I speak of this Motion for the adjournment of the House? May I speak on this?

Madam Speaker: You may.

Mrs. Persad-Bissessar SC: Thank you very much. The hon. Leader of the House has indicated that we will sit at 2.30 p.m. on the 23rd. We sat commencing 2.30 p.m. today and I think sometime, a week or so ago. Our Standing Orders make it clear that the House will sit at 1.30 p.m. Now, there may be extraordinary circumstances on certain days but this is becoming a regular feature, three in a row. And what happens, when we start at 2.30 p.m., then the entire thing gets shoved further down. So is it that we, by agreement, doing this 2.30 p.m. or are we in effect amending the Standing Orders without amending them? The 1.30 p.m. rule contained in the Standing Orders.

Hon. C. Robinson-Regis: Madam Speaker, as we rightly know, the House can regulate its own business. As you also know, this sitting at 2.30 p.m. was the first time that we have sat beginning at 2.30 p.m. On previous occasions for the finance committee as it relates to the budget, we have sat at various times and, Madam Speaker, as you well know and I am sure those on the other side are well aware, Thursdays is Cabinet and as a consequence of that, we are proposing the Motion that we sit beginning at 2.30 p.m.

And, Madam Speaker, where the Member for Siparia is saying today is
Monday, it was by agreement on the last time—[Interruption] Madam Speaker, if I may be allowed to continue. It was by agreement on the last occasion that we meet today at 2.30 p.m., by agreement. On this occasion, I have put the Motion for the adjournment asking for it to be 2.30 p.m. and the explanation is that we have Cabinet on Thursdays which the Member for Siparia is well aware.

But, Madam Speaker, if there is not agreement, may I suggest that we put it to the vote. Thank you very much.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 11.01 p.m.*