

HOUSE OF REPRESENTATIVES*Friday, March 29, 2019*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, I have received communication from the following: Mr. Ancil Antoine, MP, Member for D'Abadie/O'Meara who has requested leave of absence for the period March 24 to 31, 2019; the hon. Maj. Gen. (Ret.) Edmund Dillon, MP, Member for Point Fortin who has requested leave of absence for the period March 28, 2019 to April 01, 2019; Dr. Fuad Khan, MP, Member for Barataria/San Juan and Mr. Rushton Paray, MP, Member for Mayaro who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

CONDOLENCES**(MR. ANDREW CASIMIRE)**

Madam Speaker: Hon. Members, I now wish to invite tributes on the passing of Mr. Andrew Casimire, former Member of Parliament who passed away on Thursday, March 21, 2019.

Mr. Casimire served as the Member of Parliament for Toco/Manzanilla in the Second Republican Parliament during the years 1992—1995. I now invite hon. Members to pay their respective tributes to Mr. Casimire. Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. [*Desk thumping*] Madam Speaker, it is with deep sadness that I do this tribute to Andrew Casimire who worked very closely with us during the period 1991—1995, as the Member of Parliament for Toco/Manzanilla.

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Madam Speaker, Andrew Casimire was well loved by all of us in the People's National Movement, and served as a very effective Member of Parliament for Toco/Manzanilla as the constituency then was, and also as an effective Member of the Government of Trinidad and Tobago.

Madam Speaker, Andrew Casimire distinguished himself as an academic in secondary school, and it is significant that he had to walk miles along the Guaico/Tamana Road to go to school and was always at school, never missing a day. In fact, when he left school he got his first job in the government service and got a quick promotion in the service with the caveat that he had to move to Tobago. And, Madam Speaker, he accepted this and moved to Tobago and that was fortuitous for him because there he met Thora Henry and got married in 1965.

And it was even more fortuitous, Madam Speaker, because he also there met the current Member of Parliament for Diego Martin West, and at that time he served as his captain in cricket. And, you know, Madam Speaker, the Member for Diego Martin West fancies himself as a very good cricketer still, and I suspect it is because he had a very effective captain in Andrew Casimire. [*Desk thumping*]

Madam Speaker, the union between Andrew Casimire and Thora Henry bore three offspring, Theresa, Russell and Neal. And all through his time in Tobago and for many years, Andrew Casimire continued to be an avid sportsman, and eventually represented Tobago in several cricket tournaments.

He studied law in Barbados, Jamaica and Trinidad and Tobago. He was also a very excellent lawn tennis player, and he not only studied law, but he did economics at the London School of Economics where he gained his certificate in Economics.

Before his foray into politics, his last job was as Legal Counsel at the Central Bank of Trinidad and Tobago. And, Madam Speaker, he was effective

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there, but he was even more effective as the Member of Parliament for Toco/Manzanilla between the period 1991—1995, where he served his constituency fearlessly and effectively and continuously risked the long commute between Toco and Manzanilla to make sure that all his constituents saw him on a regular basis and benefited from whatever the Government had to offer. After politics, he returned to private practice in Sangre Grande and continued to serve the people of the Toco/Manzanilla area.

Madam Speaker, we know that Andrew Casimire had a life that anyone would want to emulate, because from his youth where he was a “mama’s boy” as he was called “po-po” because he was so special to this mother, and all throughout his life as a father, as a husband, as a Member of Parliament, he excelled in every single sphere of life. And, Madam Speaker, he was a very valued member of the People’s National Movement.

We are very saddened by his passing. We thank his family for allowing him to serve the people of Toco/Manzanilla, for allowing him to serve the People’s National Movement, and for allowing him to serve the people of Trinidad and Tobago. And we on this side express deep sympathy at the loss of Andrew Casimire, a former member of the PNM and a former member of the Toco/Manzanilla constituency. [*Desk thumping*] Thank you very much, Madam Speaker.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. Madam Speaker, it is with great sadness that I bring condolences on behalf of the Opposition to Mr. Andrew Casimire’s wife and three children.

Madam Speaker, from a personal point of view I knew Mr. Andrew Casimire prior to politics. I worked with Mr. Andrew Casimire at Central Bank;

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actually, I would consider him my boss at a point in time in Central Bank. We worked together in the bank inspection department, especially through a tumultuous time in the financial sector in Trinidad and Tobago when they had five NFIs, as I call them, that were closed down.

Mr. Casimire, he was senior member of the bank inspection team, and as I said, he was my boss and I learnt dearly from him. He was also, as the Leader of Government Business had mentioned, he was an avid lawn tennis player. Actually, I played tennis with Mr. Andrew Casimire at the colonial tennis courts that are now no longer there, but it is where NAPA is situated.

I have been to his home, long before politics, Madam Speaker, and he is really a friend and I would consider him a friend, and it is with great respect and sadness that we on this side bring our condolences on behalf of the Opposition to his family. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Hon. Members, I too wish to pay tribute to Mr. Andrew Casimire. He served as Parliamentary Secretary in both the Ministry of Agriculture, Land and Marine Affairs and the Ministry of Legal Affairs during the period January 13, 1992, to October 06, 1995. We will forever be grateful for Mr. Casimire's contribution in this House.

During his tenure, Mr. Casimire served on the Committee of Privileges and on two special select committees. He also attended several conferences including meetings of the Council of Legal Education and the Sixth Meeting of the Standing Committee of Ministers.

Mr. Casimire's life was undoubtedly one of service; service to his family, service to his friends, service to his constituents and to people of all walks of life. By all accounts he enjoyed life and lived it to its fullest. He enjoyed sports, politics and our Trinidad and Tobago culture. His legacy shall certainly live on.

I take this opportunity to express my deepest condolences to the Casimire family during the time of mourning, and I pray that Almighty God grants them the comfort and strength needed in this time of bereavement. I now ask that we now stand and observe a moment of silence as a mark of respect.

The House of Representatives stood.

Madam Speaker: You could kindly sit. May his soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Mr. Andrew Casimire.

PAPERS LAID

1. 2019 Report of the Elections and Boundaries Commission on the Review of Constituency Boundaries pursuant to Section 72 of the Constitution of the Republic of Trinidad and Tobago dated March 14, 2019. [*The Deputy Speaker (Mr. Esmond Forde)*]
2. Annual Report of the Police Service Commission for the period January 1, 2017 to December 31, 2017. [*Mr. E. Forde*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Carnival Commission of Trinidad and Tobago for the year ended September 30, 2005. [*The Minister Finance (Hon. Colm Imbert)*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Carnival Commission of Trinidad and Tobago for the year ended September 30, 2006. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Carnival Commission of Trinidad and Tobago for the year ended September 30, 2007. [*Hon. C. Imbert*]

6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2013. [*Hon. C. Imbert*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2008. [*Hon. C. Imbert*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2009. [*Hon. C. Imbert*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2010. [*Hon. C. Imbert*]
Papers 3 to 9 to be referred to the Public Accounts Committee.
10. Consolidated Audited Financial Statements of First Citizens Bank Limited and its Subsidiaries for the financial year ended September 30, 2018. [*Hon. C. Imbert*]
To be referred to the Public Accounts (Enterprises) Committee.
11. Response of the Auditor General's Department to the Twentieth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*The Minister Planning and Development (Hon. Camille Robinson-Regis)*]
12. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Third Report of the Joint Select Committee on Foreign Affairs on the Circumstances surrounding Trinidad and Tobago's vote at the Permanent Council, Organisation of American States (OAS) on the Request by the

Government of the Commonwealth of Dominica for a waiver of its contribution to the annual budget of the OAS on March 23, 2018. [*Hon. C. Robinson-Regis*]

13. Ministerial Response of the Ministry of Public Administration to the Sixteenth Report of the Public Administration and Appropriations Committee on an Examination into the implementation of the Public Sector Investment Programme. [*Hon. C. Robinson-Regis*]
14. Ministerial Response of the Ministry of Education to the Seventh Report of the Joint Select Committee on State Enterprises on an Enquiry into the Efficiency and Effectiveness on the Education Facilities Company Limited in managing the construction and repair of Government and Government Assisted Schools. [*Hon. C. Robinson-Regis*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

National Statistical Institute of Trinidad and Tobago Bill

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018 in the Fourth Session of the Eleventh Parliament.

Mutual Administrative Assistance in Tax Matters Bill and

Tax Information Exchange Agreements Bill The Minister of Finance (Hon.

Colm Imbert): Madam Speaker, I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the Mutual Administrative Assistance in Tax Matters Bill, 2018

and the Tax Information Exchange Agreements Bill, 2018 in the Fourth Session of the Eleventh Parliament.

URGENT QUESTIONS

Firefighting Equipment for Mountainous Regions (Availability of)

Mr. Prakash Ramadhar (*St. Augustine*): To the Minister of National Security: In light of fires which have been raging for days in the Northern Range, could the Minister indicate the status of firefighting equipment for mountainous regions?

Madam Speaker: Minister of National Security.

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker, and to my friend from St. Augustine who actually reached out to me this week to have a discussion about these fires on the Northern Range. Madam Speaker, with reference to the forest fires along the Northern Range ridge and underneath, firefighting appliances have been responding from the following fire stations: Four Roads, Morvant, San Juan, Tunapuna, Arima, Sangre Grande and their headquarters on Wrightson Road. Firefighting support has also been provided by trained personnel from the Forestry Division. Thank you very much, Madam Speaker.

Madam Speaker: Supplemental, Member for St. Augustine.

Mr. Ramadhar: Thank you. Hon. Minister, could you tell us the status, in terms of the provision of the helicopter and Bambi buckets that we have grown accustomed to?

Madam Speaker: Minister of National Security.

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, before I respond to the supplemental directly, I should also thank the fire guardians who have also been playing a proactive measure. [*Desk thumping*]

Madam Speaker, as is known, in June of 2017, a decision was taken by the Cabinet to ground the air guard's rotary air assets, the helicopters, which are the ones that provided the Bambi bucket service. At this time we are looking at coming with an alternative, there is currently unfortunately, not any Bambi bucket service in operation, but we have been managing through the use of the fire services. Just this week I have been speaking to the National Helicopter Services, as well as the Air Guard as to what we can do in the shortest possible time. Thank you.

**Crime-fighting Policies and Programmes
(Re: Disbursement of Releases)**

Dr. Roodal Moonilal (*Oropouche East*): Question No. 2 to the Minister of Finance: Could the Minister indicate the reasons for the lack of timely disbursement of releases to the Trinidad and Tobago Police Service to ensure implementation of critical crime-fighting policies and programmes?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. To date, the Ministry of Finance has released approximately \$1 billion to the Trinidad and Tobago Police Service. With specific reference to Goods and Services, the Ministry of Finance has released \$99.9 million; for Current Transfers and Subsidies, \$5.6 million; for Minor Equipment Purchases, \$3.2 million; for a grand total of approximately \$1 billion, and this does not include money advanced to the Trinidad and Tobago Police Service under the Infrastructure Development Fund for its projects.

Madam Speaker, I just want to say at the outset, that we in the Ministry of Finance will always do whatever is required to assist the Trinidad and Tobago Police Service to get its releases for its projects. We consider this to be one of our most urgent priorities, and we work together with the police service to provide them with the funds that they require. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much. Madam Speaker, to Minister: Is the Minister aware that significant parts of the moneys provided have gone to pay bills for the period to 2017 to August 2018, and at this time the Trinidad and Tobago Police Service cannot pay TSTT bills, cannot pay landlords where police stations are located, and some of the project money has also gone for recurrent expenditure, and some of the projects that are critically needed at this time can be impaired.

Madam Speaker: Minister of Finance.

Hon. C. Imbert: No, Madam Speaker. That has all the hallmarks of fake news.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Therefore, Mr. Minister of Minister of Finance, are you concluding that the officer, the accounting officer at the Trinidad and Tobago Police Service is misleading the country?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: I am concluding no such thing. And I want to reiterate that the Ministry of Finance works hand in hand with the Trinidad and Tobago Police Service, and we move with dispatch to assist them, and we will continue to do so. They are one of our most urgent priorities in terms of disbursements. Where there are issues with respect to paperwork we assist them in completing the paperwork and make sure that all of the supporting documentation is in order. I want to repeat, that the Ministry of Finance considers the police service one of its most urgent priorities in terms of the release of funds.

**Cancellation of Sailing of the *Cabo Star*
(Accommodation of Passengers)**

Mr. David Lee (*Pointe-a -Pierre*): On behalf of the Member for Oropouche West, question No. 3. to the Minister of Works and Transport: With regard to the cancellation of two scheduled *Cabo Star* sailings on Thursday, March 28, 2019 and

Friday, March 29, 2019, could the Minister indicate what urgent measures have been taken to accommodate passengers affected by this change?

Madam Speaker: Minister of Works and Transport.

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. The Trinidad and Tobago Inter-Island Transportation Company Limited issued a public service announcement this week regarding the sailing of the *Cabo Star* which notified the public that sailings were cancelled on Thursday the 28th, the 11.00 p.m., and on Friday, the 2.00 p.m. service.

This was as a result of a request by Precinco, the company that handles the cruise ship vessels, of the request by a cruise ship that was en route to Venezuela that wanted to dock at Port of Spain. Consultations were had with the stakeholders in Tobago, the Truckers Association and the Chamber who agreed, because of the low ridership on both days, they had no problem with the facilitating of the cruise vessel.

The ridership of vehicles, sorry, on that vessel was just 33 on one day and 31 on another day, and those vehicles would be facilitated once the vessel is back en route. The cruise ship is just here for one day, it came in at 7.15 this morning and will be leaving this evening. However, just to remind the hon. Member that the *Cabo Star* does not carry passengers.

Hon. Member: It is a cargo vessel.

Sen. The Hon. R. Sinanan: Yeah. It is a cargo vessel. Thank you. It does have a capacity of, I think, 100 truckers who are allowed to go on the vessel at this time. Thank you.

**Public Transport Service Corporation
(Cancellation of Services)**

Dr. Roodal Moonilal (Oropouche East): Thank you, Madam Speaker. To the Minister of Works and Transport: Could the Minister indicate why the Public

Transport Service Corporation has cancelled all services for tomorrow, a public holiday?

Madam Speaker: The Minister of Works and Transport.

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, again, Madam President.

Hon. Member: Madam Speaker.

Sen. The Hon. R. Sinanan: Madam Speaker, sorry, I am just accustomed. Thank you, Madam Speaker. In keeping with our public holiday schedule, no regular service will be provided on March 30, 2019. By way of public notice, the PTSC had advised the public in the daily newspaper March 28th and 29th, that no service would be provided on public holiday March, 30, 2019. This decision, Madam Speaker, is prompted by the fact that on a daily basis the ridership of the travelling public which is approximately 28,000, is significantly reduced to less than 1,000 persons in some instances, and on some routes even no passengers.

The PTSC has however, scheduled special service for the Shouter Baptist community to ensure attendance at their services and activities on March 30, 2019. It is noteworthy, Madam Speaker, that this practice has been in place in recent times and is being monitored for review if necessary. I thank you.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Minister. Minister, given that you are saying this has been in practice before, could you indicate whether or not this is now a full policy of the PTSC and the Government, that on public holidays in the future, the service will also be suspended, and to facilitate the specific needs of the holiday in the future?

Madam Speaker: Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Madam Speaker, I did indicate that this policy is

being reviewed. There are some instances that service was provided like on the occasion of Independence Day where a lot of people would have used the service to get in and out of Port of Spain; so it is being monitored. And on Divali day we had this precedent set, so we are looking at it and it will be tweaked and changes will be made if required. Thank you.

**Procurement Process of Medical Supplies
(Details of)**

Mr. David Lee (*Pointe-a -Pierre*): Thank you, Madam Speaker. Again, on behalf of the Member for Oropouche West, to the Minister of Health: In light of a recent report indicating that there are anomalies in the procurement process of medical supplies at the Mount Hope Hospital, could the Minister indicate whether any investigation has been launched into this matter?

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, the issue of ad hoc purchases by RHAs is a vexing one. To that end, the Minister of Health advised the Permanent Secretary at the start of this year, one of my first acts in 2019, was to launch an internal audit into all RHAs.

I have in my possession a report which has come to me after three months of work entitled, “Preliminary audit of the pharmaceutical and non-pharmaceutical purchases of the North Central Regional Health Authority”. All RHAs are being internally audited. This is a 300-page document, I cannot display it, the results of three months’ work.

The executive summary makes the following recommendations under eight headings:

1. Documentation to support purchasing packages;
2. Purchasing requisitions;

3. Approved list of suppliers;
4. How we go about quotations;
5. How we issue purchase orders;
6. Purchasing packages for pharmaceutical and non-pharmaceutical supplies in relation to stock that is required from NIPDEC central stores;
7. Purchasing packages for non-stock items; and
8. Signing authority.

We undertook this process at the start of the year. This was my first act for 2019, to have an internal audit of the practices of ad hoc purchases across all RHAs for both pharmaceutical and non-pharmaceutical, and its value for money and the taxpayer will get value for money out of our decision to launch internal reports. Thank you very much. [*Desk thumping*]

2.00 p.m.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Minister, would you be willing to make that report public?

Hon. T Deyalsingh: I would be advised by my legal department if it is fit and proper to do so. Thank you very much.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you for your response, Minister. Minister, could you indicate how soon you expect some of these recommendations to be implemented across the RHAs?

Hon. T Deyalsingh: So as I indicated, this report only came to the Ministry two days ago. The Permanent Secretary will digest it, report to me, and any and all action that needs to be taken will be taken so we could solve this issue of the ad

hoc purchases by RHAs for both pharmaceuticals and non-pharmaceuticals, once and for all. Thank you very much, Madam Speaker. [*Desk thumping*]

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. Madam Speaker, there are 16 questions for Oral Answer. We will be answering 15 and asking for a deferral of two weeks for question 133, and there is one question that is being answered in writing, and we are ready with that also.

Madam Speaker: So question 133 is deferred for two weeks. Member for Oropouche West.

WRITTEN ANSWER TO QUESTION

Gomez Trace Housing Development (Distribution of)

164. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Housing and Urban Development:

With regard to the distribution of Housing Development Corporation houses in the Gomez Trace Housing Development, Moruga on February 18, 2019, could the Minister provide a list that includes a breakdown of:

- a) the list of recipients;
- b) the residential district on the application of each recipient;
- c) the application date for each recipient; and
- d) the criteria used to select each recipient?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Dr. Fuad Khan (Barataria/San Juan):

**Cruise Ship Arrivals
(Scheduling of)**

- 133.** Could the hon. Minister of Tourism indicate why cruise ship arrivals are not timed to coincide with Carnival activities (inclusive of Carnival shows and Carnival promotions)?

Question, by leave, deferred.

**Children with Physical and Mental Disabilities
(Abandonment by Parents)**

- 94. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Health:
- Could the Minister indicate the number of children with physical and mental disabilities abandoned by their parents at public hospitals from September 2015 to present?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you again, Madam Speaker. The answer is as follows: the number of children with physical and mental disabilities abandoned by their parents at public hospitals from September 2015 to the present is 26, 2-6. Thank you very much.

**Criminal Justice System
(Measures to Address Backlog of Cases)**

- 95. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Attorney General:
- Given recent comments that the use of judge-alone trials will not address the backlog of cases in the criminal justice system, could the Attorney General state the additional measures to be implemented to address the backlog of matters?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. The question is really difficult to decipher, because it asks one to give a response to

something which is without reference to who has said what in what context. I will try to do my best to make sense of the question. Madam Speaker, the issue of the backlog within the criminal justice system is one that has plagued the citizens of Trinidad and Tobago for decades. The present Government has, of course, approached this issue of criminal justice system reform with alacrity, dedication and innovation. Simultaneously implementing both legislative and practical measures aimed at reducing the backlog of cases in the criminal justice system. Apart from the speed of judge alone trials, which have been facilitated through legislation introduced and enacted by this Government, notwithstanding the opposition of those opposite, the reduction in the backlog of matters under this Government has been facilitated by the plethora of important legislation brought to this honourable Parliament in this Eleventh Republican Parliament, and has been the subject of data-driven debates, statements and contributions which have been made both in and outside of Parliament. These measures include:

- Backlog identification at all levels of the court and prosecutorial division;
- The creation of divisions of court;
- The decriminalization of hundreds of thousands of road traffic offences which clog our system;
- The abolition of preliminary enquiries;
- The introduction of robust plea bargaining arrangements and maximum sentence indication;
- The easing of access to bail;
- The 77 per cent increase in judicial capacity and the expansion of the Judiciary in itself;
- The creation of a public defenders system, again, a first for Trinidad

and Tobago;

- The amelioration of the prosecutorial system in the divisions at the TTPS and the DPP's department;
- The introduction of Criminal Procedure Rules in a computerized case management system structure.

Again, all of these are hallmarks of improvement and have never seen the face of Trinidad and Tobago's management. Thank you, Madam Speaker. [*Desk thumping*]

**T&T Coast Guard
(Resources Re: Piracy in Territorial Waters)**

111. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security: Could the Minister state whether the Trinidad and Tobago Coast Guard has sufficient resources to treat with increased incidents of piracy in our territorial waters?

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, it is not factually accurate to state that there is an increase in incidents of piracy in our territorial waters. This is simply not true. From time to time there may have been isolated incidents of our nationals being subject to what may be described as acts of piracy in our territorial waters. Some of the recent incidents of Trinidadian nationals being held for ransom are subject to investigations by law enforcement and may have occurred in somewhat suspicious circumstances, having at their core illegal and criminal-type activity. The Trinidad and Tobago Coast Guard would have been better served and in possession of more assets if they had two offshore patrol vessels that were cancelled by the UNC administration between 2010 and 2015. These OPVs are now the prized assets of

the Brazilian Navy.

Additionally, Madam Speaker, the maintenance of the six Austal fast patrol vessels was not given any priority during the same 2010—2015 period, and sadly, the Trinidad and Tobago Coast Guard interceptors were also allowed to deteriorate during this period. This Government, Madam Speaker, has ordered two Cape-class vessels from Austal that would help the coast guard tremendously. We have also been working on getting 14 interceptors back in the water, to increase patrols and interception on the high seas. The 360 degree coastal radar system is also being upgraded, and the current vessels available to the coast guard are being utilized based on intelligence and a proper analysis to patrol our territorial waters.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you. Minister, could you state presently how many coast guard vessels are operational to patrol the territorial waters of Trinidad and Tobago?

Hon. S. Young: Madam Speaker, there are four of the Damen vessels, there is the vessel that was purchased in China on a “I want one ah those” basis, and there are also three or four interceptors currently on patrol, and two more going to be launched in Tobago next week.

Petrotrin Recreation Ground (Availability of)

123. Dr. Lackram Bodoë (Fyzabad) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state whether the Petrotrin Recreation Ground located at Apex Fyzabad is still available for public use?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, on behalf of the Minister of Energy and Energy Industries, the Petrotrin recreation ground located at Apex, Fyzabad is currently not available to the public. However, arrangements are being made to allow public access to

infrastructure, amenities and facilities previously owned and operated by Petrotrin that are not required for oil production. Details of these arrangements will be made public shortly.

Dr. Bodoë: Thank you, Minister. Minister, can you indicate whether this decision not to have the recreation ground available—

Hon. C. Robison-Regis: Sorry, sorry, I am not hearing you. Sorry.

Dr. Bodoë: Sorry. Minister, I said, can you indicate whether the arrangement, current arrangement, not to have the ground available will be reviewed in the future for the recreation ground?

Hon. C. Robison-Regis: That is what I just said. The information regarding how we will deal with it going forward will be made public shortly.

Dr. Bodoë: You said this ground?

Hon. C. Robison-Regis: Yes, it includes this ground.

**Augustus Long Hospital
(Value of Drugs and Medical Supplies)**

124. Dr. Lackram Bodoë (Fyzabad) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state the total value of the drugs and medical supplies that were stored at the Augustus Long Hospital as at December 1, 2018?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you, Madam Speaker. Madam Speaker, on behalf of the Minister of Energy and Energy Industries, the value of the drugs and medical supplies that were stored at the Augustus Long Hospital as at December 01, 2018, is estimated at TT \$1.4 million. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you Minister. Minister, can you indicate what has become of these drugs in view of the fact that some may have expiration dates?

Hon. C. Robison-Regis: Madam Speaker, at this time they are being secured, and if they expire during this time then they will be disposed of.

Dr. Bodoë: Thank you. Minister, was there any plan or is there any plan to allow the use of these valuable drugs to be used in other public facilities?

Hon. C. Robison-Regis: Madam Speaker, I am not seized of that information at this time.

**Augustus Long Hospital
(Treatment of Patients)**

125. Dr. Lackram Bodoë (*Fyzabad*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state whether any patients are currently being treated at the Augustus Long Hospital?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. On behalf of Minister Energy and Energy Industries, no patients are currently at the Augustus Long Hospital.

**H1N1 Vaccines
(Depletion of)**

132. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister state whether the supply of H1N1 vaccines is currently depleted in health facilities?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Contrary to the misinformation in the question, the supply of H1N1 vaccines is not, I repeat, not currently depleted in health facilities. As of March 14, 2019, all health facilities have vaccines in stock, and there are 13,791 of these doses in circulation at the various health facilities. Currently, at central stores there are 26,400 doses available for distribution. There is a daily status

update on the availability of vaccines at each health facility, and it is managed throughout Trinidad and Tobago using the network of the nine county medical offices of health. This allows for timely distribution and transfer of vaccines to public health institutions based on the population demand. The amount of vaccines available at each county is as follows and I will call them out. Doses available: St. George West, 403; St. George East, 1,942; St. George Central, 3,538; County Caroni, 1,863; County Victoria, 2,787; County St. Patrick, 883; Nariva-Mayaro, 520; St. Andrews-St. David, 985; Tobago, 870.

The doses administered by county so far are: St. George West, 6,996; St. George East, 12,007; St. George Central, 6,203; County Caroni, 11,776; County Victoria, 11,199; County St. Patrick, 12,471; Nariva-Mayaro, 4,049; St. Andrew-St. David, 4,462, and Tobago, 4,206. Thank you very much, Madam Speaker.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Madam Speaker. Minister, can you indicate whether the anti-vaccination lobby both locally and internationally, whether that is having an impact in terms of the uptake of vaccinations in Trinidad and Tobago?

Hon. T Deyalsingh: Thank you very much for that supplemental. Member, as you know, the anti-vaccine lobby worldwide is gaining momentum, and unfortunately Trinidad and Tobago has not be vaccinated against it. I would just quote from four headlines here. BBC News:

“Minister targets anti-vaccination websites.”

We have to take down websites, especially on YouTube and Facebook that promote anti-vaccinations.

“Facebook will crack down on anti-vaccine content.”—Social media.

“New York County declares measles outbreak emergency.”

Madam Speaker, what has happened in New York, they have now taken—a

county in New York—they have taken the unprecedented step of banning children under the age of 18 who have been not vaccinated with MMR from going to school and public places. That is how serious the issue of the anti-vaccine lobby has become. You are now banning children from schools and public places because they have not been vaccinated. Last headline:

“Measles cases in Europe tripled last year”—according to WHO.

And it is regrettable, and I continue to say it, it is regrettable that Trinidad and Tobago has fallen victim like the rest of the world to the anti-vaccine lobby which is putting millions of children's lives at risk. There is even a case now in the United States where an 18-year-old boy who was not vaccinated as a child is now taking legal action against his parents for not getting him vaccinated as a child. That is how bad it is. And I urge all citizens of Trinidad and Tobago to ignore, to ignore the anti-vaxxers that have a loud voice and have access to mainstream media in Trinidad and Tobago. Thank you very much, Madam Speaker. [*Desk thumping*]

Agricultural Financial Support Programme (Details of)

141. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Agriculture, Land and Fisheries:

With regard to the Agricultural Financial Support Programme referenced in the Budget Statement 2019, could the Minister provide:

- a) the number of agricultural producers who have received grants to date; and
- b) the name of the agricultural producer and the value of each grant in part (a)?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam Speaker, and I thank the Member

for Pointe-a-Pierre for the question. Madam Speaker, the Agricultural Finance Support Programme was launched in October 2018, and upon the launch sessions were held with potential applicants across the country to explain the objectives of the programme and application and evaluation processes. In order to manage the process, applicants were invited to apply in phases, so that the first phase of applications ended on November 30, 2018. Applicants who did not meet this deadline were invited to apply in the second phase from December 01, 2018 to February 14, 2019. Madam Speaker, after the first phase of the application process ended on October 30, 2018, applications were retrieved from the collection points around the country during the period December 05 to 12, 2018. Thereafter, the Agro Incentive Assessment Committee, established by the Ministry of Agriculture, Land and Fisheries comprising two members of the Ministry, one from ADB, one from NAMDEVCO, and one from the Ministry of Finance, started the evaluation of close to 400 applications. In this regard, the committee submitted interim and final reports, and the first cycle of the programme for approval. It is expected, Madam Speaker, that successful applicants will be notified shortly, and unsuccessful applicants will be advised of the next steps they can take. I thank you.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Am I to get from your answer that there are—no grants have been issued to date?

Sen. The Hon. C. Rambharat: Madam Speaker, it is expected that successful applicants will be notified shortly, and unsuccessful applicants will be advised of the next steps they can take.

**African Ground Community Centre
(Expected Resumption Date of Construction)**

142. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Community

Development, Culture and the Arts:

Could the Minister provide the expected date that construction will be resumed on the African Ground Community Centre in Enterprise?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. It is expected that barring unforeseen circumstances, construction at the community centre in Enterprise will commence no later than September 30, 2019, if not before.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Minister, could you indicate what is the required amount of money to complete the construction, please?

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. After negotiation with the contractors that were previously engaged, and consultants reports and so on, the approximate figure is just about \$6 million.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you, Madam Speaker. I should have asked this question before. And how much has been spent already?

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. I do not have the exact figure before me, but it should be approximately \$4 million.

Mr. Karim: Okay.

Dass Trace ECCE Centre (Status update)

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

Further to the response to House of Representatives Question No. 190 on April 9, 2018, could the Minister provide a status update on the ECCE Centre at Dass Trace?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, the construction of the Egypt/Oasis

Government ECC Centre is 100 per cent complete. Band works are 98 per cent complete. Arrangements are being made to settle outstanding payments to the consultants, and it is expected that this centre will be opened in 2019. Thank you.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Even though I had asked for question 143, I think the Minister went on to 144. That is okay. Minister, could you indicate whether currently there is security on that facility?

Hon. A. Garcia: Madam Speaker, the facility is deemed a construction site. It has been properly hoarded, and that we were told that there was no need to have active security there. Thank you.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Madam Speaker, is the Minister—Minister, are you aware that there has been a significant level of vandalism to this facility?

Hon. A. Garcia: Madam Speaker, yes, there has been some level of vandalism, which the contractor is looking at. Thank you.

Madam Speaker: I think we should now revert to 143. Member for Chaguanas East.

Oasis/Egypt Primary School (Status Update)

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

Further to the response to House of Representatives Question No. 191 on April 13, 2018, could the Minister provide a status update on the Oasis/Egypt Primary School?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, I answered 143 just now. [*Laughter*]

Mr. Karim: No, you answered—[*Crosstalk*]

Madam Speaker: Minister, if maybe I could help. Your answer was with respect

to the Egypt primary school. I believe that is what you read when you answered.

Hon. A. Garcia: Yes, there are two schools in Egypt, one is the ECC centre and one is the primary school. I answered the question on the ECC centre—

Mr. Karim: No, no, no.

Hon. A. Garcia: But I could, for your benefit, is it okay?

Mr. Karim: No.

Madam Speaker: So, question 144 then?

Hon. A. Garcia: Yes.

Madam Speaker: Minister of Education.

Hon. A. Garcia: Thank you very much, Madam Speaker. The construction of the Egypt/Oasis Government Primary School is approximately 99 per cent complete. The final statutory approvals from the Water and Sewerage Authority, the Ministry of Works and Transport, the regional corporation and the Electrical Inspectorate division are still outstanding. The contractor and the EFCL recently agreed to a payment schedule to settle outstanding payments, and it is anticipated that the school will be completed also in 2019. Thank you.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, can you be specific to give us an assurance that for the new academic year in 2019 there will be an intake to the school?

Hon. A. Garcia: Madam Speaker, while I have just stated that it is anticipated that the school will be completed in 2019, it is difficult for me at this time to give an assurance that in fact students will be accommodated in September 2019. Thank you.

**Rural Development Company of T&T
(List of Projects Approved)**

155. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Rural

Development and Local Government:

Could the Minister inform this House of the list of projects approved by the Rural Development Company of Trinidad and Tobago Limited for implementation in the district of Couva for fiscal year 2019?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly for this question. On behalf of the Minister of Rural Development and Local Government, the approved list of projects in Phase I for implementation by the Rural Development Company of Trinidad and Tobago includes projects from a range of municipalities across the length and breadth of Trinidad. Amongst these priority projects is one project in the Couva/Tabaquite/Talparo municipality for fiscal 2019, which involves the construction of a retaining wall at Indian Trail, Claxton Bay. There will be a Phase II listing of approved projects for implementation, which is yet to be finalized. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister advise what has become of the list of projects that I sent to the Minister on the 18th of September, 2018, based on his letter of request date the 7th of September, 2018?

Hon. C. Robison-Regis: Madam Speaker, all Members of Parliament got a similar letter from the Minister of Rural Development and Local Government. However, not all projects would have been able to be accommodated, and in addition to the list that was given by Members of Parliament, the municipalities were also included in the consultation for priority projects.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister are you aware, I know you are acting, but are you aware that the substantive Minister has not had the

courtesy up till today to acknowledge the letter that was forwarded to him?

Madam Speaker: I would not allow that as a supplemental question.

**Sonny Ladoo ECCE Centre
(Opening Date)**

156. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Education:

Further to the responses to House of Representatives Question No. 80 on March 24, 2017 and House of Representatives Question No. 127 on March 16, 2018, could the Minister provide a status update on the opening date of the Early Childhood Care and Education Centre at Sonny Ladoo Development?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, the construction of the Sonny Ladoo Trace Government ECCE Centre is 100 per cent completed, while external works are 98 per cent completed. Arrangements are being made to settle outstanding payments to the contractor, and it is also expected that the centre will be open in 2019. Thank you.

Madam Speaker: Member for Couva South, supplemental.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, are you aware that this said facility has suffered significant damage and destruction as a result of vandalism?

Hon. A. Garcia: Madam Speaker, I am not aware that this facility has suffered massive vandalism and destruction. What I am aware of is that there was some level of vandalism, but that will not deter us from ensuring that the school is made available to our students. Thank you.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, whilst I will take the Minister's answer with a

deep degree of salt—

Hon. A. Garcia: Plenty salt.

Mr. Indarsingh:—could the Minister inform us if his technocrats have advised us, how much it will cost to rehabilitate this said facility for a formal opening and intake of students?

Hon. A. Garcia: Madam Speaker, I am not aware of any plans for any formal opening. Certainly, I am not also aware that there is any plan for this massive and this great spectacle. What I am sure of is that the technical officers of the Ministry of Education, working with the contractors and with the consultant, will ensure that everything is put in place so that we will have a smooth opening. We are not going into this fanfare, this formal opening, we want to ensure that there is a smooth opening so that our students would be accommodated. Thank you very much.

**Esperanza and Beaucarro Recreation Grounds
(Illumination of)**

157. Mr. Rudranath Indarsingh (*Couva South*) ask the hon. Minister of Public Utilities:

Further to the response to House of Representatives Question No. 128 on March 16, 2018, could the Minister provide:

- a) a status update on the illumination of the Esperanza Recreation Grounds under the street lighting programme of the Trinidad and Tobago Electricity Commission; and
- b) whether the Ministry has re-considered its decision to not grant approval for the illumination of the Beaucarro Recreation Grounds?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, when this matter was first raised by the Member for Couva South, I indicated that the approval for illumination under the National Street Lighting Programme is based inter alia on the following considerations: ownership of the

grounds; proximity to other grounds, using a benchmark of five kilometres; public access to facilities; presence of infrastructure, pavilions, walking tracks, exercise equipment, et cetera; availability of funds. As part of the approval process T&TEC conducts a survey of the facility for which the application for lighting is being made, and prepares a design and estimate, which is submitted for the consideration of the Ministry of Public Utilities.

With respect to the Esperanza Recreation Ground, I had previously reported to Parliament that the ground had not yet been surveyed. T&TEC has since advised that completion of the design was delayed as a result of line clearance issues resulting from the location of the ground at the back of the Brechin Castle substation. The commission has since indicated that the design has been clarified and the estimate for the line work as well as the lighting are being finalized. Once the receipt of the estimate, the application will be evaluated by the Ministry of Public Utilities against the aforementioned criteria.

Madam Speaker, with respect to the Beaucarro Recreation Ground, as I had initially reported to Parliament, this ground is located in close proximity to two already illuminated grounds, the St. Mary's Recreation Ground, which is 1.16 kilometres away, and the lower Mc Bean Recreation Ground which is 3.045 kilometres away and, as such, was not approved for illumination. There has therefore been no review of this decision, especially given that the constituency of Couva South with 11 grounds illuminating, ranks sixth among the 41 constituencies in terms of grounds illuminated, surpassed only by Naparima, Siparia with 17, Naparima with 22, Oropouche East with 14, St. Augustine with 13, Caroni East with 13, Chaguanas West with 12, to name a few. [*Continuous crosstalk*]

2.30 p.m.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, is the Minister of Public Utilities telling—

Madam Speaker: A question, a question, please, not a comment, a question.

Mr. Indarsingh: Is the Minister of Public Utilities advising the Member of Parliament based on the request of the Beaucarro Village Council and taking into consideration that this ground hosts cricket and football tournaments under the respective Boards, the Trinidad and Tobago Cricket Board and the Football Association, it will not be lit based on a policy of discrimination on the part of the PNM? [*Desk thumping*]

Sen. The Hon. R. Le Hunte: Madam Speaker, I could say based on the criteria that has been laid out and I was clear, that the fact that we are talking about there are grounds in close proximity, one just 1.16 kilometers away in the St. Mary's ground and the fact that there are 11 other grounds in close proximity, there is no need to review the decision not to light that particular ground.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, could the Minister advise this House how many grounds have been lit in the 41 constituencies since September of 2015 and what has been the criteria that has been used by the Minister.

Madam Speaker: I would not allow that as a supplemental question.

New Women's Outpatient and Colposcopy Centre (Details of)

160. Mr. David Lee (*Point-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

With regard to the new Women's Outpatient and Colposcopy Centre at the Mt. Hope Women's Hospital, could the Minister indicate:

- a) its construction commencement date; and

b) the services available?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you again very much, Madam Speaker. [*Crosstalk*] Answer to part (a)—Member for Couva South, please. [*Crosstalk*] Member for Couva South, please.

Madam Speaker: Ministry of Health, Minister of Health. Member for Couva South, I have been trying not to hear you, because I figure you are passionate about your constituency—[*Crosstalk*] but, Member for Couva, I would expect if you intend to remain in here you would abide by the Standing Orders. Okay? Minister of Health.

Hon. T. Deyalsingh: Thank you very much again, Madam Speaker. The answer to part (a) is, the construction commencement date was June 22, 2014, and the answer to part (b), the list of services available at the Women's Outpatient and Colposcopy Centre include:

1. Outpatient secondary and tertiary level services for antenatal, postnatal, gynecology, gynae-oncology, pre-surgery, anesthetic screening and neonatal patients;
2. Cervical cancer screening and treatment services, including: pap smears and colposcopy services;
3. An additional high level ultrasound service dedicated for that building;
4. Lamaze room and training for expectant parents;
5. Family planning services;
6. Well women's health clinic;
7. Dietary care;
8. Pharmacy;
9. Medical social work services;

10. Training and staff development facilities including a multi-media room; and
11. A new doctor's lounge.

SUSPENSION OF STANDING ORDER 78

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker. Madam Speaker, in accordance with the notice given by the Leader of Government Business last week and in accordance with Standing Order 122(1), I beg to move that Standing Order 78 be suspended to permit the introduction of the Income Tax (Amdt.) Bill, 2019.

Question put and agreed to.

INCOME TAX (AMDT.) BILL, 2019

Bill to amend the Income Tax Act, Chap. 75:01 [*The Minister of Finance*]; read the first time.

JOINT SELECT COMMITTEE (Referral to)

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to move that in accordance with Standing Order 64(1)(c), the Income Tax (Amdt.) Bill, 2019, be referred to the Joint Select Committee established for the consideration and report on the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreement Bill, 2018.

Question put and agreed to.

JOINT SELECT COMMITTEES

National Statistical Institute of Trinidad and Tobago Bill, 2018 (Extension of Time)

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on

the National Statistical Institute of Trinidad and Tobago Bill, 2018, I beg to move that the committee be allowed an extension to complete its work and submit a final report by May 31, 2019.

Question put and agreed to.

**Mutual Administrative Assistance in Tax Matters Bill, 2018 and
Tax Information Exchange Agreement Bill, 2018
(Extension of Time)**

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you again, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee for the consideration and report on the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreement Bill, 2018, I beg to move that the committee be allowed an extension to complete its work and submit a final report by May 31, 2019.

Question put and agreed to.

NON-PROFIT ORGANISATIONS BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. [Desk thumping] Madam Speaker, I beg to move:

That a Bill to provide for the registration of non-profit organisations, the establishment and maintenance of a register of non-profit organisations, the obligations of non-profit organisations and for related matters, be now read a second time.

Madam Speaker, we come to this august Chamber to continue with the work in relation to meeting two particular objectives. On the one hand, we come squarely to advance law done by this Parliament under the good governance provisions of the Constitution of the Republic of Trinidad and Tobago, that is,

things which are good for the people of Trinidad and Tobago.

Secondly, we come to meet with international obligations which coincide with the Government's agenda in those two prongs attacking one sole purpose: The eradication of corruption, mismanagement and the pursuit against money laundering, terrorist financing, proliferation of weapons of mass destruction and proceeds coming from that. That is enveloped into a number inchoate matters, including gang activity, activities which see the proceeds of crime coming forward, the money and profit behind crime. And in meeting those two particular purposes, the legislation joins work which this Parliament has performed already.

We specifically have mandated ourselves by way of a commitment given in 2013, reinforced in 2014, and by way of an exercise conducted in the first week of January 2015, we have committed ourselves to complying with the Financial Action Task Force 40 recommendations and 11 immediate outcomes. That, of course, is in reference to the FATF, the Financial Action Task Force, methodology and commitment exercise in a process known as mutual evaluation reporting where the 190 countries which comprise the Financial Action Task Force and the various members which comprise the nine FSRBs or FATF-Style Regional Bodies, come together in exercise of analyzing each country by way of a mutual evaluation process.

Trinidad and Tobago underwent its Fourth Round Mutual Evaluation, rolled up from its Third Round Mutual Evaluation in January 2015, the result of that mutual evaluation exercise was published by the CFATF, the Caribbean Financial Action Task Force in June 2016. That publication resulted in our country being placed under two forms of supervision. Firstly, under the Caribbean Financial Action Task Force methodology, we were put into enhanced follow-up in the CFATF cycle, having a three-year period to work our way through the observe

deficiencies as they relate to legislative deficiency and operational or efficiency measures.

Secondly, and at the same time, we were put into the International Cooperation Review Group, which is the subset entity in the Financial Action Task Force, which monitors countries put into their pool and then distinguishes them depending upon the size of their economy. Trinidad and Tobago having an economic size above US \$5 billion per year has been singled out because of the size of its economy and therefore we find ourselves on compliance documentation or publications coming from these international bodies which single us out. Suffice it to say, the record of all countries coming out of the Caribbean Financial Action Task Fourth Round Mutual Evaluation Process is that they have all gone to the International Cooperation Review Group and also to the CFATF exercise.

Let us drill down now into the outcomes that are required from this exercise. They include a host of legislation which we have brought to this Parliament; a host of practical measures which we have addressed in and out of this Chamber and include, for instance, the improvements to the criminal justice system, the speeding up of money laundering and white collar crime offences, the manner in which prosecutorial reform is improved. We have also dealt with specific and targeted pieces of law, amendments to the anti-terrorism legislation, to the Financial Intelligence Unit Act, to the customs and excise control legislation, to the various inter-arching and inter-related pieces of law which treat with this whole issue.

We, last week, completed the Senate amendments to the Companies (Amdt.) Bill. That is intended to introduce the regime of disclosure of beneficial ownership; that is true ownership behind company's documents. Today we treat with the management of a very large sector referred to as the non-profit organization sector and very shortly, by next week, we will be dealing with a

powerful piece of law—I know the Member for St. Augustine has indicated his interest in this, that is, the civil asset forfeiture and explain your wealth legislation.

These three pieces of laws, companies, non-profit organization, civil asset forfeiture and explain-your-wealth legislation are the last pieces of the puzzle to be put into place as we approach a joint group face to face review of the assessors coming from the Financial Action Task Force which meeting is to be held in the period, 23rd of April to 25th of April, that is, the month of April 2019.

Let us get to this particular Bill. Attached to the legitimate aim and purpose I think it is necessary to dive into the facts as to what we are treating with in Trinidad and Tobago. We know that the concept of charities is something which we inherited as received law, as early as becoming a colony of the United Kingdom when we in fact moved from Spanish legislature governance under French Cedula Population moving into colonial aspects. We know that. We know that the law relative to charities is as ancient as in the year 1600 when we were dealing with the legislation that came forward in the British context to the management of charities then really dealt and driven to ecclesiastic purposes and the management of poverty, in fact, the support of soldiers, orphans, unmarried women of poor means, et cetera. There was a very interesting history behind that. But in our jurisdiction, Madam Speaker, we are treating with this concept of movement of charitable purpose into non-profit purpose.

Now, our laws recognize two types of non-profit organizations already in law and then one which stands outside of an informal structure. I am of course referring, Madam Speaker, to the fact that by way of Acts of Parliament non-profit organizations have been formed. I am of course referring to the fact that under Part V of the Companies Act, Chap. 81:01, of the Laws of the Republic of Trinidad and Tobago, non-profit organizations exist, that is, companies without share capital,

companies which are formed by way of guarantee. And then, Madam Speaker, we have a host of non-profit organizations, including, non-governmental organizations, including entities which exist for charitable purpose. We see it amongst our Islamic brothers, for instance, in entities that support the distribution of Zakat; we see it in the Christian realm; we see it in the Hindu realm; we in fact also see it in the political realm where we see friends of a particular constituency, et cetera.

Now, let us put this into the context of Trinidad and Tobago. If we were to look, Madam Speaker, at the Social Sector Investment Programme, 2019 for Trinidad and Tobago, the cumulative value of that Social Sector Investment Programme stands close \$8 billion odd. When we look to the disaggregation of that product, amongst the various ways that it is distributed, Ministry of Social Development and Family Services; Ministry of Community Development, Culture and the Arts; we look to the Ministry of Rural Development and Local Government; the Ministry of Planning and Development; Office of the Prime Minister; Ministry of Health; Ministry of Sport and Youth Affairs; Ministry of Education; Tobago House of Assembly; Ministry of Housing and Urban Development; Ministry of Agriculture, Land and Fisheries, et cetera, we are seeing a Social Sector Investment Programme in the tune of eight to \$9-odd billion. And this is something that happens every year in every budget cycle.

Let us look to the vote information on Interministerial Grants Committee, just by way of an example of the dollar value. Look at this, Madam Speaker. Agriculture, Lands and Fisheries, under the NPI Vote, that is the non-profit institutions Vote, many Ministries have this Vote non-profit institutions Vote. It is Item number 5 if you look to the budgetary documents that come every year: Agriculture, Lands and Fisheries, \$21.3 million per year to spend; Community

Development, Culture and Arts, \$46.6 million; health, \$19.8 million; Labour and Small Enterprises Development, \$1.4 million; National Security, \$7.3 million. Let us get further, Office of the Prime Minister, \$62.3-odd million; Planning and Development \$2.1 million; Sport and Youth Affairs, \$12.3 million; Social Development and Family Services, \$30.356 million. A grand total in one year, in the budgetary allocation, this prevails year on year for umpteen years, in one year \$205-odd million for non-profit entities spent by the Government of the Republic of Trinidad and Tobago. And that figure has been higher in previous years or lower in previous years depending upon how much head room a Government has for that kind of expenditure.

So we find certainly an existence of hundreds of millions of dollars in expenditure. We find hundreds of millions of dollars expenditure in the Votes that come to Parliament, but we as a country have passed public procurement law. And in public procurement legislation we are treating with the fact of defining the concept of public money. And when we define public money we know that public money is to be considered as anything coming from the State or state enterprises which hits the hands of any entity in Trinidad and Tobago.

So let us look to some of the statistical information in a little bit deeper context now. Trinidad and Tobago has, I have said it, we have registered entities under the Companies Act, Part V, we have Acts of Parliament creating these entities and then we have persons on the outside. Listen to this, based on the current national scenario, registration of non-profit entities, those that we know of right now, 8,983 as at March 25, 2019. The non-profit organizations by Acts of Parliament, there are 303 of those. Total number of non-governmental organizations receiving Government subventions, there are 135 of those, that is to be found in the Social Sector Investment Programme. If you look at the figures

then in the round, if you add non-profit companies standing at 8,545 we are looking at a figure to the tune of thousands of known non-profit entities.

Now, under the Financial Action Task Force methodologies the first recommendation is that you ought to do a National Risk Assessment. And in doing your National Risk Assessment you have to look at where the risk for terrorist financing or for money laundering is, have you identified it and are you treating with it. Our Mutual Evaluation Report said that we were entirely non-compliant with respect to the recommendation seven and certain others and importantly immediate outcome 10. And in that category our Mutual Evaluation Report said there is a combination of problems. One, you do not know what the risk is; two, you have had no outreach into the sector to demonstrate how you are going to treat with it; three, there is no structured approach to bringing in the information to corral it and then tried to treat with it.

So, Madam Speaker, what we did as a Government was to begin the exercise of first of all tabulating how many non-profit organizations we are aware of in the system. I have given you the numerical data, obviously there was an exercise to get there. In doing that we formed a team, an inter-ministerial and inter-governmental and inter-agency team comprising: Office of the Prime Minister; Ministry of Labour and Small Enterprise Development; Ministry of Community Development, Culture and the Arts; Ministry of Social Development and Family Services; Ministry of Health; Ministry of Finance, Board of Inland Revenue; Central Statistics Office; the National Anti-Money Laundering Committee as it is comprised of many entities, including securities exchange, FIU, DPP's Office, et cetera, the Attorney General's Office, of course, the Law Association, the CSO for good governance, that is United Way Trinidad and Tobago and I want to single out Dr. Jennifer Sancho and Mr. Ian Benjamin, Senior

Counsel, for the work that they have done together with Mr. Dion Abdul and others. We were involved with the Criminal Justice Advisor of the British Government, we were dealt with the UK Charities Commission.

In coming with that team we then entered upon an exercise of engagement in the public sector. And very importantly in the period beginning immediately in December 2016 we brought in from Australia Mrs. Jessica Horey, Acting Senior Manager Compliance Directorate, Australian Charities and Not for Profit Commission. We then went to the United Kingdom, we engaged in house training via the British High Commission with Mr. Tim Hopkins, we did compliance visits, enforcement, et cetera, from the UK's Charities Commission. We then went to five public events including events held in the period 2016 straight up to 2018 and we had outreach sessions, we had hundreds of people at all of these events and in it we did, sensitization of risk, tabulation of data, understanding of the risks in terrorist financing, because, Madam Speaker, this also coincided with the outreach that we were doing while we were treating with the anti-terrorism legislation. And the issue of the Islamic community saying, look we think that we may be prejudice in a manner in which our Zakat is treated when we send moneys overseas, that was a real situation. And corralling this legislation allows us in a very real sense to provide protection to charitable purposes.

Because, Madam Speaker, it is a fact, countries around the world treat organizations differently. I can tell you that the Government of Canada treats a particular institution as a terrorist organization but that same organization is funded by Prince Charles of England under his charitable purposes. So the UK, and Canada, Dominion and Master have two different types of treatment for the same entity. So if a Trinidadian entity, in this case a Muslim entity, sends charitable contribution you are finding yourself for a watch list for terrorist financing in

Canada, but you are finding yourself in the company of Prince Charles, in the company of British charities.

So where do we as a sovereign nation put ourselves in this situation? The Government felt it prudent to protect charitable purpose to treat with the risk of terrorist financing, et cetera, that we tackle this issue by corralling the evidence and coming up with a legislative structure for registration and for regulation which are contained in the Bill.

Before I get to the Bill I would like to put on record information coming from the FIU and from the Financial Investigation Bureau. Now the FIU, of course, established in the year 2009 is the entity which manages the manner in which we look for suspicious activities and suspicious transactions. We have seen in Trinidad and Tobago, in one year alone the period 2016 to 2017, TT \$22.5 billion in suspicious activity and transactions, 13.5 billion of which was treated by way of stoppage and the rest was actually performed.

So, Madam Speaker, we have now coming from the FIU in the period 2018, 2017, 2015, et cetera, I can report as follows: In 2012 we had suspicious activity of TT \$11.3 million and that came from a religious organization; 2013, fortunately none; 2014, none recorded; 2015, \$74.2 million. Again, coming from a religious organization. In 2015 we saw none at the end of that period; 2016 we saw US \$13,000-odd; 2017 we saw TT \$1.2-odd million; 2018 we saw TT \$72,000-odd, again with a religious institution and then in the period following approximately \$2.7 million.

So we have seen suspicious transactions coming into the path 2012 to 2018, coming out of religious organizations operation for charitable purpose, flags by other jurisdiction and I can tell you that the cumulative TT value is approximately TT \$90 million, the US value approximately TT \$14,000. The Financial

Investigation Bureau statistics tell us that right now there are five reports for terrorist financing and three reports for money laundering. We know about the host of laws that we dealt with to treat money laundering either way, maximum sentence indicators. We are seeing the statistics of convictions go up and the rapidity of prosecutions come faster and faster as a result of the amendments that we have made.

Madam Speaker, may I ask you what full time stoppage is for me?

Madam Speaker: 3:22:17 p.m.

Hon. F. Al-Rawi: Much obliged, Madam Speaker. So, Madam Speaker, let us get now to what this Bill does. This is 29 clauses long, spread across five parts, it has one Schedule which causes consequential amendments to the Anti-Terrorism Act, Financial Intelligence Unit Act and the Proceeds of Crime Act. Those are the three pieces of law; the Companies Act obviously has consequential amendments coming to it. These clauses are really born on the back of a consultative exercise, which I have described, stakeholder exercise, which I have described. I can tell you that in coming to this position we have considered a number of pieces of work. We considered the laws from the United Kingdom, from Canada, Bermuda, British Virgin Islands, the Cayman Islands, Jamaica, Montserrat, Anguilla and the Turks and Caicos. We have had responses coming from a number of entities in the stakeholder consultation; we had comments coming from the Office of the Prime Minister; Ministry of Labour and Small Enterprise Development; Ministry of Community Development, Culture and the Arts; Ministry of Social Development and Family Services; Ministry of Health; Finance Division, Ministry of Finance, the Board of Inland Revenue; the CSO; the NAMLAC; the AG's Office; the Law Association; the CSO; the British Criminal Justice Advisory and the UK Charities Commission.

Madam Speaker, in getting to this position we have sought to establish a methodology which requires two state entities to work together. Firstly, the Registrar General which is the repository for filing of documents and secondly, we have declared in clause 4 of the Bill that the Regulator is to the Financial Intelligence Unit, and I will explain why. The architecture of the Bill provides, Madam Speaker, that we will take everything that has been registered under the Companies Act, all non-profit companies registered under Part V, they will be deemed to be non-profit organizations. We will invite a system of registration in an extended period of time with public education as a forerunner to cause the registration of all non-profit organizations. Now, this specifically is entities which are legal in structure and informal in structure and I will come to that in a second. We then, Madam Speaker, say let the Registrar General receive all of the documentation in a registry which is partly public and partly private.

3.00 p.m.

Let the Registrar General, through a system of due process, consider voluntary cancellation or surrender of non-profit company registration, compulsory surrender or strike out for another purpose. We have a methodology to treat with that. We envelop that in a due process environment where the court is involved. In the legislation we propose a structure which mirrors, quite significantly, some of the provisions in the Companies Act, for instance, the method by which property is managed by the official receiver, the manner in which it can be restored, the due process environments.

So, Madam Speaker, let us get to the context of the Bill. Let us look at it in the round. Clause 1 and clause 2 are quite simple. Clause 1 is the Short Title. Clause 2 says the Act shall come in when it is proclaimed. That proclamation is intended to involve a date after public consultation has been had. A deep exercise

of public consultation and awareness must be put into the matrix for operationalization of this law.

Clause 3, which is the interpretation section, is very significant. We introduce, by way of definitional terms: AML/CFT/PF: Anti-Money Laundering/Countering the Financing of Terrorism/Proliferation Financing, as defined terminologies coming out of the Financial Action Task Force recommendations and methodologies. We include a definition of cash, because we are going to be treating with, when we apply a threshold environment, how cash and property are managed by non-profit organizations. I have already shown on the record thousands of entities in existence, \$8 billion to \$9 billion-odd from the State alone per year, pouring into social sector investment programmes; hundreds of millions of dollars of State and taxpaying dollars going to entities. Therefore, it is important to know what is being done with money, and who is dealing with money.

We treat in that environment, as well, with the concept of control, and in looking at control, we have really looked at the Cayman model and the FATF model and our own local laws as we deal with control under a beneficial overriding perspective. The ultimate individual that controls an entity is what we have looked at, similar to what we have done in the beneficial ownership structure, similar to what prevails in the security industry, similar to what prevails in the Central Bank models; the Financial Institutions Act as well.

We then go, Madam Speaker, to the concept of a “controller” and we have disaggregated the concept of controller between the different types of entities. If you have got a limited structure, meaning a corporate structure, we treat with that in the directorship, et cetera. If you have an informal structure, we are dealing with ultimate persons, in terms of management or otherwise, and we have borrowed the

definition coming out of the Cayman context and coming out of the FATF models.

Very importantly, we have dealt with a definition called “gross annual income”. And gross annual income is income from goods and services, rental income, interest, et cetera, from investments, donations, grants, subventions, loans, other income, et cetera, received by a non-profit company. And when we come to the threshold environment in clause 15, you see that we are saying, if you have a gross annual income over TT \$10 million, you are going to be subjected to the production of audited financial statements on an annual basis. They are to be provided to the Registrar General when it is called for. In other words then, you are facilitating the right of audit, similar to what the Contractor General does to Jamaica in managing the public procurement environment.

We then go to an interesting definition for “property”. “Property”, we have borrowed from the Anti-Terrorism Act. It includes everything, including crypto currency, et cetera. So we are thinking prospectively in that model. But a non-profit organization is where we find the definition of the three things by which you are deemed to be a non-profit organization. Number one, you are established—and we borrowed here from the Companies Act—

“...primarily for the promotion of a patriotic, religious, philanthropic, charitable, educational, cultural, scientific, literary, historical, artistic, social, professional, fraternal, sporting or athletic purpose, or some other useful object and raises or disburses funds for that purpose or object;

(b) carries on its business without pecuniary gain to its members...except as reasonable compensation”—and, meaning all three are cumulative:

“(c) restricts the use of any of its profits or other accretions to the promotion of its purpose or object.”

These three elements must coincide. They are in keeping with definitions

that we have used from other jurisdictions. They find familiarity in the first part in the Companies Act, where non-profit organizations under Part V find their definition by way of approval. So, that is the manner in which we capture what we are treating with. And of course, we then have wrap-up and all-encompassing provisions to capture what we should say, things which are lost without definition into a basket of definition in subclause (2) of clause 3.

Importantly, in clause 4, Madam Speaker, we come to the description of the FIU being the Regulator. And the FIU takes with it, if you look at 4(b), the powers, duties by this Act, the FIU Act and any other written law. What are the other written

laws?—Anti-Terrorism Act; Financial Intelligence Unit Act, of course, as the parent point, and the Proceeds of Crime Act and the Financial Obligation Regulations. Those are the four corner pieces of law that you are really looking at in this structure.

We say, of course, that you do not need to fall within the parameters of 18(b) of the FIU Act. Why? Because 18(b) is where non-designated financial institutions and listed businesses under the First Schedule of POCA have to be registered under the FIU legislation. But we accept that here because you are being registered under the Registrar General system, borrowing from the methodology that we use for companies under Part V of the Companies Act.

Clause 5 tells us you cannot operate a non-profit organization without being registered. You are guilty of an offence. It is an indictable offence if you break that. I want to state, Madam Speaker—I stick a pin here at the description of offence. I want to give notice that the Government is considering right now and actively, an amendment to the Companies Act because we are dealing with law described in the year 1995. The courts have, of course, even though there does not

appear to be a mens rea requirement in this law, the courts have acknowledged the mens rea requirement. These are not crimes of strict liability. “Without reasonable cause or reasonable excuse” applies to all of the offences under the Companies Act and this Act. So we intended to harmonize this with the Companies Act and come with a sweeping amendment to all, which is why you will see the offences so low. You will see \$10,000 and three years as opposed to, for instance, the Insurance Act or Securities Act, where you will see summary offences at half a million dollars or \$1 million.

In subclause (4) of clause 5, these are the things which you must provide: pictures, documents, et cetera. But these are specifically not for publication to the public. These remain in the private aspect of the registry only for law enforcement, only for the regulator and only under disclosure provisions granted by a court of law. So there is no breach of any position of privacy in this aspect, and we are well within the bounds of constitutionality at simple majority basis, on the fact that this is proportionate in a society such as Trinidad and Tobago.

Clause 6 treats with the Registrar General approving or not approving a register or a renewal because, Madam Speaker, we have set out the items by which the Registrar may refuse to approve you for registration. And these are found in the FATF methodologies. Basically, they are for serious matters, including, if you look at subclause (e): similarity of name; offensive aspects, as we see under the Companies Act, where they can cause confusion in the marketplace, et cetera; listing under section 22B of the Anti-Terrorism Act, et cetera, et cetera. But this is balanced by the right of appeal under clause 13 of the law. Clause 13 allows you to say if you cannot be registered, if you cannot be renewed, if you find yourself in the circumstances of cancellation, under clause 10 you can knock on

the door of the court exactly in the same way you do that under the Companies Act right now where you are aggrieved by an act of the Registrar General.

Madam Speaker, clause 7 is important, because we only allow registration to be valid for three years. You have to apply to renew. That allows for contemporaneous documentation to come in, in three-year cycles, which will avoid the current situation. Of the 104,000 companies registered in the Companies Registry, 20 per cent of them are non-compliant because there is no continuing obligation to get your refresher of certificate. And we felt that this was a very useful way when you are treating with public money, to allow for the monitoring by way of regulation and registration in the combined aspect that we do.

Madam Speaker, of course, in clause 8, that is where we deem the Part V companies under the Companies Act to be companies that are non-profit organizations and we managed that migration into the Registrar. Clause 9, we say that:

“A register of non-profit organisations shall be established and maintained by the”—RG.

Of course we have in that, the method by which you have public access. You pay the prescribed fee. It is online. But specifically in clause 9, we say you cannot publish the things in clause 5(4). Those are private. Only for regulator, court order or law enforcement in the circumstances set out.

Clause 10 is where we deal with the cancellation of registration. Cancellation, we have put entirely in due process and subject to the court. We say, basically, if you have failed without reasonable cause to keep financial accounts or submit them in accordance with clause 15—clause 15 is where you have the threshold requirement. If you are over \$10 million you must be audited and have accounts which can be called for annually. And then the others say if you are

proven in a court of law to have been guilty of an offence, et cetera, and, importantly, we have said if you have breached the Anti-Terrorism Act, the Financial Intelligence Unit Act and any other law that treats with FATF.

Madam Speaker, we allow the Registrar that determination. We then go through a methodology of giving notice to the person who will be aggrieved, of showing cause why that notice should not apply, of informing of the rights to approach the court, obviously, under the appeal provisions in clause 13. So we have done the due processing in clause 10 in fulsome fashion.

Clause 11 says the Registrar must update the register, of course, and then we disaggregate it between companies in the context of not-for-profit companies, under the provisions in sections 461 and 489 of the Companies Act, and things which are not entities under that legislation, but which will fall to be registered under the non-profit organization structure here.

Clause 12, we say that we are putting in now all of the section 18 powers of the FIU Act. Stick a pin. The FIU Act allows for certain powers. It allows for the FIU Director to give compliance directives; to go to court; to enter your premises with consent; and if you do not give consent, to go and get a warrant to enter. It allows for due processing of the FIU Director saying you need to do something; the FIU director going to the court to compel you to do something, and then an offence if you fail to obey the court's process. So we have brought into this law by virtue of clause 12, the powers of the FIU Regulator, as is proper.

Clause 13, as I have said, treats with the appellate route in all of the circumstances: cancellation; any aggrieved aspect for renewal of registration or approval of registration and for the manner in which your property, et cetera, is to be treated with as a result of cancellation.

Part Three treats with the obligations of non-profit organizations; 14 says

you must keep financial accounts and records. Everybody must keep financial accounts and records. Is this unusual? No. In a public procurement and disposal law we have already provided for that by way of accountability for public money. Secondly, we have now said in clause 15 that if you are over \$10 million, we have applied a threshold. You are at a higher risk factor because of the volume of money that you receive and you ought to be complying with the ability to be—you must be audited every year and then you must allow the Regulator the ability to audit you on a “call for” basis.

Madam Speaker, we then go into the processing for audit; how that process flow goes in the rest of clause 15. Clause 16 now treats with the Controller of a non-profit organization notifying the RG of any change in particulars. And I want to say again, in terms of general provisions, the animus, the mental intention, the mens rea to commit crime, is implied in this law. It is settled law. It is settled in 1995 language for harmony. But, please, do not be mistaken to say that these are strict liability offences. They are not.

“Reasonable excuse”, et cetera—and let me stick a pin for a moment. The value of having the RG in this exercise—the Registrar General—is that you go to the Companies Registry. Very often, people do not have attorneys-at-law or a clerk fills out the document; they file a document. On the face of it the document may be wrong. The Registrar receives the document. What the Registrar General does after that is to go through an exercise of queries, and then they spot a query and then they ask you to rectify. And that practice leads into the whole concept of the mental intention and without reasonable excuse and opportunity to cure. That is an established practice of the Registrar General and has been since the Companies Act came into effect, and even prior, when the Companies Ordinance, Ch. 31 No. 11, of the laws of Trinidad and Tobago prevailed until the law bit into actual force in

1999.

Madam Speaker, clause 18 treats with a non-profit organization wishing to voluntarily surrender. And very importantly here, we provide for the manner in which, when surrender happens, you are going to then flow into the process of how your property is to be treated. Because, remember, non-profit organizations, they may be of different types; they may have charitable status under the Board of Inland Revenue, corporation tax, value added tax regimes, Financial Institutions Act regime. If that is so, you are dealing with consent of Board of Inland Revenue; you are dealing with the provisions of the Companies Act which describe how bona vacantia arises; how property becomes state property, where there is no legitimate owner. You are dealing with the transmission of property to an entity approved by the court or by the members of the non-profit organization. So there are a host of combined events that manage this process.

Madam Speaker, we then go—the Controller in clause 19 keeping and ensuring records are kept in the fashion of its purposes and activities; the identity of Controllers; the source of its gross annual income, and then your records. Madam Speaker, we have a serious issue in this country. Tithes, as they are called, zakat, alms, offerings which are received, charities where people come up, aarti. In all of these things people give money and then they do not ask a question where it is going.

Dr. Moonilal: Follow the aarti money.

Hon. F. Al-Rawi: Not necessarily. So the point is that we want to give the people who manage money and the people who give money, the protection of law to know that it is all bona fide and that there is a mechanism, particularly where there is public money involved in the equation.

Clause 20 treats with when someone will be disqualified as a Controller of non-profit company. Of course, basic, you breach the Proceeds of Crime Act, Anti-Terrorism Act, you are guilty of a criminal offence. You are a designated individual under section 22B, et cetera. Clauses 21 and 22: 21 deals with the distribution of property on surrender, in the circumstances I just described. Clause 22 deals with the forfeiture of property upon cancellation. And, again, those forfeiture provisions are done via a due process route. We deal, where there is a cancellation under the Proceeds of Crime and Anti-Terrorism. There is a whole regime for that. There is due process in 22(1). In 22(2) and onward we deal with the mechanism of the Attorney General making the application in the similar circumstances to what we do in the Anti-Terrorism Act, in the listing of entities and forfeiture of entities in sections 22B onward of the Anti-Terrorism Act and under the Proceeds of Crime Act.

Clause 23 treats with the non-solicitation of contributions from the public. And we say there, you shall not solicit unless you are registered. Do not go and collect public money. But we also provide a defence that you did not know. So very importantly, there is the concomitant relief provided at the same time that the offence is described as you see it in 23(3), where the defence is set out.

We have dealt with clause 24, the liability of a Controller. Very importantly, we have introduced the mental intention qualifications of knowingly or recklessly providing false declarations. Again, I must add that this law has been settled the way it has because of the Companies Act. The Companies Act has grown up and the jurisdiction and the jurisprudence in the Companies Act is such that the practice of rectification must come first. So it is not a strict liability offence and this happens every day.

Madam Speaker, clauses 25, 26, 27 are next. We deal with the notice to non-profit organizations. We allow for notice to proceed in the manner that they do under the Companies Act. In clause 26, we bifurcate who makes regulations. Minister of Finance makes regulations for the FIU department as is under the FIU Act, and the Attorney General or Minister of Legal Affairs makes the regulations for the Registrar General. We allow for the RG to make the prescribed forms, et cetera, which is in keeping with the Registrar General's legislation and Companies Act. And, importantly, in clause 28, we allow for the operation immediately before commencement, i.e. transitional provisions. If we did not allow for the transitional transitioning and the grandfathering periods for the introduction of this law, we would make a mockery of the law in operationalizing it. Clause 29 does the consequential amendments: Anti-Terrorism Act, the Companies Act, FIU Act, and the Proceeds of Crime Act.

In those circumstances, Madam Speaker, I am sure in saying that this has a legitimate aim. It is proportionate law. It uses measures which go no further than are required in law and that are known to the law. It is something which I think passes constitutional muster, not that this law at all intrudes in any three-fifths majority issues, section 4 and section 5 rights of the Constitution. Madam Speaker, this has been scrubbed and managed by many entities over a process of years with wide stakeholder participation, hundreds and hundreds of persons participating in the public events. I look forward to contributions of my learned colleagues opposite and I look forward to hearing what concerns they may have so that we can address them in the round. I beg to move. [*Desk thumping*]

Question proposed.

Mrs. Kamla Persad-Bissessar SC (*Siparia*): [*Desk thumping*] Thank you very much, hon. Speaker. I join today's debate after listening to the hon. Attorney

General piloting this Bill and I am reminded of the maxim, “The road to hell is paved with good intentions”. Well intentioned, yes, because we need to be concerned about standing for, and fighting against, terrorism, money laundering, corruption—all those things that the hon. Attorney General mentioned. Yes, we stand for that, Madam Speaker. And this Bill, in a sense, has come like a thief in the night. On Friday last week—

Hon. Member: Three years of public consultations.

Mrs. K. Persad-Bissessar SC: Yes. On Friday of last week—[*Crosstalk*] AG, you will have your turn to respond. Friday last week, this Bill was laid in the Parliament. We were then advised that we will debate it within the week, next week, which is today. Then now, whilst the AG mentioned all these consultations that were held, it is interesting that I heard of no NGO or non-profit organization. [*Desk thumping*] I heard about State—the majority was State. He mentioned the CSO, the BIR, all these other governmental institutions and I did not really hear him mention—and if he did, well he can correct me—the thousands of persons out there who are involved in non-profit organizations.

The hon. Attorney General has told us there are, what?—about 9,000 of these organizations known to the Government. But having mentioned the way in which they are formed in law, the AG also left it open that there are far more than the thousands that he mentioned because those are the ones registered under Act of Parliament; those are the ones registered with some Ministry of Government and those are the ones under Part V of the Companies law. And he did say there are those non-formal ones not registered anywhere.

And Madam Speaker, I have a list here of NGOs put out. I will just put this up. It is from the Ministry of the People and Social Development. Then we have Trinidad and Tobago NGO News. And, really, there are literally thousands

of non-profit organizations who are probably not registered anywhere, not known. I could speak of one in my own constituency, Blue Birds. They are very famous. They are one of the most famous pepper-roti makers. They have taken it from making at home on your fireside, to actually marketing and selling it. *[Interruption]* Yes, they are. They are an NGO, but they are not registered, and there are many like that. I can talk about—

Hon. Member: Sou Sou.

Mrs. K. Persad-Bissessar SC:—Sou Sou companies, sports facilities, and so on. It is a host of them not within the formal sector, but operating charitably. The AG mentioned friends of a particular constituency, community groups and so on, so there are thousands of these out there. So the reach of this Bill is very, very wide.

And as I said, I did not hear the mention of any of these organizations being consulted. The AG mentioned there were public hearings. The AG did not mention the work of the CSOs. I have here a paper, CSOs Advocacy paper: Improving the Legal, Fiscal and Funding Frameworks,” Okay, mentioned by the AG, September 28, 2018, Version One. Then November 2018, Version Two, which is recently, and then their comments dated November 05, 2018 on what may have well been this version of the Bill—I cannot say—and their comments on the Bill.

Now, whilst it is that some consultations may have taken place, it is very clear that this has not drilled down far enough. And when you look at the release put out by Fishermen and Friends of the Sea recently—yesterday, in fact—I would like to read a little of that.

Release by FFOS states that the proposed law is a new tool which, if abused, can be used to persecute independent civil society who stand in defence of public right in the face of a procedural irregularity, illegality,

corruption and open thievery, and it is like using a shotgun to kill a butterfly or a hammer to kill an ant.

Further, and I quote:

FFOS objects to the fact that this proposed law has not been advertised or consulted on. For Government to slip this Bill in, in an attempt to pass it like a thief in the night, stealing a march without public knowledge or any consultation whatsoever, an attempt to do this with a simple majority, is further cause for alarm.

So, Madam Speaker, it appears that there would have been limited consultations with the stakeholder groups, the thousands of groups out there. And, you know, I consider it would be most improper in a participatory democracy such as ours, that there is not this—opportunity has been not afforded to the stakeholders who would be directly affected—[*Desk thumping*]

Hon. Member: Disrespect.

Mrs. K. Persad-Bissessar SC:—and they should be given that opportunity, Madam Speaker, to take this version of the Bill, brought here on Friday, to have a look at what this Bill does. And, Madam Speaker, legislative objects of this Bill, you know, seem very, very simple. In the long title of the Bill it says—the legislative aim is:

“...to provide for the registration of non-profit organisations, the establishment and maintenance of a register of non-profit organisations, the obligations of non-profit organisations and for related matters”.

I have looked at the proposed legislation’s stated legislative aim and I am firmly of the view that while the expressed intention of the Bill may cross the constitutional hurdle or the threshold of pursuing a legitimate aim, the Bill, as presently drafted, does not strike a proper balance between the citizens’ rights and

the rights of the State. [*Desk thumping*]

The Bill, in certain clauses, proposes to interfere with rights to property of non-profit bodies in certain circumstances, but this interference does not afford citizens being members of the organizations or the bodies themselves—does not give them the guaranteed right to due process, and therefore, again, is a violation of constitutionally guaranteed rights to property and the taking away of property without due process. [*Desk thumping*] I will come to those clauses but I am just summarizing, giving an overview. There are clauses in the Bill which are clearly disproportionate and powers are proposed to be given to impose sanctions which are arbitrary and not properly justified in law or logic.

Attempts are made in the legislation to provide procedural safeguards, but those said safeguards suffer from a lack of defined procedural provisions to give effect to same. So they will be otiose. They will be non-implementable. So whilst you pretend to give this right to due process, you have not, in fact, legislated to, in the way in which it will happen, and I will raise those issues in a moment. And I want to use—I know the hon. Attorney General is very, very fond of using “disproportionate” and “proportionate” and “reasonably justifiable”. I want to use the case of *R v Justice Secretary*, 2011, Appeal Cases 331, quoting from Lord Phillips:

In order to decide whether interference with a fundamental right is proportionate to the legitimate end sought to be achieved, the court has to ask the questions identified by the Privy Council in *de Freitas v Permanent Secretary of the Ministry of Agriculture*—

3.30 p.m.

“Whether: (i) the legislative objective is sufficiently important to justify limiting a fundamental right; (ii) the measures designed to meet the

legislative objective are rationally connected to it; and (iii) the means used to impair the right or freedom are no more than it is necessary to accomplish the objective.”

And these questions are very important which I will show when we come to specific clauses in the proposed Bill.

However, keeping the De Freitas test in mind, Lord Bingham of Cornhill observed in *Huang and Secretary of State for the Home Department 2017*, two appeal cases, paragraph 19, and this I quote:

“...there is an overriding requirement...to balance the interests...” of the individual against those of the society.

And I am saying this Bill does not strike the balance. [*Desk thumping*] The Bill is sacrificing and violating rights. Many of these provisions, violating rights, given by our Constitution in a way that I respectfully submit is disproportionate and are not reasonably justified given the test taken from these two cases. So the overriding principle that has to be there must be the striking of a balance.

Madam Speaker, we all know, your good self and others, that in our Constitution there are no absolute rights. What we have is the balancing of the rights. So the right of the individual as against another group. If we all say we have freedom of expression and we all talk at the same time in the Parliament, we will have a babble of noise. We would not have a conversation. So the rights are not absolute. If we say we have freedom of assembly or association, or you know to walk on the streets and so on, if we all want to walk on the same day, at same time, at the same place, so you do have restrictions on rights but there must be a balance, and I saying this law, this proposed law, does not strike the balance that we require. [*Desk thumping*] just to get to back to something the AG said before I go with a clause by clause analysis of the Bill. The AG mentioned all these non-

profit organizations and all the things they could do or cannot do, and we need to reign them in, we need to regulate it, can I ask a question? The AG told us here last week there are over 104,000 companies. Am I correct, 104,000 companies?

Dr. Tewarie: Eighty-four thousand functional.

Mrs. K. Persad-Bissessar SC: And now he is saying out of those or apart from those we have about 8,000 or 9,000 non-profit ones. So what about all the other 100,000 private companies, four profit companies? Why are you not reigning them in? Why are you not reigning them in? [*Desk thumping*] Why do you not follow where the profit is? So you have publicly traded companies, you have SAC, what about the private companies?

Because you see, Madam, there are people with many companies right here getting \$23 million contracts [*Desk thumping*] and more million dollar contracts. That is where the money is. [*Desk thumping*] Follow the money. But you are coming at the small man, the little man, the charitable man, the sporting group, the village council, the pepper roti producer, the bake and shark producer. You are coming at the small man as your first hit. I am not saying you must not come, but that is your first hit, man, and you have not properly consulted with them, and you seek to violate their rights and you come here with grave conviction. [*Desk thumping*]

I am very distressed, Madam Speaker, at the manner in which this Government is seeking to operate. [*Desk thumping*] Many of the clauses are dictatorial and draconian, [*Desk thumping*] many of the clauses within here. So let us look at the very first—[*Interruption*]

Mr. Al-Rawi: Which one?

Mrs. K. Persad-Bissessar SC: The proclamation clause.

Mr. Al-Rawi: Not dictatorial.

Mrs. K. Persad-Bissessar SC: So I have dealt with—I will come back to the dictatorial, Madam, but I am going to do clause by clause. So let us take the proclamation clause to start with. This is yet another Bill which gives an undated proclamation—another one—and I want to raise here with us—there are several others that are still unproclaimed, passed and so on, but the one that troubles me a lot and I confirm today by asking Parliament to do a search of all the legal notices to see whether this Bill has been proclaimed, this is the Motor Vehicle and Road Traffic (Amdt.) Bill, 2017. This Bill came in, introduce on the 7th February, 2017, we are in which year now? 2019. So two years ago this Bill was introduced into the House. And then third passage in reading, 23 June, 2017, and to date it was assented to in August 2017 and it is awaiting proclamation. Waiting for proclamation, but that is what is so bad about it.

You could hear the Attorney General, honourable, in this Parliament winding up on this Bill, look this Bill is the motor vehicle thing. You know what, we are going to deal backlog of cases—100,000 traffic cases. One, we will deal with it, we will free up the police to go and do their jobs, we will free up the magistrates, we will free up everybody so we could concentrate on the real business. Bring down the backlog. To date what is the backlog? The AG had told us 102,000 cases are still there. [*Desk thumping*] Go to the last judiciary report, 102,000 filed as at July 2018, last year, and the disposal rate is a very small rate may be 40 to 50 per cent. So each year it is building and building. But hear what this great boast is. I have a *Hansard* here but the time will not permit, but I can quote that *Hansard* of the 23rd of June, 2017. We have passed the whole of '17, the whole of '18, into '19 and this Bill is proclaimed. From a search if the Attorney General can show me the legal notice proclaiming it, I will be most happy because I was very happy, we were happy. We had concerns about it, but we were

happy that it was something we could support to take away these thousands of traffic cases, to decriminalize these cases.

In fact, the AG mentioned that earlier in an answer to a question here in speeding up the justice system and so on, we have decriminalized all these traffic offences. And you know whilst that is happening—you see whilst this will help with law, whilst that was to help us with the justice system and whatever and whatever, we are coming today to finding out how many, 140 murders, Madam Speaker. Robberies have increased as well and we are seeing that. You are saying if you had freed up these police officers, they do not have to go to court every day what would have happened? You will be better in doing the work of the TTPS rather than being prosecutors in court, and go to court and waiting, and postponing, and so on. Has not happened, and I raised this particular one because, again, is not just about passing law, you know. It is not just about passing law.

You see, I saw Minister Griffith—we will pass the law today, you do not implement it two years later. I saw Commissioner Griffith laments salaries for suspended officers, but he also talked about such other things, about lack of dollars, the lack of moneys coming.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member for Siparia, I will uphold the objection. I understood why you went off track a bit to show an example with respect to your point about the proclamation clause, but I think you should get back to the matter at hand.

Mrs. K. Persad-Bissessar SC: I am guided, Madam. So again, a Bill with a clause saying to be proclaimed at some future date. Perhaps the hon. Attorney General will tell us what is the time frame so that persons who will be affected by this will know how much time they have to prepare for when this Bill comes into effect, and then you will have the one year within the date of commencement of

the law. So on the basis of proclamation the AG tells us we are going to fight crime with this Bill too, but then if it is not proclaimed what happens, and that was the main point of that.

I move now to the interpretation clause of the Bill, which is clause 3, and again I am amazed that what we say last week we forget we said it last week, and we did. This Government does that all the time. It does it all the time. They flip-flop. We saw it with somebody—the Prime Minister did not negotiate gas price and yet we have him right here in the *Hansard* saying he did so. Right here in this Parliament. So here we are, cash. The definition of cash, Madam Speaker, says:

“‘Cash’ includes...bearer bonds, bearer shares and bearer negotiable instruments...”

Madam Speaker, it was only last week, I think it was, or the week before, we passed something called the Companies (Amdt.) Bill. You all remember? And in that Bill what we sought to do was to place a prohibition and to create an offence for holding these very same types of instruments. How can the Attorney General come to us today to say, “Cash definition includes these types of instruments” and hear what we did recently in that Bill:

“Section 33 of the Act is amended by repealing subsection (2) and”—
replacing same with—“new subsections”—(2) to (13).

So you had at least 11 subclauses dealing with these kinds of instruments that we are now being told is being defined here which means that it is part of transactions taking place. Subject to the articles, bylaws, any unanimous shareholder agreement, and section 33 shares may be issued at such times, to such persons, and for such consideration as directors may determine.

“(2)”—and this is where the amendments came—“No company may—

(a) issue a bearer share, bearer share certificate, share warrant or

bearer share warrant;”

That is what you have said.

“(c) exchange a share for bearer share, bearer share certificate, share warrant or bearer share warrant.

(3) Where a company contravenes”—this—“the company and every director and officer of the company commits an offence.”

So there is a prohibition and then there is the creation of the offence. I will be very happy in his winding up if he could explain how these two do not clash or bounce against each other.

I turn now—you will have your turn, Sir. You will have you time. That is what the Parliament is about. We parler. . You speak, I speak, you speak after. And so, we come again to the controller. The “Controller” again, in the definition section, in my respectful view, is too wide because it will capture all of the members of a NPO, non-profit organization. Depending on the size of the organization, this could happen. Clauses 14 to 19 of the Bill places upon the controller very specific obligations and duties, and if you breach those you are committing a criminal offence with a criminal sanction. In those circumstances, the legislation should not be ambiguous as to who are the persons upon whom these obligations would be placed and who would be at risk of criminal sanction.

The clauses create offences for the Controller, 17, 18(5), 19(3), 23(2) and 24(2). I think this is a very dangerous clause in the definition of the “Controller” because of the criminal sanctions. And so, I would ask the hon. Attorney General to look to making this definition less ambiguous so you do not catch really every member of the organization. Some other definitions which I will leave for the moment dealing with gross annual income. We have concerns on non-profit organization, but I want to turn now to one of the main things here which the AG is

very proud of, that he is establishing a regulator in this. The establishment of a regulator, clause 4.

The clause seeks to make the FIU, the regulator of the non-profit organization. Chap. 17:01, Financial Intelligence Unit of Trinidad and Tobago, an Act to establish the FIU of T&T for implementation of the recommendations of the FATF on money laundering and the financing of terrorism and for related matters. Those are the aims and objects of the FIU Act which creates the FIU Unit.

Section 8 of the Act sets of precisely what are the functions of the FIU. And so, the FIU was established to be responsible for implementation of the recommendations with FATF. So it is clear that the FIU cannot be a regulator of non-profit organizations. It will be a clear conflict of interest. You cannot have a regulatory body, which is also an investigative body, with powers under the other aspects of the criminal law. It is clear I am saying that there would be a conflict of interest. The FIU starts with gathering financial information for prosecution of financial crimes. *[Interruption]*

Madam Speaker: *[Inaudible]*—if you care to make an intervention, you could ask your friend or deal with it in the winding up, please. Siparia.

Mrs. K. Persad-Bissessar SC: Thank you, Madam. I am saying there is responsible—you know what this reminds me of? Is that putting the TTPS, which is responsible for investigating things, investors, and saying, “Hey, you be regulator”. So you have to be the investigator and—*[Interruption]*

Mr. Charles: There is a conflict.

Mrs. K. Persad-Bissessar SC: There is a conflict. You are investigating and you are regulating. *[Desk thumping]* TTPS please investigate the rental of properties, and then TTPS while you are investigating you also regulating it. Regulate it. It cannot happen. So you cannot have—you have the FIB.

Mr. Young: That is the police.

Mrs. K. Persad-Bissessar SC: Yes, that is a different unit. So the FIU—Madam Speaker, they will have their turn. I am saying in my respectful view is that the FIU should not be the regulator, one, and that it would be a conflict of interest to have investigative and regulatory powers within the same body.

Such an arrangement will put in jeopardy potential prosecutions for persons who may have committed offences under this Act and under the Proceeds of Crime Act, and the Anti-Terrorism Act. With respect to, again, the FIU as the regulator, you know the AG told us in his opening that he worked with UK Charity Commission and he would have seen that in the UK what is there, their law allows for a Charity Commission. An independent commission that is answerable to the Parliament will provide reports to the Parliament and parliamentary oversight and it is apolitical. It is outside of the ambit and remit of any politician. That is what they have. Why did we not adopt a similar thing? [*Desk thumping*] Why did we not go along that road? And they have been in this business a long time you know; quite for a long while. So let us look at that, hon. Attorney General. When you worked with the UK Charity Commission, were these suggestions put forward at all? I am saying we do not support the FIU to be the regulator of the non-profit organizations.

I want to turn now to another clause, the “Power to grant or renew registration”. This is clause 6, Madam Speaker. What are the consequences for the organization during the period between applications and registration—clause 6—while the Act is enforced? What happens if the Registrar General does not approve the application within the 30-day period provided for approval when there is a criminal sanction, a penal consequence for the operation without registration? So you say I must do it within 30 days but the registrar does not put me on the

register, it does not what happen, what happens when I am then subject to a criminal sanction?

Clause 6(2)(d). This here, Madam Speaker, is one of the many reasons why I, in all good conscience, cannot support this legislation, and this is about the grounds upon which the registrar may refuse to register a non-profit organization. 6(2)(d). So they will not register you, but clause 6(2) provides that a basis to refuse registration is that “Controller is disqualified under clause 20”. So we have to fast forward clause 20. What does clause 20 say? Let us see how this works in real life. Under clause 20 a person who satisfies any of the criteria is automatically disqualified. And what is one of those? Clause 20(b):

“A person who—

(b) is found guilty of a criminal offence which carries a penalty of a term of imprisonment of three years or more;”—is automatically disqualified.

So what will happen with Vision on Mission, for example? What will happen to Vision on Mission? It is a good programme, but you have automatically disqualified him by clause 6(2)(d) added to 20(b). 20(b) says you are automatically disqualified if you are found guilty of a criminal offence with a penalty of three years or more. [*Crosstalk*] No, no, no. You see this is the flip-flopping of this Government you know.

Madam Speaker: Order! Order!

Mrs. K. Persad-Bissessar SC: Because a short while ago—if you go up on the Office of the Prime Minister’s website, the Prime Minister was praising, praising Wayne Chance on Vision on Mission. Yes, praising Wayne Chance, Vision on Mission. Speech by the Prime Minister, 12 October, 2017, when they were probably drafting this Bill and then an about turn, with a 180 spin degree, 180-turn

degree, you slap him in his face. You are praising him what great work he is doing man. “Mr. Chance, I could not say no to him. Mr. Chance all through the speech. Mr. Chance, I pay tribute to him” and so on. Glowing tribute, and a few months later “whap”, “whap”, you are disqualified. You cannot be a controller, but he is. At present he is. So once this law comes in what happens? What happens to Wayne Chance?

Let us apply this law down the road a little more. I think there is a Senator again, Mr. Lester Henry, he could never be a controller because if you find—

Mr. Al-Rawi: Madam Speaker, 48(6).

Mrs. K. Persad-Bissessar SC: So he could never be a controller?

Madam Speaker: Member for Siparia, I uphold the objection. Please withdraw that and continue.

Mrs. K. Persad-Bissessar SC: So a person—*[Interruption]*

Hon. Member: Withdraw. Withdraw.

Mrs. K. Persad-Bissessar SC: Withdrawn on that specific point there, Madam. Any person found driving under the influence will be automatically disqualified *[Desk thumping]* from being a controller, and there are several other areas of the law where this clause, again I say, is disproportionate. It is really what FOS talked about, taking a hammer to kill a fly or a butterfly as the case may be. This clause is a collective slap in the faces of all these people.

Today I want to stand up for Vision on Mission eh. *[Desk thumping]* I want to stand for the good work of people like Pastor Wilma Kelly. They have been doing yeoman service in the prisons of our country, and a key person driving the reform of persons who have made mistakes but they deserve a second chance. They run a non-profit organization with many persons who will be automatically disqualified given if this becomes law, this 6(2) and 20(b).

I turn now, Madam Speaker, to “Cancellation of registration”, clause 10(1)(c), with respect to the power to cancel. So the Registrar General in 10(1) can cancel for various reasons, and one of those is, 10(1)(c)—

Madam Speaker: Hon. Member for Siparia—[*Interruption*]

Mrs. K. Persad-Bissessar SC: Sorry, Ma’am.

Madam Speaker:—your original speaking time is now spent. You are entitled 15 more minutes to complete your contribution. You may proceed.

Mrs. K. Persad-Bissessar SC: Thank you very much. With respect to the power to cancel the proposed law says, when a registration of a non-profit organization could be cancelled where:

“(c) it is proven...that the non-profit organisation committed a criminal offence which carries a penalty of a term of imprisonment of three years or more;”

I submit that this will be unworkable because it does not limit the offence that justifies the cancellation to one carried out by the organization in the performance of its objectives. An entity must act through its members, and where the entity is not registered it would not benefit from protection of separate legal personality. So I think we could hon. Attorney General, put a limitation in this clause triggering the grounds for cancellation.

Now, the clauses that make for cancellation we see where you can make an appeal. Clause 13, a person can make an appeal and the appeal is to the High Court, to a judge of the High Court. Well, Madam Speaker, again, if the AG did work with the UK Charity Commission we will see in 2006 they amended their law to remove applications to the High Court. So they want to cancel you, they want to de-register you, they want to refuse your application to register, the provision in the UK law prior to 2000 say go to court, go to court, but they found

that process was costly and especially for non-profit organizations costly, and, of course, time consuming. So they changed their law. In 2006 what they said was to set up a tribunal to replace a judge so that the NPOs could go before a tribunal.

There is an article on what happened written here about the work of the first judge of that tribunal, and I read here from 13th of September, 2018:

“A decade after the launch of the Charity tribunal, Judge Alison McKenna tells Stephen Cook why she believes it continue to prove its worth. Ten years”—later—“after it started to work”—have they achieved their purposes.

The article continues and the answer is obviously yes and I quote:

“‘The commission’s practice has moved on light years. It has regular reviews. It has good record-keeping. We have had an effect.’

She thinks the...main achievement has been helping people use it without lawyers by developing a user-friendly approach to hearings, and case management, and by publishing detailed guidance. The National Council for Voluntary Organisations...produce leaflets...”—and so on.”

And so, the tribunal has been found to be a very, very valuable tool, an asset in the whole regulation, monitoring, and administration of non-profit organization. I will respectfully submit that the AG do some more homework on this and let us look to the establishment of tribunal [*Desk thumping*] instead of the costly exercise, of course, and already the total backlogging of our courts that he keeps and we keep complaining about all the time.

I go now to a clause that I find particularly troubling because this is the one that deals with property, the forfeiture restoration property surrender, clauses 18 and 21. Clause 18 is about surrendering of registration, and 21 is about the distribution of property upon transfer. These clauses provide for the manner in

which property belonging to a non-profit organization is to be dealt with upon surrender. So surrender is you voluntary say that, “Look, I surrender my registration”. That is it, we are done. In the existing 316 of the Companies Act there is a similar provision for surrendering. There is a requirement in both pieces of legislation for the property to be transferred to such other non-profit organization that members approve. Now, I cannot understand the rationale for this requirement as it will clearly be an infringement of violation of your property rights. [*Desk thumping*] Because if you surrender they are going now to give it to somebody else. The right to property enjoyed must include the right to dispose of your property in the manner that is lawful, [*Desk thumping*] any lawful manner. You cannot mandate it must be done in this manner.

In the Companies Act the duty is subject to the President, in this one you are saying you go to the official receiver. But the bottom line is you have surrender it. You have to give it to someone else, another MP, another non-profit organization. I suggest this provision, as I say, is infringing enjoyment of property because it does not simply provide the mechanism for the disposal of the property, but it provides for the manner in which you are mandated to so dispose, and this infringement is non-conditional—is not conditional, eh—upon any contravention of the law. You would have broken no law. You voluntarily give up and say I surrender, and you want to tell me what I must do with my property. So that makes this even more arbitrary and disproportionate and breaching of rights. [*Desk thumping*]

There is no causal or rational connection between the limitation on your property rights to dispose of the property and the aim of the legislation. This would infringe the right guaranteed under section 4. Then we come now to disqualification which I have dealt with the clause 20. Then we have the clauses

dealing with appeals and several questions arise with respect to the appeals which I will come to in a moment. I think it is clause 15 or 18. Disqualification. And clause 22, again, this deals with forfeiture of property. I am of the view respectfully, again, that this clause is entirely unconstitutional. This is clause 22. It is unconstitutional because of forfeiture provisions are not reasonably justifiable in any society which has in respect for rights and freedoms, and the upholding of the rule of law.

I will treat with the subclauses of 22 in seriatim. 22(1), this subclause provides that where a non-profit organization is a designated entity found guilty under the Proceeds of Crime Act or Anti-Terrorism Act, the property of the organisation shall be forfeited. If the intent of the legislation is to trigger the forfeiture provisions under the Proceeds of Crime Act and the other one, the legislation cannot impose a mandatory requirement, Madam Speaker, that the property would be forfeited. And therefore, by using the word “shall” you are mandating a court, a judge, and you are taking away the discretion of the judge which is totally unlawful, totally unconstitutional, should not happen at all. [*Desk thumping*]

If there is a due process protection, the Pratt process is guaranteed and legislation cannot take away that due process area. This legislation takes away that due process safeguard. The wording on the legislation is unconstitutional, it takes away the discretion of a court to act in accordance with the provisions of the piece of legislation. We cannot support that 22(1). We cannot agree to give the Attorney General the power, as given in 22(2), to make an application, again, for forfeiture. The power itself is unconstitutional, it should not exist at all. The conditions for the cancellation of registration—you know if the hon. Attorney General will just be quiet for a while he might learn something. He may well learn

something. He will learn something. [*Desk thumping*] You see, that is the problem, they do not listen. They do not listen. They will never listen and that is why they will never learn, and then he may be able to give us some good responses in his winding up.

So this constant babbling, please you will have your turn again, and again, and again. I am saying the present legislation is unconstitutional, taking away discretion of a court by making this mandatory, and I went on to say 22(2), we do not trust that, Attorney General. We cannot trust him. [*Desk thumping*] My colleague will develop that point further as we go.

So we cannot give him that power under 22(2). We think the power is unconstitutional, it should not exist. The conditions for cancellation of registration under subclauses (a), (b), (c), and (f) and (g) are not conditions premised on a criminal offence, Madam Speaker. So how can you take away property again when it is not premised on any criminal offence? Again, no causal connection between the grounds for cancellation and forfeiture of a non-profit organization's property, disproportionate, arbitrary. No connection between the legislative power to cancel registration and to forfeit property. So very dangerous and draconian clauses in this Bill, Madam Speaker.

4.00 p.m.

The making of an application to forfeit property will amount to an interference with the right to property. That interference, having regard to the terms of clause 10 will most certainly be unconstitutional, disproportionate, arbitrary and lacking. I think we value—a man's—what?—home is his castle; I think we value very much our rights and our rights to property and therefore, all those clauses deal with forfeiture, we cannot support and we deem them to be

unconstitutional. [*Desk thumping*]

So clause 13, as I wrap up—there are several others, my colleagues will deal with—several issues arise. Here now is the appeal to the High Court. So where you refuse to register, you cancel them up and you take them off, you can appeal to the High Court. I raised the point already, we are not of the view that we should follow this model which was the outdated model that the UK moved on from since 2006. They have the tribunal. [*Desk thumping*] They have the tribunal; that is where we should go. User-friendly, people-friendly for the small man; that is where we should go.

With respect to how you praise your clause 13 about appeals, you just said there would be an appeal to the High Court, yes. How is this right of appeal to the High Court to be triggered? Within what time frame is the appeal to be lodged? On what grounds will the right of appeal be based? What is the jurisdiction that the High Court will be exercising? Will it be limited to review or will it have jurisdiction to consider applications afresh? Will there be appeals from the High Court to the Court of Appeal to the Privy Council? What is the nature of the relief that the court has the power to grant? Will the court have the power to stay the decision of the Registrar pending appeal? So whilst you say you have a right of appeal, it is not spelt out, it is not fleshed out as to how you trigger it, how you implement it, how you go for that appeal and benefit from it. In any one, Madam Speaker, we are suggesting, take that High Court out and place a tribunal in place. [*Desk thumping*]

So finally I close, Madam Speaker, in the few minutes left. Madam Speaker, I repeat, there are consequential amendments to several other Acts, one of which is the Companies Act, no mention of the corporations Act. Now, I agree with the CSO advocacy group, one of their recommendations and talking about is that under

the Corporation Tax Act, talking about the companies law, this thing is so punitive. I think the main aim of this legislation is nothing to do with regulating and monitoring these people, the main aim is to comply with some foreign something. [*Desk thumping*] It is draconian, the CSO, in their comments, they said it is punitive. The provisions are punitive provisions and therefore, in its present form, we cannot support this legislation.

There are two things I can suggest to the Government and they are as follows: withdraw this Bill and go back to the drawing board. [*Desk thumping*] Consult with all these thousands of stakeholders, put out—[*Crosstalk*] Yes, I am coming to that, you know “yuh” just jumping the gun again, babble, babble, babble. [*Crosstalk*]

Madam Speaker: Again, we are developing, you know, this habit of crosstalk and it is going beyond banter, it is affecting my ability to hear the Member, it is affecting the Member's contribution. Let us refrain from that. Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you, Madam. And yes, of course, either you take it and go back to the drawing board, do your consultations, go back and look at the UK model. Look even Barbados now, a lot of work is going on in Barbados with respect to charities, we have work happening in—a call for NGO legislation in Barbados, White Paper submitted to the Government of Barbados, and then we have another document from the CPDC, in or about March of this year, status of NGO legislation in Caricom—my colleagues will deal more with some of these—where they give us the best practices. So yes, we agree in principle, we want to regulate and monitor the non-profit organizations but we also want you to regulate the profit organizations.

In the one minute I have, I see this very same CSO group, signed by several

NGOs, have called upon the AG, written to the AG, 27th March, yesterday or day before, asking, saying look, they feel their members—while their networks met at short notice, they think that they may need more time to really study this Bill to go forward. So AG, let good sense prevail because I will tell you something, you know. You have put it to be passed by a simple majority and should you succeed with passing it as you will be because you have your own built-in majority, we will challenge it in the courts of law. [*Desk thumping*] So go back out onto the drawing board or you put it to a JSC and let the stakeholders come. Those are the two options that I see at this time. I thank you very much, Madam Speaker. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. I join the debate after such an eloquent and comprehensive contribution by the Leader of the Opposition [*Desk thumping*] and would have just a few issues to raise since several of the key issues have been raised and certainly a critical issue of the constitutionality and the legal position when interpreting this Bill.

Madam Speaker, as I said, it would be a few issues because there is no need to repeat some of the issues raised already. Now, Madam Speaker, it appears that the Government, at best, would have a noble intention here and as the Attorney General indicated, they are seeking to combat the financing of terrorism, to combat the financing of the proliferation of weapons of mass destruction, and those are very noble ideals and objectives, given the threat that the world faces. And Trinidad and Tobago, I imagine, is not isolated from the problems that we face across the globe in terms of dealing with groups and individuals that finance terrorism and the proliferation of weapons of mass destruction.

In fact, Madam Speaker, the Attorney General is on a campaign. I notice some advertisement in the newspaper where the Attorney General has outlined,

you know, actions being taken by his good self and his Ministry to blacklist and to delink persons identified in the UN system from having bank accounts in Trinidad and Tobago. In fact, I think they froze all the accounts of Hamza bin Laden, notwithstanding that Hamza bin Laden has no accounts in Trinidad and Tobago. [*Laughter*] But they are pursuant to the UN objectives so that they advertised in the newspaper all sorts of organizations that they are taking action against and one really is not clear whether any of those organizations exist in the domestic jurisdiction.

But having said that, this falls within that approach as well. The Government, quite frankly, they are trying to kill one or two ducks but what they have done is line up all the ducks and they are firing at all hoping that the one or two that they need, they would kill. At the end of the day, they will kill all the ducks. You are really targeting one or two institutions or individuals that you believe you may have intelligence that they are involved in terrorism financing. [*Desk thumping*] But the way you are doing it is to slaughter everybody in sight and that is wrong. That is wrong. The approach is wrong and deceptive but the objective may be good. [*Desk thumping*] And you are in the process, as the Leader of the Opposition indicated, you are breaking the law in doing it. [*Desk thumping*] You cannot break the law in order to uphold the law.

Mr. Al-Rawi: 48(6), Madam Speaker.

Dr. R. Moonilal: What is 48(6) now?

Mr. Charles: Some nonsense.

Madam Speaker: Member for Naparima. Member for Oropouche East, I would ask you to say that in another way, please. I would ask you to withdraw that and say it in another way and you can continue.

Dr. R. Moonilal: Yes, Madam Speaker, the Bill has a certain—

[Madam Speaker rises]

I withdraw, I withdraw. And what I am saying is that the Bill, because it was conceived and improperly drafted, may well be trampling on rights and in that sense, breaking the law *[Desk thumping]* and I think the Member understands that.

In the beginning, you know, the Attorney General is one to be very eloquent and so on but there are certain issues that the Attorney General can explain for the general population. Now, in this matter, as the Leader of the Opposition indicated, this is a matter of the people, it is about the people's sector. It involves thousands of citizens of this country throughout Trinidad and Tobago, so it is a people's Bill. I am not sure that the people are being consulted *[Desk thumping]* because, for one, while you may have consulted Ministries and organizations and so on, I am not sure if NGOs in my own constituency, I have asked around and I am not sure—*[Crosstalk]* I am sure they did not participate; I am not sure they were invited and they did not participate. But the Attorney General can tell us in a little more detail which people's organization. Was it Vision on Mission? Was it some other: CIWA, Living Waters, these types of organizations? *[Interruption]* The Police Women's Association

Because you know, I am not sure—and let me get to the point quickly. I am not sure the Barrackpore Police Youth Club trying to finance terrorism. *[Laughter]* I am not sure the Barrackpore Sports Club or the Cuchawan Trace Blue Flames Sports Organization—I am not sure they are really contributing to weapons of mass destruction and you are putting in place legislation to deal with everybody when not everybody breaking the law. *[Desk thumping]* And the Government has this tendency now to look at any sector that working and shake it down and say, “Why it working for?” You know, I learned something in the construction sector, you must not shake a building to find out why it is standing. Do not shake the

voluntary sector to find out why they are doing so well. In this country, with the decline of the economy and the withdrawal of the Government from every sector in the economy, it is the voluntary sector [*Desk thumping*] that is propping up sports, culture. There is a lady in the east raising funds by way of barbecue and so on to buy sporting equipment for her daughter to represent Trinidad and Tobago. [*Crosstalk*] Health, there are people—

Madam Speaker: When I speak about crosstalk, it is not just across the floor. Okay? There are some echoes that are very persistent and even louder than the voice. They know themselves, I will ask them to, again, regulate themselves. Member for Oropouche East.

Dr. R. Moonilal: Thank you very much, Madam Speaker. So the Attorney General will do well to tell us whether or not sporting groups, cultural groups, the organizations linked to churches—mandir, mosque; whether or not they have ladies organizations in some of these institutions; whether or not the Ramleela organization and so on, for the purposes of this Bill, are they non-profit organizations? And the Attorney General is nodding yes. Now, if that is so, that is a very serious matter because there are certain consequences by setting up this business as it is. You are naming persons as Controllers of organizations.

In the grass-root communities, in rural Trinidad and elsewhere, the controller of an organization could change every Monday morning because “they have ah meeting Sunday night and throw him out”. [*Laughter*] The controller of an organization could change because, you know, his son did not get picked for the cricket team and “he gone his way” and you are now linking this person in law and calling a controller and a controller really means the person who drives the club, drives the organization. It could be a religious leader in some cases. “You have a break-up in the church, religious leader gone, ah next one replace him or her.”

“You go and you lick down”—well, had it not been for a real Attorney General in this country, Mr. Anand Ramlogan, they would have destroyed a mandir. [*Desk thumping*] It was left to Anand Ramlogan, Senior Counsel, to stop this Government from destroying a place of worship. How could you as a Government destroy a place of worship and today, you now want to prevent them from raising money for a place of worship, for a religious activity? [*Interruption*] Even the RHA. But there are dangerous provisions in this Bill.

There is a provision here that allows a Minister, of all people, to give consent and approval for a non-profit organization. Will it be the Calabar Foundation from Port of Spain South? Will it be the Calabar Foundation getting permission to go and collect money from the same Ministry that the Minister now gives approval for? Would it be the Member for La Brea who was collecting money from all the energy sector in La Brea for a beauty pageant, and you did not see the money, you did not see the beauty; [*Laughter*] they were collecting it, and then because of that, conflicted herself when she could not support the workers in a struggle for better terms and conditions of employment. So, Members of Parliament are also involved and that is the point—[*Interruption*] Oh, what Standing Order is it?

Mr. Hinds: Madam Speaker, I rise on Standing Order 48(6).

Dr. R. Moonilal: Thank you very much, Madam Speaker. As I was saying, there are Members of—they just want to detain us here. There are Members of Parliament as well and in our office, we would raise funds time and time again, because we write the Government for funding for a host of activities: national holidays, celebrations, sports, charitable organizations. Look right now, someone needs help to go to school, they will write their MP. An MP will not have the deep pockets and have all the resources for 54,000 people. You will raise funds, you

will have an activity and raise funds. Madam Speaker, I am now raising funds for my defence against the Member for Diego Martin West, you know. I am raising some funds to put up a proper defence against him, he took me to court. Now, I am now banned because I am now a non-profit organization trying to raise funds. I have to now define myself as a controller. [*Laughter*]

Madam Speaker, the problem starts because you cannot take a net and throw it that way. Clearly, as the Opposition Leader indicated, you will have something called a commissioner of charities, you can look at that model. Clearly, you know the sector, you know where you are thinking about. You have international collaboration on intelligence. Clearly, if you are financing terrorism or weapons of mass destruction, you are moving money outside the jurisdiction. [*Desk thumping*] So it cannot be money being raised in Princes Town for an activity in San Fernando. It cannot be money being raised in Arima for a Port of Spain show. It has to be money moving out of the country. Why do you not get a new structure that looks at the NGO community and the non-profit organizations that have international business, international accounts and deal with money transfers, wire transfers and so on [*Desk thumping*] and you create a legal and regulatory structure for that? Nothing is wrong with that but you cannot come with this kind of legislation and undermine and destroy and devastate the voluntary sector that is propping up the social economy. [*Desk thumping*]

This is almost communist in nature. I said it just now and people were laughing. This is what you do in authoritarian states, Madam Speaker. You do that in authoritarian states. And, Madam Speaker, I was not surprised when my researchers picked up an article:

“Venezuelan national assembly bars foreign funding for NGOs”

Dated Wednesday, 22nd December, 2010. This is what the Chávez and Maduro

regime have done. They banned international financing for NGOs because they believe the NGOs support political parties in opposition to the Government. This is part of, you know, this dictatorship. So you have local elections, you have national general elections and so on coming up and you start—to use a local term, I do not know if I could—“you macco” but more than that, you dig up, you infiltrate every single organization that you believe may be giving a little donation to a political party or a candidate. When candidates go for screening as well in any party, you want to know whether they could finance themselves or something. It is the NGO sector, it is fraternal groups that get together and offer help. It is part of a demographic process that you are now seeking to control and undermine. [*Desk thumping*]

And I told the Attorney General, I always remind him that you are the Attorney General today, you are not the Attorney General tomorrow. All these things you do is for another Attorney General, and the Attorney General has positioned that office as the kingmaker here where the Attorney General, if you look at this business, is responsible for striking people out, penalties. Madam Speaker, forfeiture of property revolves around the Attorney General, that office. In our democratic system, the Attorney General is a politician. In fact, the incumbent Attorney General was at some time recently the Public Relations Officer of a party. [*Interruption*] No, I think they moved him out and put somebody else. He recused himself.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1).

Dr. R. Moonilal: Madam Speaker, so the point I am making—

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1).

Dr. R. Moonilal: What? Are you disturbing the Speaker? [*Laughter*]

Madam Speaker: Please, continue. Just be guided by what we are on.

Dr. R. Moonilal: Thank you very much, Madam. We could have predicted that. Madam Speaker, the Attorney General is the centrepiece of a machinery to seize property for forfeiture, to de-register. And it is one thing to say, go to court, “everybody go to court”. We are creating this system now where every single thing is “go to court”. You can go to court after the fact. So “is ah courthouse culture we are developing”. This is why state enterprises in this country have collapsed and closed down [*Desk thumping*] because everything is “go to court”. Nothing is negotiated, nothing is settlement, nothing is “let us hear you and come to a conclusion”. “Everything is take it to court so state enterprise like EFCL close down, CEPEP will finish any day now.”

Madam Speaker, part of this, I am looking at 22, is where the Attorney General has this direct hand touching everything that goes here. The Attorney General, I look at 22(2), for example:

“Where the registration of a non-profit organisation is cancelled under”—the relevant section—“the Attorney General shall make an application to a Judge”—in—“order of forfeiture in respect of the property of a non-profit...”

And this Attorney General system is a politician. “Could be PRO, could be political leader of ah party as well.” It ought not to be done this way. If you have a commission—notwithstanding our concerns with independent commissions and so on. If you have a commission, a charity commission, as the Opposition Leader indicated, you can have this job to a commission that is appointed in a certain way with consultation with the Prime Minister, [*Desk thumping*] Leader of the Opposition and so on, but it cannot be this way.

Madam Speaker, I saw something which I want to raise as well. This matter of regulations. There are two sets of regulations here. One being made by the

relevant Minister, the Minister of Finance for the Registrar General and one being made I think by the Attorney General. The FIU for finance and the Attorney General for Registrar General. Good. So you have a double regulation here so to speak. Madam Speaker, there is something here that does not sound well and I have not seen it in much legislation in the years that I have been in the House. Now, these regulations take effect subject to negative resolution. *[Interruption]* Those words, so they are just regulations made? *[Interruption]* Okay. So they are regulations that are made subject to whether negative or affirmative resolution but regulations that create penalties of fines and jail. I am not sure you can—but I am sure it is not right, but I am not sure that it may have some legal problems when you take regulations from a Minister's desk and put fines of \$10,000 and three years in jail. You can secretly make regulations and jail people. You have political opponents in NGO movement in non-profit organization and you come up one day, the Parliament is on recess for the holidays in July, August and “you hear regulations made”, a series of regulations have been made and—and let me read it. It is 26(4):

“Notwithstanding section 63 of the Interpretation Act, Regulations made pursuant to this Act may prescribe penalties not exceeding for ten thousand dollars and six months imprisonment for offences committed thereunder on summary conviction.”

So, you can have a recess of the Parliament, Minister makes regulations for a jail term of six months and it is regulation, it is not law—well it is not a Bill, it is a subsidiary legislation and this, I believe, was attempted earlier in something else and I think we had raised it there as well.

Madam Speaker, regulations, particularly where it involves people's property, cash in some cases as well, you ought to make regulations subject to

affirmative resolution of Parliament, [*Desk thumping*] that you come, you debate it and you pass it. The Government has a built-in majority by definition so if you have regulations and you come for affirmative resolution, the chances are the Government will have its way generally but the Parliament and the people will know what is happening. [*Desk thumping*] They will be aware. So, Madam Speaker, that 26(4) is offensive by itself and ought to be removed with the rest of the Bill but it ought to be removed with a focus on it.

Madam Speaker, the clarity again—because clarity we seek here. I mentioned before this Controller—and I do not know if in English in the law because sometimes with these types of legislation, Madam Speaker, you could be borrowing from other jurisdictions where English is not a first language necessarily and you get terms coming into your legislation. This issue of the Controller but the Controller is also a senior officer of the non-profit organization. Now, who is the senior officer of a non-profit organization? Is it the oldest man or woman? Is it somebody who has been in the organization for X amount of years—five years, 10 years, 20 years? Is it someone who—I do not know. You have here a senior officer of the non-profit organization could be the Controller.

Now, this requires clarity in the context where in communities throughout the country and so on, you know, you have these types of organizations, linked sometimes to community centres, where persons have been involved for 50 years and then given the nature of them, their children take over in some cases, continue running a club or running a non-profit organization. “They throw ah singing or ah concert” to raise fund for some activity. So the person could be a senior officer but not really involved in the day-to-day administration of the club or the organization or the non-profit organization in this case, so there needs to be clarity with this and probably remove it in the first place. [*Desk thumping and crosstalk*] Yes, these

definitions are excessively wide.

The matter, Madam Speaker, again, there are a lot of issues here I raised before and I just want to restate. This issue of Members of Parliament involved with NGOs and raising money would also be caught by this legislation. The Vision on Mission people. And this requirement for registration and for indicating any change of registration requirements as set out, I believe, in clause 5. So clause 5 provides the information that you are required to give the Registrar General and it creates a bureaucracy.

Another limiting factor is that clearly you have an idea of the organizations, the profile of organizations that may be involved in terrorist financing and may be involved in proliferation of weapons of mass destruction. You could put an income ceiling. These organizations now, you are not going to be supporting a nuclear programme with TT \$2,000 a year. [*Desk thumping*] You are not going to be supporting a fundamentalist organization killing people all over the world with TT \$5,000 per year that way. The organization itself must have a certain income level of one kind or another. Why do you not set that up as well as a bar? And say, look, if you are \$10 million and above, you are caught in this organization with the commissioner of charities and you look at those organizations, you monitor them.

Because, again, you are trapping everybody and destroying the day-to-day voluntary and social work, cultural work of thousands of organizations. [*Desk thumping*] The Fishermen and Friends made the point as well, Madam Speaker, they quote it earlier. But a religious group in a community now has to get paper and pen, find the rules, find the forms to fill up, get to Registrar General, “full it up”. Get a qualified auditor, in some cases, to audit their books. So they have to go through a bureaucracy. Do you know the bureaucracy will cost more money

than you will ever obtain with this? [*Desk thumping*]

I remember when years ago, I think it was a UNC Government removed the licence sticker on a car. Every year, some people may not know, but you had to go and get P or H as a sticker and put it on the windscreen of your car, and then you discovered that it was costing more to run that system than you collect in the licence fee. Remember the tax in the airport? It is called departure tax. “When you climb up the steps, you put out your money for departure tax.” The paperwork cost more than collecting departure tax. I put it to you that the cost of this bureaucracy will be in excess of any danger you have with financing terrorism [*Desk thumping*] because you are just throwing a bureaucratic system in place, a red-tape kind of situation that will create conflict, confusion in the minds of thousands of people.

Madam Speaker: Hon. Member for Oropouche East. Members, it is now 4.30 and we shall take the suspension now. We shall return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam Speaker: Member for Oropouche East, you have six minutes and eight seconds of your original time left.

Dr. R. Moonilal: Thank you very much, Madam Speaker. Madam Speaker, returning to the Non-Profit Organisations Bill and the inherent danger that this Bill poses to the voluntary sector, the NGO community and the non-profit organizations in this country, I just wanted to call on the Attorney General to—it may be in the best interest of the objective of the Bill, to either withdraw the Bill in its entirety or subject this Bill to some type of consultation [*Desk thumping*] in the national community, and with Members of the Opposition, not only in the Parliament, but elsewhere.

Madam Speaker, it also came to my attention that the NGO community, and particularly, I think the network of social organizations indicated that they had no sight of the Bill. They had no sight of this piece of legislation, and they were also caught unaware that this Bill was before the Parliament. Now that is a very significant and huge community of NGOs in the country. So that, even if the Attorney General believes that for three years he has been fighting and consulting, clearly he has not been consulting the organizations themselves that are being affected.

Madam Speaker, the issue is really the wide breadth in terms of definition of this person called the Controller. I just want to read it here into the record from page 2 of the Bill.

“‘controller’ means a person who has the control or management of a non-profit organization...”

And includes:

- “(a) a director of a non-profit company...
- (b) a trustee of a trust...
- (c) a person responsible for the management or administration of an unincorporated body...
- (d) a senior officer of the non-profit organization; or
- (e) a person not specified in paragraphs (a) to (d) where the non-profit organisation is owned, controlled or managed by that person;”

Madam Speaker, this is much too wide and requires simplification.

Madam Speaker, there is also, when you look at clause 14—I want to touch on that now.

“14. (1) A controller of a non-profit organisation shall ensure that proper financial accounts and records...are kept:”

Now, it does not speak here specifically to whether this non-profit organization is in the category that the Attorney General deems to be \$10 million-plus in income per year. This speaks generally. So one has to assume with a literal interpretation that a controller of non-profit organization is a controller of any non-profit organization. And hear, they must keep records:

- “(a) all sums of cash received and expended and the matters in respect... the receipt and expenditure relate;
- (b) all gifts, sales and purchases of property;
- (c) all sums of cash raised through fundraising;
- (d) non-monetary transactions as may be prescribed by Regulations;
- (e) all assets and liabilities; and
- (f) any other matter that may be prescribed by Regulations.”

Madam Speaker, many of us have many years of experience in the real world. Many of these non-profit organizations, particularly the smaller ones, they keep their filing system in the trunk of car. In the back seat of the car, “dey get letter, dey throw it there. When dey ready fuh it” two months later at a meeting, they can try to find it. There is really no filing system like that. And to now impose some legal, you know, legal obligation to keep all these records and fundraising, and so on—

I mean, my friend from San Fernando East, I thought he tried to stand up earlier, but— He had spent—*[Interruption]*

Mr. Mitchell: You jumped me.

Dr. R. Moonilal: Well, if you had spent more time in the gym you would have stood faster. But we are in the same gym, Madam Speaker, so I can tell him that. I do not see him often but we are there. Madam Speaker, my friend from San Fernando East had, I believe, a wonderful Carnival function a couple years before.

I believe it was the friends of San Fernando East. He would have raised some funds, and so on, and he would be a controller. He has to keep records of all the cash raised through fundraising, assets, liabilities, what was done with that. Madam Speaker:

“A controller of a non-profit organisation shall ensure that the financial accounts and records show and detail all the transactions of non-profit organisation and disclose at any time, with accuracy, its financial position.”

The Minister of Social Development and Family Services will tell you, and I think another Ministry, Community Development, Culture and the Arts, will tell you, Madam Speaker, that in the real world, they write organizations for their accounts and their statements, and so on, not audit, just for statements, and it would take them years before an organization will satisfy their requirement. You are asking these organizations to satisfy the Registrar General in law?

Today, the Minister of Finance read a report which had to do with the reading for reports. Do you know there is a report that Parliament received today of the National Carnival Commission for 2005? For 2005, the Minister slipped, almost. He could not believe it when he was reading it. So the National Carnival Commission gave us audited reports in 2019 for 2005 and you are asking the little non-profit organization, get all your records up-to-date, sales, purchase, assets, liabilities, accounts, records, with accuracy. This is a madcap plan. You have a few months' transition periods, of course, yes, yes.

And Madam Speaker, this piece of legislation will affect all organizations. The Attorney General needs to quickly restrict this to the organizations that he has an intention to deal with.

Madam Speaker: Member for Oropouche East, your original time is now expired. You have 15 more minutes to complete your contribution. You many

proceed.

Dr. R. Moonilal: Madam Speaker, I thank you so much. To the Attorney General, I will give you an example in your own constituency. I think it is the Todd Street Mandir, in San Fernando, there is a vibrant women's group that raise funds and have tea parties or what have you to raise funds, and so on. They are a non-profit organization by themselves that is very dynamic in San Fernando West. And your own constituents may have a word or two with you on this matter and the stringent and oppressive requirements that the law will now impose on organizations like that.

And clearly, Madam Speaker, I mean Member for San Fernando West, as I believe, is a frequent visitor to that place of worship, will know they are not raising funds for nuclear weapons in the Far East. They have never been accused of being involved with financing any terrorist organization. And not only in that temple, there are churches, there are mosques throughout the communities that raise funds, small amount of funds, for a host of charity. Because this country is at a stage where you just cannot depend on the Government to get your assistance. [*Desk thumping*] So when you remove 50,000 food cards from people, people will need help. When you remove GATE, people will need help. When you remove, you know, certain medical facilitates and so on, people will need help, Madam Speaker. And it is the voluntary sector that will do that.

Madam Speaker, the role of the Registrar General is also a concern for us, Madam Speaker, because the Registrar General has now a sort of enhanced role; and I am looking at clause 6:

“Power to grant or renew registration”

Madam Speaker, the Registrar General is taking on now a very activist role in this matter.

“...the Registrar General is satisfied that an applicant has met the requirements of this Act for registration or renewal of registration, he shall—
”

So it is both registration and renewal.

“(a) approve the registration of the applicant in thirty business days;”

Now that is a very short time. Thirty business days would be a month and something. That is a short time in a place like this where things take time. One person at that office needs to be sick for a week and you are getting nothing in 30 days.

“(b) issue to the non-profit organisation a Certificate of Non-Profit Organisation Registration in the form prescribed...”

Madam Speaker:

“(d) a person named as a controller” can be “disqualified...”

The name of the non-profit organization and the circumstances for disqualification:

“(2) The Registrar General may refuse to register or renew an applicant as a non-profit organisation if...”

—according to the following. But hear this:

“(e) the name of the non-profit organisation—

- (i) is the same or similar to a name of a registered non-profit organisation, any other person, association, partnership, firm, or any registered trade mark or any well-known trade mark...”

You see the research that is required here, Madam Speaker? I am just asking whether this could be done in 30 days, that you do a check, all of those checks, to ensure that the name is not—when you have 8,000 organizations, you may be dealing with at one time or another. Madam Speaker, you can be refused registration or renewal, Madam Speaker, where it:

“(ii) is primarily a geographic name used alone unless the applicant establishes to the satisfaction of the Registrar General that the name has, through use, acquired and continues to have a secondary meaning;”

Now you could explain that. I am sure the Attorney General could explain or give an example of that.

So you see, Madam Speaker, there is an organization that I know of near me, called the Debe Daredevils and I think they are mirrored after the Delhi Daredevils. Now, there are organizations like this all over the place calling themselves transformers, and calling themselves by all types of names, which, if you properly check them, could be the name of some major global institution of some kind or some major patented item that is used in another country. Now, these things operate and you take it as you get it. But now you are putting in law it is not that they cannot be registered or renewed as a registration if you find out that the name in Arima or Point Fortin is the same name being used in New York by somebody or something else. You can do that.

You can also be refused on another ground, which is interesting. If you:

“(iii) suggests or implies a connection with the State, or the Government or of any ministry, department, branch, bureau, service, agency or activity of the Government, unless consent in writing to the proposed name is duly obtained from the appropriate Minister;”

Now, just again for clarification, we have all these organizations called the police youth clubs. Would they now require, for the bureaucracy to be satisfied, that the Minister with responsibility for the police would give authorization, would give consent, that they can use that term?—because the police is a department of State, so to speak. So that is another issue that you have to look at. Now I only use

police because it is so obvious, but there may be others that operate in the domain as well.

But the Minister, there is a provision here:

“...unless consent in writing to the proposed name is duly obtained from the appropriate Minister;”

So a Minister now has the power to consent to a name to be used for registration and renewal of registration. Now, something is not too right with this because that can open the way for nepotism, cronyism. It could open the way for helping "famalay-lay-lay-lay", for putting your family into positions, Madam Speaker and giving them that right in law now that you can carry on a non-profit organization that is linked directly to your Ministry by name, by association. And when they do that—you see this has implications.

When you carry names of Ministries, to the public out there that may not be informed and aware, you brand yourself almost as the Ministry. So you raise funds and people look at you and say oh, this is part of the Ministry of the Attorney General, or this is part of the Ministry of Social Development and Family Services, because you have some type of link by name, which a Minister can now give consent to. “So when Minister change, new Minister can come on the scene and say: Look, I am in touch with a foreign organization. They want to sponsor my constituency. We can call it an arm of the Ministry” and you set up a real problem that you never want to set up. So, Madam Speaker, I note that.

The other thing I note is that what would be at number (vi). You can be refused if it:

“(vi) is a name, in the opinion of the Registrar General, for any reason,”—the name is—“objectionable;”

Now, what is that? What really is that? You should delete that immediately

without talking. You cannot say in law that the Registrar General has this power for any reason to decide that that name is objectionable. On what ground? Does the name offend someone? There must be specified grounds that it infringes some equal opportunity right. You know, in the equal opportunity legislation and make up they have certain things that link to this thing that you cannot use language, slogans, and that type of thing. So, Madam Speaker, I plead with the Attorney General to look at that.

Madam Speaker, the information that is required on the controller and on the organization is captured in clause 9 as the:

“Establishment of a register of non-profit organisations”

Madam Speaker, you provide all the names, but you also need to update the Registrar General on any changes associated with that non-profit organization. Again that will have a lot of bureaucracy. Persons will find themselves afoul of the law where an organization will move. As chairman or president of the group change, the address will change to the person's house. So there will be a new house, because the president change, and a new house number. They have to go to the Registrar General, inform them. But if they do not, they commit an offence.

Now the effect of this kind of legislation, Madam Speaker, is that the persons who operate in this charitable, voluntary sector, they will not offer themselves now for community purposes because they believe, if they, innocently or otherwise, but if they innocently forget to drop a document, did not keep this record or that record, they face jail. So you can be the leader of an organization, raising money for kids playing cricket, football, athletics, lawn tennis, basketball, and you run afoul of this legislation and you go to jail. That is not what the spirit of community development and voluntary work is about.

Clearly, you must have a mechanism now to regulate and, you know, give

oversight, so people do not—because I mean part of our culture too is—many of us in your constituency would know the voluntary movement would have a few people who are serial tricksters. They come around at Christmas generally many, but other occasions too, mind you, and you know. If you have been around for a little time in the constituency, you will know the tricksters, the fraudsters, the hoaxers, and so on, and when they come you meet and treat appropriately. But you cannot take this kind of legislation to trap all the innocent people who give up their time, Madam Speaker. There are many recipients of national awards in this country over the last 50 years, who themselves, they earn their name, their reputation, by their selfless service without any money at all to community and charitable work.

Madam Speaker, we talk about the temple in San Fernando. You have the Syrian-Lebanese Women's Association. You have the Islamic women. You have a lot of groups that raise money on an ongoing basis; I can call many. Have they been consulted? Have you spoken to them to indicate that if you become chairman or treasurer or, as a colleague told me earlier, the bookkeeper of the organization, you are a controller? If you sign the cheque book that goes out to pay some education or to build a centre somewhere or to contribute to cancer research somewhere, you are the controller. You could face jail.

Madam Speaker, my time is coming to an end, but I want to end by raising this very serious question: Is it that the Government is using this as well, given the definition of non-profit organizations, to also look at political parties? There is a political party, I will not call their name, but they are raising funds to build a new headquarters and they are raffling cars. "Dey sell five tickets, give out 10 cars" and they are raffling. They are raising money, but it is money for a charitable purpose. So this is, Madam Speaker, a charitable contribution to build a house or

build a headquarters for the party. That organization is it covered here? And is this campaign finance reform through the backdoor? Are you bringing campaign reform through the backdoor, by taking political organizations, trapping them here with raising money for charitable work and then you decide well you will now audit? You will now have a way to audit, to dig up in their business, to search this, to search that, so you can find out who are financiers, who are donors, who are contributing to a political party, who is contributing to a particular candidate, using this mechanism, and that is a danger. These things, they come back to bite you.

And I always tell my colleagues opposite, the only thing you are sure in life—you are only sure of two things. But the only thing apart from death you are sure of, is that one day all of you will be former Ministers of Government. You are sure of that. I do not want to be too morbid, Madam Speaker, but I whispered to a colleague earlier during our recitals of condolences, that all of us will have that one day, and it is what they will say about you would be the issue. And what they must say about you is that the years you spent here, you contributed to democracy, to transparency, to equality of opportunity that that was your fight. And then you would have a good talk. I hope they do not talk about you when you are alive that way.

So, Madam Speaker, these are some of the major concerns. The regulations issue we raised earlier. I just also want to remind the Attorney General, I was not sure if he was in the House at the time, but with the regulations, the regulations are very instructive. They say the Minister with responsibility for legal affairs makes regulations in relation to the RG. Those are negative resolutions of Parliament. Those are, notwithstanding that 26(4), you can also put penalties, including jail and fines, in regulations. And this is untenable. We made the point.

The Minister of Finance may make regulations in relation to the regulator in

order to carry out the provisions of the Act.

“27.(1) The Registrar General may, with the approval of the Minister”—in this case the Attorney General—“make rules prescribing forms, fees and other matters relating to the registration of non-profit organisations...”

So know what is happening here? Effectively, the Attorney General is determining fees—

Mr. Al-Rawi: As he does right now.

Dr. R. Moonilal:—as he—well not in this case now.

Mr. Al-Rawi: Yes.

Dr. R. Moonilal: No, the Attorney General may be doing it in other spheres of activity, which is good, but we are dealing with this particular one today; whether or not a politician should be involved in determining fees for non-profit organizations in this way. Madam Speaker, I thank you.

The Minister of Tourism (Hon. Randall Mitchell): Madam Speaker, I want to thank you for recognizing me. I did try, on the last occasion, Madam Speaker, to “ketch” your eye, but the Member for Oropouche East jumped the gun and disrupted the order of speaking, after I told him that I intended to speak after Siparia, and I do not know whether to feel flattered, because I really came to debunk a lot of the things that the Member for Siparia had said. [*Desk thumping*] But now I have the opportunity to debunk a number of things that the Member for Oropouche East had said.

Madam Speaker, I want to thank you again for the opportunity to contribute to this Non-Profit Organisations Bill, 2019. Let me start off with the major point, Madam Speaker. The Member for Oropouche East joined with his political leader, the Member for Siparia, in saying that we are breaking the law, we are breaking the

law, and that this Bill interferes with property rights and violation of property rights. Madam Speaker, I wonder if in the Member for Oropouche East's haste that he simply did not understand the Bill that was before him.

On the last occasion, Madam Speaker, I reminded the Member for Oropouche East that I sat in a class with him. The class was called "The Principles of Trust". We sat in the same class and I reminded him of that.

[MR. DEPUTY SPEAKER *in the Chair*]

And it seems as though everything went over his head, because, Mr. Deputy Speaker, as I welcome you to the Chair, Mr. Deputy Speaker, this type of organization is based on trust principles. And it is unlike a member's club or a propriety club, Mr. Deputy Speaker.

The property that is held by either the trustees in a non-profit organization or by the non-profit company itself are based on trust principles given to the trust company or to the non-profit organizations for what we call in law a purpose trust. And where you surrender the registration of a non-profit company or a non-profit organization, it means then that the trust fails. The property does not belong to the members. It is unlike a club or it is unlike a member's club, Mr. Deputy Speaker. And that is why there are provisions in the Bill to deal with the property on the failure of the purpose trust. It is as simple as that, on forfeiture or on a voluntary surrender. And I will return to that, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Member for Siparia also spoke about the Fishermen and Friends of the Sea and said that, according to them, the law is a tool for abuse. But I would say to that, Mr. Deputy Speaker, that the Fishermen and Friends of the Sea, the public really does not know who is behind that. And it is my impression that Fishermen and Friends of the Sea is a one-man band. And what this Bill would do, would be to disclose all the members of that non-profit organization

[*Desk thumping*] and what that would redound to, Mr. Deputy Speaker, is that it would create confidence and integrity in the non-profit sector and that is what it would do.

Mr. Deputy Speaker, the Member for Siparia also indicated that we were not treating with for-profit companies, but the Member for Siparia is rarely here and she may have missed last week that we passed a Bill in furtherance of dealing with these 40 Recommendations from the Financial Action Task Force that deals with transparency and beneficial ownership, mandating the disclosure of beneficial ownership of companies. So we are treating with for-profit companies as well.

The Member for Siparia also went at length at clause 6(2), in saying that the Controller would be disqualified if found guilty of a criminal offence of a term of imprisonment. But, Mr. Deputy Speaker, what the Member for Siparia clearly missed is that the clause says “may” disqualify a controller. So, therefore, the Registrar has a discretion and in an organization like Vision on Mission whose purpose is to rehabilitate offenders, Mr. Deputy Speaker, I am certain that the Registrar General would apply that discretion appropriately. And in any event, Mr. Deputy Speaker, Vision on Mission has many persons who can be deemed as controllers.

Mr. Deputy Speaker, the Member for Oropouche East also raised a point that the Cuchawan Trace Police Youth Club could be found to be breaking the law, and I would say to the Member for Oropouche East, through you, that it may very well not be the Cuchawan Trace Police Youth Club who may be breaking the law or intend to break the law, you know. It may be the actors or members who may—unknowing to other members in that police youth club—very well intend to break the law, and that is what this piece of legislation does. It adds integrity. It places a fiduciary duty and a responsibility on those persons who are deemed to be

controllers. The law recognizes that those persons who are controllers have that fiduciary duty and they are responsible. It is similar to core profit companies, under the Companies Act, where the directors hold a similar fiduciary duty and the directors can also be found to be guilty of some sort of offence. So, Mr. Deputy Speaker, I reject that.

The Member for Oropouche East also indicated that some members of non-profit organizations may keep their files and their accounts in the back of a car trunk. And I would say to the Member for Oropouche East, well what does that really say to the non-profit sector? What does that say for persons who must have confidence in participating in the non-profit sector, even as donors, where someone gives of their personal property towards a trust for some charitable purpose, some altruistic purpose and that person receives those funds, receives that property and instead of properly accounting and properly filing, keeps information in a car trunk? [*Desk thumping*] I am disappointed that the Member for Oropouche East will actually make that point.

The Member for Oropouche East also was a bit disingenuous in saying that there is a woman who may want to raise funds for her child to further some sporting discipline or some other. The Member clearly did not read the definition of a non-profit organization, where it clearly refers to a body of persons, whether incorporated or not incorporated. So the one individual by the mall who brings a sheet for you, asking you for a donation to buy a little football boots or to participate in some cake sale or the other, is not caught by this Bill, and he knows that. So that is why I say he might be a bit disingenuous.

But, Mr. Deputy Speaker, I will get to some other points later down.

5.30 p.m.

So, Mr. Deputy Speaker, the passage of this Bill, that is, the regulation of the

non-profit sector, is done to meet our international obligations to the Financial Action Task Force, these recommendations on anti-money laundering as well as counter terrorist financing. And the 40 Recommendations are recognized as the international standards for the combating of money laundering, and terrorist financing, and any other threats. And these standards must be adhered to, to ensure the integrity of not just our domestic financial system, but also the global financial system. And our failure to comply with these international standards, as the Attorney General has said time and time again, would lead to our eventual blacklist and exclusion from the global community through the ultimate sanction of de-risking.

We are dealing with Recommendation 8 here today, Mr. Deputy Speaker, and this recommendation specifically requires countries to review the adequacy of laws and regulations that relate to the non-profit organization sector, which the country has identified as being vulnerable to terrorist financing abuse or money laundering. And as the Attorney General said, in our Mutual Evaluation Report, Recommendation 8 was rated as non-compliant and totally outstanding.

It was found in that mutual evaluation, Mr. Deputy Speaker, that this jurisdiction had no adequate legislative framework for the regulation of NPOs and there was no evidence of an anti-money laundering or counter terrorist financing policy governing the nonprofit sector. So this Bill is here today, and I congratulate the Attorney General for bringing it, to treat with the deficiencies and to look at the vulnerability of an unregulated, non-profit organization sector.

So, Mr. Deputy Speaker, let us examine what is an NPO in order to understand why NPOs can pose very serious risks and very serious vulnerabilities. The NPO sector is at serious risk of infiltration and abuse with respect to money laundering and terrorist financing. An NPO is defined by the Financial Action

Task Force very widely—and it is not so defined in the Bill that is presently before us—as:

“...a legal person or arrangement or organization that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of ‘good works’.”

It is significantly wider than the definition that is in the Bill before us, and as well as the definition that is in the Companies Act. So, in other words, it is an organization arranged not in the pursuit of profits, but in the pursuit of some other charitable or altruistic purpose for the development of the community. And there are three types of NPO, as the Attorney General alluded to; one is incorporated by Acts of Parliament, a non-profit company incorporated and registered under the Companies Act, and an unincorporated association.

And Mr. Deputy Speaker, I treat with the unincorporated association as the Attorney General dealt very comprehensively with non-profit companies. Because an unincorporated association, as the name suggests, is not incorporated under the Companies Act or registered in the Companies Registry and it is a very flexible and inexpensive way of constituting an association for charitable or altruistic purposes. It is an association created by its members in the pursuit of a common purpose.

And these associations, Mr. Deputy Speaker, as you know, are allowed to open bank accounts and to enter into the formal financial system. For example, a village council, a residential association, may take this form of organization, opting not to go into the formal route of registering under the Companies Act. And, Mr. Deputy Speaker, these organizations are free to raise funds, they are free to participate in the formal financial sector. They can hold property in the name of the

trustees as well, Mr. Deputy Speaker, and they are simply bound by their constitution and the bylaws that they as members of that association agreed to. So, Mr. Deputy Speaker, the NPO sector is very largely un-regulated.

The non-profit sector is unchecked, it is unsupervised. And apart from whatever due diligence procedures that a banking institution may put, or the formal financial system may put on the deposits of these non-profit organizations, they can go about their activities without any supervision, any monitoring, and any checks. And that, Mr. Deputy Speaker, is what makes an NPO very attractive for those wishing to abuse that sector and those organizations, criminals wishing to launder the illicit proceeds of their crimes through money laundering as well as organizations looking to further terrorist activities.

So, Mr. Deputy Speaker, let me just briefly look into the methods of abuse and it is based on international case studies. Some of the modalities of abuse, as identified for these non-profit organizations, can be through the diversion of the NPO's funds, that is, the very nature of the organization of an NPO, it depends on a lot of volunteers. Persons come, persons go, and the very nature of an NPO especially in our jurisdiction, background checks are not placed on those volunteers.

How these NPOs can be abused for terrorist financing purposes, as well as money laundering purposes, the persons going out there and soliciting funds on behalf of the NPO may simply wish not to remit it back to the NPO. And they can, in possession of those funds, pass it on to some terrorist organization, or put it towards some purpose aimed at furthering a terrorist organization. Or the very persons, the controllers, someone who is in charge of the financial accounting may receive a remittance of those funds, and unbeknownst to any of the other members or even the board of directors of that NPC or NPO, may very well go to the bank

and transfer large amounts of moneys, again, unbeknownst to anybody else, to their affiliate in their personal capacity, affiliate terrorist organizations in conflict zones all over the world. Individuals may also pass themselves off as falsely representing NPOs.

Mr. Deputy Speaker, there is also the abuse of the association's programmes, where again, very little background checks are taken. And, for example, an NPO with an educational purpose, a charitable educational purpose, may hire someone, no background checks, no proper systems in place, and that person, you send them out there to deliver an educational programme, and instead that person may very well try and use their position to indoctrinate persons to the terrorist philosophy or the terrorist theories; indoctrinate and recruit them to join terrorist organizations.

Mr. Deputy Speaker, another way of abuse, another modality of abuse, is where support for terrorist recruitment can be disguised in the form of assistance to individuals involved. So there may be a nonprofit organization, persons go out to the wider society and they solicit funds to assist the needy, the poor, persons who are in need of assistance, when in fact the persons who they are providing assistance to, may very well be the families of recruited terrorist fighters who have gone abroad in conflict zones to join terrorist associations.

And, Mr. Deputy Speaker, with respect to money laundering, we all know that an NPO as unregulated as it is, is ripe to criminals seeking to launder their moneys. And I really want to cast no aspersions, but there are a number of churches that have sprung up, there are a number of schools, there are a number of organizations. The very nature of how an NPO is funded, the donations, depending on the type and purpose, an NPO may be funded in cash. The cash funds, they spike, they go up and down. They are not—and it is very hard to track

where—for the bank, it is very hard to track where those funds come from.

And, Mr. Deputy Speaker, it could very well be that a criminal who is complicit with the members of a church may very well be able to launder the proceeds of his crimes through that church. Taking those illicit funds, passing it through the church, the church depositing the proceeds of those crimes into the church's bank account, and very simply the money launderer—and we dealt with it last time. So it also interacts with Recommendations 33 and 34 which treat with transparency and unmasking beneficial ownership.

When the criminal passes his illicit funds, and launders his illicit funds through the NPO and it goes into the bank account, the criminal can get back that money, where the NPO can purchase a car, or can purchase a house, or can purchase land that now is in the sole possession of the criminal because nobody is keeping track of this thing. The sole possession of the criminal and therefore, the criminal will enjoy the beneficial ownership of these very valuable pieces of property. So, Mr. Deputy Speaker, in light of these various types of abuses, the Government is committed to eliminating the risk of abuse with the introduction of this Bill that I wholeheartedly support.

Part One of the Bill treats with controllers, a lot was spoken about that and it really just identifies who is responsible and who can be liable where an offence is committed by a non-profit organization. Who owes the fiduciary duty under the law. The Bill also gives a very wide definition to the meaning of the word “property”, and I know the Attorney General went in at length on that.

In clause 4, Part Two, the Financial Intelligence Unit is now empowered with supervisory powers for the regulation of the NPO sector with respect to anti-money laundering, and counter finance terrorism, and proliferation financing. But the NPOs do not now have to register with the FIU in the same way as credit

unions and other listed businesses have to do, and that is by virtue of their registration, their mandate to register now with the Registrar General.

Clause 5 sets out the formalities of registration for an NPO and it also very usefully, Mr. Deputy Speaker, includes a completed anti-money laundering, counter financing of terrorism, and proliferation financing risk assessment questionnaire, which will by itself sensitize the operators, the controllers, the members of an NPO of their many risks of abuse.

Clause 6 allows for the approval and the grant or renewal of a certificate of registration, and it also lists the bases upon which the Registrar General may refuse to register or renew an application.

And clause 7, Mr. Deputy Speaker, limits the time for a certificate of registration. A certificate of registration only lasts for three years, and therefore unlike companies that may exist into perpetuity, or unlike certain charitable trusts that, by the way the trust is created, intend to exist into perpetuity, an NPO now can only exist for a period of three years, subject to a successful application for renewal of the certificate of registration. And this by itself, Mr. Deputy Speaker, would also bolster and add to the integrity of the non-profit sector and create confidence in the entire sector for all its stakeholders and for donors.

Clause 8 deems that all non-profit companies incorporated under the Companies Act will be registered and are deemed to be registered.

Clause 9 sets out the information to be included on the Non-Profit Organization Register. And clause 10 provides the reason for the cancellation of a registration where the NPO fails to fulfill its obligations under this Act, has breached its own constitution or bylaws, has breached in its duty as trustee to any of its donors, and where criminal offences are committed in relation to the NPO.

Very usefully in Part Three, Mr. Deputy Speaker, clause 14 places

obligations on NPOs that proper financial accounts and records must be kept and they must be kept for six years. Again, instead of placing these records in a car trunk, the records must be kept in a secure location and must be kept for a period of six years because in some instances, it is significant trust property that these NPOs are dealing with.

So, Mr. Deputy Speaker, a lot has been said already and I do not want to protract this any longer. I am happy to support the efforts of the Government as well as the Attorney General—[*Desk thumping*—in fulfilling its international obligations in regulating and minimizing the risk of abuse in the non-profit sector. It is important that the non-profit sector remain credible and trustworthy to all its stakeholders and donors, so that there remains confidence in the system. With the passage of this Bill, NPOs and their controllers are now forced to be more diligent in the course of the delivery of its service. And that diligence, Mr. Deputy Speaker, would only redound to the benefit of our financial system, not just domestically, but our place in the global financial system and our place in the global community.

So, Mr. Deputy Speaker, with those few words, I want to thank you for the opportunity and I support this Bill wholeheartedly. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): [*Desk thumping*] Thank you very much, Mr. Deputy Speaker. I rise to make a contribution on this Bill, the Non-Profit Organisations Bill, 2019.

As my political leader and Leader of the Opposition, and my colleague from Oropouche East have both indicated, the good intentions of this Bill cannot be ignored or denied. But there are serious problems with the Bill. Many points of view were articulated on this side by the Leader of the Opposition, the Member for Oropouche East.

But I think two very telling points that they made were that, first of all, you

had a situation here, where the—for the objectives that were being sought, the good objectives that were being sought to fight terrorism, anti-money laundering—basically corruption, the reach and the overreach were just too much. I think that is an important issue. And the second point that they were making is that basically, in this overreach and dealing with the people sector so to speak, a sledge hammer was being used to slam down a mosquito. And I think those are legitimate objections to some of the elements of this Bill.

Now, non-profits are not organized for the business of making money. Generally, they are involved in charitable work, or social work but they can be involved in religion, education, science, research, environment, community, et cetera. But they are a source of social capital, and an avenue for social capital development. This is an important part of society, and much research that has been done on the development of competitiveness, on the development of business, on the development of cohesion, and competitive capacity in countries, showed that not just intellectual capital, but social capital is a critical factor in development.

Now, organizations have to—organizations like these have to raise money. And to do this, whether you are a cricket club, or a woman's organization, or a church, they can either get money from Government, or they can raise money from the private sector and from philanthropic individuals. So money is involved although they do not make a profit. And once money is involved the issue of trust becomes a key factor for the donors who are donating money, because they want their money to be well spent, and for communities that are served. And, of course, if the Government is giving money, the Government wants accountability as well. So, people in general want to know that the money is doing what it is supposed to do.

So we acknowledge accountability as a key factor, because donors want to

know that the money is well spent. Accountability is good, because it engenders trust. Government wants to know that its subventions are used for the purposes that are intended, or at least articulated. For most organizations it might be small money, for some it might be larger money, and for others, significantly big money; it depends. And always the community wants to feel comfortable that money is being spent on the right things.

So, the issue is how do you keep non-profits as identified in this Bill, honest and accountable and doing what they were established for? So regulation is not an unreasonable thing, we are not objecting to regulation. In some cases they use public money as the AG said, okay? In other cases they offer public or social services. The established standard—the Government wants to establish standards. They want to hold the organizations to account and they want to establish a framework for monitoring and evaluating what they are doing.

The purpose of regulation, therefore, given the nature of the work that non-profits do, is to protect the public, to protect charitable donors, to protect the State from deception and malpractice of any kind. And I suspect that the Government in bringing this Bill also wants to put safeguards to protect people from themselves because that is often a problem in organizations and institutions of any kind, whether it is this, a business, a political organization, an NGO, anything.

It might be worthwhile to note though that Government and non-profits rely on each other. Non-profits provide services to citizens while non-profits rely on the Government for funding in cases where they are state-funded. This is true of the business sector too, and non-profits and the relationship between the business and non-profit sector. Business people cannot go out and do charitable work every day, they have their work to do, but they would be prepared to support a non-profit if they did it well, and came back in accountable terms to them. And the

Government also wants to see performance of that kind. Non-profits do not pay tax. They do not make a profit as I said and many of them are exempt from tax.

Many non-profits, Mr. Deputy Speaker, are NGOs and CBOs and they are involved in or dedicated to a range of sectors. This is what is known as civil society organizations. They could be in cricket and football, they could be in music, they could be in environment, they could be in education, they could be religious organizations involved in various charitable purposes; it could be anything. Now, can civil societies, non-profits, CBOs, NGOs, go wrong? Yes, they can. Directors can ignore the mandate and intent and do what they want contrary to the aims and objectives of the organization they represent. The Member for San Fernando East spoke to some of those issues.

Power can be abused, as it can be abused anywhere and everywhere else. Civil society organizations are not exempt from this, it happens. The membership can be ignored, or have limited involvement and the leaders can run amok. Funds meant for public purposes or charitable purposes can be diverted to personal use of individuals or a clique. Accountability issues can be totally ignored. People can be irresponsible, transparency can be undermined, the institutional aspect can be weak, leadership can be authoritarian and dictatorial. Yes, bad things can happen.

But despite whatever flaws, Mr. Deputy Speaker, is civil society important? That is the important question. Well, it is. And I think the fact that you want to have a Bill to regulate it, acknowledges that it is. But there is a difference, I think, in a development perspective that reveals a certain perspective from the Government that we do not support. And I want to say that our perspective on development with regard to NGOs, CBOs, and civil society organizations is very different.

You see, we see these civil society organizations as a vital part of

democracy. We see it as helping to strengthen democratic participation. [*Desk thumping*] We see it as helping to close the democratic deficit in countries. Civil society can be an essential feature of good governance. It does not have to be treated as if it were a criminal class. So, when the issue of regulation emerges one has to consider balance. The need for regulation, but also the need for an encouraging framework to allow them to develop. The challenge becomes, Mr. Deputy Speaker, how to balance good practice and the use of regulations to support good practice, and avoid tipping the scale to overburden these organizations so much that you stymie growth and development, and weaken advocacy and the democratic process.

6.00 p.m.

It should be remembered that many civil society organizations are based on voluntarism and advocacy for a cause. It flourishes in an environment in which enlightened self-interest can be pursued. The clash of enlightened self-interest in the society is essential for the growth and development of democracy and the democratic process, and the facilitation of give and take in the exchange of ideas and the building of consensus.

I crave your indulgence, Mr. Deputy Speaker, to draw on an article I wrote many years ago in 1997, and which was published in the *Nordic Journal of Latin American and Caribbean Studies*—[*Crosstalk*]

Mr. Deputy Speaker: Silence.

Dr. B. Tewarie:—and published in the *Nordic Journal of Latin American and Caribbean Studies* [*Desk thumping*] in 1998. Title of the article was “Globalization opening spaces for civic engagement”. Now, the focus of the article is on the role of people and people’s organizations in the development process as part of a sustainable approach to building a society. [*Desk thumping*]

Now, this was 1997, Mr. Deputy Speaker, and as you know, they talk today, based on 2017 from the United Nations, is about 17 sustainable development goals.

[Desk thumping]

Now, in the article, I stressed the importance of the stakeholder approach to the process of political participation. As all Members will know, the Nordic countries are very strong on civil society engagement. They are very strong on stakeholder participation and consultation as practised. So what I had to say in 1997 made sense—

Mr. Deputy Speaker: Members?

Dr. B. Tewarie:—to the editors of the Nordic Journal focused on Latin America and the Caribbean, and this is some of what I said:

Dr. Moonilal: Imbert, what you write? About the buck. *[Crosstalk and laughter]*

Mr. Deputy Speaker: Member. Member one second. Members please, I would like to hear the discourse of the Member for Caroni Central, so please the crosstalk across the floor—Minister of Finance, Oropouche East, please.

Dr. B. Tewarie: Thank you very much, Mr. Deputy Speaker.

“Civic engagement has always been an important area of concern in the context of development. In most countries, there is a rich tradition of community action as a force for change in both urban and rural contexts. Today, civic engagement is described in a number of ways. Whether one describes the phenomenon as community building, civic institutions, social capital, citizens’ organizations, non-government or civic engagement—the concern is really about two things: peoples’ participation in the socioeconomic and political process and the social infrastructure required to support the democratic decision-making process.”

One commentator writing on activities in the 1970s and 1980s has pointed

out and I quote:

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1), please.

Dr. Moonilal: This is an intellectual engagement. [*Crosstalk*]

Dr. B. Tewarie: It is simply because you have no ideas, no philosophical basis [*Desk thumping*] and you are a backward political party, taking the country to the back. [*Desk thumping and crosstalk*]

Mr. Deputy Speaker: Okay. Member for Caroni Central, I have not ruled as yet, but I would like you to retract the statement you just made please.

Dr. B. Tewarie: I do, Sir.

Mr. Deputy Speaker: Pardon?

Dr. B. Tewarie: I do.

Mr. Deputy Speaker: Proceed. Tie in your point as quickly as possible please.

Dr. B. Tewarie: Yes. And the commentator that I quote here is saying:

“it was really the government...that set down the requirements for participation in the community development process. Tensions between the centers of power and the edges of society soon appeared.”

So that in this business of the emergence of the civil society organization, there was a direct tension between government at the centre of the power and control process—[*Desk thumping*]

Hon. Member: Tell them!

Dr. B. Tewarie:—and organizations trying to find their space in order to assert their positions on particular issues.

Hon. Member: Very well said.

Dr. B. Tewarie: Now, I will simply read a few lines here more.

“If we are to take a sustainable development approach to Caribbean society, then the ordinary citizen and the organizations in which they

assemble must play a pivotal role in the development process. Part of the role that such organizations and institutions must play involves embracing responsibility for the social, ecological and economic sustainability of the societies in which they live.”

And, therefore, what we have to do, is we not see civil society organizations as terror organizations [*Desk thumping*] but organizations that sustain the social fabric and that sustain the political democratic process [*Desk thumping*] and the philosophical position that they have is what influences a Bill such as this, and I will explain, again, and I ask for your protection, Mr. Deputy Speaker, because I know that they are going to stand up again, or raise issues again. Because, you see, in our manifesto of 2015, all right, [*Crosstalk*] we talk on page 17 of strengthening governance and institutional arrangements.

“The state provides the institutions and infrastructure that enable the economy and society to operate. Its ability...”—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1) again, please. [*Crosstalk*] Mention a clause, at least, “nah”.

Mr. Deputy Speaker: Overruled. Proceed. [*Desk thumping*]

Dr. B. Tewarie:—

“to carry out these functions has and undeniably profound impact on the lives of all citizens.”

And I close here: [*Crosstalk*]

Mr. Deputy Speaker: Members, please. [*Crosstalk*]

Dr. B. Tewarie:

“the voice of the people will continue to be heard as we adopt policies and programmes guided by multi-stakeholder partnerships for national development.”

So we see civil society organizations as developmental partners and, in fact, we say so in this document. We see them in the context of empowering the people. [*Desk thumping*] We see them in the context of the way you build and organize and manage the society—you have Government, you have business, you have labour, you have civil society—all four working within a framework for national development on the basis of a vision.

We also see them in terms of the development of volunteerism, and that is why we have views such as home-owning democracy, stakeholding democracies— [*Desk thumping*]

Mr. Al-Rawi: Mr. Deputy Speaker, with the greatest of respect, I cannot, as the drafter of this Bill, find any relevance. I am asking for your humble consideration.

Mr. Singh: What is the Standing Order?

Mr. Al-Rawi: 48(1). “Yuh deaf.”

Mr. Charles: Well, say so.

Mr. Al-Rawi: My apologies. [*Crosstalk*]

Mr. Charles: Say so.

Mr. Deputy Speaker: Member for Naparima, I do not think the question was directed toward you please, please, please. Member for Port of Spain St. Ann’s East. [*Crosstalk*]

Members please, please, please. Members listen—[*Crosstalk*] Okay. All right, Members listen, from now on, no crosstalk whatsoever. Okay? If that is what you all would like me to subject you all to, no crosstalk. Member for Caroni Central, tie in your point and close off according.

Dr. B. Tewarie: I am tying my points, Mr. Deputy Speaker. It is just the fact that I am saying to them that they have no basis of philosophical organization of thought for bringing this legislation [*Desk thumping*] which is the thought process

that I am attacking in this legislation. I am saying that it is completely skewed, Mr. Deputy Speaker.

So in this particular manifesto that I mentioned, we mention social capital, which is what I talked about, participatory democracy, and when you look at development today—and these things are instruments of development, all these civil society organizations. What does it involve? It involves institutions that focused on the economy; it involves the environment, of course; it involves building of people and community; it involves inclusion, participation, opportunity, equity, collaboration—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Orders 55(1)(b) and 48(1).

Dr. Moonilal: I thought we say no crosstalk.

Mr. Deyalsingh: All this has been covered.

Mr. Charles: “Shut up nah. That is crosstalk.”

Hon. Members: “Ohooooo!”

Mr. Deputy Speaker: Member for Naparima. Stand and apologize for me clearly. Stand and apologize.

Mr. Charles: I apologize.

Mr. Deyalsingh: For what?

Mr. Deputy Speaker: Member for St. Joseph, please. [*Crosstalk*] Member for Toco/Sangre Grande, please. [*Crosstalk*]

Overruled. Proceed.

Dr. B. Tewarie: Thank you very much, Mr. Deputy Speaker. I thank you very much. So, Mr. Deputy Speaker, the whole approach here is one which should see civil society organization—which is what this Bill is about, Mr. Deputy Speaker—as one in which civil society organizations should be seen in the context of economic participation. It should be seen in the context of—

Mr. Al-Rawi: Mr. Deputy Speaker, I rise on Standing Order 51(1) which the Member for Oropouche East and the Member for Siparia have spent a copious amount of time on—civil society participation, the need for that aspect, the third leg of the society kicking, the consultative aspect. Mr. Deputy Speaker, I am asking kindly. I have taken copious notes, which I can share. This has been repeated. This is the fifth time it is being made from three different speakers. I ask for ruling.

Mr. Deputy Speaker: And as I ruled AG, yes it may be on the same particular topic, but his points are different from what was said earlier. [*Desk thumping*] So overruled. Proceed.

Dr. B. Tewarie: Thank you very much, Mr. Deputy Speaker. It has to do with political empowerment, the building of social capital, the building of community power and the strengthening of people empowerment, and it has to do with using these instruments, these organizations, to help people to learn and grow and develop so that you build that social capital accumulation in the society. Now, this Bill, the Non-Profit Organisation Bill, is hostile to this kind of thinking which is why they are getting up to oppose me. This is why they want me to shut up. [*Desk thumping*] This is why they want me not to speak. [*Desk thumping*] It is hostile to people and people's organizations. I wonder—

Mr. Al-Rawi: Mr. Deputy Speaker, 55(1)(b). Mr. Deputy Speaker, Siparia, Oropouche East, hostile to Cuchawan Trace, hostile—Mr. Deputy Speaker, all of this has been said.

Dr. B. Tewarie: Mr. AG, please sit down. [*Crosstalk*]

Mr. Deputy Speaker: Member for Caroni Central, he is on a Standing Order, he has the right. You cannot get on like that, please. AG, proceed, make your point.

Mr. Al-Rawi: Mr. Deputy Speaker, with the greatest of respect, to my learned

colleague whom I have respect for, lest he get upset, these points have been canvassed already from multiple angles, Mr. Deputy Speaker. I consider under the purview of Standing Order 55(1)(b) that we are bordering on tedious repetition, Mr. Deputy Speaker. We have taken this at six different angles, Mr. Deputy Speaker but, respectfully, on the same point.

Mr. Deputy Speaker: Okay. Member for Caroni Central, you have now started the point, let me hear what road you are going down, and I will then determine. Right? So, proceed.

Dr. B. Tewarie: I was just saying, Mr. Deputy Speaker, that the reason they are objecting so much is because the perspective that they have is very hostile to people's organizations [*Desk thumping*] and you would not recognize the Members sitting in the front bench here today from the founder of that party, Eric Williams, [*Desk thumping*] who talked about a people's sector and who talked about a people's charter; one in 1956 and one in 1970, and this legislation is really a legislation to cripple an element of the people's sector [*Desk thumping*] and they do not even have the self-knowledge of that, and even if they did, it would not bother them because the track that they are on has nothing to do with ordinary people in this country. [*Desk thumping*]

Dr. Moonilal: That is the point. [*Desk thumping*]

Dr. B. Tewarie: The network of civil organizations—

Mr. Al-Rawi: Mr. Deputy Speaker, Standing Order 55(1)(b). This is exactly the submission from the Member for Oropouche East, Mr. Deputy Speaker. I have yet to even hear a clause of the Bill referred to. We are now 20 minutes into the contribution and we have urgent business to do. I am asking for your ruling. [*Crosstalk*]

Mr. Deputy Speaker: So Member, again, I would like you to close off this point

and move on. Right? I have seen the road that you are going down and, again, it is bordering similar with regard to what have been said previously. So move on to your other point, please.

Dr. B. Tewarie: Sir, with all due respect, I am not repeating anything here, you know.

Mr. Deputy Speaker: Member for Caroni Central, I have ruled on this occasion.

Dr. B. Tewarie: The network of civil society organizations whom the AG said he engaged, sent to them documents, a document that was done by a consultant and indicated concerns about a 2018 Bill that they circulated. I do not need to go through this Bill clause by clause, Mr. Deputy Speaker. The AG did that. The Leader of the Opposition went through significant clauses having to do with the distribution of power and the exercise of power under the jurisdiction and the conflict between certain Bills in the country that had been passed by this Parliament.

My colleague, the Member for Oropouche East, dealt with other matters having to do with power overreached in the Bill and taking a sledgehammer to kill a mosquito. I do not need to go in the clauses for that. But the Network of Civil Society Organizations acknowledged that there is need for greater security and the need for an intervention. They recommended four actions. I would not read them here, but they recommended four actions that they feel might make it better—make the Bill better and make any kind of organizational strategy for scrutiny better. Now the advocacy paper, Mr. Deputy Speaker, is not a response to the legislation.

Mr. Deputy Speaker: Hon. Member, your 30 minutes have expired, you have an additional 15. Do you care to avail yourself?

Dr. B. Tewarie: I would like to.

Mr. Deputy Speaker: Kindly proceed.

Dr. B. Tewarie: Mr. Deputy Speaker, will I get any time for the stoppages?

Mr. Deputy Speaker: Kindly proceed.

Dr. B. Tewarie: The advocacy paper of the network is not a response to the legislation. This advocacy paper came out of an EU sponsored consultancy to strengthen the civil society sector and to make it more accountable and responsive. So the AG is not the only one thinking about this. The Government is not the only one thinking about this. The sector itself is thinking about it but, the civil society, through the network of NGOs, did submit comments on a 2018 draft. I do not think any of those comments that were submitted were taken into account, Mr. Deputy Speaker, in the preparation of this legislation, and I could ask the AG to get up—he likes to get up a lot—stand up now and tell me whether, in fact, any of the issues were taken into account.

Mr. Al-Rawi: Yes they were.

Dr. B. Tewarie: I think a careful examination of the Bill and their submissions would show that that is not the truth. [*Desk thumping*]

Mr. Deyalsingh: Standing Order 48(6).

Mr. Deputy Speaker: Member, you care to rephrase or retract that statement, please?

Dr. B. Tewarie: No. I will say, Mr. Deputy Speaker, that there is a wide gap between what this Bill contains and the submissions by the Members of the civil society organizations.

Mr. Deputy Speaker: But the statement that you made, I would like you to retract it. The statement that you made, I would like you to withdraw it and then you can make your new statement.

Dr. B. Tewarie: Well, if you want me to say to retract that it is not the truth, I will do that, Mr. Deputy Speaker.

Mr. Deputy Speaker: Retract it, Member for Caroni Central, and then you have the privilege to say whatever you want after.

Dr. B. Tewarie: I will retract it and, Mr. Deputy Speaker, I want to see how the AG will get up for this one. You know, we had a situation in which you had an Attorney General of this country, having to answer a situation in which a building owned by him—

Mr. Deyalsingh: Standing Order (48)1.

Mr. Deputy Speaker: Member listen, I want total relevance with regard to the Bill. I am not tolerating going down that road this afternoon.

Dr. B. Tewarie: Yes. Well, I am going to make it relevant, because when the AG receives his rental, it is from public money—*[Desk thumping]*

Mr. Deyalsingh: Standing Orders 48(1) and 48(6). *[Crosstalk]*

Dr. B. Tewarie: You are ridiculous. You all are ridiculous.

Hon Members: “Ohooooo!” *[Crosstalk]*

Mr. Deputy Speaker: Okay, Members. Could I have my turn now? Member for Caroni Central, I am not allowing you to go down that road pronto. Proceed, proceed.

Dr. B. Tewarie: The money that is paid is public money, Mr. Deputy Speaker. *[Desk thumping]*

Mr. Deputy Speaker: Hold on. Member. Member, again, I have ruled. As the Speaker in the Chair, I have ruled. If you are not willing to abide by my ruling, we will then take it to another level, but I have said I am not allowing you to go down that road. I do not even want to know whether in terms of the relevance, in terms of how you are going to tie it in, I am not tolerating it. Proceed.

Dr. B. Tewarie: Okay, Mr. Deputy Speaker. Now, there is no problem with regulating the civil society sector and civil society welcomes it. That is what I try

to point out from the documents of the CBOs, and we in the Opposition welcome the reality of regulating the sector. We know that. The question is what kind of regulation and what purpose is the intent of regulation and how you arrive at the regulation framework is important. We need to understand, Mr. Deputy Speaker, the context and the emergence of NGOs, CBOs and civil society organizations in our country and their strengths and weaknesses.

Mr. Deyalsingh: Oh gosh! Mr. Deputy Speaker, Standing Order 55(1)(b). The Member himself has alluded to this no less than five times in his contribution. The Member for Siparia mentioned it, the Member for Oropouche East mentioned it. Standing Order 55(1)(b), please.

Mr. Deputy Speaker: Member, again, on this occasion, I will have to uphold the Standing Order. I would like you to move on to another point please. On this occasion, you have to move on.

Dr. B. Tewarie: Mr. Deputy Speaker, I am summarizing some of the points that I made. I am trying to bring my discussion to a close. I am trying to make a point. I feel that the Government is being unreasonable, Mr. Deputy Speaker, and you cannot hold them in that. [*Desk thumping*] I mean, your job is to arbitrate in a fair manner.

Mr. Imbert: You cannot address the Deputy Speaker like that.

Mr. Deputy Speaker: Member, not to go down that road. I am saying, in terms of the tedious repetition—in terms of the same point that you are going to come with that you have started—I am saying to move on to your other point. That is all I am saying.

Dr. B. Tewarie: Mr. Deputy Speaker, I am not sure that the interest of this Non-Profit Organisations Bill is about organizations [*Desk thumping*] or it is about civil society or the development of people's organizations. In fact, I am sure it is not. It

is about a uniformed registration process; it is about establishing and maintaining a register; it is about rules and regulations for non-profits. I find it surprising that the Supervisor of the non-profit organizations is the FIU. The banks in this country are supervised by the Central Bank, and if there is an issue, they flag it. All right? The insurance companies, they operate in the context of the Inspector of Banks and Insurance Companies in the Central Bank Ordinance. We do not have any such thing for the credit unions. We do not have any such things for cooperatives. Why is it that we are treating this sector in the way that we are doing in the FIU? And, Mr. Deputy Speaker, I am more convinced now than ever, given their own response to my approach of this as a development issue in which has miscarried, in terms of the legislation, that there are nefarious purposes behind this Bill. [*Desk thumping*] I believe that they want to single out—

Mr. Al-Rawi: Mr. Deputy Speaker, I rise on Standing Order 48(6), Mr. Deputy Speaker.

Mr. Imbert: How could you say that? We are nefarious.

Mr. Deputy Speaker: Member, again, find a different word, rephrase.

Dr. B. Tewarie: There are sinister purposes.

Mr. Charles: Sit.

Mr. Deyalsingh: Mr. Deputy Speaker—

Madam Speaker: Naparima. Naparima I am not recognizing you at this time. [*Crosstalk*] Member for Caroni Central, again, a different word, rephrase. Come on, I know you can do better than that. [*Crosstalk*]

Dr. B. Tewarie: There is a very big gap—

Mr. Deputy Speaker: Silence on the Government side.

Dr. B. Tewarie:—between the stated intentions and the real intentions of this Bill. I think that this Bill could be abused and used for political victimization. [*Desk*

thumping] I believe that this Bill can be used and used for oppression. I also believe that this Bill can be used to get information. [*Crosstalk*]

Mr. Deputy Speaker: Member. Member for Oropouche East, if you are sitting in that chair, I would not like to hear you please.

Dr. Moonilal: Okay.

Mr. Deputy Speaker: You are seated? Nice. Proceed.

Dr. B. Tewarie: So I think that there are tendencies that create opportunities in this Bill given the FIU one the hand, given the structure of the Minister of Legal Affairs in this particular Bill. The Attorney General referred, I think, to the Australian situation, and all the references to Europe, to Australia, to Canada, to the United States, make it very clear that the way you treat with this sector is as a developmental sector. [*Desk thumping*] Secondly, that the way you treat with regulation is through an independent authority, [*Desk thumping*] and the way you deal with matters having to do with terrorism, et cetera, which is what they are trying to do in relation to the European Union requirements, is that you find a way of dealing with that as a particular situation, not as a general paint brush.

6.30 p.m.

This Bill basically assumes guilt of everyone involved in the NGO sector. [*Desk thumping*] My constituents—organizations in my constituency are national organizations.

Mr. Deputy Speaker: Member, again, in terms of repetition, that was covered already by all speakers with regard to the various NGOs in their various areas. So, again, another point.

Dr. B. Tewarie: Mr. Deputy Speaker—[*Crosstalk*]

Mr. Deputy Speaker: Members on both sides, the Member for Laventille West and also the Member for Couva North, please.

Hon. Member: Sorry.

Dr. B. Tewarie: Mr. Speaker, so if I mention the Red Cross or I mention that organization that is helping Venezuelan refugees—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 55(1)(b).

Mr. Deputy Speaker: Please, please, again, Member, in all fairness—

Mr. Deyalsingh: Are you going to mention every NGO?

Mr. Deputy Speaker: Member for St. Joseph—in all fairness, Member, you have been given, on many occasions, the opportunity to expound to whatever you had to say this afternoon—[*Interruption*]

Hon. Member: That is not true.

Mr. Deputy Speaker:—and, please, when I now rule, I want you to abide by my ruling. Okay? You have been given numerous opportunities earlier. When I rule now, I would like you to abide by my ruling. Proceed, please.

Dr. B. Tewarie: But I have abided by your ruling. Every rule that you have made, I have lived by it. Okay?

Mr. Deputy Speaker: Member.

Dr. B. Tewarie: I am not accusing you, Sir, I am talking about the Government and their behaviour which I am entitled to do. [*Desk thumping*] The situation that we are in now with this Bill is—I would like to join the Leader of the Opposition and my colleague from Caroni Central in saying—sorry, from Oropouche East, in asking to give consideration to the position of the NGO sector, who I know has written to the AG asking for time to engage on this Bill and that they would like to contribute to the Bill. We on this side feel that there are many things wrong in this Bill which need to be corrected, Mr. Deputy Speaker. And we feel that if the AG were to hold his hand, listen to the people—

Mr. Deputy Speaker: Member, you have two more minutes.

Dr. B. Tewarie:—make the adjustments that are necessary, we are going to have a better Bill to regulate the sector. But you cannot come here, Mr. Deputy Speaker, as the AG has come, and simply taken the entire civil society sector, all 8,000 or 9,000 of them that he mentioned, and come here with a broad brush and paint them as if they were a criminal class. I think that there is something wrong with that. I think where you need to really have the regulation is here.

If the State is giving \$200 million a year to the NGO sector, how is the State being held to account for that and how do we determine that who they are giving the money to are the right people in terms of what they say they want to do and what the Government's policy is? Should we not have accountability for that particular issue so that the State would answer how it is spending public money to give it to NGOs? Should we not ask that? Is that not an important question for \$200 million? Should the State not be more accountable as they are asking the NGOs to be accountable? I think that is very important. That is why I was raising the other matter of public money because, Mr. Deputy Speaker, I think this legislation is all skewed. I think the whole intent of it is not what is being said, and I think because of that the draconian provisions cannot be allowed. [*Desk thumping*]

Mr. Deputy Speaker: AG.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker. [*Desk thumping*] Mr. Deputy Speaker, there have been a few spurious interventions—

Mr. Padarath: Mr. Deputy Speaker, I did indicate to you that I was— [*Interruption*]

Mr. Deputy Speaker: Members, I have ruled, I have ruled.

Mr. Padarath: But, Mr. Deputy Speaker, I did indicate to you.

Mr. Deputy Speaker: Hold on, one second, one second, both have your feet. Member for Princes Town, you have identified, also the Member for Laventille West had identified, if that is the road that you want to play. The AG stood up soon after I made the ruling, so I recognize the AG. [*Desk thumping*]

Hon. F. Al-Rawi: Mr. Deputy Speaker, if I take away what I call the traditional play of the UNC, the Opposition, which is first mantra, the Bill is unconstitutional; second one, need more time; third one, create pandemonium and panic amongst simple people by confusion and misrepresentation of the law, and then lastly—

Mr. Charles: Standing Order 48(6), improper motives.

Hon. Member: What?

Mr. Charles: He outlined three areas of improper motives that we are trying to create panic in the society. [*Crosstalk*]

Hon. Member: I am not doing that, Sir.

Mr. Deputy Speaker: Member for Naparima, what word you do not like, “panic”? What word you do not like?

Mr. Charles: The word where he said there are three motives every time we come up, to create panic in the society and pandemonium in the society, or words to that effect. [*Crosstalk*]

Mr. Deputy Speaker: Overruled.

Hon. F. Al-Rawi: Thank you. Mr. Deputy Speaker, let me be very careful this afternoon to say, I intend to criticize vigorously, the arguments presented this afternoon, not the personalities behind the arguments, but I intend to criticize, vigorously the arguments presented this afternoon. I was saying that the arguments presented by the Member for Siparia, by the Member for Oropouche East, by the Member for Caroni Central involve the traditional ports of call for the Opposition by way of argument, firstly, that legislation that is brought is supposedly

unconstitutional; secondly, that the legislation is designed supposedly against the interest of personalities and people, simple folk in this country; thirdly, I intend to criticize the fearmongering that the arguments are no doubt intended to create.

Now, Mr. Deputy Speaker, I want to say this. I watched the Member for Siparia read from a speech, a prepared speech, this afternoon, and I want to say that the hon. Member, past Attorney General of this country, past Minister of Education of this country, past Prime Minister of this country, was deemed to be deserving of the award of silk. As a person in public life occupying the office of Prime Minister, the Prime Minister gifted herself the award of silk. *[Laughter]*

Mr. Charles: Mr. Deputy Speaker, 48(4), 48(6).

Hon. F. Al-Rawi: As a leading Member—

Mr. Charles: They are saying that the Member for Siparia gifted herself the silk. That is wrong. That is erroneous. *[Crosstalk]*

Mr. Deputy Speaker: Okay, listen, listen—*[Interruption]* Member for Naparima, you just have to make the point to me and I will rule accordingly. Retract and—*[Interruption]* Listen, AG—*[Interruption]* Hon. AG, I would like you to retract that statement. *[Interruption]*

Dr. Moonilal: Mr. Deputy Speaker, in response you should stand if you are ruling.

Mr. Deputy Speaker: The same one that the Member for Naparima spoke on with regard to the Silk, and so on, I would like you to—

Hon. F. Al-Rawi: I will retract. I will restate in an appropriate—

Mr. Deputy Speaker: Once you have decided to.

Hon. F. Al-Rawi: Yes, Sir, I retract. Let me explain this—*[Interruption]*

Dr. Moonilal: Mr. Deputy Speaker.

Mr. Deputy Speaker: On what point?

Dr. Moonilal: You should stand if you are ruling rather than sit down.

Hon. Member: You cannot do that.

Dr. Moonilal: No, the Speaker has to stand and rule.

Hon. F. Al-Rawi: In speaking to the propriety of the argument raised by the Member for Caroni Central about propriety, I am saying as a matter of fact, that the Prime Minister of the Republic of Trinidad and Tobago is the only person under law who can grant the status of Silk in this country. [*Interruption*]

Hon. Member: That is a fact.

Mr. Deputy Speaker: AG, listen, the relevance to—[*Interruption*] Members, Members, I am ruling! Have your seat. I can treat you all how you all are trying to treat me in this Chair. Please, AG, the relevance, move on.

Hon. F. Al-Rawi: Relevance to what, Sir? I will move on. Guide me.

Mr. Deputy Speaker: Move on. Move on to your new topic, Mr. AG.

Hon. F. Al-Rawi: Yes, Mr. Deputy Speaker, I will move on.

I will move on to the point of propriety in public life. I am answering the submission of the Member for Caroni Central. May I do so, Mr. Deputy Speaker?

[*Assent indicated*]

Thank you. In answering the submission, as I am entitled in my wrap-up to do, so I am grounding my relevance to be careful, to make sure that I do not offend any ruling or the rules of the Parliament by Standing Order. I am responding to the allegation of the need for this legislation to coincide with integrity in public life, and I am saying, as a matter of fact, in answer to the Member for Caroni Central, he having raised it for a full 15 minutes, that the award of the status of Silk in this country is only done constitutionally by the Prime Minister—[*Crosstalk*]

Mr. Lee: Mr. Deputy Speaker, 48(1).

Mr. Deputy Speaker: AG, AG, just move on to another point for me please,

“nah”. I know you are learned enough to move to make another relevance towards that particular issue. I have ruled on it so it is only fair that I do it that way.

Hon. F. Al-Rawi: Sure, Mr. Deputy Speaker, I will be guided. I would move on. I understand I am causing pain to my colleagues—[*Interruption*]

Mr. Deputy Speaker: Member for Caroni Central, okay.

Hon. F. Al-Rawi: I am causing pain to my colleagues, I respect your ruling, I will move on. “Do so doh like so” when the truth is said. [*Desk thumping*]

So, Mr. Deputy Speaker, the arguments offered, be they in hysteria, be they in a vein which can be interpreted to cause panic, and be they in terms of the submissions read by the Member for Siparia, because I was quite surprised that the Member for Siparia had to read her entire submission, the position in relation to this Bill must now be answered. Let us start with the allegations by the Member for Siparia that this Bill somehow requires a constitutional majority.

[MADAM SPEAKER *in the Chair*]

The Member for Siparia was very clear in her submission to say she accepts that the Bill is a simple majority Bill, that the Bill does not traverse any three-fifths rights contained in the Constitution pursuant to sections 4 and 5 and very importantly, the hon. Member went on to say that there were anomalies in the Bill which causes one to have concern about—[*Interruption*] If you “doh” understand English, Member for Naparima, I cannot help you. So, Madam Speaker, the hon. Member for Siparia, in raising the issue of constitutionality, sought to ground her argument after having made a submission that the Bill does not trip any three-quarters, three-fifths majority rights, sections 4 and 5 rights in the Constitution. The hon. Member went on to make the most astounding submissions in law. The first one that stands out, the hon. Member for Siparia said that it was improper and a conflict of interest for the FIU to be the regulator as proposed by clause 4. That

is what the hon. Member said. The hon. Member, in making that legal submission, having gifted herself Senior Counsel as she properly did as Prime Minister, standing as a member of the inner bar—

Mr. Lee: Madam Speaker, Standing Order 48(1). The Attorney General keeps raising this issue about Silk and the Deputy Speaker ruled.

Madam Speaker: Attorney General, I believe the Deputy Speaker has indicated that you should take a different route.

Hon. F. Al-Rawi: Sure. Yes, Madam—

Madam Speaker: So, just continuity, please abide by that.

Hon. F. Al-Rawi: Senior Counsel, the Member for Siparia, in making her legal submissions this afternoon, having received Silk to become Senior Counsel, in whatever fashion that happened, Senior Counsel made the submission that—

Hon. Member: Madam Speaker—

Madam Speaker: And it was done in a different way, but, please.

Hon. F. Al-Rawi: I withdraw. Yes. It is a touchy subject, I understand. I withdraw.

Madam Speaker: So, let us continue.

Hon. F. Al-Rawi: Yes.

Hon. Member: I cannot understand what is improper about that.

Hon. F. Al-Rawi: Yes, Madam Speaker—

Madam Speaker: One minute, one minute, please. Okay? Because even though I was not in the Chamber, I am seeing a developing trend that when the Presiding Officer rules, Members stand up and either contradict or add. That needs to be nipped in the bud now. Okay? And it applies to both sides. All right? Continue.

Hon. F. Al-Rawi: Madam Speaker, what time is full-time due to end?

Madam Speaker: Your original time is 7.05 and you have an additional 15

minutes.

Hon. F. Al-Rawi: Thank you, Madam Speaker, I will make haste.

Madam Speaker, I am answering the submission of the Member for Siparia, which was in my respectful view, a very poor submission on the law. It was scandalous in the sense of legal argument, not in terms of the pejorative sense attributed to a Member; I am not speaking about that. The argument was frivolous and vexatious, and I will say how. The hon. Member stood up to try to tell us that the FIU was in a conflict of interest as a regulator. The hon. Member went on to say that there is no entity that is in that circumstance. But, Madam Speaker, I am shocked to see, in black and white, the Proceeds of Crime Act, section 2, providing in the First Schedule to the Proceeds of Crime Act, the following listed businesses which are to be supervised by the Financial Intelligence Unit:

1. Real estate agents
2. Motor vehicle sales
3. Gaming houses
4. Pool betting
5. National Lotteries on-line betting games
6. Jewellers
7. Private members' clubs
8. Attorneys-at-law, accountants or other persons performing functions of accountant or other independent legal profession
9. An art dealer
10. Trust and company service provider.

Madam Speaker, the Financial Intelligence Unit's powers are to be found in the Financial Intelligence Unit Act, Chap. 72:01. I go straight away to section 8. Section 8 says:

“The FIU shall be responsible for...collection...financial intelligence and information and the analysis, dissemination, and exchange of such financial intelligence...information among law enforcement...financial institutions...listed businesses...”—

Which I just read:

“...and internationally and shall exercise...functions given to it under the Proceeds of Crime Act...

The FIU shall...receive suspicious transaction” reports “activity reports...
...the functions assigned” are as set out in the law.

The Financial Intelligence Unit birthed in 2009 was set up as an administrative version of that. Number one, it is not law enforcement and it is not the third type which is the hybrid type. It has stood as the law since 2009 with functions described in 2008. [*Desk thumping*] Secondly, Madam Speaker—

Madam Speaker: Member for Naparima, if you want to make an interruption you know how. If you cannot regulate yourself in here, I suggest you take a little walk, control yourself and come back.

Mr. Charles: Are you—

Madam Speaker: Listen to me—

Mr. Charles: Are you suggesting I take it now?

Madam Speaker: I am not suggesting anything to you. Okay? And we are not in a conversation. Either you understand what I am saying or you suffer the penalty. Attorney General.

Hon. F. Al-Rawi: Sections 9, 10, 11, 12, onward, and 18 in particular, identified in chapter and verse the coercive, pseudo-investigative reporting factions that the FIU exercises.

So, Madam Speaker, to hear learned Senior Counsel, the hon. Member for

Siparia, make a submission that the FIU in being the regulator under clause 4 is in some unique circumstance never found in Trinidad and Tobago before belies the title of research and diligence with respect to preparation. I am sure the hon. Member herself is not guilty of that, perhaps it was the speech writer because the hon. Member read from copious notes prepared. So, Madam Speaker, perhaps it was wrong, but I am correcting the record now, the investigating functions, the powers of dissemination of information, the collection of suspicious transactions, the analysis, the data, all of that happens in the FIU, and has happened since the year 2009. It may be more than that. They happened under the watch of the Member of Siparia as Prime Minister of this country. Under umpteen amendments to the Financial Intelligence Unit Act the hon. Member did not seek to change the law but today arrives to say that the FIU, by being a regulator for non-profit organizations, is acting in a capacity which is unlawful to the point where the hon. Member says that the Opposition will challenge the law—I would love to see that—but the hon. Member says that this circumstance is now unusual. So let us go to what would be supervised by putting the regulator in clause 4.

Madam Speaker, I have noticed a very feeble attempt. I found the Member for Oropouche East very entertaining in his contribution. He has made a few points which I will address, which I think are sensible areas to be addressed. But, Madam Speaker, if I take that aside to listen to what the Member for Siparia said, that there is an unconstitutionality in the FIU acting, and then to hear the Member for Caroni Central say that the Minister being involved in the FIU pollutes the FIU, Madam Speaker, the FIU is an autonomous entity from the Ministry of Finance, so categorized and rated by the Financial Action Task Force, so insulated that the FIU cannot tell the Minister of Finance anything other than, “Ah want more money” by way of appropriation cycles. But, Madam Speaker, that is well known to my

colleagues opposite. But, Madam Speaker, when we get to the functionality of the regulator, the FIU, supervising non-profit organizations, let us look at what is involved. The scandal or the panic that one can walk away with from the arguments is as follows: some small person raising money, a cake sale person, some other entity, a sole individual is going to be put out of this business.

Madam Speaker, let me go to the law. The Bill before us says—this is in clause 3:

“non-profit organisation’ means a body of persons, whether incorporated or unincorporated, which—”

And there are three subsections, (a), (b) and (c). You must combine all of them. You must be established primarily for certain purposes: patriotic, religious, philanthropic, charitable, et cetera; and you must carry on business without pecuniary gain to its members, except as reasonable compensation; and you must restrict the use of any profits or other accretions to the promotion of its purpose. That clearly does not include the cake seller, the sports goods raiser, because they will never be registered as non-profit organizations because they are not making declarations of trust. And I would like to say that the contribution by the Member for San Fernando East today was scholarly and stellar, [*Desk thumping*] because as early as 16:01 under the Charitable Uses Act, it has been determined that the element of charitable purpose in 16:01 takes that law forward now in Non-Profit Organizations, that three-prong combination. That excludes the vast majority of entities. And for the hon. Member for Caroni Central to say political parties are going to be included, please, refer to page 5 of the Bill, together with page 4, and just read the English language, Madam Speaker.

Dr. Tewarie: Would the Member give way?

Hon. F. Al-Rawi: No, I am not. Read the English language, Madam Speaker,

because—[*Crosstalk*]

Madam Speaker: Member for Caroni Central—[*Interruption*]

Dr. Tewarie: But he is—

Madam Speaker: Member for Caroni Central—[*Interruption*]

Dr. Tewarie: Did you hear me say that, Madam Speaker?

Hon. F. Al-Rawi: Madam Speaker, so, the hon. Member in terms of the—
[*Interruption*]

Madam Speaker: Member for Caroni Central, I will give you an opportunity to retract that outburst. Okay? I give you an opportunity to do that.

Dr. Tewarie: You mean when I asked you if you heard—

Mr. Hinds: On your legs. On your legs.

Dr. Tewarie: You mean that?

Madam Speaker: I am giving you an opportunity to retract your outburst. Please do it. It is your option.

Dr. Tewarie: I retract, Madam Speaker. [*Desk thumping*]

Madam Speaker: Thank you very much. Attorney General. [*Desk thumping*]

Hon. F. Al-Rawi: Thank you, Madam Speaker. So, Madam Speaker, the definition of non-profit organization is very clear. It is a three-prong combination. You could only enter that basket if you qualify under the three limbs. It excludes therefore the vast majority of purposes and it does not include political enterprise. It does not, [*Desk thumping*] because it is nowhere in the definition section. And I can state now that as a Government, Madam Speaker, we will be bringing campaign finance legislation to the Parliament this year in this session. [*Desk thumping*] So, Madam Speaker, to make that argument, the Member for Siparia, the Member for Caroni Central, is really beyond the bounds of reason.

Madam Speaker, I heard a submission which I think needs to be answered; it

was sensibly put by the Member for Oropouche East that the Comptroller, who is the person identified in this law as having liability. The Member for Oropouche East asked a sensible question, is this definition too wide?—I am paraphrasing, forgive me if I got it wrong—is this definition of Controller too wide such that the Controller can be subjected to undue punishment, because there are offences under this legislation. And I would like to say, it is not in the example given by the Member for Oropouche East, the most senior person in the point. To be registered as a non-profit organization, Madam Speaker, you have to approach the Registry, apply to the registered, meet the qualifications of the definition, the three-prong qualifications, be more than one person, and you have to say who your Controller is. There is no high intensity understanding by guessing who the Controller is. The Controller is a declared person in the registration form. So to say, any and everybody needs to be worried because you might be the Controller and you are facing offences, Madam Speaker, that belies the process of registration from a point of logic and law. And that is why I find the Member for Siparia's submissions so outstandingly difficult to digest.

Madam Speaker, let us go a little bit further into the arguments raised, let us go to the consultation point. Madam Speaker, thankfully the Member for Pointe-a-Pierre passed me a letter supposedly addressed to me, 27th of March, 2019. I have not received this letter, and I am seeing a few entities, including United Way saying, put this Bill off to the end of April. Let me deal with this. I have written correspondence from United Way passing commentary, and in fact, I can say I spoke to one of the members of United Way. In my piloting I gave him a compliment for contributions, Mr. Ian Benjamin of Senior Counsel, my dear friend, I confess, somebody I have great regard for. So, Madam Speaker, number one, “doh” bring that letter by me. Number two, we have been in consultation

since 2016, 2017, 2018, 2019; we circulated legislation. We received comments from stakeholders. Stakeholders included: Centre for Information Communication Technology, Flaming World Ministry, National Islamic Counselling Services, Catholic Commission for Social Justice, University of the Southern Caribbean, Citizen Security Programme; strategic entities. We went through British High Commission, but I would not count them; Nur-E-Islam Masjid, Rotary Club of St. Augustine, National Muslim Women's Organization of Trinidad and Tobago, Inner Wheel, St. Augustine, Vision on Mission, ILSCA.

We went further, Madam Speaker. At our hearing and public consultation on April 30, 2018, one year ago where 138 persons attended, we had CSO for good governance present, Dr. Jennifer Sancho. One year ago, April last year in our anti-terrorism events on PVE, CVE, where we addressed these issues amongst a number of stakeholders, where we have received three years of preparation, two years of consultation, we are now being told by the Opposition, press pause, “doh” not come with this Bill, unconstitutional—they allege—not enough consultation. The Member for Siparia literally said, go back and talk to the thousands of people, is what the Member for Siparia said. Madam Speaker, the fact is there has been wide scale publication. But, Madam Speaker, the reason for push back, I dare say, and this is my own submission, is that I fear that the habitual opposition that we get from the sitting Opposition to any piece of legislation is usually just to make sure you do not pass law. That is my submission. It may not be their intention, that is the way I perceive it.

But, Madam Speaker, that is to be exacerbated by the following example. The Member for Siparia says to us, “Go and get an independent commission, you see this thing about the court, that is too expensive.” Madam Speaker, it is too expensive according to the submission. The Member for Siparia says, “The AG

has said there are approximately 1,900 entities. That is too bad for courts, don't take the court process, expensive, time-consuming." At the same point in time, the Member for Siparia, having sat in successive Governments when the Companies Act was in place, we must know we have 104,000 companies on the register, and of the 104,000 companies, guess what the route and remedy is? Court. Go to court, deal with your rights and deal with it in that forum. So it was not good enough to treat with under the Member for Siparia's tenure as Prime Minister, et cetera, for 104,000 people for companies, but it is not good enough for 8,000 entities. I cannot reconcile the logic, Madam Speaker, respectfully.

Secondly, the hon. Member fails to take cognizance of the fact that it is the due process and court of law when you are treating with property rights that make the difference between constitutionality and lack of constitutionality for lack of proportionality. Due process, as it is anchored in our Constitution, is a fundamental aspect of our Constitution, and to take it out to the domain of the court is to invite scandal in terms of proportionality, respectfully, Madam Speaker.

7.00 p.m.

Madam Speaker, the British exercise in having an independent charity does not take account of the fact that if the FIU was not the regulator, and if you were putting someone else as the regulator, Madam Speaker, what are they going to regulate and how? The entity to look at the FIU structural types, it is the FIU. We have the Central Bank, we have the insurance falling under Central Bank, and apart from Central Bank SEC, we have the FIU. They all have powers of intrusion on a three-fifths majority basis. If we were to create a new entity to replicate the work of what the FIU does, we have to bring a three-fifths majority Bill to create those powers to create that kind of supervision.

Mr. Deyalsingh: And they are not going to support it.

Hon. F. Al-Rawi: Worse than that, you have to recreate and duplicate the AML/CFTPF funding, Madam Speaker. So the UNC knows very well as an Opposition what they are doing when they say, “Doh use the FIU.” They are inviting a chaos approach in terms of the legislative process involved to passing law like that.

So, Madam Speaker, if the FIU can regulate all of the listed entities on the First Schedule of POCA, all of them, why is it inappropriate for the FIU to regulate non-profit organisations; why? You see, Madam Speaker, first of all, you are not in the bucket unless you qualify by definition.

But secondly, the only thing that I consider onerous in this Bill is the fact that you will have to produce audited financial accounts; clause 15 of the Bill. But, Madam Speaker, we have set a threshold which was another point raised by Oropouche East, we have set a threshold—and I want to publicly thank the Minister of Finance, because it was his political scrutiny and his involvement as Minister of Finance in scrubbing this law who said, “Listen, we do not want to catch churches, regular entities, charities, sporting clubs, small man, pepper roti people; we do not want any of them in this auditing basket.” If your threshold is over TT \$10 million, Madam Speaker, then I respectfully suggest that you ought to be with an accountant on board. [*Desk thumping*]

And I would say that in my conversations with Senior Counsel Benjamin from United Way, he agreed that they were looking at that threshold marker and he did make the point to me in his submissions, “Look, we are happy to see the threshold at a higher level because it is hard to have auditors.” You usually rely upon a donation of services in the sense of gratis work, Madam Speaker. So we have taken the careful and prudent step to put a threshold argument inside of there.

Madam Speaker, I have given you the consultation, I have given you the

issue of constitutionality, I have dealt with the ridiculous intellectual submission that the FIU is in a conflict of interest position by demonstrating the Laws of the Republic of Trinidad and Tobago.

The hon. Member asked, the Member for Siparia, about the proclamation of laws. The hon. Member said, "I have looked for the Motor Vehicle and Road Traffic and the de-clogging of the criminal system and I am not seeing it proclaimed yet". I would like to tell the hon. Member that we intend to go live with our e-payments and that in the course of this year that law will be proclaimed. But I wonder where was the hon. Member's concern, Data Protection Act, Administration of Justice (Electronic Monitoring) Act, DNA Act, Electronic Transactions Act, Madam Speaker. Where was the hon. Member's concern for the proclamation of laws, because none of them were proclaimed for four and five years under the hon. Member's tenure. So, Madam Speaker, respectfully, I do not seek to take an ounce of advice from the hon. Member.

The time frame for the proclamation. The fact is, we intend to do an aggressive education campaign. We intend to engage the public sector, including the charitable sector, the non-profit organization sector, to make sure that there is no fear or anxiety in relation to the proclamation of this law, and that is why we have a proclamation clause.

Madam Speaker, the hon. Member for Siparia made an outlandish submission. The hon. Member sought to pour scorn on the work of this Parliament that we did in the Companies (Amdt.) Bill by saying and reading out the fact that we had dealt with bearer share negotiable instruments, share warrants, et cetera. Madam Speaker, we did that for Trinidad and Tobago. We banned it in Trinidad and Tobago and in section 318 of the Companies Act we specifically said, with respect to external companies that we cannot ban them in their foreign

jurisdictions.

So what kind of argument for Siparia to say, “we are making a mockery of the law” because last week we banned it, and now we are including it in the definition of “cash”. You have to include it in the definition of “cash”, because cash does not exist only as printed in Trinidad and Tobago. You have US currency, you have pounds sterling, you have yen, you have riyal and similar, you have bearer share negotiable instruments in other parts of world.

So for my learned Member for Siparia to make that submission, I feel a deep sense of sorrow at the position that brought us to that conclusion on her part. Madam Speaker, I would like to remind the population that the FIB—

Madam Speaker: Hon. Member, your speaking time is now spent, you are entitled to 15 more minutes to wind up. If you wish it, you may proceed.

Hon. F. Al-Rawi: Yes please. Madam Speaker, I would like to say, not only does the FIB as regulator have an autonomous functionality shrouded in declared secrecy for which there is a breach of the law and criminal sanction if you breach that secrecy, but, Madam Speaker, contrary to the representations by the Member for Siparia, the FIB does not do the investigative work. The FIU sends it to the FIB, the Financial Investigation Branch of the Trinidad and Tobago Police Service. The police do investigations of SARs and STRs. And for the hon. Member to pass off a submission to say the FIU is somehow doing that is to not take concerned effort to look at the Financial Intelligence Unit law section 8, section 9, straight through to section 18 in its multiple versions included.

Madam Speaker, the hon. Member asked about the 30-day clause for the approval of the name, and then the hon. Member for Oropouche East asked the question about the disapproval of names on the basis of trademarks or geographical indications. I would like to report that this is lifted almost word for word from the

Companies Act. This is the same objection and ability to refuse registration of names because, Madam Speaker, part of the objectives of the Registrar General is to make sure there is no confusion in the market place, and do you definitely cannot do that. If you go back to the Champaign law cases, if you back to the Maraj and Son cases, if you go the Mc Donald cases, if you go to the Cervceria Polar case, if you look to all of those cases in our local and foreign jurisprudence you will know that is trite law, and Siparia ought to know that.

Madam Speaker, with respect to the forfeiture of property where Siparia sought to poor serious scorn, Madam Speaker, the forfeiture provisions which we have provided for are of two types in the same mechanism in a different rooting. We take non-profit companies, if I can call them that, registered under Part V of the Companies Act, we say that they are to be managed by, ultimately, the official receivers. Why? That is the companies' law, it was passed in 1995.

Secondly, the "official receiver" is a public officer, it is the Chief State Solicitor, Madam Speaker, restored to that position pursuant to the amendment we made last week where we dealt with the lacuna created by the repeal and replace of the bankruptcy Act by the Bankruptcy and Insolvency Act. I do not know where Siparia was for that debate or where the hon. Member's attention was on the law in the period 1995 all the way up to 2019, but that has been the law on the books of Trinidad and Tobago for that long. Madam Speaker, when the hon. Member attempted to treat with that root, that has now been answered.

The second root, Madam Speaker. The hon. Member for San Fernando East was right. The intellectual underpinning to this law is rooted in the law of trusts, the doctrine of the failure of trust is that, the members do not own the property. That is why they need to have approval from Registrar General prior to incorporation under the Part V of the Companies Act. That is trite law, Madam

Speaker, and there are rules of law to be applied if the trust fails and the beneficiaries cannot be found. It is the doctrine of cy-près. It is well-known since 1601, Madam Speaker. [*Desk thumping*] And therefore, take to comfort in legal advice from Siparia, respectfully, because that is trite law in the law of trusts. Every textbook has it; the doctrine of cy-près, the thing which is near.

Madam Speaker, this why I am a little bit upset in the tone of this debate today, and why I am attempting to address the points which, I believe, can result in fear and panic.

Madam Speaker, when we go down to the allegations that we somehow have some complication in the right to appeal. Madam Speaker, the hon. Members stood up and told us, “There are no rules to treat with appeals”. So clause 13 of the Bill treats with the right to appeal. You do not like the Registrar General’s decision under section 5, clause 5, clause 6 and clause 10, you have the right of appeal to the High Court. We have addressed the fact that High Court appeal route is the same as the Companies Act.

Madam Speaker, does the Member not know that if you say you have to be placed in the High Court you automatically have the right of appeal under the inherent jurisdiction of the court to the Court of the Appeal, and under our Constitution you have the right to appeal to the Privy Council; just so the hon. Members forget that? Just like that?

But, Madam Speaker, let me tell you the one that really got me today. The method of the Attorney General finding a role in this Bill, according to Siparia, is unconstitutional; and hear the reason why, just because the name there. I will invite the hon. Member to read the clauses 21, 22, 23 of the Bill. Madam Speaker, the Attorney General is the creature established under the constitutional parameters since 1962 and then importantly in our Republican Constitution. The Attorney

General's role under section 76 of the Constitution is to have the capacity of managing both criminal and civil matters.

The capacity of the Attorney General in this law is to apply to a court for a court to consider what it is going to do. It is not the Attorney General who decides willy-nilly as an executive member of a Cabinet appointed by a political party; that is not the law. [*Interruption*] The law is—you could not listen all you want, Caroni Central. Madam Speaker, the law in the Constitution is pellucidly clear. But more than that, Madam Speaker, it is replicating section 22B of the Anti-Terrorism Act. The Attorney General collates the papers acting for and on behalf of the State, applies to the court to ask the court to determine whether property ought to be forfeited, whether it is to be distributed in the manner that the court suggests, or in some other combination or whether it is to form bona vacantia meaning for the benefit of the State because there is no proper owner.

So, Madam Speaker, just so, “voops, vaps, vaille-que-vaille”, Siparia comes to reinvent the 1976 Constitution to say, “Aye, pull that Attorney General out”. Madam Speaker, I call that an intellectual travesty. I call it a mockery of the law, because, Madam Speaker, this if fundament ABCs of the law, anybody would know that, particularly somebody who has spent years in the Parliament and has held the office of Attorney General and Prime Minister of this country, let alone Leader of the Opposition. I am genuinely disappointed in the intellectual content of that argument.

Madam Speaker, that is constitutionality, that is managing the consultative process, that is the hundreds of people involved in that time, that is years of analysis. But I would like to say, we are not reinventing this wheel, eh. The model that we have chosen is, in fact, the Caymanian model. We have looked at that model. It has been assessed by the Financial Action Task Force most recently at

their last venture where there was some argument over their ICRG processes inside of the Caribbean Financial Action Task Force, and we know that it can pass muster.

We are not in similar circumstances to the United Kingdom. We do have a written Constitution with three-fifths majority issues, two-thirds majority issues, three-quarter majority issues, and if we play the dance and game at the invitation of the Member for Siparia as we have been invited, Madam Speaker, just throw your hands up in the air and “doh” pass nothing, you know, just do not do it; pandemonium, chaos in our country being blacklisted.

You see, Madam Speaker, I want to remind this country, the journey into the Fourth Round Mutual Evaluation, putting Trinidad and Tobago as the first country to be fourth round mutually evaluated when we have not yet finished our Third Round Mutual Evaluation. They say, “Nah, forget that, “doh worry we did not do that. We will go first, we going brave”; Madam Speaker, that was a decision of the Member for Siparia, you know.

The Prime Minister at the time that took that decision, that authorized by Cabinet decision for Trinidad and Tobago to be first in line, was the hon. Member for Siparia. Siparia knows that we failed the Fourth Round Mutual Evaluation in January 2015, when she was Prime Minister, the hon. Member. The hon. Member—January 2015, we failed the Fourth Round Mutual Evaluation. The hon. Member knows because of the years we have spent in this Eleventh Republican Parliament that April is the deadline date. The hon. Member knows or ought to know because the Parliament is paying for a whole staff at the Office of Leader of the Opposition, umpteen research staff, half of them sitting in the Chamber today and listening. Madam Speaker, you mean to tell me they did not watch any of the consultations? They did not see the Bill on the websites? They did not see the

Law Association send it out for comments?

Oropouche East is a lawyer, St. Augustine is a lawyer, Siparia is a lawyer, her Senators are lawyers, not one of them received a single email or comment?— the hon. Members. Not one of them? “Cat in bag, surprise, last minute, external, tief in the night, trading your sovereignty, push it off to the end of April”. Madam Speaker, that is playing fast and loose with the business of the people of the Republic of Trinidad and Tobago [*Desk thumping*] and we will not be caught in that. We will not be caught in that.

So, Madam Speaker, in conclusion, I reject out of hand the submissions raised by the Opposition. They are intellectually shallow, intellectually vapid, intellectually lacking in content. They are designed, in my view, to cause panic amongst regular citizens of this country. I want to tell the citizens of this country we need to protect our non-profit organisation. We need to make sure that we manage. All that we really are doing is aggregating the many places where these people are registered.

We have the Part V of the Companies Act registration. When you are going to open a bank account with a mandate saying “Friends of San Fernando West”, you have a bank mandate, you have to fill out who the people are. You have to sign the form, you have to have signatures, you are making a disclosure in the bank. Madam Speaker, all that this is doing is putting it in one location. And I tell you this, for the people who are subjected to the abuses of other jurisdictions who label them as “supporting terrorist financing”, et cetera, this is a get-out-of-jail card. This is an exculpation. This is “I can be saved by the records of my propriety”, and nobody needs to have fear on this aspect. Any attempt to draw personal picong and anguish into any form and substance, I welcome personally. Bring a substantive Motion, no problems, Madam Speaker, but do not bring it into

this law because this law is proportionate, and I beg to move. [*Desk thumping*]

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Question put and agreed to.

House in Committee.

Madam Chairman: We are doing this in parts or clauses 1 to 29?

Hon. Member: 1 to 29.

Mr. Al-Rawi: Madam Speaker, I understand that the Whip has agreed that we can do all of the clauses together.

Madam Chairman: Thank you very much. Whip, that is agreed. Yes.

Clauses 1 to 29 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Hon. Member: Division.

The House divided: Ayes 15 Noes 11

AYES

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Garcia, Hon. A.

Forde, E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Leonce, A.

Cuffie, M.

NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Ramdial, Ms. R.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, I beg to move that this House do now adjourn to Friday 05 April, next Friday, 2019 at 1.30 p.m. At that time the Government proposes to debate an Act to provide for the

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establishment of the civil asset recovery and management agency. Thank you very much, Madam Speaker.

**Greetings
(Spiritual Shouter Baptist Liberation Day)**

Madam Speaker: Hon. Members, as we all know Spiritual Shouter Baptist Liberation Day will be celebrated on Saturday and therefore, before I put the question on the Adjournment of the House, I will now invite Members to express their greetings. Member for Moruga/Tableland. [*Desk thumping*]

The Minister of State in the Ministry of Education (Hon. Lovell Francis): Madam good evening, Members of the House on both sides, good evening. It is my pleasure to stand to bring greetings on behalf of the Government for Spiritual Shouter Baptist Liberation Day.

Madam Speaker, we have had a very spirited debate this afternoon in which some strong language was heard. I heard the word “communist”, I heard the word “authoritarian”, I heard the word “repression”, and at the end of the day even though in the context of the debate we might feel strongly about when we say, the words are hyperbolic and may be a bit exaggerated. Well, I can take you back, Madam Speaker, to 1917 when words like that—exclude “communist”—would have had some fundamental meaning in terms of the society.

Madam Speaker, 1917 a colonial government driven by a distaste, and a fear for any kind of cultural or political expression that was considered to be dangerous to its survival, to its control of the society, opted to prohibit one particular cultural group, one particular religious from worshipping in the manner that they chose. That group was, of course, Spiritual Shouter Baptists.

Madam Speaker, if one looked at the Order that prohibited the expression of that religion, the reasons given for banning that religion were spurious at best, absurd at worse. The ringing of bells, the loud singing and chanting which was supposed to

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have had discomfited members the community were not the actual reasons why the religion was banned.

It was because the Spiritual Shouter Baptist religion was seen as a very Afrocentric expression of faith by a government that repudiated the right of that group to express itself and to worship in the manner in which it saw fit, so the religion was banned. The idea was to drive it underground, the idea was to exterminate it. The first succeeded, the religion went underground.

7.30 p.m.

Madam Speaker, if you have come to Moruga, which is the homeland, the religious home, of the Spiritual Shouter faith, and you try to find a church on the main road it is a very difficult thing to do. Any Spiritual Baptist church that is on the main road is a new construction. The traditional churches, those would have existed from back when, you have to go some miles up into a road, you have to go somewhere behind a river, you have to go off the beaten path to find the churches, because that was the only place that one could find to worship. And worse than that, the police were empowered by law to arrest you, to take you before a court, to use brutality, to suppress you, to control you, to beat you, even if it meant that they did not need a warrant to come to your home, they could come to your home and take you away for something we take for granted today, which is the right to practise your religion as you see fit.

And, Madam Speaker, this went on until 1951, until this Order was repealed. It did not destroy the Baptist faith. It did not destroy the Baptists. In fact, more than anything it made the Baptist faith stronger, it made the resolve of the Baptist

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adherents more powerful, and they survived. Madam Speaker, today in Trinidad and Tobago we have a very strong, very resilient, very patriotic, very determined Spiritual Baptist faith. In many ways their struggle is emblematic of our larger struggle as a nation, to move beyond the confines of our history, to move beyond our colonial past, and to become all that we can be as a nation. It is right that we celebrate them, that we acknowledge their struggle, that we acknowledge the historical wrong that was done to them, and that today we venerate them. As a person who is the son of a Spiritual Baptist mother who has died, I understand a bit of the faith, and I know the kind of strong individuals that were bred by this religion.

So it is my honour and my pleasure on behalf of this side of the Parliament to bring greetings to this religion, to know that we as a State now do not take for granted that right enshrined in our Constitution that every single person has the right to worship as they see fit, to know that regardless of which side stands as government, that we will defend that right as part of a democratic reality, and that we celebrate with them their liberation, because it is our liberation.

Madam Speaker, I thank you. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*): Madam Speaker, tomorrow commemorates the repeal on 30 March, 1951, of the 1917 Shouter Prohibition Ordinance that prohibited the activities of the Shouter or Spiritual Baptist faith. According to section 2(1) of the Ordinance, and I quote:

“A shouters’ meeting’ means a meeting or gathering of two or more persons, whether indoors or in the open air, at which the customs on

practices of the body known as Shouters...are indulged in. The decision of any Magistrate in any case brought under this Ordinance as to whether the customs and practices are those of the Shouters shall be final, whether the persons indulging in such customs or practices call themselves Shouters or by any other name.”

Section 7(1) states:

“It shall be lawful for any party of members of the Police Force, of whom one shall be a Gazetted...Officer...without a warrant to enter at any time of the day or night, any house, estate, land, or place in or on which such Gazetted Police Officer...may have...ground to believe or suspect that a Shouters’ meeting is being held or where he may have good ground to believe or suspect that any person or persons is or are being kept for the purpose of initiation into the ceremonies of the Shouters...”

And section 8 states, and I quote:

“Any person guilty of an offence under this Ordinance shall be liable, on summary conviction, to a fine of two hundred and forty dollars.”

That is in excess of \$70,000 today.

Now, while most European religions received active support and others were merely tolerated, Spiritual Baptists were the only ones hounded down and fined enormous sums for practising their faith in our country. In the case of the London Baptists, in which tradition I grew up, the Baptist Missionary Society in England provided financial and other support to build churches, schools and colleges, such as Cowen Hamilton Secondary School; Spiritual Baptists got nothing.

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Selwyn Cudjoe, in his recent and well-researched book, *The Slave Master of Trinidad*, writes about William Hardin Burnley, the richest planter in the colony, until he died in 1850, leaving an estate valued at over £260,000 then. He was formerly a most active member of the Council of Government, as the Legislative Council was named at the time, and was a benefactor of the Anglican Church. Burnley donated, for example, donated the lands upon which the present St. Mary's Anglican Church in Tacarigua was built. The Catholic Church received active support from the powerful French settlers brought into the country after the Cedula of Population in 1783. No such luck for Spiritual Baptists.

Today, there is a significant under-representation of Spiritual Baptists in Parliament and in the hallowed halls of governance. Spiritual Baptists are not among the movers and shakers of our country. They have no colleges or institutions of tertiary education. They have no recognized and accredited institution for training their bishops and archbishops in accepted doctrines of the faith, and for honing their leadership skills. As we celebrate this year's anniversary, we must collectively give thought to righting the enduring legacy of past injustices to this faith. Our university and our scholars must examine their enduring legacies of marginalization, and seek ways of righting this historic wrong.

Madam Speaker, Mr. Panday and the People's Partnership, under the leadership of the Member for Siparia did their part by building the first Spiritual Baptist primary school and an early childhood centre in Maloney, and also by the grant of a national holiday. The UNC joins with the national community in wishing our Spiritual Baptist fellow citizens best wishes as we celebrate this

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important and historic milestone in our development. Thank you. [*Desk thumping*]

Madam Speaker: Hon. Members, I also extend my greetings to the Spiritual Shouter Baptist community as they prepare to celebrate Spiritual Shouter Baptist Liberation Day tomorrow, Saturday, March 30th. This day was hard fought and won in spite of many challenges from mainstream society, and is representative of the rich heritage and history of our twin island republic.

Hon. Members may recall that Trinidad and Tobago is the only country in the world which celebrates this day by way of a public holiday. As we join with the national community in commemorating this special day of religious liberation, let us also appreciate the significance of this unique fusion of elements of Christian doctrine and the rhythms of the African that is Shouter Baptist religion. On this day we reflect on the trials endured by the Shouter Baptist faith to gain the right to freely express the vibrancy and dynamism of their religion. But let us not diminish its demonstration of the value of the fusion of differences in producing a whole new beneficial, resilient and exemplary model.

Further, it is in this context of freedom that liberty should not be taken for granted. Indeed, it serves as a reminder to all members, in our role as legislators, of the importance of protecting the fundamental rights and freedoms of all citizens enshrined in the Constitution. I therefore take this opportunity on behalf of the Parliament of the Republic of Trinidad and Tobago, and on behalf of my family, to wish you and all of Trinidad and Tobago, a joyous and holy Spiritual Shouter Baptist Liberation Day.

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Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.40 p.m.