THE

PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE SECOND SESSION OF THE ELEVENTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO WHICH OPENED ON SEPTEMBER 23, 2015

SESSION 2016—2017 **VOLUME 10**

HOUSE OF REPRESENTATIVES

Friday, February 03, 2017

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, Hon. Shamfa Cudjoe MP, Member for Tobago West, has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Penal/Debe Regional Corporation for the year ended September 30, 2009. [*The Minister of Finance and Acting Minister of Energy and Energy Industries* (*Hon. Colm Imbert*)]

   To be referred to the Public Accounts Committee.

2. Annual Audited Financial Statements of Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2014. [*Hon. C. Imbert*]

3. Annual Audited Financial Statements of Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]

   Papers 2 and 3 to be referred to the Public Accounts (Enterprises) Committee.

4. Ministerial Response to the Second Report of the Joint Select Committee on State Enterprises on an Inquiry into the Administration and Operations of the Urban Development Corporation of Trinidad and Tobago. [*The Minister of Housing and Urban Development* (*Hon. Randall Mitchell*)]

5. Response of the Office of the Parliament to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme—Consolidated Fund and Infrastructure Development Fund. [*The Deputy Speaker* (*Mr. Esmond Forde*)]

6. Delegation Report on the Global Summit of Women Speakers of Parliament held in Abu Dhabi, United Arab Emirates from December 12 to 13, 2016. [*The Minister of Community Development, Culture and the Arts* (*Hon. Dr. Nyan Gadsby-Dolly*)]

7. Annual Report of the Counter Trafficking Unit, Ministry of National Security for the year 2015. [*The Minister of National Security* (*Hon. Maj. Gen. Edmund Dillon*)]

JOINT SELECT COMMITTEE REPORTS
(Presentation)

Human Rights, Equality and Diversity

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Madam Speaker, I beg to present the following report:

Third Report of the Joint Select Committee on Human Rights, Equality and Diversity for the Second Session of the Eleventh Parliament (2016/2017) on the Treatment of Child Offenders at the Youth Training Centre, St. Michael's Interim Rehabilitation Centre for Young Male Offenders and St. Jude's Interim Rehabilitation Centre for Young Female Offenders.

Social Services and Public Administration

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Madam Speaker, I beg to present the following report:

Second Report of the Joint Select Committee on Social Services and Public Administration for the Second Session of the Eleventh Parliament (2016/2017) on an Inquiry into the Effectiveness of the State's Interventions directed at Socially Displaced Persons in Trinidad and Tobago.

Public Accounts Committee

Dr. Bhoendradatt Tewarie (*Caroni Central*): Madam Speaker, I beg to present the following reports:

Republic of Trinidad and Tobago

First Report of the Public Accounts Committee for the First Session, Eleventh Parliament on the Examination of the Reports of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial years 2014 and 2015 with specific reference to the Auditor General's Department.

Ministry of Tourism

Second Report of the Public Accounts Committee for the First Session, Eleventh Parliament 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 2014 with specific reference to the Ministry of Tourism.

Tobago House of Assembly

Third Report of the Public Accounts Committee for the First Session, Eleventh Parliament 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 2014 with specific reference to the Tobago House of Assembly.

Ministry of Energy and Energy Industries

Fourth Report of the Public Accounts Committee for the First Session, Eleventh Parliament 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 2014 with specific reference to the Ministry of Energy and Energy Industries.

Ministry of National Security

The Fifth Report of the Public Accounts Committee for the First Session, Eleventh Parliament 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 2014 with regard to the Ministry of National Security.

Ministry of Finance

Sixth Report of the Public Accounts Committee for the First Session, Eleventh Parliament on the Examination of the Reports of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial years 2014 and 2015 with specific reference to the Ministry of Finance.

Tax Information Exchange Agreements Bill, 2016

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to present the following report:

Report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016, which we intend to debate next week, and we leave the report open for signatures of the Opposition.

URGENT QUESTIONS

Registration of PH Drivers
(Re Increasing Female Abductions)

Dr. Fuad Khan (*Barataria/San Juan*): Thank you, Madam Speaker. To the Minister of Works and Transport. Has the Minister given consideration to the registration of all PH drivers at relevant police stations and the requirement for the prominent display of PH drivers' information and car licences, in order to curb the

increasing number of abduction of women by the occupants of these vehicles?

The Minister of Works and Transport (Sen. The Hon. Kazim Hosein): Madam Speaker, at first I thought this was a trick question. However, at this point there is insufficient evidence to support this statement that PH drivers are behind the increase in the number of abductions of women. However, the registration of PH drivers at the relevant police stations and the requirement for the display of PH taxi drivers' information and car licences is not being considered at this time, due to the fact that the use of private motor vehicles as a taxi is illegal, in accordance with the Motor Vehicles and Road Traffic Act of Trinidad and Tobago. I wish to add as well that the insurance that covers these vehicles is not for the purpose of hire.

Thank you.

Dr. Khan: Supplemental. To the Minister of Works and Transport. If it is considered illegal as you have said, how many of those PH drivers who ply their trade on the public roads have been arrested and charged for doing such?

Sen. The Hon. K. Hosein: The Ministry of Works and Transport is not in a position to prosecute anybody. That is a question for law enforcement and should be posed to the relevant Minister. Thank you.

Mr. Singh: Could the hon. Minister indicate whether this same approach is being applied to Uber?

Sen. The Hon. K. Hosein: Madam Speaker, through you, the Ministry has put out quite a few statements on the Uber situation. Both myself and the Attorney General met with the principals of Uber. We informed them that their service in Trinidad is illegal, and we expect that the law enforcement agencies would do what they have to do.

Thank you.

National Gas Company
(Authenticity of Dismissal Reports)

Mr. Rudranath Indarsingh (*Couva South*): Madam Speaker, to the Minister of Energy and Energy Industries. In light of recent reports that the National Gas Company intends to dismiss 150 workers by the end of February2017, could the Minister please verify the authenticity of these reports?

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Madam Speaker, I am advised that the report is not authentic.

Mr. Indarsingh: Madam Speaker, is the Minister aware of an article published in the *Guardian* newspaper that says 150 NGC contract workers in fear of losing their jobs, published on Thursday, February02, 2017?

Hon. C. Imbert: Thank you, Madam Speaker. I have consulted with the National Gas Corporation on this matter, and they have told me that any such report is speculative.

Special Reserve Police
(Absorption into Police Service)

Mr. Rudranath Indarsingh (*Couva South*): Madam Speaker, to the Minister of National Security. Given that the homicide rate in Trinidad and Tobago continues to escalate on a monthly basis, could the Minister indicate whether he is satisfied that sufficient numbers of special reserved police officers are being absorbed into the police service to assist in addressing this unacceptable trend?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Madam Speaker, the question of numbers within the police service is being addressed right now by a manpower audit that is well known to all. I would also add that the Commissioner of Police has, in fact, started looking at the use of the absorption of special reserve police to add to the strength of police. In fact, that is being done based on selective criteria that they must fit in respect of qualifications, passing polygraph tests, et cetera.

Mr. Indarsingh: Madam Speaker, supplemental to the Minister. In light of a commitment that was given to the President, now General Secretary, of the Police Service Social and Welfare Association at that that time, Anand Ramesar, in March of 2016 to absorb between 1,500 to 2,000 SRPs into the current police service, what has become of that commitment?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I just mentioned a while ago that the Commissioner of Police has started absorbing special reserve police into the regular, and they have done that based on a selection criteria of those who fit age criteria, qualifications and passing polygraph tests, et cetera.

Mr. Indarsingh: Based on what the Minister has stated, could he advise this House how many officers have been absorbed into the current police service from an SRP point of view?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I do not have that number at this point in time.

Human Trafficking Network
(Concrete Evidence to Support)

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Madam Speaker, to the Minister of National Security. Could the Minister inform this House whether there is any concrete evidence to support increasing claims by members of the public that there exists a thriving human trafficking network?

The Minister of National Security (Hon. Gen. Maj. Edmund Dillon): Madam Speaker, while there is evidence that there is human trafficking in Trinidad and Tobago, there is no concrete evidence at this point to support that there exists a thriving human trafficking network in Trinidad and Tobago.

Mrs. Newallo-Hosein: Hon. Minister, in light of the fact that there is in fact evidence, what measures are you taking, or the Ministry is taking, to deal with this illicit activity?

Hon. Maj. Gen. E. Dillon: Madam Speaker, the Countertrafficking Unit of the Ministry of National Security, working together with the law enforcement arm, continues to monitor incidents of human trafficking. We have done so, even to do extensive public awareness campaigns to deal with countertrafficking, to deal with the movement of trafficking in persons.

Mrs. Newallo-Hosein: Madam Speaker, could the hon. Minister indicate to the House how many persons have been a part of this human trafficking ring, and have any persons been recovered as a result?

Hon. Maj. Gen. E. Dillon: Madam Speaker, to date and since the proclamation of the Trafficking in Persons Act, Chap. 12:10, 22 persons have been charged for human trafficking and related offences. This averages to about seven persons per year. Forty-three victims have been identified over a period of four years.

Bullying at Nation's Schools
(Legislation for Parental Responsibility)

Mr. Barry Padarath (*Princes Town*): Madam Speaker, to the Attorney General. In light of the upsurge in reports of bullying at our nation's schools, can the hon. Attorney General indicate whether the Government intends to introduce as a matter of urgency, legislation dealing with parental responsibility?

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I thank the hon. Member for the question. The issue of parental responsibility is a rather complicated one. Currently under the Children Act, under the Education Act and under certain other provisions of the law, there is a mix of what responsibility actually means. There is

responsibility from the context of care and supervision and protection from the parent towards the child. The reverse which the question asks is one which contemplates criminalizing or dealing with certain aspects.

The relative acts of bullying are also complicated further by the issue in law called *doli incapax* where you are below the age of having the discretion or intention to commit any crime. You are incapable of committing crime.

We are looking at this issue in a very broad and comprehensive way. The Education Act currently provides some measure of relief in terms of expulsion and suspension, but respectfully it does not go as far as I think the current issue does. But it certainly is something that we are looking at to find the best fit for the complications of the issue.

Mr. Padarath: Thank you, Madam Speaker. Hon. Attorney General, I appreciate the answer that you have given. Can you give us an idea in terms of a timeline in which we can expect such measures to be put in place or to be explored in terms of bringing the requisite legislation to the Parliament?

Hon. F. Al-Rawi: I thank the hon. Member again. I can say that currently we are engaged in the exercise of the proclamation of the package of legislative amendments that we did to the Children and Family Division Bill, part of which intersects with this issue, in particular the manner of children beyond control and other aspects.

So I will introduce it immediately to the LRC's table on Monday when we continue with the exercise of analysing the proclamation schedule, and add it into the deliberations which we have. So we will treat it with alacrity.

Severe Injuries to Pupil at Mayaro School (Anti-bullying Measures in Place)

Mr. Barry Padarath (*Princes Town*): Madam Speaker, to the Minister of Education. Given the severe injuries to a pupil at the Mayaro Government Primary School as a result of bullying, can the Minister inform this House what anti-bullying measures are currently in place at our nation's schools?

The Minister of Education (Hon. Anthony Garcia): Thank you, Madam Speaker. It has not yet been determined that the injuries suffered by this student are as a result of bullying. We have in our possession a report from the principal who indicated to us there were two Standard 1 students who were at play. We have asked the line supervisor to conduct a thorough investigation into this matter and report to the Ministry of Education by Monday, February 6th.

1.50 p.m.

Madam Speaker: The Member for Princes Town.

Mr. Padarath: Madam Speaker, thank you. To the Hon. Minister, Mr. Minister, I have asked specifically what anti-bullying measures are currently in place at our nation's schools? What is the intention of the Ministry? What has the Ministry done to deal with the specific matter? Will it take the death of a child for the Ministry to deal—[*Interruption*]

Madam Speaker: Member. Member, it is one question at a time. What is the question?

Mr. Padarath: I am asking, Madam Speaker, we are going back to the original question: what are the measures in place at the Ministry, if any? Is it going to be that we are waiting on the death of a child before measures are implemented by the Ministry of Education? The Minister has not indicated, what are these measures, if any?

Hon. A. Garcia: Madam Speaker, I answered the question in the context of the question that was posed to me.

Mr. Indarsingh: He wants to know the measures.

Hon. A. Garcia: At the Ministry of Education, in fact, in our school's system we are guided by the Education Act which gives the responsibility to principals and teachers that they must preserve the safety of our children. If these rules are disregarded, then there are certain measures that must be taken. But I would like to tell this House that the Education Act and school regulations provide for any acts like these. Let me re-emphasize, in the context of the question that was being asked, we cannot determine whether injury of the child was as a result of bullying.

Mr. Padarath: Madam Speaker, to the Hon. Minister. So Minister, in fact, what you are saying is that nothing has been done by the Ministry and there are no guidelines. That is essentially what you have said.

Hon. A. Garcia: Madam Speaker, I "doh" think I need to answer that question because he is making a statement. I already made it very clear, I made it very clear that at the level of the Ministry of Education and at the level of the school system, we have adequate measures in place to deal with any infraction of discipline. Thank you.

Chutney Soca Monarch and the Soca Monarch Competitions
(Quantum of Financial Assistance Granted)

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker, to the Minister of Community Development, Culture and the Arts. Given reports of a severe shortfall in financial assistance to the organisers of both the Chutney Soca Monarch and the Soca Monarch competitions scheduled for the Carnival period, can the hon. Minister inform this House the exact quantum of financial assistance granted to the organisers of both competitions?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. The Chutney Soca Monarch for 2016 has been granted $1,180,000 while the Soca Monarch for—sorry, for 2017, sorry, has been granted $1,380,000.

Mr. Padarath: Thank you, Madam Speaker. Hon. Minister, can you indicate to us what were the requested amounts from both organizations in terms of financial assistance coming from the Ministry?

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. I do not have that information before me at this point in time.

Mr. Padarath: Thank you, Madam Speaker. Would the Hon. Minister give the undertaking to provide the House with that information as soon as possible?

Hon. Dr. N. Gadsby-Dolly: Madam Speaker, certainly.

Special Needs Private Schools (Closure of)

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker, to the Minister of Education. Given the imminent closure of 14 special needs private schools due to cuts in government funding, can the Minister please state what measures he intends to take to avoid this most unfortunate catastrophe?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Let me begin by saying, quite clearly, that these 14 special needs private schools are not in danger of imminent closure. Let me also state that there have been no cuts in government funding for these schools. Thank you. [*Desk thumping*]

EXPIRATION OF QUESTION TIME

Madam Speaker: Hon. Members, the time for Urgent Questions has been spent.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, we are asking for a deferral of question No. 29 for one week. All other questions, we are in a position to answer and, Madam Speaker, there were no written questions.

ORAL ANSWERS TO QUESTIONS

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

Job Losses and Jobs Created
(Details of)

29. Could the Hon. Minister of Finance state:

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

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

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

Question, by leave, deferred.

Cruise Ship Arrivals in Tobago
(Details of)

37. Miss Ramona Ramdial (*Couva North*) asked the Hon. Minister of Tourism:

Could the hon. Minister provide the figures for cruise ship arrivals in Tobago from July to December 2016 providing:

(a) total cruise vessel calls;

(b) total cruise passengers; and

(c) a comparison of these figures for the same period last year?

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker, it should be noted that the cruise season runs from October of one year to May of the following year, rather than from July to December. Accordingly, 52 cruise vessels visited Tobago between October 2015 and May 2016, as compared to 45 cruise vessels between October 2014 and May 2015. This represents an increase of 15 per cent in vessel calls year on year.

With respect to cruise passengers, 72,529 persons visited Tobago in the 2015/2016 cruise season as compared to 56,134 passengers in 2014/2015 cruise season. This represents a 29 per cent increase in cruise passenger arrivals year on year. Thank you. [*Desk thumping*]

Princes Town No. 1 Primary School
(Status Update of Discussions)

39. Mr. Barry Padarath (*Princes Town*) asked the Hon. Minister of Education:

Further to the response provided to an Urgent Question on September 9, 2016, could the Minister indicate whether the Ministry and the Presbyterian Board are still in discussions regarding the Princes Town No. 1 Primary School and if so, provide a status update of those discussions?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. As I have indicated to this Honourable House, the Princes Town No. 1 Presbyterian Primary School is in a severe state of disrepair and the Ministry of Works and Transport has recommended that the building be demolished.

However, the Presbyterian Board, on the advice of a private contractor, preferred the option of refurbishment of the school. In discussions between the Ministry of Education and the Presbyterian Board, the Ministry indicated that it proposed to adhere to the advice of the Ministry of Works and Transport and that a new school would have to be constructed. The board indicated that it was willing to accept the Ministry's position. A meeting is scheduled with the board on Tuesday, February 7th, 2017 at 7.00a.m. at the office of the Minister of Education. Thank you.

Garth Road
(Repair of)

40. Mr. Barry Padarath (*Princes Town*) asked the Hon. Minister of Works and Transport:

Could the Minister indicate when Garth Road located in the constituencies of Naparima and Princes Town will be repaired?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): On Monday of this week I had the opportunity to attend a Ramayan in Hindustan and I took the opportunity to visit the Garth Road, yeah, to visit the Garth Road to see first-hand what the Ministry of Works and Transport was undertaking in the area. I wish to report that over the past nine months, to maintain the functionality of Garth Road, the Victoria West District executed 239 square metres of surface patching and 599 square metres of deep patching primarily along the 3 kilometre and the 4.5 kilometre section which was in the poorest condition.

The Ministry will continue in its effort to keep this section of the roadway passable and subject to the availability of funding, it proposes to complete rehabilitation on the roadway later in 2017 at an estimated cost of $1million. Repairs to landslips along the road are also scheduled to continue later in 2017 once funds are available. Thank you.

Mr. Padarath: Hon. Minister, this continues to be a continuous problem on that Garth Road because of the soil type of that particular area. Could the hon. Minister indicate what would be the long-term measures in dealing with some of these problems on that Garth Road especially when it comes to some of these retaining walls and dealing with the landslips?

Sen. The Hon. R. Sinanan: We recently did a soil test in the area. We are, at this time, awaiting the results of the soil test. Once that comes in, we will design a retaining wall that will assist us going forward and all research right now is being done to tell us exactly what has to be done in the area. Thank you.

Mr. Charles: Is the Minister aware that there are more than 10 unattended landslips on the Garth Road and it is causing tremendous inconvenience? Could you give us a time frame by which residents will get some comfort by your ministerial action?

Sen. The Hon. R. Sinanan: As I said, on Monday I was fortunate to visit the area, I do not know if the Ramayan—just attending the Ramayan did—[*Crosstalk*] Well, what I want to add is that I saw these landslips, some of them are about 10 years old. Yeah. Some of the landslips, the residents told me they are about 10 years old. Based on the challenge we have with funding right now, we will prioritize the most critical ones and we will definitely be trying to attend to them in 2017. Thank you.

DEFINITE URGENT MATTER
(LEAVE)

Unacceptable Number of Murders
(Government's Inaction)

Mr. David Lee (*Pointe-a-Pierre*): In accordance with Standing Order 17(1), I wish to seek leave to move the Adjournment of the House for the purpose of discussing a Definite Matter of Urgent Public Importance, namely the indiscriminate, unprecedented and unacceptable number of murders taking place on a daily basis in Trinidad and Tobago. The matter is definite as it pertains specifically to the most vicious and brutal crimes that can be committed, that is the murders of some 58 sons and daughters of this country which have occurred in a short space of only 33 days, the last two killings reported just today alone.

The matter is urgent as it relates to the incessant exponential rise in killings, in the face of every effort being made to address the situation as reported by law enforcement officials.

The matter is also urgent because of the need for an immediate stop to the heinous and nefarious activities by criminals who have no regard for the lives of our citizens.

The matter is of public importance as there is public outcry for the Government and the police service to bring an immediate resolution to this epidemic, but also for swift justice to be served on behalf of those men, women and children who have been slain, whose families can find no solace due to these killers still being at large. I thank you.

Madam Speaker: Hon. Members, the purpose of Standing Order 17(1) "Adjournment—Definite Matter Of Urgent Public Importance" is to provide Members with the opportunity to raise a matter which has both suddenly arisen and is of current national concern.

The matter must be specific and of such urgency to require the arranged business of the House to be set aside for an emergency debate on the matter. It must therefore satisfy all of the following requirements:

It must be "definite", in that it must be single, specific and precise in wording.

It must be "urgent", in that it must have arisen suddenly and require immediate action and attention by the House.

And it must be "of public importance", in that it concerns or affects a large segment of the national community.

Once a matter satisfies the rule, 60 minutes is set aside to discuss the critical, sudden crisis.

I have previously ruled that our continuing concern about serious crime does not satisfy the requirements of this rule, and I stand by my ruling. Whilst serious crime is undoubtedly of public concern and therefore satisfies the third requirement, it does not satisfy the other two requirements due to the broad scope and ongoing nature of the issue.

May I also take this opportunity to inform Members that there is currently a Private Members' Motion on the Order Paper, Motion No. 5 that will seek to deal with this issue in a more comprehensive manner as each Member will have a total of 45 minutes to address their concern. I so rule.

GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

[*Second Day*]

Order read for resuming adjourned debate on question [November 18, 2016]:

That the Bill be now read a second time.

Question again proposed.

Mr. Ganga Singh (*Chaguanas West*): [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, as I rise to speak on this Bill entitled the Gambling (Gaming and Betting) Control Bill, 2016, I regard this as a piece of landmark legislation. And listening to the hon. Minister of Finance as he piloted this Bill, I embarked on a kind of reflective mood as to how this society has progressed and altered its thinking with respect to gambling over the past decade.

You see, Madam Speaker, initially gambling was seen as a sin and an evil and clearly now it has reached the stage where it is grudgingly regarded as vice that needs to be regulated. But with this piece of legislation, I am of the view that it will mainstream itself and it will become a major leisure activity in Trinidad and Tobago.

So our objective in this piece of legislation and in the industry that it will create, when we were on the other side, was to move from sin to fun and to create an industry for the benefit of Trinidad and Tobago.

Madam Speaker, I was in this House in October 2006 when then Prime Minister and Minister of Finance the late Hon. Patrick Manning, the Hon. former Member for San Fernando East, in his budget statement of October 4th, 2006 stated and I quote from page 35 of that budget statement of 2006/2007:

> Mr. Speaker: "The emerging trends in casino-type gambling activities are of great concern to the Government, particularly its rapid spread in urban, rural, and semi-rural communities. The Government is totally against the operation of casinos and all casino-type establishments.
>
> Global research findings have shown that the gaming industry can destroy the financial security of families, negatively impact marriages, encourage deviant behaviour among children, undermine work ethic, cause increases in crime, including that of money laundering, and give rise to problem gamblers. The Government is strongly against the proliferation of these casino-type establishments in Trinidad and Tobago."

That was the PNM Government of Patrick Manning in 2006. [*Desk thumping*] He went on, Madam Speaker:

> "As a result, the Government proposes to enforce the law so that Private Members' Clubs must operate within the confines and original intent of the law. In order words, Mr. Speaker, Private Members' Clubs cannot engage in

gambling activities that involve payments being made to the house. The law will be reviewed and strengthened to give effect to Government's policy in this regard."

The PNM's Government policy in this regard.

"We also propose to ban the importation and use of all slots machines. These measures will take place with immediate effect."

And the Hon. Prime Minister and Minister of Finance as he then was, Mr. Patrick Manning went on to state:

"Mr. Speaker, as far as the online gaming system is concerned, there will be no further expansion in the games offered and the Government is moving to eliminate the entire system."

That was the budget statement 2006/2007. That was the PNM policy at the time.

Madam Speaker, the Prime Minister, as he then was Minister of Finance and Leader of the Government, was making a moral and paternalistic argument against gambling in both the private sector and the state sector.

In his mind, notwithstanding the secular nature of the State and that there ought to be separation between Church and State, Prime Minister Manning had embarked on a public policy position to ban gambling in both private sector and the state sector.

Madam Speaker, there are several hon. Members on that side, on the Government side who were in the Government then, for example, the hon. Minister of Finance. He was a member of the Cabinet at the time, the hon. Member for Diego Martin West was a member of the Cabinet at that time. My good friend the hon. Member for Port of Spain South was also a member of the Cabinet at that time. [*Crosstalk*]

Hon. Member: Mention Laventille West.

Mr. G. Singh: No. The Member for Laventille West was not there.

Madam Speaker, I am certain that members opposite did not share the then Prime Minister's view, but they were bound by collective responsibility. They could not buck the Prime Minister Manning. In the words of Lloyd Best, Madam Speaker, in the words of Lloyd Best, "the Prime Minister a king and everybody else was crapaud".

Madam Speaker, that budget statement banning the importation with its both moralistic and paternalistic arguments really encapsulated the thought process then against the gaming industry by the public policy measures of the Manning administration.

Madam Speaker, Prof. Peter Collins, Director of the University of Salford Centre for the Study of Gambling and Commercial Gaming, in his book *Gambling and the Public*

Interest, outlines what he categorizes as the six arguments against gambling:

- "The 'enforcement of morals' argument
- The 'paternalist' argument
- The 'human costs' argument
- The 'social costs' argument
- The 'democratic consensus' argument"—and—
- "The 'practical difficulties' argument"

For purposes of time, Madam Speaker, I will quote Peter Collins on three issues: the moralistic argument; the paternalistic argument and the practical difficulties argument. Because you see, if we want to move and we were to move the society from sin to fun, we have to be able to acknowledge the reality of what is happening in the society and be able to debunk a lot of what is being said.

Madam Speaker, enforcement of morals argument. This argument is the oldest and often called the moral argument as it concerns the view that gambling is immoral.

Prof. Collins pointed out, as I indicated in his book:

> …most people think that it is morally wrong for the state to interfere with the essentially private choices of individuals about how they will spend their time and money, providing they are not doing harm to anyone else known as Mill's liberty principle after John Stuart Mill.
>
> In particular it seems wrong for the state to interfere with these choices that do no harm to others solely on the grounds that some people, even many people, deem the activities in question to be immoral.

So that is therefore, and Prof. Collins then goes on to point out that there is only a minority of people who think in that kind of frame.

The paternalist argument: Prof. Collins described the paternalist argument and I quote:

> Gambling is bad for people. It is the business of the government to prevent them from doing things that are bad for them. Therefore, government should stop people from gambling.

He then goes on to explain that:

> The argument differs from the enforcement of morals argument in that it does not

> require government to claim absolute knowledge of what is morally right and wrong for everybody or the right to impose codes of moral conduct on individual citizens who do not subscribe to them in the area of private morality where people are not harming one another.

Collins states further, Madam Speaker:

> The paternalist argument against legalized gambling, prohibiting gambling because it is harmful, then seems to fail in part because gambling has not been shown to be harmful for the majority of people who engage in it. But even if it were, government would still not be entitled to prevent adult citizens from accepting the risk—or even uncertainty—of harm if they judge it to be worthwhile and choose accordingly.

Madam Speaker, so that in the period 2002 to 2010 that was their approach.

The practical difficulties argument. And we see the hon. Attorney General in his contribution on the last occasion pointed to a lot of the difficulties associated, in particular with the whole question of the requirements by CFATF and FATF, the anti-money laundering issues.

Collins' final argument against gambling is called the practical difficulties argument.

> There are some negative impacts of legalized gambling potentially so serious that, unless they can be prevented, gambling should not be legalized—for example, gambling by minors, money laundering, the rigging of games by gambling companies; the fixing of races and other sports events by bettors and bookmakers; the proliferation of loan-sharking; begging, prostitution, and drug dealing in the vicinity of gambling establishments, the general sleazification of neighbourhoods, et cetera. These negative impacts cannot in fact be prevented except by prohibiting all gambling. Therefore, all gambling should be prohibited.

Madam Speaker, it is clear that the arguments against gambling have not found resonance in the market place. They have not found resonance in the market place. But part of the problem that has emerged has been the contradictory nature of public policy in this area.

On the one hand, we say one thing and then we do another. A good example, Madam Speaker, the budget statement banning the importation and use of slot machines was crystalized into law in the Finance Act of 2007, passed in both Houses on June 13th and in the Senate in 2007, and was assented to by His Excellency the President Max Richards on July10th, 2007.

However, the amendment never came into force. So at the budget debate and subsequently in the Finance Committee and subsequent to assenting, the amendment never came into force.

Madam Speaker, it never came into force, but at the Finance Committee the then junior Minister of Finance had this to say, Conrad Enill at page 5 of the *Hansard* and I quote very briefly:

> "Government is totally against the operation of casinos and all casino-type establishments. Studies have shown the link between gaming activities and the erosion of societies."

Madam Speaker, it is clear that is a fallacious argument as we have demonstrated before, but they persisted. Conrad Enill.

Madam Speaker, this Bill never came into force—this Act never came into force because the casino sector formed an Association of Members' Clubs and began to agitate and protest for a rethink of the measures. You see, the Prime Minister at the time thought that he could rule by edict, by decree and perhaps even Executive Order. But that does not exist. And what happened then, there was pushback by the society, a pushback by the society in dealing with Prime Minister Manning as he attempted to ban all casino-type activities in Trinidad and Tobago.

> At page—in the *Guardian* of Thursday 24th May, 2007,headline "Casino Crackdown", Mr. Manning said:
>
> "…the Government was also moving to eliminate the National Lotteries Control Board's…entire online gaming system.
>
> Manning's pronouncements unleashed a flurry of lobbying by the casino sector which hurriedly formed an Association of Members' Clubs…to appeal for a rethink of the measures.
>
> Managers of some of the clubs said the Government should pass on to the police any information it had about gaming establishments being involved in money laundering.
>
> Close to 1,000 workers assembled outside the Prime Minister's Office at Whitehall for a protest demonstration on Black Friday…. Many of the protestors wore T-shirts printed 'PNM voter' and shouted 'no work, no vote'…"

2.20 p.m.

So, here it is you have in this country the workers in these establishments took their protest to preserve their jobs, Prime Minister Manning then met with them, but he said to the workers, "Our decision stands." Subsequently, he indicated in the budget debate as he wound up:

> "But we are going to have a phase out process and we are going to engage in retraining exercises for all those working in the industry so there will be no job"—loss, or job—"displacement."

Madam Speaker, so that there was a contradiction. You say one thing in the budget, you place, you create fear in the society. It is part of your DNA so I want to deal with that. [*Interruption*] Yes, it is part of your DNA so do not deny it—create fear in the society and you then back off as the democracy begins to work and push back against you. [*Desk thumping*] Madam Speaker, whilst the Prime Minister at that time was railing against banning casinos and banning the online system, the national—[*Interruption*]—no, he might die but his DNA still lives in many of you. [*Desk thumping*] I am not attacking the man. I am attacking the policy at the time, which stood to inform the way this legislation ought to function.

Madam Speaker, it is interesting to note while the Prime Minister at that time was announcing the banning, the National Lotteries Control Board signed a new five-year contract to 2011 with GTECH Corporation. So, therefore, you had the Prime Minister in 2006 saying, ban online gambling, ban NLCB, remove everything, and GTECH went on the other hand and signed a five-year contract that will take them to 2011. Then GTECH now—and it is interesting to note—they have been the sole and monopoly supplier of online facilities since 1994 to 2024 in this country. I say no more on that issue.

So therefore, what you have is a contradictory nature informing public policy in this area of gambling, and I am fearful now that they have taken a Bill that is really a first-class and landmark piece of legislation—[*Desk thumping*]—that we must not allow the contradiction that they harbour with respect to gambling be reflected in the regulation which they have to draft and which is not yet before us, so that what was the effect of this kind of contradiction?—in the period 2002 to 2010, there was a hiatus; a hiatus of a regulatory framework for a regulatory framework in this sector. There was a virtual abandonment of the sector, and therefore with subsequent measures it gave rise to a mushrooming of gambling throughout the country

Madam Speaker, the Gambling (Gaming and Betting) Control Bill, 2016 represents the modernization of our gambling law, which is long overdue, it

represents a modern regulatory system for the gambling industry in Trinidad and Tobago. In order for us to appreciate what is before us today, it is necessary to have an appreciation of the history and structure of the gambling sector in Trinidad and Tobago. The gambling industry in Trinidad and Tobago consists of two main sectors, a state sector and the private sector. The State became directly involved in gambling in 1968 under Eric Williams with the National Lotteries Act, and that came about—and you have national lottery and scratch came about in 1968.

Hon. Member: What about horse racing?

Mr. G. Singh: Horse racing is in the private sector, and I am coming to that. So, the National Lotteries Control Board was created by the National Lotteries Act, which is a central authority to manage and regulate the four major types of gambling activities by the State: the national lottery, which was a book, and you had to wait two weeks for you to know whether you won the prize or not, and that was cannibalized in 1994 with the online gaming; the Lotto, the Play Whe and the other online games called Cash Pot, and Pick 2, and so on.

Madam Speaker, it is interesting that the hon. Minister in his presentation was silent as to whether or not the NLCB as an operator of commercial gambling will be brought within the single system of licensing and regulation. [*Interruption*] Well, he has indicated we will look in committee, and I will go on to indicate that with the GLI report, they have made a recommendation that there should be one single regulator across the board in order for us to promote fairness and efficiency in the gambling sector, and I agree with that principle.

So, Madam Speaker, in the private sector, there are five major gambling activities both of a legal and illegal nature: horse racing, legal. So, this Act—and it must be a real anomaly and a real contradiction—it is against the law in clause 82 to have a minor enter a casino-type establishment but it is okay for a minor to go in the horse racing track. There must be something wrong, because a lot of people that I know started their betting and addiction to betting in the horse racing track, so that therefore there ought to be a similar exercise across the board. So, horse racing is legal, and there are two state-funded organizations: the Betting Levy Board and the Trinidad and Tobago Racing Authority. So, horse racing is funded by the State. It was part of the plantocracy, and in the arena of the neo-colonials, we continue to sustain it.

Madam Speaker, off-track betting, local and foreign racing, inclusive of dog racing is in the off-track betting, and that is legal; recreational clubs, that is legal; the Chinese-derived game of Whe Whe, that is illegal; and casinos, illegal. You know, Madam

Speaker, when the NLCB brought the online game Play Whe, they usurped the illegal Whe Whe and they put a turn on it and they called it Play Whe, and it is poetic justice perhaps that you have—not from a public policy point of view, but purely from a justice point a view, that the Chinese have come back and they have virtually eliminated and given better conditions in Whe Whe than the Play Whe, and it is eating into the profit, and that therefore, this regulatory measure will be able to deal with that sort of thing, because the State, as the State, sold the folklore-based Whe Whe and made it Play Whe.

Madam Speaker, the Hon. Minister of Finance and the Economy, as he then was, provided the rationale for not bringing horse racing and the other entities into the realm and the embrace of the statutory regulator. This is Minister Howai as he then was, and I want to indicate that it is there at page 9 of his contribution in the Senate as to why, because simply he said there are governing pieces of legislation in that matter, the Betting Levy Board legislation, the TTRA legislation, the NLCB, the National Lotteries Act, and that therefore subsequently, but it ought to be phased in under the singular regulator, and the Minister of Finance has indicated across the forum that he will bring about that at the Joint Select Committee.

Madam Speaker, I want to indicate that I listened to the hon. Member for Diego Martin North/East in his presentation as he piloted the Bill, and I really want to congratulate the Hon. Minister on his presentation for keeping to the script bequeathed to him by the former Minister of Finance and the Economy, Larry Howai. [*Desk thumping*] One only has to read the *Hansard* record of the 9th of the 6th, 2015, and compare it to that of November 18th, 2016, and you could see that he kept to the script.

Hon. Member: Was it plagiarizing?

Mr. G. Singh: No, he kept to the script. Secondly, I want to express my surprise that the Hon. Minister of Finance confessed that the People's Partnership under the leadership of the Hon. Member for Siparia had taken the proper and correct public policy approach in seeking to regulate this sector. [*Desk thumping*]

Hon. Member: You sure he say that?

Mr. G. Singh: Yeah, yeah, yeah. I want to make reference, just in case it is questioned, Madam Speaker, he said at page 33 of his presentation:

"We are satisfied now, this Government is satisfied…"

—and I am quoting the Hon. Minister of Finance, the Member for Diego Martin North/East:

> "We are satisfied now, this Government is satisfied, that the approach of the last Government and persons before that who had sought to regulate the sector, is the correct approach. [*Desk thumping*] It is the correct approach. There is no point in trying to push it underground, Mr. Deputy Speaker, because all they will do is just have more and more illegal activity."

So, there is recognition and acceptance by the Government, by the administration led by the Hon. Keith Rowley, that the approach taken was the correct approach in dealing with this whole question of gambling in this country. So there is recognition and acceptance that the People's Partnership policy prescription was right, because their diagnosis was right, and we had extensive and in-depth consultation, as so you have, as indicated in his presentation.

Thirdly, Madam Speaker, the hon. Minister of Finance provided another vital recognition in his presentation. It was the crucial parliamentary process element, he recognized that this Bill requires a special majority and that the votes of the Hon. Members of the Opposition were essential for the passage of this piece of legislation. So, that is a recognition that missed him in another piece of legislation, and I want to read, because you see—and I quote from page 41 of his contribution in the *Hansard*:

> "I am not absolutely certain of this, but if it is the wish of hon. Members opposite, because this thing requires a special majority, we on this side are not going to be so foolish to try and railroad anything."

Hon. Member: Who say that?

Mr. G. Singh: "We on this side"—meaning the Government side—"are not going to be so foolish to try and railroad anything…well, it requires a special majority. It requires your support."

That is what the Hon. Member for Diego Martin North/East indicated. But he went on, Madam Speaker, to also recognize that the Parliament in matters of this nature, matters of such fundamental nature, matters of a landmark nature, there is a role for the Opposition.

Madam Speaker: Hon. Member for Chaguanas West, your speaking time has expired. You have 15 more minutes if you intend to avail yourself of it.

Mr. G. Singh: Yes, Ma'am.

Madam Speaker: Please continue.

Mr. G. Singh: Thank you, Madam Speaker. Therefore, you have a situation where he said that he is going to send the Bill to a joint select committee of both Houses in order to have final consultation on the merit of this legislation.

Madam Speaker, you know, the Hon. Member for Diego Martin West, who promised us a joint select committee in another incarnation, and I want to congratulate him for his enlightened approach in this matter. It is a pity that he played foolish with FATCA.

Mr. Lee: You mean Diego Martin North/East, you are saying Diego Martin West.

Mr. G. Singh: Diego Martin North/East. Madam Speaker, it is in the public's interest for gambling to be safe, not only for those who participate in it, but also in the way it impacts on the wider society. It is our own view, and it is reflected in the legislation that gambling must be conducted fairly, remain free of criminal influence and infiltration, and operate within a regulatory framework that provides protection for children and vulnerable adults.

We also want to see as we debate this new legislative framework for Trinidad and Tobago a successful gambling industry that is able to respond rapidly and effectively to innovation in the technological sphere and to customer-led developments. Madam Speaker, the objects of the Bill are clear, it is in clause 5, and we are not going to that because we have the chance to deal with that in the committee stage.

I want to now move quickly into an arena, and perhaps it is the only new dimension added by the Hon. Minister, when he spoke about the laudable and international company GLI that was brought into the system to advise. He indicated to us in his contribution that this company is in something like 470 countries, and we are very happy that he is seeking advice to change the DNA and his approach that would have taken previously in 2007.

Madam Speaker, in September 2015—but I have some questions with respect to the procurement process, and the role and function of GLI in this gaming industry—GLI was invited to submit a proposal for a gambling consultancy. It was invited by Vishnu Dhanpaul the Permanent Secretary, September 15th, the members were sworn in on September 11th. The ink was not yet dry on their letters of appointment by the Hon. President, but on the 15th they were invited by the Permanent Secretary, Ministry of Finance. On April 14th, the Acting Permanent Secretary, Suzette Lee Chee indicated that:

Thank you for your tender for the above-referenced project. I would like to

inform you that the Gaming Laboratories International bid was successful.

So, April 16th September 15th they are invited; in April they say they are successful, we are not told whether there were other bidders. We are not told, so the procurement is questionable. Was it sole selected? What are the questions associated with that? And then on 4th of May 2016, the contract was signed between Murray Suite and Kevin Mullally, Vice-President of Government Relations and General Counsel, Gaming Laboratories International. Madam Speaker, we have no problem with that, and there is a listing of deliverables that they are supposed to produce, which we recognized that it was inconsistent with the contract. But what is really Gaming Laboratories' function? And in their report—which I have, and which the Minister did not circulate, but we have been able to procure a copy—they are suggesting that there must be conditions for acceptance of Internet wagers, they are suggesting Internet gambling, they are suggesting—but what is of significant concern to me—and I agree with the concept of Internet gambling—is the recommendation by GLI for tax rates to be suggested in the legislation.

As the legislation currently before us indicates that there are certain tax rates, but per table and so on, but the recommendation of Gaming Laboratories International is a basis for tax rates that they are suggesting. Madam Speaker, and I quote from their report at page 32:

> We are proposing a moderate tax rate based on our belief that Trinidad and Tobago desires to have a moderate number of high-quality gaming establishments. In addition, the tax rates recognize Trinidad and Tobago's desire to maintain or increase employment in the gaming sector. Based on these goals we believe the tax rates suggested will create an environment that is capable of meeting these stated objectives. Destination casino resorts to be defined in the Act, but will generally include multipurpose hotel with a minimum of 200 rooms in Trinidad and 50 rooms in Tobago, and entertainment facilities with investments of more than $250 million and $100 million in Tobago, will be taxed at a rate of 8 per cent. Class A gaming, large- scale high-quality gaming operation to be taxed at a rate of 18 per cent, Class B at a rate of 30 per cent, Class C at a rate of 35 per cent, and then mobile gaming licences are available for resort-scale restaurants, and so on.

My question: In these recommendations, are these recommendations going to be the policy position taken by the Government with respect to taxation? Currently, you have the taxation per table, taxation per machine, what is going to be the policy position of the Government with respect to taxation on the basis of the recommendation of GLI?

Madam Speaker, there are home-grown indigenous entrepreneurs in the sector. You have people, there are foreigners also, but there are indigenous entrepreneurs in this sector, and that therefore we must give them the opportunity. There is a transition provision but there is no grandfathering in the legislation, so that transition provision must be looked at with the context of what is happening. We are told that the current indigenous gambling entrepreneurs are over 30 years in existence, and that therefore they have survived, they have grown the sector.

And that therefore, when you have a situation where the local entrepreneurs are being denied the opportunity to have bank accounts in which they can provide the moneys accruing from their business, because of the failure of the local banks or the local banking sector to provide them with the opportunity, because the first thing that they are saying is because of FATF requirements—because of anti-money laundering requirements. Madam Speaker, these local entrepreneurs have been in existence for over 30 years, and the local banking sector really abused their power in dealing with members of the entrepreneurial members' clubs, and the retail banking sector worldwide are some of the principal culprits in dealing with money laundering.

Only this week Deutsche Bank, the German-based bank, fined $630 million over Russian money laundering claims; $630 million. When there was the issue of terrorist financing in Trinidad, the money did not come from a casino, it went to Royal Bank, and Royal Bank, Canada picked it up. What is our local banks doing? They are just putting pressure on the local entrepreneurs, not giving them an account, and claiming anti-money laundering. You have to know your customer, and on the basis of that. But when there is a hold-up on the FATCA issue they cry wolf. Similarly, HSBC International Bank pays record $1.9 billion fine to settle US money laundering accusations; Citibank, which exists in Trinidad, caught laundering Mexican drug cartel money; Barclays fined over £72 million over elephant deal, it has nothing to do with elephant, it is just the gargantuan nature of the financial transaction.

Madam Speaker, when you look at this legislation, which is the legislation inherited and bequeathed to the current administration by the People's Partnership, it is legislation that deals with every area, it deals with anti-money laundering, it deals with the criminalization or keeping criminal infiltration out from the sector, it deals with the vulnerable problem gamblers and, also, it prevent minors, it deals with the whole question of the revenue stream, it deals with the Development Fund to treat with the vulnerable. This piece of legislation we commend, this piece of legislation requires fine-tuning at the Joint Select Committee in order to make it—how I could put it—business friendly for the sector, in order for us to grow this sector to become an industry. And that therefore, I commend this piece of legislation to, as agreed by the

Hon. Minister, to a joint select committee in order to facilitate—

Hon. Member: He tell you that?

Mr. G. Singh: Yes, "he tell meh dat", as indicated by the Minister, and I commend him for that. I commend him for that, because we have to get it right. We have to get this right, and we can create jobs, we can sustain jobs. It is a $16-billion industry, it can grow in a multiple of that. We can create destination hotels and destination business. There is a whole business opportunity, and given our parlous state of affairs in this country, we believe that we can provide and implement a diversification effort in order to assist the people and the country of Trinidad and Tobago.

Madam Speaker, I thank you. [*Desk thumping*]

The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. To put this in context, and I think it is important after the contribution referred this afternoon, I would like, through you, Madam Speaker, and for the population of Trinidad and Tobago to know that this Bill is the identical Bill that had come from the UNC Government when they were in Government in 2015. So all of the speeches that we heard and all of the niceties we heard about what happened in 2007, respectfully, and 2006 are all irrelevant. What we are dealing with is the current Bill that is before us.

And, again, for the population and for the citizens of Trinidad and Tobago, I would like to say what this Bill is about. This Bill seeks to provide for the establishment of Gambling (Gaming and Betting) Control Commission. So, for the first time in Trinidad and Tobago what we are looking to do is to introduce a gaming commission to regulate an industry that we estimate to be in billions of dollars in terms of revenue in Trinidad and Tobago. And this is necessary both on a global and a national level because the industry is vulnerable to infiltration by money launderers and terrorist financing. The commission shall establish a licensing framework which will aid in minimizing the potential for money laundering and terrorism financing due to the stringent criteria that will have to be met by anyone desirous of obtaining a licence permitting them to do what it is they intend to do.

So, Madam Speaker, at the outset for those listening, what we are looking to do for the first time in Trinidad and Tobago is introduce a gaming commission to regulate an industry that so far seems to be a runaway horse, and seems to be breeding, harbouring money laundering operations and the potential for terrorist

financing. And this is something that this Government saw it fit from an early, early stage to come forward with. And I hear those on the other side talk about copying, et cetera, but that is really cognizant, and because of how important we believe this legislation is, and we figured the easiest way to do it is just let us come with what they had there before, because we are not that adverse to it, and let us get the legislation done and on the books, because what we have been seeing is some hesitancy by those on the other side on occasions to agree to legislation that we believe is better for Trinidad and Tobago.

2.50 pm.

So on this occasion I am putting it frontally to the population of Trinidad and Tobago who I believe by and large are in support of a gaming commission and the regularization of an industry that harbours a lot of criminal activity, that what we have come with is what has come from the bosom of the UNC and we as a Government are willing for the people of Trinidad and Tobago to agree to that legislation for us to finally put some efficient regulations and systems in place.

Having said that, on the last occasion the Hon. Minister who is piloting the Bill, took us through the history of how this Bill arrived here and I do not think it is necessary to get into that again. But what I would also like to remind those on the other side and the population is for the first time, with respect to this legislation, it was taken through, prior to it arriving here under this Government a very, very, detailed set of consultation and I would just like to remind us of some of the persons who were consulted, a fresh round of consultation on this legislation.

On January 12, 2016 there was consultation at the Old Fire Station conference facility with the casino trade union. On January 19th there was consultation with the Ministry of Rural Development and Local Government, the Ministry of Tourism, the Ministry of Trade and Industry, the Ministry of Planning and Development—that was done at the Ministry of Finance. And then the Inter-Religious Organization of Trinidad and Tobago, the IRO, was consulted on January 21, 2016. The THA was consulted, the Tobago Chamber of Commerce, the casino businesses in Tobago, the Tobago Hotel and Tourism Association were consulted. The National Council of Alcoholism and Other Addictions, Alcoholics Anonymous, New Life Ministries Drug Rehabilitation Centre, the Society of St. Vincent de Paul and Families in Action were another set of bodies that were consulted.

The Board of Inland Revenue, the Trinidad and Tobago Police Service, the

Financial Intelligence Unit, the Customs and Excise Division were also consulted. The Bankers Association of Trinidad and Tobago, who I heard the previous speaker taking some shots at because of their position on another piece of legislation that is essential, was also consulted. The Trinidad Chamber of Commerce was consulted; the Trinidad and Tobago Members Clubs Association was consulted; the Bookmakers Association, the Trinidad and Tobago Racing Authority, the Betting Levy Board, the Amusement and Gaming Association, the Racehorse Owners Association, the Racehorse Trainers Association, the Jockeys Association, the Arima Race Club, the Institute of Chartered Accountants, the American Chamber of Commerce, the National Anti-Money Laundering Committee and Trinidad and Tobago Bureau of Standards, the National Lotteries Control Board.

So over 50 groups in total, Madam Speaker, we put on the record were consulted with respect to a Bill that as I say and I am at pains to point out yet again, came from the drafting of those on the other side when they were responsible for drafting legislation. I put that on the record so that the population and the citizens of Trinidad and Tobago who are looking on and paying attention to this important piece of legislation, will understand that at this stage, that the Government has gone through 50 rounds of consultation—sorry, consulted with 50 different bodies in bringing a Bill from them. The Government wants to press ahead with this to regulate the industry and even in light of all of that we have agreed to, after this, put it to a joint select committee, so for the people of Trinidad and Tobago to be looking on very closely to see what happens with the passage of this legislation and if it is stalled or if it moves very quickly and expeditiously to become the laws of Trinidad and Tobago.

Madam Speaker, in addition to this being an opportunity to regulate the industry, it also is an opportunity for Trinidad and Tobago, as the hon. Member for Chaguanas West just ended by saying, for some diversification of our economy, but more importantly to raise revenue for Trinidad and Tobago. Because as we have been at pains to point out over the last 16 to 18 months, Madam Speaker—and I will use the opportunity here, again—unfortunately, because of how Trinidad and Tobago's economy is based on commodities and in particular in the hydrocarbon economy, we have faced over the last period a drop of 92 per cent in our oil and gas revenue. And we hear those on the other side with their cries about us borrowing and runaway borrowing, et cetera, none of which is true; and we continue to ask them, if you have lost 92 per cent of your revenue, 92 per cent of what you get from oil and gas, which is the single largest

earner of foreign exchange in Trinidad and Tobago, what do you then do to fill that gap? And Madam Speaker—

Dr. Tewarie: Could you give way?

Hon. S. Young:—one of the ways to—

Dr. Tewarie: The Minister talks about a 92 per cent drop. Is it impossible for this country to operate on a US $50 price for oil and US $3 for gas?

Hon. S. Young: Madam Speaker, so to continue—the Minister of Finance will deal with that. [*Crosstalk*] I think once again they get nervous when this point is being made. The simple point is if you have lost 92 per cent of your revenue, no matter what, if it is at $50, et cetera, the point is you have lost 92. So for every hundred dollars you have earned before, you are now dealing with $8 and no matter how hard they try to cover that up, that is the fact and the reality we are facing here in Trinidad and Tobago.

So, Madam Speaker, to continue with my contribution, this now allows a gaming commission and the Board of Inland Revenue and the other authorities for the first time in Trinidad and Tobago to collect a whole basket and bundle of revenue. It was estimated by the Ministry of Finance that this is a billion-dollar, I think he said $16-billion industry in Trinidad and Tobago, and there is nobody in this House or no citizen of Trinidad and Tobago who can honestly say that it is being properly captured by the tax authorities in Trinidad and Tobago.

As we had heard, the Member for Tabaquite in his contribution on the last occasion talk about a number of these establishments popping up all over the country, it is littered all over the country. We saw last week where there was a robbery carried out at one and what these institutions do. You now have them in bars and scattered all over the country, with the tables and the slot machines. If they are here and they are here to stay, let us earn the revenue from it, Madam Speaker, quite respectfully. So what we are doing is that we are setting up a commission and the Board of Inland Revenue to be able to contain and to collect the due taxes for the people of Trinidad and Tobago with respect to this industry that exists in Trinidad and Tobago.

Madam Speaker, I referred a short while ago to this industry at this time having a tendency or it being suggested and I think the studies show that it is a way that money is laundered through this industry. We had heard a story, not so long ago, on an international scale of contractors. It is being suggested that this is one way contractors are paid and it is being suggested, former Ministers, they would go into a casino and they would be able to pick up chips at a table and then

utilize those chips now to go and encash it for cash. And, in fact, a sting operation I believe was set up with respect to one of those and certain people were captured by a net at that time.

So now what we have here is the commission for the first time having the ability—[*Crosstalk*]—what we have here for the first time now is a commission being set up to regulate this industry, because we are finding that it is an area that money laundering and the financing of terrorist activities are taking place. This is something that the authorities are looking at and they are asking for this type of legislation.

Madam Speaker, in doing an analysis of what exists in other jurisdictions, what we would like to point out is, this is very progressive and in some of the other jurisdictions if you would permit me I would just like to refer to them very quickly so we could do a comparative analysis for those who may come after to understand what is taking place in other jurisdictions.

In the United Kingdom, gaming and betting is legal and it is big business. It comprises land, casinos, poker rooms, retail betting shops as well as online gambling. The industry in the United Kingdom has proven to be economically beneficial to the United Kingdom, because it is properly regulated by statute. It provides jobs for a section of society and it is a source of entertainment for its citizens and most importantly earns significant revenue for the Government of the United Kingdom. So those are some of the philosophies that we are adopting here to bring into our system. Their Gambling Act 2005 provides for the establishment of a gambling commission. This commission is actually clothed with the same powers as the commission that we are proposing in our Gambling (Gaming and Betting) Control Bill 2016. Some of these powers are:

"(a)preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,

(b) ensuring that gambling is conducted in a fair and open way, and

(c) protecting children and other vulnerable persons from being harmed or exploited by gambling."

In the United Kingdom, Madam Speaker, the commission works closely with other authorities, such as the Customs and Excise Division and the police force, which is what we are proposing to do in our Bill as well. Clause 14 of our Bill allows the commission to provide information to the following bodies: the Board of Inland Revenue, the Financial Intelligence Unit, the Integrity Commission, Customs and Excise Division, Commissioner of Police and the Betting Levy Board.

So this Bill is modelled by taking into consideration some of the factors that exist in the UK legislation. In the United States, Madam Speaker, another jurisdiction, many states in the United States have banned online gambling. We do not get into this; this Bill is silent on online gambling. However, we have enabled the Minister in this Bill to make an order subject to affirmative resolution of Parliament to amend the section and allow online gambling. So that is something that can be looked at in the future.

In Macau, in China, which is a special administrative region of China in which gambling is legal—the only other region in China where gambling is legal, Madam Speaker, is Hong Kong. But in Macau it is highlighted that there is a gambling industry that has successfully contributed in large proportions to its economy. So again in looking at other jurisdictions it is hoped that this will allow us a whole new revenue stream that we can then utilize for the national budget. And on pursuing Macau's law it is seen that the relevant law in that region, like our proposed Bill, also empowers a body appointed by the Government to oversee the gambling and gaming industry as well as to enforce the governing laws on gambling. And that body is called the Gaming Inspection and Coordination Bureau.

In the Bahamas, Madam Speaker, they have a Lotteries and Gaming Act that regulates their gambling industry and it provides for a gambling board similar to what we are proposing with a commission in this jurisdiction. Their board in the Bahamas ensures that the provisions of their Act are adhered to by persons in the gambling industry. And the only difference is that, whereas our proposed commission will be responsible for the granting of licences to persons wishing to operate within the gaming industry, the board in the Bahamas can only consider such applications. There is a similar body set up in Jamaica, Madam Speaker, under their Betting, Gaming and Lotteries Act which empowers in Jamaica their betting, gaming and lotteries board to grant or refuse licences and permits required by persons.

So what we are seeing in some of those jurisdictions, Madam Speaker, and the simple point being made is, if you are progressing and you are going to get a hold of this type of industry, it seems to be that an important element is that you have a commission or a gaming commission set up to regulate the industry.

Madam Speaker, having pointed out to that, I would like to just briefly go to some important clauses of the Bill which I think are necessary for the listening public to understand. What we are doing under this Bill, Madam Speaker, by Part III of the Bill is for the first time setting up a proper licensing regime, because

what exists under the current laws of Trinidad and Tobago, respectfully, is archaic. One must go to a Magistrates' Court and get private members' licences and then you may have tables, the various tables and the machines in your establishment and you call it a "Members' Club". And, of course, as we all know, that may be utilized in a very loose manner.

So for the first time we are establishing a commission that will actually, as part of its responsibility and duties, deal with the licensing regime which is found at Part III of this Bill. And it says that everyone will require license in the following circumstances:

"(a) own or operate a gaming establishment for the purpose of conducting gaming;

(b) perform a specific function in connection with a licensed betting or gaming activity…;

(c) manufacture, fabricate, assemble, programme, modify or repair equipment;"

So that, Madam Speaker, for the first time now you are regulating persons who manufacture, fabricate, assemble, programme and modify the equipment that is used in some of these gaming establishments. Also, you need a licence to be able to sell, import, supply or distribute this equipment. The gaming machines must be licensed to an owner. So again, Madam Speaker, you see that for the first time you are making the owners responsible to a commission and a regulatory body for what takes place in their establishment.

What is quite interesting as well, Madam Speaker, is now for the first time, as I said a short while ago before we dealt with private members' clubs, but at clause 32 for the first time we are listing several categories of licences. There will be:

(a) a Gaming Operators Licence…

(b) a Gaming Owners Licence…

(c) a Bookmakers Licence…

(d) a Promoters Licence…

(e) a Gaming Machine Operating Licence…

(f) a Gaming Machine Distributor Licence…

(g) a Technical Operators Licence…

(h) a Premises Licence…

(i) a Personal Licence…

(j) any other licence as the Commission may stipulate from time to time…"

So again, Madam Speaker, respectfully, that is a very important element to be able to effectively manage and regulate this industry. For those who are already involved in the gaming industry, at clause 54 we have a transitional period, a clause that deals with the transitional period and it says:

"A person who, at the commencement of this Act, owns or operates a gaming establishment or owns or operates gaming machines, subject to the provisions of the Liquor Licences Act, and the Registration of Clubs Act, shall within three months of the commencement of this Act, notify the Commission of the existence of its establishment and machines, providing such proof of existence and operation…"

So, Madam Speaker, what is envisaged is for the already existing industry that we live with in Trinidad and Tobago, within three months they have to find themselves registered with the commission so we could begin the regulation of what exists presently and going forward the Act would apply to them.

At Part VI of the Bill, Madam Speaker, we deal with the taxes and it sets out very clearly at clause 66 the taxes that will be applicable on gaming tables and other devices. And what I found particularly interesting in this legislation that we are proposing, Madam Speaker, and I think it is very progressive, is we are establishing two funds, one is the Rehabilitation Fund and the other is a Development Fund.

Madam Speaker, it is recognized that gambling is something that persons could become addicted to and it has a deleterious effect on the personal lives of those who gamble, as well as, a tentacle effect on those associated with them. It can affect negatively the families of those who are addicted to gambling; it could affect communities and other persons. So for the first time now via this legislation, what we are doing is that we are saying, those who house these gaming industries, who participate in the industry, we are going to collect from you and put into specific funds; we are going to collect from you money in the form of taxes and put it into specific funds.

"The Rehabilitation Fund is"—being—"established to assist non-governmental organizations and other groups working with vulnerable persons and their families suffering the effects of gambling addiction and other form of harm and exploitation associated with gambling."

And I think every member in this House, Madam Speaker, would agree that that is a very progressive move and it is something that I would expect us to support.

"The Development Fund is established to assist persons in areas of sport, social and community work arts and culture."

So again, as happens all over the world, because of the amount of revenue that this industry generates we are stipulating here via legislation that some of the money earned from gaming and gambling is to be utilized for sport, social, community work, arts and culture. Again, very, very progressive. So two funds: one that deals with those with the addictions and the negative effects of gambling and gaming and then another fund that deals with sponsorships and donations that are gained from this industry.

For the first time at Part VII of the Bill, we are dealing with enforcement issues and we are saying that the authorized officer may undertake activities for the purpose of assessing and making sure there is proper compliance. And we are giving the officers who would be appointed by the commission, Madam Speaker, or any authorized officer the power and ability to:

"(a)inspect any premises;

(b) monitor the activities of a gambling establishment to ensure compliance…

(c) examine all machines and equipment;

(d) take copies of any document, record or information, however stored, in such form as he requires…"

Madam Speaker, immediately one can see the serious effect that this can have and the positive effect it can have on money laundering and other illicit activities. We are allowing them to:

"(f)investigate complaints…

(g) remove and retain anything he reasonably believes…has been used to commit an offence…"

Madam Speaker, at Part VIII of the Bill we then deem a number of offences and set out a number of expressed offences with respect to the Bill. I am talking about offences that can be committed by persons who are not licensed and then those who are licensed, how they can breach their licence and the effects. And throughout the Bill as well, Madam Speaker, we seek to protect our minors from these establishments and to protect other vulnerable members of the society.

So, Madam Speaker, we believe that this legislation is necessary. We believe that this legislation is going to go a long way to assist in the cleaning-up of the landscape of Trinidad and Tobago in this area and in the fight against money laundering, in the fight

against the financing of terrorism, two areas that this Government is particularly concerned about. Madam Speaker, we will soon be seeing as some of the legislation are being laid on the table here today, as a Government we will soon be bringing very important legislation to Parliament that will assist in the following of the money, beneficial ownership and other matters that we believe that will assist in the fight and combat against corruption.

So, Madam Speaker, for the first time—well, not for the first time—but this piece of legislation is meant to be an asset and a tool in the fight against corruption, money laundering, financing of terrorism in Trinidad and Tobago. Having said so, we join with the other side and hope that when this goes to a joint select committee, we in this House would do what is right for Trinidad and Tobago and there will be a very quick passage and it will return to the House for passage and for it to become an Act and that the commission would be able to get on with the type of work we the legislators intend it to do.

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

Mrs. Kamla Persad-Bissessar SC (*Siparia*): Thank you very much, Madam Speaker. In the words of the Hon. Minister of Finance who piloted this Bill, I think it was in November last year, he told this Chamber that should he bring—his decision to bring the same Bill as that from 2015 period was to have harmony in policy between the Government and the UNC. And today, and looking back at the days of the debate of this Bill:

> "An Act to provide for the regulation and control of gaming and betting and matters related thereto."—Bill No. 10 of 2016.

There is a great measure, I think, of consensus on the aims and objects of the Bill, on basically most of the provisions of the Bill; and I think on both sides we agreed that there is need for further discussion which will take place in a joint select committee.

So it is a good state of affairs for us to be, given that this is an industry that is so extensive in reach and in depth; given that it is an industry that has so many persons who are directly employed, persons who are indirectly employed; given the amount of moneys that the Minister of Finance told us that is generated and is part of the turnover of this particular industry; given the fact that we are told that there are about 200 private members' clubs conducting casino-style activities; given that there are about 20,000 amusement gaming machines operating in some

4,000 bars in the country. And I am told by the hon. Minister of Finance from his contribution that there are about 20,000 slot machines and these other things in bars and pubs across the country. They are a very important component of the entertainment offered at the bars and so on, and, of course, apart from entertainment there is the turnover and the hon. Minister of Finance told us and indeed we did have a fair idea, as I say, of the depth and the reach of the gaming and gambling industry which is why we caused the 2015 Bill to be brought to this House. [*Desk thumping*]

Now, those statistics indicate that the gaming sector has a turnover of about $12 billion per annum. The sector employs, for some, about 7,000, we are told directly. Others say it is about 10,000 and indirectly going up to about 20,000 persons. It is mainly women, hon. Madam Speaker, employed in this sector. We had cause to interact with them way back from before 2015 and thereafter more recently through their, if they could be called a trade union, but through their association of casino workers.

So thousands of jobs were island-wide, the two islands. They provide goods and services, as well, those who service the sector. There are employment opportunities also for low-skilled workers. I am told in many cases it is single women, single mothers. The Minister told us that the Ministry of Finance has estimated $16 billion from the gambling industry, including legal and I do not know if that also includes illegal turnover and money generating in that sector. So given all of that and I agree with my colleague, the Member for Chaguanas West, that much of what the Hon. Minister of Finance said in the Bill No. 10 of 2016 were the very things that the then Minister of Finance, the hon. Larry Howai had said for Bill, interestingly enough, No. 10 also of then 2015. [*Desk thumping*] Two Bills, the same premises.

Hon. Member: A good starting point.

Mrs. K. Persad-Bissessar SC: Yes, a good starting point. [*Crosstalk*] A good mark perhaps. My colleagues are saying perhaps, you know, 10 may be a good mark for them this evening. I do not really know. What does it mean, does anyone know? [*Crosstalk*] We do not know, I am sure someone in this House knows.

So given all of this that is happening, I think it is important to clear the record because the Hon. Minister, the Member for Port of Spain North/St. Ann's West, you know, speaking for the first time, X is happening, for the first time we are going to set up a Commission, for the first time we are going to set up a licence regime. It is really furthest from the truth because this work began so long ago and the Bill was already

laid in the Parliament. So it is not the first time that an effort is made to set up the commission, to set up the licence regime—[*Crosstalk*]—well, let us see you do it alone. It would be a most interesting development. [*Crosstalk*]

So this particular Bill, as I say, has its genesis way back when. The Hon. Member for Chaguanas West mentioned what happened prior to 2010, because the then Prime Minister had an aversion to gambling and really wanted to put an entire ban. I remember in this House, I remember when the very said casino workers had come to see us, we were in Opposition, with their fears about job losses and income loss and so on, as the result of the then Prime Minister's views on this matter. So here we have a Bill, a Bill with 11 Parts, containing 94 clauses and about five Schedules. It is quite a comprehensive Bill—[*Desk thumping*] and we are proud that it was brought to the House, but a few issues arise.

We were here, we listened to Bill being piloted by the Minister of Finance, as I said really, put out the good points of the Bill coming from Minister Howai, but as usual the ever-loquacious Hon. Attorney General really could not let the Minister of Finance deal with this Bill alone.

3.20 p.m.

Therefore, whilst he was very vocal on another occasion where he spent his entire contribution pointing out all the flaws of this Bill when it was the 2015 version, when he talked about infringing rights but failing to say which rights were being infringed, when he talked about all the other concerns, about how the persons were to be appointed, about the qualifications of these commissioners, and several other issues, all these issues, lo and behold in November 2016, because he is sitting on that side of the House, he has nothing to say about all these—[*Desk thumping*] Nothing, nothing.

And you know, once again, I see a really—and I hope I do not get the Member for Diego Martin North/East into trouble but I see a difference in approach that is more refreshing coming from the Member for Diego Martin North/East, [*Desk thumping*] surprisingly—[*Crosstalk*]

Hon. Member: It has to do with maturity.

Mrs. K. Persad-Bissessar SC: Yes, it may be maturity and the length of time he has served on that side of the House, but he also knows what it is like to serve on this side of the House, [*Desk thumping*] and, therefore, it is not a sea change for him. He is mature. He has the experience to appreciate what is needed,

sometimes he does it.

Hon. Member: Not all the time.

Mrs. K. Persad-Bissessar SC: Not all the time at all. So I have seen that difference in approach. I saw it with the FATCA legislation when the Member for Diego Martin North/East, recognizing very well that he needed the three-fifths majority, first shot, first day of debate, yes: joint select committee. Lo and behold, the Member for San Fernando West, who was out the country, flew back in, came into the Parliament and "mash up the place". [*Desk thumping*]

Hon. Member: "Mash up de place. He is boss."

Mrs. K. Persad-Bissessar SC: And likewise spoke about all these things, but now he comes on the last occasion, Madam Speaker—and I really want to point these out. The Minister told us nothing about some of the concerns that should be raised should the Bill go to the joint select committee, which the hon. Minister is very aware of because he has raised these issues before. He said, okay, this Bill requires a three-fifths majority. Why? Because you are infringing rights.

But you know, on November last year, he did not tell us about all these rights being infringed. He did not tell us that it infringes upon the right to property because there is a provision in the law where you can seize people's properties. You can enter their premises and so on; you can go in. So you are infringing property rights. And for someone who told this Chamber that there are no rights to privacy, he was very vocal and said it breaches privacy and personal data rights.

Hon. Member: Ohhhh!

Mr. Al-Rawi: Absolute rights. Come on, you are Senior Counsel. You know better. Absolute rights. Be honest.

Mr. Imbert: We have an absolute right.

Mr. Al-Rawi: Be honest. You are selectively honest.

Mrs. K. Persad-Bissessar SC: The hon. Member tells us it infringes—and you know, his very favourite word—you must tell when a Bill needs a three-fifths majority. You must tell what rights are being breached because you have to factor in his famous word, "proportionality".

Hon. Member: Yeah, yeah. Senior Counsel. [*Crosstalk*]

Mrs. K. Persad-Bissessar SC: But on this occasion did not take any time to tell us why we need this three-fifths majority. Instead, the Member spent the majority of his contribution, Madam Speaker—and this is very interesting—on

speaking about crime and criminality. The Member spoke about crime and criminality on the last occasion in this House and I really would like to respond to some of those comments on crime and criminality. The hon. Member told us on the last occasion in debate on this Bill—and I quote from the *Hansard* of the 18 November, 2016.

> "You see, we have had a situation in Trinidad and Tobago. I did a quick check, in the period 2006 to 2017, we had a police service…for the financial year ending 2017, meaning 2016 now; I am looking at the budgetary allocations ascribed specifically to the Trinidad and Tobago Police Service, and I want to explain this.

I am continuing with the quotation from the *Hansard* of the Hon. Attorney General on the last occasion.

> "Our country constantly says, 'Blame Minister, blame this one, blame one'"

And then he goes on to say—the hon. Member:

> "The Constitution…of Trinidad and Tobago had itself amended…where the Commissioner of Police was given the…authority to manage the police service and to be essentially the accounting officer for that. I did a tabulation out of interest. Do you know, Mr. Deputy Speaker, coming to this current financial year, that the police have received"—20.9 et cetera billion dollars? "Let me repeat that—the period 2006, actual budgetary figures this year's budget"—the TTPS—"has received approximately, rounding it up by a small amount, $21 billion in money. Why do I say that?"

The hon. Member asked. And I am doing this, Madam Speaker, because I want to respond and I would not want the Hon. Member for San Fernando West jumping up and say I cannot talk about crime, because that is what he told us about the police service—$21 billion he said.

> "If with $21 billion, we have four money laundering cases"—et cetera—"I am not speaking about it such as to prejudice—if this is the situation, $21billion spent, criminal justice system at a grinding pace…"

The hon. Attorney General, 18 November, 2016.

> "…criminal justice system at a grinding pace, detection and conviction levels we saw a spike in them in April 2010, where murder and homicide was up to 33 per cent detection and conviction;…But my point is, if after so much money, ability to manage your own service, ability to regulate your own accounting officer, we have existing laws, if after all of that we have not seen the kind of impact against crime, then you take the approach that we do now."

After $2 billion, the hon. Members tells us. And you know, Madam Speaker, today I am told we have, what is it?—58 murders, six unclassified, $21 billion later. Madam Speaker, it is with a heavy heart I am here today because at exactly this time, 3.26 p.m., there is a funeral service taking place in my own constituency for a young woman I know who was brutally murdered—Nadia Simms, and my condolences go out to her family and her loved ones.

As we speak, our women are being slaughtered and brutalized and this is what the hon. Attorney General tells us. He says:

"We are very pleased"—this as at page 83 of the *Hansard* of the same day:

> "We are very pleased to put a dagger in the heart of criminality, of waste, of corruption and mismanagement."

And I will come back to that. The hon. Member told us on that same day at page 82 of the said *Hansard.* He talked about:

> "The Government can and will do and has committed to do its part on eradicating money laundering, corruption, waste and mismanagement. We are purchasing the rewards of that right now. We are pleased at the efforts…"
>
> Madam Speaker, we have been asked by the country to carry forward a proposition. The proposition is implementation of measures which will make a meaningful difference to the lives of the citizens of Trinidad and Tobago, be it on the stimulation of the economy in what is a very difficult time, where oil and gas production now stands at the lowest levels since perhaps we achieved independence, where tax write-offs which are temporarily affecting our cash flow has come in to bite significantly on our revenue, whether we look to the citizens' request for a safer society.

And he is telling us, $21 billion later, no impact. Telling us—the Hon. Member says that they are very pleased to put a dagger in the heart of criminality, of waste, of corruption and mismanagement when today our young women and our children and being bullied and slaughtered. [*Desk thumping*] Slaughtered, slaughtered.

Hon. Member: Two children this year already.

Mrs. K. Persad-Bissessar SC: And you know—put a dagger in the heart of criminality, where? The Hon. Member, in that said *Hansard* boasted in this Chamber about, you see: crime patrols, $21 billion. So he is very pleased about crime patrols, border patrols, about drug seizures and so on. And if we were to

listen to him in November last year, then this year, we should have seen the crimes dropping. We would have seen the corruption that the Hon. Member spoke of—a dagger in the heart of corruption—but yet we see the CPI, the *Corruption Perception Index*, we have dropped by 29 per cent. [*Desk thumping*]—29 per cent.

Hon. Member: All they could do is talk.

Mrs. K. Persad-Bissessar SC: So it is all the talk, I agree with you; all the talk. Dropped on the CPI. Our rankings from 168 in 2015 down to 176—a drop by 29 points in one year? In one year, Madam Speaker, for the 2016 rank on the CPI. And that is not all. He talked about waste, corruption and mismanagement, the Hon. Member boasted, "We have put a dagger in the heart", and yet we go to the World Economic Forum and the index they put out every year. It is called the *Global Competitiveness Report*, and the latest report came out in September, 2016. We dropped in that report by 5 per cent—five ranks, Madam Speaker. From a rank of 89 we went down to a rank of 94.

Hon. Member: Under the PNM?

Mrs. K. Persad-Bissessar SC: Under the Government that boasts of eradicating waste, corruption and mismanagement. And why is it important to look at this? It is because—what are the indicators that are used to give the World Economic Forum, that GCI, the *Global Competitiveness Index*. Some of the factors, Madam Speaker, are very important and are related to what we are doing today, and are related to the waste, corruption and mismanagement that the hon. Member says he has placed a dagger in the heart, whereby I suppose he has murdered the corruption issues and the waste.

What are some of the indicators? One is public trust in politicians. Our rank of 138—

Mrs. Robinson-Regis: What period were they—

Mrs. K. Persad-Bissessar SC: This is the 2016 report.

Mrs. Robinson-Regis: No, what period—

Mrs. K. Persad-Bissessar SC: 2016. [*Desk thumping*]

Hon. Member: You were in Government then. [*Interruption*]

Mrs. K. Persad-Bissessar SC: But you can reply.

Mrs. Robinson-Regis: We will.

Madam Speaker: Member for Siparia, please continue.

Mrs. K. Persad-Bissessar SC: Yes, Madam Speaker. We look at the *Global Competitiveness Index*, the GCI, the report of 2016/2017. If we look at the one previous to that at 2015/2016, we would see that we have dropped on that. We would see the ranking previous to that. So we can go on to the site. It is there for everyone. *Worldeconomicforum.org* reports the global competitiveness report and the dates are there and you will get the reports from each of the years. So I was saying, let us look at what are the factors, what is the criteria that makes up the total GCI. One is, public trust in politicians, rank of 118 out of 138 countries—very low down.

Hon. Member: "PNM, boy?"

Mrs. K. Persad-Bissessar SC: We look at the issue of the wastefulness of Government spending, and what is our rank? One hundred and seven. In the previous year—[*Crosstalk*]—I am looking at 2016. In the previous year of 2015/2016: wastefulness of Government spending, the rank was 78. Okay? And prior to that it was 96. We have gone down now to 107, wastefulness of Government spending. Business cost of terrorism, our rank is 74 out of 138. Business cost of crime and violence, rank of 132 out of 138. We are almost at the bottom of the ladder.

Hon. Member: PNM mismanagement.

Mrs. K. Persad-Bissessar SC: Organized crime, our rank is 116. In the previous report, 121. In the "Reliability of the police service", 126, our rank in 2016/17, the previous 117—previous to that, 121. So we are seeing our rankings—we are dropping in the rankings. But what is very interesting, we are doing very well "mobile cellular telephones". Our rank in 2016/2017 is 16. We are really high up when it comes to mobile cellular telephones. Sixteen this year 2016/2017, and the previous year we were 25.

So coming back to the GCI, is it not accurate? And, in fact, we do not trust the Government. We do not believe what they tell us when they say—hon. Attorney General—"we have placed a dagger in the heart of waste, mismanagement and corruption". Government's wastefulness spending, crime and terrorism, all included in the GCI.

So we look at now, a new word that I read in the newspaper recently—new word—and that word is what is called "post truth". Some say "alternative truth",

and recently I saw former Minister of Energy, Kevin Ramnarine, talk about "Imbertian truths". And today I want to spend a little time on what our Constitution talks about, free speech in the debate and what the Standing Orders tell us and what we can do.

Section 55 of our Constitution guarantees us the right to freedom of speech:

"Subject to the provisions of this Constitution…to the rules and standing orders regulating the procedure of the Senate and House of Representatives, there shall be freedom of speech in the Senate and House of Representatives."

Section 55 of the Constitution.

Hon. Member: Which House?

Mrs. K. Persad-Bissessar SC: In the House of Representatives. Well, Dr. Khan may have freedom of speech in his own home, but we are referring to freedom of speech in the House of Representatives or in the Senate. [*Crosstalk*] And thereafter we talk about the Parliament, subject to the provisions, having the power to regulate its own procedures and to make Standing Orders and so on.

So we have our Standing Orders now, finally. After the 1961, we changed it in 2015. We are very proud of the new Standing Orders, by the way. [*Desk thumping*] And these Standing Orders, at the very start tell us—Standing Order 2(2):

"In any matter not provided for in these Standing Orders, resort shall be had to the usage of practice of the House of Commons of the United Kingdom which shall be followed as far as they may be applicable."—unless they had a Standing Order.

Mr. Al-Rawi: 48(1), Madam Speaker.

Madam Speaker: I will allow you to continue, Member for Siparia.

Mrs. K. Persad-Bissessar SC: I thank you very much, Madam Speaker. [*Desk thumping*]

Mr. Imbert: Senior Counsel, Senior Counsel.

Mrs. K. Persad-Bissessar SC: And so, Madam Speaker, from the Constitution we have the freedom of speech. From that, however, we have to be guided by our Standing Orders and if there is an absence then we are guided by that of the United Kingdom. And the May's *Parliamentary Practice* is like the bible for that, which tell us at page 254 of the latest edition—it is the 24th Edition—that misleading the House could be a contempt of the House.

And this is where I am going with the "Imbertian", or post truth or alternative

truths. On several occasions in this debate—

Mr. Al-Rawi: Relevance?—46.

Madam Speaker: I will allow it. Please continue.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam Speaker. On several occasions the Government had been at pains to point out to us that this Gambling (Gaming and Betting) Control Bill, No. 10 of 2016, is identical to the Gambling (Gaming and Betting) Control Bill of 2015. On Monday, October 05, 2015, contributing to the Bill in the House, in which I think was probably the first time that the hon. Minister spoke about the Gambling (Gaming and Betting) Control Bill, the Minister told this House that he would introduce a tax—and I quote:

> "a tax regime for the gaming and gambling industry."

He said further, on that same day, and I quote:

> "I propose to fast-track the passage of the Gambling (Gaming and Betting) Control Bill, 2015, with appropriate amendments arising from consultation with all stakeholders."

So this is first, election September 2015, the Minister comes to the House, announces his intention to debate this 2015 Bill with appropriate amendments after consultations with stakeholders. And the Hon. Member for Port of Spain North/St. Ann's West today was very kind in repeating all the groups that the Minister of Finance has told us the consultations had been held. I think it was 50 organizations and 14 consultations. Prior to that, the Partnership had held numerous consultations. I think it was the other way around—numerous consultations in 2014—between 2013 and 2015. So the Bill does have a whole stack of consultations on both sides.

And so, the Minister told us at first he will bring it with amendments. Then on October 20, 2015 contributing on the Appropriation Bill in the Senate, the Hon. Minister told us:

> "We will…amend and pass the Gambling and Gaming Act after consultation with key stakeholders…"

So the Minister was very consistent that they will amend the 2015 Act—yes—and bring that to the House, after consultations. Lo and behold, both from the Minister's contribution and from the Member for Port of Spain North/St. Ann's

West's, all these consultations took place and six months later the tune changed.

No longer was it we are going to amend it after consultation: no amendment; no change; not a full stop; not a semicolon; not a comma, no change. So fast-forward now to 2016, January 11th, the Minister told us—the relevance of that I would come to it. It is everything that was said on this Bill, Madam Speaker, and it really shows us—[*Interruption*]—they want to know what is the relevance? The relevance is we cannot trust anything you say. [*Desk thumping*] We cannot believe anything you say because you say one thing and you do something else—cannot believe it.

January11, 2016, the Hon. Minister:

> "…I also say that we will be bringing the Gambling (Gaming and Betting) Bill to the House so…we can regulate the sector once and for all. That will come in the first six months of 2016 and, as signalled by the hon. Prime Minister, we will also bring to this House in the first half of 2016…
>
> We have the Gambling (Gaming and Betting) amendments which will come in the first half."

So these were the soundings coming. We are looking for the amendments to the Bill and lo and behold we come now to April 08, 2016. The Minister tells us:

> "…the former administration brought a Gambling (Gaming and Betting) Control Bill, 2015 to this Parliament, took it through a Joint Select Committee, brought it back into the Parliament"—and now we have—"they would have enacted that Gambling (Gaming and Betting) Bill 2015. The PNM's policy is no different. We do not intend to do anything different…I have already spoken to the Hon. Member for Siparia…to bring back that legislation as is, where is. I will not change a full stop, a semicolon. Nothing. Bring it back because we need to regulate."

The Minister goes on further to tell us:

> "There may be one or two things that we may not have agreed with, but in the interest of peace and harmony it is my intention to bring back that legislation…."

Mr. Imbert: Who said that?

Mrs. K. Persad-Bissessar SC: "it is my intention to bring back that legislation, that UNC legislation, unchanged, without changing…"—

And you have to remember the histrionics and the dramatics:

> "without changing a full stop or a semicolon and let us see what hon. Members…say then. Same legislation, exactly as is, I shall bring it back so that the policy of the PNM and the policy of the UNC will be in complete harmony as it relates to dealing with the regulation of the gambling and gaming industry…" [*Crosstalk*]

Hon. Member: "Imbertian" logic.

Mrs. K. Persad-Bissessar SC: We fast forward again to July 04, 2016—and we will reach today, Madam Speaker. The Hon. Minister of Finance says:

> "The midyear review was brought to this House on April 08…and the Gambling and Insurance Bill, as is, where is, without changing a full stop, a semicolon, apostrophe or exclamation mark…"

Yes, the Minister was very consistent. But remember where I started. It is a contempt to mislead the House. The Minister told us:

> "Bills that were laid in this House by the previous administration…just a few days ago…July 01, 2016. And may I say, having laid those Bills, it is my intention to collaborate, meet and discuss these Bills with the"—

Madam Speaker: Hon. Member. Your original 30 minutes have expired. You are entitled to 15 more minutes. You may proceed.

Mrs. K. Persad-Bissessar SC: I thank you very much, Madam Speaker. [*Desk thumping*] The Minister says once again:

> "…and what we have done is faithfully reproduce what was placed on the table by the former administration."

July 2016. September 30, 2016, again—so this is like repeat, repeat, repeat, repeat.

> "The proposed legislation…was sent to a joint select committee under the former administration, will bring all forms of betting and gaming…under a comprehensive…stringent…framework.
>
> I intend to debate in Parliament the same Gambling (Gaming and Betting) Control Bill previously tabled by our hon. friends opposite."

And then we fast-track now to when the Minister actually piloted the Bill, and he told us:

"I beg to move:

That a Bill to provide for the regulation"—and so on—"be…read a second time."—and—

"Mr. Deputy Speaker…"

This is November 18, 2016 in piloting the Bill that is the subject matter for our debate, the Minister said:

"the Bill before the House, No. 10 of 2016, is an exact copy of a Bill laid in this House in 2015 and debated in 2015."

So, exact, exact. Same, identical, nothing changed.

Madam Speaker, I have had cause—and I thought the Hon. Attorney General would have helped us with what he is to do with the track changes. You remember the famous track changes. So we have run the track changes and there have been changes. So this is what I am saying: repeat, repeat, no changes, and then when we run the track changes, there are changes. [*Interruption*] Well, the Hon. Attorney General is very good at track changing so I will ask him to go and track change himself.

So whilst the Minister repeated, now the question arising in my mind, Hon. Speaker, is why does the Minister and the Hon. Attorney General who is now trembling himself, why did they take so much time to insist it was the same Bill? And, again, I am pleased with the answers from the Member for Diego Martin North/East, really. His explanations were there, whereas the hon. Attorney General really told an untruth to this House. Somebody else might say it is a lie, but I would not be unparliamentary—in his explanation as to why the Bill was brought in the exact format. They were insisting the Bill is to be brought in the exact format.

Why would they do that? And the reason for the Bill, the Hon. Minister of Finance was very clear when he told us, it had gone to a joint select committee. Madam Speaker, and again, that is totally erroneous. This Bill—and the Minister ought to have known, and if not, the hon. Attorney General ought to have known, this Bill never went to a joint select committee. Again, it was repeated that the Bill had gone to a joint select committee; it was debated *ad nauseam*; it had been back and forward.

The gambling Bill never went to a joint select committee and, again, we can

look at the track changes, we can look at the progression which is on the *Hansard* website. You will see the Parliament website. The progression of the Bill, from this House, passed in this House with 26 votes, then went to the Senate, lapsed in the Senate, never saw a joint select committee. So that reason was not the reason for bringing the Bill in the same way.

"Now, this is why I decided not to change anything in the legislation."

I am quoting from the Hon. Minister of Finance, 18 November, 2016. And he said:

> "I saw the zeal, yes thank you Hon. Member. I saw the forcefulness. I could read in the words how deeply they felt about the pernicious effects of this unregulated sector, Mr. Deputy Speaker.
>
> Now, this is why I decided not to change anything in the legislation. We need to get something done. We need to get something done. This Bill requires a special majority. It requires a special majority, and this is a case where since the previous Government piloted this Bill, spoke in support of it and all 26 Government Members at the time voted in support…"

This is the reason the Minister of Finance is giving for not changing the Bill. Hear the reason the Hon. Attorney General gives to this House on the 18th of November 2016, same day that the Hon. Minister of Finance spoke. The AG says:

> "The Minister of Finance put on the record when this Bill was laid… carried over to this new session…that Government was concerned about the three-fifths…support, and that specifically the Minister of Finance in speaking with the Member of Siparia had asked—and the answer was given—whether they would support the Bill in the form that was proposed by them, shortcomings and all. The answer given by the Member for Siparia was yes. If the Bill was brought without a comma change, a full stop change, et cetera, that there would be support by the Opposition. That being the case, we laid the Bill exactly as it was."

This is totally untrue, Madam Speaker. This is totally untrue, and the Member for Diego Martin North/East was very careful. He did say he would speak with me, and I could repeat that conversation. He was very careful in his contribution never to say that I agreed that we would support this Bill, full stop, comma, lock, stock, and barrel. In fact, if the Member were to be honest, he spoke to me right here. That was the conversation. And then outside—and some of my Members were with me as we were going to the tea room, and I said, "We do not trust you. I will have to see the Bill before we can say we will support it or not".

Hon. Member: Correct. Correct.

Mrs. K. Persad-Bissessar SC: And we laughed. But the Member for San Fernando West comes to this House and said the reason why they decided to put the same Bill is because the Leader of the Opposition said, if they put every full stop, every comma, every semicolon—

3.50 p.m.

That making any sense? "Dat not making no sense. Dat eh making no sense." That making sense? Kamla said, "Every full stop, every comma", and that is why you brought it back. And even if I had said that, Madam Speaker, would you really believe they will listen to me? I mean, let us be real. Is that making any sense? "That eh making no sense." No sense whatsoever. So that is where I went with that point on it.

Let me close up in the few minutes left. There are some other issues I would ask—you know, there must be another reason why they took this route and I think the Member for Diego Martin North/East is honest enough. He has explained it and I am satisfied with the explanation that the Hon. Minister gave in terms of this was it needed the three-fifths, we go to the joint select. And when the Hon. Member for Diego Martin North/East spoke at the end, he said, "I am sending it to a joint select committee for us to have further discussions". We are satisfied with that. We will participate in the Joint Select Committee, [*Desk thumping*] but there may be another reason and I am asking what could possibly be the reason for saying these things.

The Hon. Attorney General cried crocodile tears, talking about workers and how workers are suffering and so on, and he told the Member for Chaguanas West, who was then in a different incarnation, and I quote. He told him—he said:

> "I condemn the Leader of Government Business"—in this Senate—"for daring to suggest that we were not told that this Bill was going... I think it is gross irresponsibility that the Government, sitting on this Bill for 18 months, did not bring it to a joint select committee of the Parliament, because workers' rights are being affected…"

Crocodile tears. You had been sitting on this Bill for the same 18 months or more. [*Desk thumping*] You are aware. You knew or ought to have known that the workers' rights are being impaired and infringed, and therefore, that may be another reason to escape, that you held it back from last year and you knew of it from long before September 2015. You knew of it. The Member knew how

important it was for all these workers in industry. They cannot go to the bank, their moneys cannot be deposited and so on, and yet held on to the Bill, held it on for more than 18 months.

As I close, Madam Speaker, we have issues with respect to the deadlines, proclamations. The Hon. Attorney General always comes to this House with deadlines. You know, when we were doing the SSA Bill, the Hon. Attorney General: "We have a deadline, we must pass it, we must pass it". You know that was like—how was it? Since last year March we passed that. Last year March, almost one year later it is not proclaimed. [*Desk thumping*] Not proclaimed. The Family and Children Division Bill passed in February last year, not proclaimed. [*Desk thumping*]

Madam Speaker, so talking about dates and deadlines, given the importance of this, I would ask the Hon. Member for Diego Martin North/East, there are some documents that the Hon. Minister mentioned, if we could kindly have those expeditiously given to the JSC to fast-track their work because the entire industry needs the regulation. We talked about regulations again. You know, Madam Speaker, that same SSA Bill, since 1995 no regulations, and this Bill also requires regulations. It is something that when asked in this very House, I think asked by the Member for Chaguanas West, Minister told us, yes, we would get it shortly. That was since November last year. Still none of that.

On other issues, I think that we can move very far with this. I would ask the Member for Diego Martin North/East to give to the JSC, as early as possible, the 14 consultations with the 50 groups—the documents from that. The Mutual Evaluation Report June 2016, the Global Lab International GLI Report 2016, so the work can be expedited. Time please, Madam?

Madam Speaker: You have about four minutes, Member.

Mrs. K. Persad-Bissessar SC: I thank you very much. So, on the issue of the proclamation, deadline and regulations, I would ask the Hon. Minister to give us an idea of when he believes we can complete the work in the Joint Select Committee.

We pledge, as I say, to work. I see you are doing it with the FATCA and, in fact, today, I would not anticipate, but I have not seen the report—okay, so it just arrived on our desk and we should be able to get that out of the way fairly soon.

With respect to your regulations, hon. Member, really we would need to see those regulations. Yes, you say you will give the Joint Select Committee, but remember, you Members of the Joint Select Committee, you cannot communicate with us because you

have to keep it secret, and therefore, as to how much we can be involved in that process.

And finally, Madam Speaker, I want to thank you for this opportunity, and I want to say once again that I do not share the views of the Hon. Attorney General that we are dealing, or we have dealt with crime and criminality, that we have dealt with corruption, waste and mismanagement, and therefore, a greater effort really has to be made. We cannot be happy. I mean, how many more will die? How many more must die before they wake up and do something for the slaughter, the murder and the violence in this country?

I thank you very much. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. I would like to begin by saying how much I enjoyed the contribution of the Leader of the Opposition. [*Desk thumping*] I think she was able to use the evolution of the conversation on this particular Bill to make a case and use it as a metaphor, I might say, for the lack of clarity and inconsistency of the Government side on many policy and legislative issues. [*Desk thumping*] I think she was able to demonstrate very clearly, using her time carefully, by indicating that it was not in fact the identical Bill, and I would like to give the Member for Port of Spain North/St. Ann's West the assurance that we on this side have no hesitancy on legislation that is good for Trinidad and Tobago. [*Desk thumping*]

The Member for Port of Spain North/St. Ann's West talked about the gaming commission and the fact that this was being established, this was part of the Bill that was presented before. He talked about the issue of the regulating a billion-dollar industry and the Leader of the Opposition elaborated on the amount, and again we have no problem with regulating an industry that is important to regulate. He talked about the detailed consultations, but there is evidence even now that consultations that have taken place in 2016 with the representatives of the industry have not in fact been satisfactory because some of the representatives who met with the Minister of Finance were concerned about the fact, on reflection, that there were issues in the Bill that they may not have considered in the same way earlier that perhaps need some further consultation.

He talked about the issue of money laundering and the Leader of Opposition outlined what had been the performance record of the Government on a number of issues on which the Government had spoken, but in which the assessment by global authorities indicates that on performance there was a real problem for the Government. [*Desk thumping*] He talked about the 92 per cent drop in revenue and I asked him a simple question: is it unreasonable for Trinidad and Tobago to

manage its business on the basis of a US $50 oil price and a US $3 gas price? And the point is that it is possible to manage, and that you cannot only see the way that you approach the business of Government only in terms of the reduction in the price of oil or the reduction in production. I think you need also to look at what it takes to live within your means, and I think that I would advise that this is an important approach that the Government needs to take into account moving forward.

The Minister and Member for Port of Spain North/St. Ann's West also talked about the UK Gambling Act and the fact that they had drawn on it, he talked about the success of Macau and what they had been able to do, and these are all fine. But I do want to emphasize that there are, and do exist now, complaints by the association about certain aspects of the Bill—the Minister of Finance may be aware of that—and I do want to emphasize what the Leader of the Opposition emphasized, which is that it is not in fact the exact version of the Bill. So having said that, I want to be a little more general, focused on this Bill, but on the issue of gambling which is what this Bill is about. How do you manage and regulate the gambling industry in Trinidad and Tobago? We call it the gaming and gambling industry.

Now, gambling is something that should not take place, it seems to me, in a free-for-all manner, unless it is for fun in a household and among friends and associates in a private setting. And even there, there are mutually accepted reasonable informal rules that take place, and when you have entertainment, things like bingos and fundraising events involving some kind of gaming, even those have their rules. They are organized in a certain way. Usually they are for some kind of fundraising activity by small organizations and these things we understand as part of the history and the evolution of the culture, but there are other parts that are part and parcel of gambling involving the public and many of them are illegal but they take place any way.

So you might be walking through Port of Spain one day and a fella would come and put up something in Woodford Square. He has three cups and he plays with it. He has no licence for it, but he make you put your $5 or your $10—you are part of it—and at the end of the day you win your money, you lose your money. Most times you lose. These things happen. It is part of the cultural evolution of the place. It seems to me that we have an affection with the business of gambling and taking chance, et cetera, in Trinidad and Tobago. It may be more widespread, but it is here.

We have had a lot of clubs in Trinidad and Tobago that started off as bars, and basically you would have a special room in those institutions where everybody

knows they play either blackjack or poker. In many of these institutions you also have pool tables where there is live organized betting going on, on the basis of people's prowess in playing pool, and these things go on unaffected by the laws of Trinidad and Tobago. It is almost like it is a private domain that nobody sees, and that is part of the evolution again of the culture, the habits of Trinidad and Tobago.

We all have Whe Whe which has been something persistent for a long time and has been very successful. You might call it part of the enterprise, the indigenous, the ingenuity of people to try to make a living, many times in the past in situations where people could not have full employment and so on. And again, that is part of the culture and habit of the place. We have evolved with that.

But we are in a different time now and we do have gambling institutions of an organized kind in the country, and we have in a way masked it by saying that these are private members' clubs and the world is evolving in a certain way in which there is not just national scrutiny, but international scrutiny and these things have to be managed in a certain way. So it is important for us to manage and regulate the gambling industry, the gaming industry. These things that are based on chance.

As the Member for Chaguanas West was pointing out, the State is involved in it and the State is involved in almost every parlour in Trinidad and Tobago through these games I want to say, taking it to every nook and cranny and community in Trinidad and Tobago, and you also have the private sector involved in it. So the issues that we have to be concerned about in this Bill, or any Bill related to this, is the issue of accountability first of all, who is involved in this business and how do we know that they are involved. So you need to have the business of registration which is addressed by this Bill.

Another issue that we have to be concerned about is the issue of rights. First of all, there are the rights of the gambling house and the gambling house owners to conduct a business because it is a business and there are rules, there are laws and, of course, because there are customers involved and one wins and one loses, the rights of the customer to win, lose or draw fairly is an important thing. So it not only the issue of accountability who is involved in the gaming business, but also the issue of how do you protect the rights of both the players as well as the people who are actually facilitating the plays.

There is the issue also of lawful business. As I indicated, these private gaming houses, these private members' clubs, in a sense operated within the law, but in a

stream that was unclear about the fact that they were indeed gambling houses. They were cloaked you might say in a dimension that was not clear and it is important to bring them to light and have the whole thing transparent, and to do that legislation is required to establish the framework of law within which a business such as gambling can take place. Therefore, when we brought this law close to the end of 2015, it was to bring order and system to what exists, and to create an orderly process by which gambling and gaming could take place in the country.

And, of course, you cannot do business without paying taxes. This is a very important part of it, and therefore, in this Bill also is established a taxation regime and the method of assessment of taxes. Now, since the Hon. Minister has indicated that he will refer this matter to a joint select committee, when I look at the Bill itself it raises some questions of the issue of taxation because in a business generally you tax on the basis of profit. Sometimes you tax—this is the normal corporation tax. In a business you sometimes tax on the basis of turnover as we do in the Green Fund, for instance, which is based on turnover. Businesses like these, it is possible to tax on each transaction, but that matter does not come up in the Bill and I simply want to raise it as a possibility.

There is a tax in this Bill on each machine which records the transaction. So there are two things there. You can tax a machine, or you can tax the sum total of the transactions on the machine, or there can be a flat or monthly or annual rate on the basis of the machine, and you see that in the particular Bill. So to me there are important issues of regulation and management, and one of the important issues of regulation and management—and it was hinted at by the Member for Chaguanas West—was whether in fact there should be a sin tax that is also imposed in addition to the normal taxation, and what we see here is that you actually have that. The issue of the rehabilitation tax is important—that is to say, putting money into rehabilitation of people who might become affected or addicted by the gambling process—and the Developmental Fund in a way takes into account what you might call a sin tax which is to say something which seems to make a moral judgment about, you see some consequences, and therefore, you want to do something positive about it, and this is also included in the Bill.

The bigger issues around regulation really have to do with what the Member for Port of Spain North/St. Ann's West talked about and that is the issue of money laundering, corruption, cash management, foreign exchange—[*Interruption*]—the bigger issues in relation to things like money laundering, corruption, cash management, foreign exchange, repatriation. Now, the big flaw it seems to me in this Bill, if there is a flaw and if it can be addressed in the Joint Select Committee,

is that it does not take into account some of the realities in Trinidad and Tobago in a very complex world in which both clean and dirty money exist side by side everywhere—legitimate and illegitimate businesses coexisting, so to speak, under the same roof—and this is a very important factor if you are going to do this.

So what we are creating here really, and the Bill needs to put this in the preamble, is that you are really building an industry to support something like diversification. It is something that is very different. It is an industry, it involves big money; subject to taxes it is an international industry prone to criminality; it is an industry under international watch as well and therefore, such an industry needs to be managed in an important way.

I am told that—[*Interruption*]—we have some time constraints today and I do want to address that in a considerate way, and therefore, I would not raise a number of issues I have here, but I do want to close on this important note which is that you cannot look at the gambling industry as a gambling industry only. If that were the case, Las Vegas would never have survived, if that were the case Atlantic City would not be the Atlantic City that it is, or Macau for that matter that the Member for Port of Spain North/St. Ann's West mentioned.

We have to look at the many dimensions of this industry. It is linked to tourism and that is an important dimension. I do not have the time to elaborate here because of the constraints. It has the basis for establishing a night industry which may very well be linked to a multi-shift type of industry in other areas such as manufacturing. It must be linked with an entertainment industry and it is indeed part of an entertainment industry. It recognizes in the Bill the development of culture, sport and the arts, and it can be linked to that.

The current President of the United States, for instance, Donald Trump, in Las Vegas, used boxing as a way of keeping that particular industry alive, and it is related most importantly to the ICT industry and the services industry related to that. And the gambling industry, if not linked to a localization process, will make no sense for us because everything comes from the outside.

I want to thank you, Madam Speaker, for giving me the opportunity to make a contribution on this and I thank Members for the courtesy of their listening.

Thank you very much. [*Desk thumping*]

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker just let me deal at the outset—and I want to thank all Members for their

contributions today. But I want to deal at the outset with a point made by the Member for Siparia that she was advised, or she was told, that the Bill before the House is not exactly the same as the one that was put before the House by the former administration.

Madam Speaker, I took my time to check with the CPC and the Parliament before I laid this Bill. I think the confusion arises from the fact that there was an original Bill laid by the former administration, and then in the committee stage amendments were made to—no, in the House of Representatives there was an original Bill and then a number of amendments were moved in the committee stage. So that the Bill that went to the Senate was a little bit different to the Bill that was originally laid in the House. This is my understanding of this.

So I am reasonably satisfied that the Bill is exactly the same, but if there are differences, Madam Speaker, we will deal with that in due course. If there are differences, we will deal with it in due course. My understanding is it is exactly the same as the Bill that all 26 Members of UNC who were present in May 2015 voted for as amended, and if there are some small differences it is not important because we will be dealing with it in the committee.

Now, the Member for Caroni Central asked whether we can survive on $50 oil and $3 gas, it is difficult to say that at this time. Fifty dollars is a crucial point because when you cross $50 you start to get Supplemental Petroleum Tax which is significant. In a good year you could get $4 billion from SPT. In fact, at the present time the Board of Inland Revenue told me that in January they received $200 million in SPT for the first time for a very, very long time. So it just goes to show how important the price of oil is and how important that $50 threshold is.

The $3 gas is—one of the bits of confusion with the price of gas is that the budget is predicated on a netback price. So if you look at Henry Hub at $3, that is not the price—[*Interruption*] No! No budget is ever predicated on the listed price of Henry Hub. It is based on the actual sale price, minus the cost of freight, regasification and so on. So you cannot just look at $3 and figure that that is a good price. It is not. So it is difficult to say at this point in time. What I can tell you, however, it is going to be very hard to manage this country with its current expenditure on $50 oil and $3 gas, but we will talk about that in due course.

The Member for Caroni Central spoke about flaws in the Bill. I was a bit surprised because I did some research while the Member for Siparia was talking, and as I said, all 26 Members of the UNC were present in the House in May 2015, voted for the Bill as amended.

So it was—[*Interruption*]

4.20 p.m.

Dr. Tewarie: "Dais ah year ago."

Hon. C. Imbert: I know the Hon. Member was not there at the time but I mean, it is a fact that every single Member of the UNC who were present voted for it and proposed amendments and voted for the amendments. So I was a bit surprised at the argument that there are flaws in the Bill. We will deal with that when we get to the committee because quite frankly, that does not make any sense to me.

But be that as it may, I just want to talk about—before I close, I did promise to be very brief, I just want to reiterate that this is a very serious matter. I will repeat that the research indicates there are approximately 200 private members' clubs conducting casinos-style activities in Trinidad, 220,000 amusement gaming machines, slot machines and the like, operating in some 4,000 bars and recreational pubs across the country. It is a significant activity and the Member for Tabaquite, I remember, was talking about a particular bar that he had some knowledge of, not for the purpose of imbibing alcohol but as an observer looking at the fact that they had all these slot machines in this bar. And really, it is completely unregulated, it is completely out of control and we need to do something about it.

So it is a very, very serious Bill and we do need, as other speakers have said, to deal with security of tenure for the employees in the industry. We need to regulate the industry. We need to deal with the whole question of fit and proper criteria for the key persons in these gaming establishments, these private members' clubs. We need to have anti-money laundering and CFT compliance because one of the highlights of FATF reports on Trinidad and Tobago is the fact that we have an unregulated gaming sector. It is one of the areas where we are in complete breach of FATF requirements and they are going to downgrade us.

Mr. Al-Rawi: They did.

Hon. C. Imbert: I am hearing that they did. But yes, we are now in enhanced compliance. We are now in a state of enhanced compliance due in no small measure to the fact that we have an unregulated 12-billion-dollar gaming sector in this country, so it is a very, very serious matter.

And I heard the Member for Siparia say that whatever issues there are, I got the impression from what the hon. Member said, that we can work them out—

[*Interruption*] We can work them out. I said I got the impression from what the Member said that we can work them out. I would like to urge all Members opposite to consider how serious this is because if FATF downgrades us again, we will find ourselves, again, facing these problems with correspondent banking and trade with the outside world and so on.

Mr. Singh: Minister, thank you for giving way. Thank you, Madam Speaker. The regulations, that will help speed the process.

Hon. C. Imbert: I am advised there are regulations in draft form so that—yes, so that when we go into the committee, we will give you the draft regulations, okay, in the committee. All right?

Now, as I wind up, the Member for Chaguanas West harked all the way back to 2006 and spoke about debates in another time and spoke about things that bear absolutely no relevance to what we are debating today. I can only refer the Hon. Member to Isaiah, Chapter 43, verse 18:

"Remember ye not the former things, neither consider the things of old.

Behold, I will do a new thing; now it shall spring forth;…I will even make a way in the wilderness, and rivers in the desert."

Amen. [*Desk thumping*] Isaiah 43:18 and the very simple point is why harp on things of the past that have absolutely no relevance to today.

And with those few words, Madam Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Hon. C. Imbert: Thank you, Madam Speaker. In accordance with Standing Order 68(1), I beg to move that the Gambling (Gaming and Betting) Control Bill, 2016 be referred to a joint select committee and that this committee be established for its consideration and report to this House by the 17th of March, 2017.

Question put and agreed to.

Hon. C. Imbert: Thank you, Madam Speaker. Subject to the concurrence of the Senate on this matter, I beg to move that this House appoint the following Members to serve on the Joint Select Committee on the Gambling (Gaming and Betting) Control Bill, 2016:

Mr. Colm Imbert

Mr. Faris Al-Rawi

Mr. Stuart Young

Miss Nicole Olivierre

Mr. Ganga Singh

Mr. Rudranath Indarsingh.

Question put and agreed to.

Madam Speaker: This House is now suspended until five o'clock.

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: As we resume, I recognize the Attorney General.

INSURANCE BILL, 2016

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker. I beg to depute for the Minister of Finance to move:

> That a Bill to repeal and replace the Insurance Act, Chap. 84:01; to reform the law relating to insurance companies; to regulate insurance businesses and privately administered pension fund plans and for other related purposes, be now read a second time.

Mr. Deputy Speaker, I apologize. I thought that we had a little problem with quorum so I was being a little bit cautious. Having begged, as I now intend, I start off by saying and if you will permit me, I wish to offer sincere condolences to the family of the Hon. Minister of Finance, the Member for Diego Martin North/East, whose father-in-law, Mr. Ralph Williams, was buried today. In fact, it is for that reason that the Hon. Minister of Finance, having piloted one Bill as he did—completed one Bill, could not stay, as his family commitments have taken over those responsibilities. So with your leave to offer prayers and condolences to the Hon. Minister of Finance and to his family in their time of mourning.

Mr. Deputy Speaker, it gives me great pleasure to move this particular Bill. I say so because Trinidad and Tobago has, in seeking the amendment of laws as we do for the Insurance Act, we have been in a position of development from 1980 to 2017 as we stand. Indeed, the parent law which we seek to appeal, Chapter 84:01, was passed in 1980. Back then, it is sure to say that the state of the economy was a very different thing; it is sure to say that the financial services sector was a very difficult thing; it is sure to say that Trinidad and Tobago was at the beginning of a

journey which it had not yet figured out. Indeed, in 1980, we were at the cusp of going through some difficulties which became very apparent then as we went through the first shock in oil prices, et cetera.

But in the period 1980 to 2017, we have had now nearly 37 years of looking at what we should do in our insurance laws. It is important, therefore, to actually put some perspective into this. We stand in a difficult financial situation in Trinidad and Tobago. Indeed, questions have been asked, how does a Government survive with a loss of 92 per cent of your principal revenue from your principal source as has happened to this country? How does one work one's way towards diversification? It is, in fact, very much so the case that reform to a very important leg of our economy, which the insurance sector contributes and stands as, is the way to work ourselves there.

It is a matter of statistical information as at September 2016, that the insurance industry totals $47.5 billion in terms of assets in the insurance industry. Added to that is the consideration flowing into the assets under management for the pension sector and that is, in fact, $47.7 billion. Put in terms of percentages expressed by way of percentage to GDP: the assets in the insurance industry equal to 32.6 per cent of our GDP and the assets for pension sector equal to 32.7 per cent of our GDP. Those are no small sums for consideration.

We stand here having piloted—introduced this Bill into the Parliament as we have, this 2016 Bill, we stand on the back of 37 years of work. In the period 1980 to 2001, significant reforms were contemplated by Trinidad and Tobago. In the period 2001 to 2009, deeper reform process began by way of significant consultation. In 2009, there was specific legislative involvement which sought to fast-track some legislative measures—which I will come to in a moment—and then in the period 2011 to 2015, the Tenth Republican Parliament went about trying to crystalize the work of reform into the insurance industry.

In fact, Mr. Deputy Speaker, the then Government, the United National Congress introduced the Insurance Bill in 2011. That Insurance Bill was introduced by the Hon. Member Winston Dookeran as the Minister of Finance and that Bill lapsed on the 26th of June, 2012. We then saw the introduction of the Insurance Bill, 2013 by the new Minister of Finance, Minister Larry Howai. That saw the appointment of a Joint Select Committee comprising several Members.

Indeed, on our Bench then: the Hon. Marlene McDonald, the Hon. Colm Imbert and I all served as Members of that Joint Select Committee, and that committee had work on its table which was incomplete and under the then

Standing Orders, the Bill lapsed on July 10, 2013.

We then saw the introduction of the Insurance (No. 2) Bill, 2013. That was introduced into the Senate on November 19, 2013 and was referred to a Joint Select Committee, again, comprising Members of the then UNC Government and including as Members of the Opposition: the Hon. Colm Imbert, Marlene McDonald and I served in my capacity as an Opposition Senator then. The work of that committee in 2013 had a very significant amount of development. That Joint Select Committee took note of the work done by the previous Joint Select Committee and in fact, solicited views from across the sector but had the supervision and involvement of legal consultants and industry consultants to that special committee. For the record: Dr. Claude Denbow, Senior Counsel, served as a legal consultant to the committee; Mr. Rodney Lester served, by way of Skype involvement, as an international insurance consultant; Mr. John Gonzales served as the local insurance consultant; and Mr. Hugh Mazley also served as a local insurance consultant.

That Joint Select Committee met over the period December 03, 2013 to June 04, 2014 and the submissions, which were very involved, came from entities including: the Association of Trinidad and Tobago Insurance Companies, otherwise known as ATTIC; The Institute of Chartered Accountants of Trinidad and Tobago; the Insurance Brokers Association of Trinidad and Tobago; Maritime Life (Caribbean) Limited; Banking Insurance and General Workers Union; the Pan American Life Insurance Group. That committee, in fact, completed its work and went through in that completion of exercise a clause by clause analysis. It resulted in a draft Bill being prepared. That draft Bill was worked upon by the committee but the Parliament then came to an end for that particular year of that Tenth Republican Parliament, and the Bill lapsed on July 30, 2014.

In 2015, Larry Howai as Minister of Finance, hon. Member of the Senate as he was, introduced the Insurance Bill, 2015 and that Bill was introduced into the Senate on the 21st of April 2015. It was then referred to a joint select committee on the 5th of May 2015, and regrettably after returning to the Senate and being passed in the Senate, it went to the House of Representatives but lapsed on June 17, 2015. Now I have taken time to show that we have started in 1980, we have worked our way forward to 2001. We then had the 2011 positions begin. We had several iterations of the Bill in the Tenth Republican Parliament and we had several Joint Select Committees go to work.

The rationale behind involved discussion and consultation was really driven by the need to ensure that we got the correct aspects completed and that was

driven in particular because of the events referred to as the international and local financial crises. In or around 2007, 2008, there was the mortgage collapse in the US market. After that collapse fell, their market was severely undermined and in 2009, Trinidad and Tobago suffered from a market collapse or threat to its financial system with the teetering body of the CLF Group coming to the fore where liquidity and other concerns were raised in respect of the largest conglomerate sitting then which, of course, involved the insurance sector.

It was driven, therefore, into an accelerated purpose—which I mentioned a while ago—of several reforms taken out of the 2001 to 2008 considerations and in 2009, we saw some accelerated introductions into the Parliament. I would ask you to remember, this law articulates well with the Financial Institutions Act which was a landmark piece of law coming in or around 2008, 2009. But in 2009 with this particular crisis, the rationale for amendments was born in more deeper form and on this occasion, in 2009, we actually saw amendments which included very important stabilizing effects. One, for the enhanced action in relation to the statutory fund of financial institutions, which in this case were insurance companies. Two, we saw a deliberate legislative attempt to enhance the structure by which the Central Bank could enter to engage in stabilizing activities which I, of course, refer to as the amendments to section 44 of the Central Bank Act as happened in 2009.

We then saw a very novel introduction for a flexible compliance regime which allowed for the issuance of compliance directions, providing therefore, a softer approach to administration as opposed to direct court action. It allowed for a graduated approach to encourage compliance by entities which are under supervision by the Central Bank. We saw as well a softening of process by allowing for a stopgap approach. Instead of running directly for judicial intervention, the amendments, in 2009, allowed us to go through a suspension process where the Central Bank could suspend activities and allow the group of companies or insurance entities to come back into balance and therefore, preserve their goodwill and other financial assets. Lastly, of course, we allowed for the Central Bank to share information with other regulators.

So this Bill is solidly built upon some of the observations which came to the fore arising out of the 2009 crisis; 2008 international crisis and 2009 local crisis. What we also saw in 2009 was a very important consideration of how the backing to insurance companies were managed, and I am, of course, referring to the introduction of the insurance admissible assets and valuation of assets regulations which governed how the valuation of assets for insurance companies were going

to be determined.

Now, I have set that out to tell you that the Bill before us, coming through the passage of Joint Select Committees in the Tenth Republican Parliament as I have just referred to, worked its way not only from legislative consideration but from very important real-life experience in how this country managed, from a litigation perspective and from a regulatory perspective, the crisis point to figure out not only what looks good on paper but what really ought to be done in practice.

The Bill before us is actually quite a long one. It is some 282 clauses long. It involves 13 Schedules. And the Bill seeks to attend to a number of considerations which really can best be categorized as gaps in the current law. You see, under the current law, the backing for institutions is really, in terms of capital adequacy, it is the capital or stated account called the statutory fund of the insurance company. That, under the present law, needs only be collateralized up to an extent of anywhere between $1 million to $3 million. Take the CLF position as its group interest, we were looking at a 300-billion-dollar entity where its insurance company had a backing of $3 million in terms of its capital in its statutory fund. That, of course, went into what the risk profiling and ratios look like.

So, very importantly, as gap under current law, the inadequacy of holding risk by backing on a statutory fund on a de minimis of $3 million only at maximum, clearly was a gap than had to be attended to. We also have by way of gap in current law the position where we do not have effective corporate governance framework. That corporate governance framework involving not only board of directors but also shareholders, and also the articulating entities of auditors and accountants, as well as the regulators which participate in the exercise. That matrix of governance, be it by way of regulation or by way of certification if it is audit or by way of satisfying fiduciary responsibilities under section 99 of the Companies Act, all of those, coming out of the analysis in 2009, show that there are gaps in the system from a corporate regulatory direct internal perspective, as well as the outside perspective for the independent entities that certified the positions of companies.

We also look in terms of gap analysis to the fact that the present law does not allow for consolidated supervision of conglomerates where a conglomerate would have a financial institution as part of the conglomerate and a non-financial institution as part of the conglomerate. And therefore, the risk of contagion of non-financial conglomerate entities flowing into the regulated entities, the financial entities, that risk of contagion is definitely a gap which we have seen in

terms of the workout of the 2009 crisis and one which requires attention.

5.20 p.m.

We looked as well to the coexistence of the markets or companies across borders, and we have another concern, therefore, in terms of gap identification. Essentially, this Bill seeks to solve situations which deal with risk. And what better description could that be, in terms of insurance? After all, insurance is the business of risk. Insurance is driven by risk analysis and profit to be derived across risk, but it must be backed at the same time. We have just pointed out 37.2 per cent, 37.6 per cent of our GDP is dealt with, in terms of assets in the insurance sector and assets under pension management. These are therefore large sections of our economy, and the risk has to be managed.

I want to say that serving under the joint select committees that operated in the period 2011 to 2015 was an exercise of utter joy for me, and I say so because it was a distinct privilege to sit as a legislator and as a practitioner of law, and I want to say that the work of the Joint Select Committee, under the chairpersonship firstly of Mr. Dookeran and then secondly of Mr. Howai, that the work of those two committees under those two particular chairs, was a very excellent experience, excellent product and I dare say that the joint select committees that went into operation approached the issue with unified purpose and with unified effort, which was of equal measure. So I openly salute the work of the joint select committees under both chairmen and I say that the work produced by the committees were of an excellent quality.

Particularly, that work flows into the work which we have now in the Bill. And when we look to the safety and soundness and resilience of the insurance sector, we are actually looking to address the very issues which we spotted in the gaps. Firstly, of course, we are moving from that de minimis statutory fund or stated capital of $3 million or $1 million and we are now moving, by way of proposal in this Bill, to a risk-based capital approach.

Certainly, clause 22 of the Bill seeks to have companies which are of a particular type, writing business which is non-life business, have a capitalization of $15 million. We looked to mixed companies; that is general life and other types of business property, et cetera. We are looking at general and life in two different points. We are looking at that to a stated capital of $22.5 million. But the Bill recognizes that the ability to move to that kind of stated capital, that risk-based capital is one which must be done by way of a phased approach, and the phased approach is one which says that you will have a five-year time frame to get there.

The Bill goes further in ensuring that these assets that sit in the risk-based

capital are there in the event that there is a liquidity or solvency issue for drawdown for the benefit of policyholders. The Bill goes further than that by ensuring that the greater the risk of appetite a company has, the greater contribution to capital it must have.

The Bill specifically, in section 44 of the Bill, goes into the catastrophe reserve fund and that is a very novel and laudable perspective because the catastrophe reserve fund ensures that you must keep a separate fund, populate it by minimum of 25 per cent of your net business per year and then ensure that there are limitations on drawdown, but you need not go any further in your catastrophe reserve fund if you have actually matched up the level of business that you are doing. So you have got a larger stated capital. You have got in fact a progressive movement for greater risk, more capital required and a catastrophe fund. And that is a significant movement for our economy because it is based upon the international recommendations which the country has received over the successive years, in particular from entities such as the IMF, from the World Bank and looking to the operations of best-in-class industries throughout the region and internationally.

Importantly in that capital adequacy structure, there is also a mechanism in the Bill that if you pass and drop below 70 per cent, that you actually have a trigger which is pulled automatically to the regulator, suffering consequences for failure to maintain a limit which is above 70 per cent of your risk capital, if I can call it that.

We looked in this Bill as well to include a very core concept called actuarial valuation methodology. The current law does not define a common approach for valuing companies' obligations to policyholders and that variation across the sector and that ability to have one person come up with an opinion which is different from another in two separate entities, means that there is no consistent approach for the financial system itself.

In those circumstances, we have sought to introduce the Caribbean policy premium methodology to harmonize the valuation of liabilities for long-term insurers. That, therefore, applies an equal standard across the plate and allows us to have certainty in valuations so that regulator, auditor, valuator, board of directors, shareholders, all have an understanding on the same platform with the same measurables.

When we looked to further improvement, we note that we are also introducing financial condition reports. That is the ability to stress test your institution, which this Bill actually introduces, the ability to make sure, using extreme but sometimes plausible examples that your company is stress test. When we look to what happened in the 2009 collapse, some of the arguments which came out was that the stress

testing for liquidity or solvency was not done on a continuous basis to the point where one could have avoided some of the issues which arose in our country.

We also looked to the fact that we would be making sure that financial condition reports become a common feature of the regulatory environment so that there is again a trail and consistency of obligations and opinions and certifications as to what the state and conditions of entities look like.

The Bill seeks to address credit exposure. The ability to limit connected party transactions is critical. Again, these are lessons learnt out of the 2009 crisis and the 2008 international crisis; 2009 being local where connected party transactions can have a drag on the liquidity or solvency of insurance companies thereby prejudicing assets, thereby prejudicing policyholders in the long run.

When we looked to ensuring effective oversight, what we have realized is that regulators and assessors, and by that I mean whether it is auditor or valuator, et cetera, there has to be a consistency and a rigour in the approach of the methodology and standards and frequency with which these entities operate and certify and share information.

We are introducing into the insurance regime mandatory audit committees with a mandatory statement that you must have independent directors, so that you can be sure that you have an arm's length open sort of situation. We are ensuring that there are annual reporting requirements by the CEO, by the CFO with responsibility for the preparation of financial statement, et cetera. We are ensuring that there is a regulatory approach and direction, as it relates to interlocking directorships. Of course, interlocking directorships become a thorny issue when you are looking at conglomerate entities, but at the same point in time it is something, whilst it may be necessary in certain circumstances, it is something to be carefully regulated in other circumstances.

When we looked further, we are making sure, by this Bill, that we can have an effort to have consolidated supervision; supervising insurers, overall strength of group perspective to make sure that we limit the contagion aspects across group entities. Particularly where there are financial and non-financial institutions in group entities, it is critical that there is this facility, in terms of availability. That requires, as the Bill also has, information from non-financial entities where there is a positive requirement to provide information, so that we cross what would otherwise be the corporate personality, solidarity, where corporate vehicles stand alone and really ought to be at arm's length from each other.

There must be an ability for regulators to reach in or look past the non-

financial entity flow, where it has previously been a trickle flow, if any at all. We also have to look in today's large market, particularly where underwriting is done by what you may call white label products or fronting business, where there is 100 per cent risk placed abroad but really labelled by companies locally. We have to look at cross-border supervision.

That also becomes a very important concept when you look to the type of markets which operate, for instance the well-known market share operator in insurance is Lloyd's. And that is a specific type of entity which provides very valuable service in our jurisdiction and in the region but this involves a cross-border approach to regulation and sharing of information.

Financial holding companies again, have to be, if there is a risk of contagion, they have to be subjected to the ability to have a restructuring by way of direction where you ought to transfer risky entities from a group out and move them away from having contagion to the financial institutions, which are regulated in this industry.

Mr. Deputy Speaker, I have sought to deal with generalized approaches, because the Bill itself is so particular and so long. But permit me for a moment to just explain why the Bill did not pass in the last Session. It certainly was not for loss of effort, for lack of effort, it was not for lack of sincerity in the approach. But it was definitely—may I ask how much time I have left, Mr. Deputy Speaker?

Mr. Deputy Speaker: Roughly about 15 more minutes.

Hon. F. Al-Rawi: Thank you. It was not for lack of effort; it was not for lack of seriousness of intention. What happened was in the 2014 version of the Bill, the work which was done by the Joint Select Committee was agreed to have been performed such that the responses to concerns raised in the clause-by-clause analysis would have been produced in a matrix and after it had been settled by the committee a new Bill would have been produced. Unfortunately, the gap between the second to last Joint Select Committee and the last Joint Select Committee was occupied by the production of a Bill which, when compared side by side with the previous year's Bill, had a number of gaps across it, and those gaps required a significant amount of surgery to make sure that we were actually comparing apples with apples.

In the Senate, we had the ability, in the very short time between, I think it was the 5th May, 2015 and the 21st May, 2015, we had the opportunity in the Senate to do the work and, indeed, that is why the Bill was passed unanimously in the Tenth Republican Parliament Senate then. But when it came to the House certain other

observations came, as very often happens when you are drafting laws, at the very end of the law, you tend to get submissions which cause you to pause and have a second look. And those matters which arose then were very important matters.

Essentially, if I put it into a nutshell, it involved a request by the ATTIC entity to have a second look at the potential for excessive criminalization. ATTIC had asked the Parliament to have a second look at the clauses of the Bill, which deal with offences and to consider whether there could have been an attenuation of the manner in which the criminality was prescribed.

In the Bill, vast majority of offences are dealt with summarily. In the Bill, the vast majority of offences have very heavy penalties associated with them. In the Bill, some of these are in fact strict liability offences and that word of caution, therefore, coming after the Senate's deliberations and passage in 2015 caused the committee—caused the Parliament, certainly Opposition and Government, to have a second look at whether in fact there was excessive criminalization or not.

A second issue which arose was, of course, the issue of the Lloyd's market. Lloyd's wrote in very deliberately to tell the committee that in their opinion there was a potential risk for the Lloyd's business. Lloyd's provides a significant amount of business. But in the type of structure of underwriting that Lloyd's does in the Bill, the position offered by Lloyd's in 2015 was that the placement of 20 per cent value, in terms of capital adequacy, if I call it that, as well as the coverage of the full extent of liability exposure that that would have been too far a reach for them, which would have resulted in the market collapsing, from their perspective, because it would have been, as one could put it, too rich for their appetite. So the Lloyd's concern was something which we had to have a second look at.

The last aspect which was of concern was, of course, the profitability factor, because the entities which would have been supervised under the 1980 law, as amended and stands in the books of Trinidad and Tobago right now, those entities were taxed on the basis of their statutory fund which, as I told you, was de minimis, together with their profitability as declared. But in moving away from the statutory fund to the risk-based approach, the need for understanding of what the corporate tax would look like became a very real issue, to make sure that the price point would be known to entities who would work their way into the industry.

Now, I think it is important to reflect that, according to the Central Bank there are seven active life insurance companies in Trinidad. There are 17 active general insurance companies in Trinidad. There are seven active composite, that is life and general, insurance companies in Trinidad. There are four inactive life insurance companies. There are three inactive general insurance companies and there are

life companies in compulsory liquidation and general companies in compulsory liquidation. We also have, in terms of business, which is still really alive, a de-registered life insurance company which actually still have certain products that are in effect, still valid. With that stated and with that array of entities on the table, it was therefore prudent to have a second look at what the corporate taxation issues would look like.

We have in all of those circumstances, therefore, sought to bring the Bill, as it was dealt with by the last Parliament, with unanimous hard work and effort from both then PNM Opposition, then UNC Government. I recall personally spending hours upon hours of dedicated work, together with my colleagues on the other side, straining the resources of the CPC's department and consultants who I know were pulling their hair out and at the Central Bank and others, as I recognize them here this afternoon. But the point was that there was merit in actually bringing the Bill as is.

Having stated what some of the concerns are and having reflected in the period of entering government to where we stand now, I can tell you that the Government has considered a lot of the considerations raised, as I have just addressed some of them in 2015. We have considered those. We have gone further. We have done consultative work, but now that we have completed that task, we think it prudent to include the Parliament by way of joint select committee and include the stakeholders by way of consultative involvement that we allow this to come together to perfect the issue.

Why do we do that? We do that because we feel fairly satisfied that the work is of good product. The work is work which allows for a graduated scale of involvement of the regulator. You can pass through a ladder of remedies, be they administrative sanctions under Schedule 6 of the Bill, or be they actual criminal activity, be it suspension, be it injunction, be it winding up. There is a range of activities for better regulation.

The capital risk adequacy is a decent approach, they involve corporate supervision, auditor supervision, regulator supervision. All of these are very encouraging features for our financial stability of Trinidad and Tobago. But very importantly, the Insurance Bill as presented allows us the opportunity to address some of the deficiencies observed, not so directly but certainly observed in the Caribbean Financial Action Task Force Report on Trinidad and Tobago on its fourth round mutual evaluation delivered in June2016, which observed under recommendation 26 of the FATF 40 regulation points that we had work do in our

supervisory improvement. Better regulation involves better supervision. Better supervision involves a stronger economy. Better supervision involves avoidance of nefarious activities. It avoids corruption. It avoids criminality.

I want to take care to say this Bill does constitute a dagger in the heart of crime and criminality because it deals with one end of crime and criminality. Just as I made reference to, in the gaming industry, as a dagger in the heart of crime and criminality on that end of the industry. And, therefore, I want to be very careful to warn our deliberations or caution or encourage. We should not be uncharitable to mischaracterize arguments. We should understand the tone and tenor in which they are set. Because the panacea to crime and criminality is never going to be had with one piece of it, but bit by bit. As Prime Minister has often said, one by one cocoa does fill basket, a Tobago expression.

Hon. Member: No, one cocoa does fill basket.

Hon. F. Al-Rawi: One, one. I cannot even get it right. But the point that I got trying to interpret it was that one by one, adding into the basket the solutions come. Whether it is the gaming Bill, which is one; whether it is the Insurance Bill, which is another; whether it is the criminal justice sector reforms, which is another; whether it is the motor vehicle and road traffic amendment, which is another; whether it is anti-terrorism work, which is another; whether it is amendments to the Board of Inland Revenue Act, which is another; whether it is amendments to the Firearms Act, which is another. It is only going to be real if Trinidad and Tobago takes us seriously and we do not mischaracterize arguments.

And that is why I was a little bit disappointed in some of the contributions I heard earlier; not that I am going back to revive any debate. But intellectual honesty is important for all of us. I think that this is an intellectually excellent piece of work. I think that the matters raised that have been attended to by the Government can be explained in the joint select committee, which we propose, occupy the attention of the House of Representatives as well as the Senate and I would only hope and pray that my learned colleagues share equal fervour in this endeavour and allow for the process of 37 years of analysis to come to fruition so that the country can have its reputational and risk aspects better managed for the sake and benefit of the taxpayers of Trinidad and Tobago. I beg to move. [*Desk thumping*]

Question proposed.

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Mr. Deputy Speaker. Let me

begin by indicating that we on this side want to express our sincere condolences to the Minister of Finance, the Member for Diego Martin North/East, on the passing of his father-in-law, and, of course, we want to extend our condolences as well to Mrs. Imbert and her family from the Opposition side.

Mr. Deputy Speaker, this Bill, as the Hon. Attorney General piloted on behalf of his Minister of Finance, the history of this even goes back before 1980. It goes back to 1961 and really culminated in 1980 with the enactment of this piece of legislation dealing with insurance companies, and so on.

So this Bill today, almost 1961-2000, is 39 and 17, 56 years. We are coming to a stage now where we hope that we will have a robust piece of legislation to deal, and we are happy that the Minister has indicated that they intend to send it through to another Joint Select Committee of Parliament because this Bill relates to the reform of the laws relating to insurance companies, to regulate the insurance businesses and privately administered pension fund plans, which is an important consideration for this Bill as well, which the hon. Attorney General did not mention very much about but which has significant implications for the citizens of Trinidad and Tobago.

Mr. Deputy Speaker, this Bill has 282 clauses, 13 Parts and 13 Schedules. And the Schedules are very telling because on clause 282, it provides for the consequential amendments to be made to the Proceeds of Crime Act, Chap. 11:27; the Central Bank Act, Chap. 79:02; and the Married Persons Act, because this piece of legislation is going to impact upon married persons, particularly when one becomes deceased, and also it is impacting on the Financial Institutions Act to the extent specified in Schedule 13.

So this is a very extensive piece of legislation that is being proposed, and a lot of work has gone into the preparation of this. Let me congratulate publicly from this side, the work done to lay this in Parliament in 2011 by the former Minister of Finance, Mr. Winston Dookeran and subsequently by Mr. Larry Howai in 2013, 2014, and 2015.

And let us also express our thanks to the tremendous work done by the staff of the Parliament, the consultants that were used over a period of time. The AG spoke about this distinguished attorney Dr. Denbow who is an authority on insurance law, and also, I believe the person's name is Mr. Lester, who participated in this. I understand from Mr. Howai that he took part in all the discussions by Skype, and, of course, the Attorney General and Members on the other side were Members of the Opposition then in the Joint Select Committee.

So, we have to look back, in terms of the crisis that occurred over a period of time in the insurance industry and in the financial sector. And this is why it is important when we meet with the joint select committee that a number of aspects of this piece of legislation is taken into consideration, although a lot of work has been done on this already and had come to an almost complete fulfilment of this Bill when it was laid by Mr. Howai subsequently in 2015.

5.50 p.m.

There are a number of young colleagues in the House today who might not remember the days of when Winsure collapsed in the 1970s and early 1980s, and then the Kirpalani Group also collapsed as well, in terms of financial issues. There was another international company, an international financial company led by an individual, and that collapsed as well, and thousands of citizens lost their funds. I would not call the name today, but thousands of citizens lost their funds as a result of the weakness in the insurance system that occurred over the number of years.

And then, if we look back, by the year 2000, Clico itself had been experiencing difficulties. If it were not for the Republic Bank shares increasing in price quite significantly, which was a five-fold increase over the period from 2000 to 2009, and also the price of methanol had moved from a relatively lower figure up to over $500 a ton, so that the revenues were derived from these two major investments by the CLF Group resulting in the stabilization of the company at that time, even as early as 2000.

And so, what was being done at Clico at the time and because of increase in the prices of commodities and so on, it seems as though they were able to withhold the eventual collapse of Clico until 2009. But were it for a robust piece of legislation and a strong division of the Central Bank inspecting the work of the Clico grouping, at that time, which seems to have in investments of almost $100 billion in the country and other places around the world, but with a small asset of only close to about $3 billion at that time. So what was the supervisor, the Central Bank Supervisor of Insurance doing at the time? Those of us on this side who would have spoken on this issue on a previous occasion felt that this was allowed to continue too long, and with a lot of weaknesses which allowed Clico eventually unable to continue with what they were doing, and the Government had to take over.

So here we found ourselves in 2009, 2010 with a $25 billion budget to take care of as a Government when we came in 2010. Minister Dookeran, at that time, as Minister of Finance, had to do a reengineering of the whole financial system and the budgetary aspects of the expenditure versus income to be able to deal with the thousands of

insured people who were seeking their money from annuities, short annuities. And also we came up with the issue of the Hindu Credit Union which was also a debt burden to the State, to the taxpayers, of almost $500 million plus.

So that necessitated the swift movement of legislation, and so the Minister of Finance, Mr. Dookeran at that time, began to address that and began consultations of various types of discussions within the community of the insurance industry, and with the regulators over a period of time. So today—in 2011 the Bill was laid by Minister Dookeran, but that Bill lapsed and not until somewhere in 2013 the Bill was further amended and laid in this House.

In fact, there was one meeting of a Joint Select Committee in June of 2013, but that did not go further and the Bill was consequently relaid when the House and the Senate came back into session in November of 2013. During that year, following the laying of the Bill, there were 13 meetings of the Joint Select Committee which began on December 03, 2013 and went to July 16, 2014. So, Mr. Deputy Speaker, a tremendous amount of work was done to bring about this piece of legislation that the Minister of Finance, Mr. Howai, brought finally in 2015. And so 13 meetings of the Joint Select Committee, they completed the work. They completed the clause by clause examination analysis of the Bill, but needed time to prepare a complete list of amendments, and so it reported on July 18, 2014.

Subsequent to that, quite a significant amount of work was done by the regulators and by the Chief Parliamentary Counsel's office as well as receiving feedback from the industry. A new Bill was again laid by the People's Partnership Government early in 2015, and that was referred to a Joint Select Committee as well, and because of the commitment of the People's Partnership Government to bring a degree of control and robustness in the regulations and the management of the insurance system and the financial system, we must not forget that there were pieces of legislation: amendments to the Financial Institutions Act and the Securities and Exchange Act as well, done at that time during the People's Partnership administration in 2010 to 2015.

So when that committee met, they had two meetings. A Joint Select Committee was appointed in 2015. Reviewing the Bill in detail, the outcome of those deliberations going back over the past couple of years incorporated work that had been done prior to that going back over the number of years while this particular matter was being pursued.

The work of the Committee, both the one that was established in 2013 as well as the one that was established in 2015, received extensive support which Minister Howai ensured and afforded the ventilation of views of a wide cross section of stakeholders: insurance companies, brokers, agents, and trade unions, as was indicated by the

Attorney General. ICATT, BATT, IBATT, ATTIC, the Central Bank and individual insurance companies as well as the Banking Insurance and General Workers Union all contributed to the Bill. So this Bill had a tremendous amount of work that led to this Bill coming into play at this time, Mr. Deputy Speaker.

So we are happy that the Government has decided to bring this piece of legislation because we worked assiduously in the last administration over a number of years to bring all the important aspects for consideration and this is why you have a Bill with 282 clauses, 13 Parts and 13 Schedules, and so the AG, the Hon. Attorney General, gave his compliments to all those who participated.

Mr. Deputy Speaker, a Bill like this, who is affected by it? It is the consumer, the insurance companies and the Government as well, because as we saw the taxpayers had to pay the money which resulted from the downfall of Clico and then consumers, as the hon. Attorney General indicated in terms of how does this financial sector and the insurance sector contribute towards the GDP of the country, and he gave some figures that there are $47 billion in assets in the insurance industry and $47 billion in the pension sector, each one contributing approximately 32 per cent of the GDP from the insurance industry and the pension sector.

So if this is managed carefully and the people have much more confidence in the industry, you will find that this is a sector that can grow and it can grow not only in Trinidad with insurance companies, but spreading its wings across the Caribbean and other areas to bring increased income that will improve the GDP, and will obviously be a significant part of the diversification of the economy of Trinidad and Tobago. So the necessity for a robustness of legislative measures is critically important and this is what we are discussing today, Mr. Deputy Speaker.

So one of the big issues that has always seemed to affect persons who interact with the insurance industry has been the concerns about the payment of claims and so on. In the report that came through with this Bill, five areas of concern provoked quite lengthy discussions in the Joint Select Committee—as the AG was there, he would remember—in bringing about this Bill. The first was the incomparability—and I want to put his phrase, normal phrase—the disproportionality in the penalty structure when compared with similar pieces of legislation. He alluded to that—[*Crosstalk*]—he liked the disproportionality and proportionality—for example, the Securities Act and the Financial Institutions Act. He made mention of the different areas of penalties.

I do not know whether the Hon. Attorney General is familiar. He may have it with him but, Mr. Deputy Speaker, I have in my possession the Insurance Bill, 2016, the reporting timelines for a number of areas and the time frame and the penalty for non-compliance. So this work has already been done in terms of the comparison which

encompasses applications and annual fees; stated capital necessary for registration; duty of company to furnish inspector with a company form of policy endorsement or application, et cetera; reporting contraventions of credit exposure limits, appointment of auditor, reports and responsibilities. The penalty for a lot of them with non-compliance, for instance, reports and responsibilities, the criminal penalty is $400,000 plus $40,000 for each day the offence continues and a fine of $8,000 for each day the offence continues as well. So you have an administrative aspect and another aspect.

So this work has already been done. It encompasses a number of parts in the Bill and, therefore, we want to proffer, if he can find it somewhere, that this be a significant part of consideration so that work on this is already done, and so the Joint Select Committee can use this information very quickly and deal with the matter in an expeditious manner. So this information is there.

Now, I mentioned one area of concern. Well, the committee recognized that there were some areas of incongruity and the committee sought to streamline some of those. The second area of concern, the committee identified ambiguity in the definitions of certain terms and certain inconsistencies with other Acts of Parliament, and that was addressed.

Thirdly, there were instances of the expansion of the powers of the regulator beyond what the committee felt were reasonable limits and, therefore, the committee sought to temper and streamline that.

Fourthly, there was inconsistency in the determination of periods for reporting, a completion of certain actions and the committee made certain changes resulting in that as well.

Fifthly, there was an issue of affirmative resolution or negative resolution. They adopted the English legislation which afforded that compromise being looked at and that was accepted eventually—the English piece of legislation in terms of the affirmative resolution.

So, in essence, Mr. Deputy Speaker, the concerns that when we speak about insurance and insurance agents and brokers and actuaries and all the people related to the insurance sector, one of the main concerns at all times is the efficiency of the system, the fairness of the system, the expeditious management and the payments to policyholders by insurance companies. Thousands of citizens have complained over a period of time, particularly in the motor vehicle industry and the insurance that payments are not easily forthcoming when they get into accidents, despite the fact they may have full coverage of insurance or even third

party where the third party is applicable. So people have been complaining a very long time about these issues and, therefore, it is incumbent upon when the deliberations take place in the Joint Select Committee that the matter is resolved. Looking at the proportionality issue, it must in the proportionality that the consumer must never suffer as a result of that.

Then the life insurance policies. When somebody becomes deceased and the life insurance policy has to be administered, it sometimes go through for years and you never even benefit from it, because the probate and administration of the will and so on take a very long time. So the issue of who is to receive the funding from the life insurance becomes a problem. And then sometimes a divorce takes place, and the husband and wife are separated, then this piece of legislation has to factor that in as well. What happens when a divorce takes place?

And then in some instances where there are relationships, cohabiting relationships for more than five years. There is a piece of legislation on that as well. So how does this legislation affect the cohabiting relationships of more than five years? So this has significant implications for the general public and for citizens as a whole both male and female, and children. And then on the passing of one of the individuals in a marriage, what percentage do the children receive from the insurance companies and how is that administered? How do the trustees deal with the matter with the insurance companies? So, Mr. Deputy Speaker, that is the car industry.

Then there is the issue of insurances for, in terms of catastrophe, flooding. God has been good to Trinidad and Tobago that we have not experienced storms and hurricanes for a long, long time ago, but the flooding issue. How is that administered? How is it paid? Is there value for money based on the insurances that are paid by the individuals to take care of flooding? And then, how do Governments manage the issue of the Caribbean insurance which takes into effect the catastrophe emanating from hurricanes and storms across the small island developing states of the Caribbean, because Caricom has a Catastrophe Fund which Trinidad and Tobago pays a contribution to? So how does the Government deal with individuals and homes which have damages as a result of some catastrophe? Fortunately, we have not had any significant earthquakes as well. So these are the issues that the consumer has on his or her mind when they are dealing with insurance companies.

During the course of this debate today, a question was asked on the issue of the PH drivers, and the PH vehicles that are running the routes plying for the trade of taxis, usurping the role of taxis. How do the insurance companies deal with individuals who are damaged or who have died in a PH vehicle which had an emergency? How are they protected? A significant part of the population have their transportation by

PH vehicles, and it will be important for the Attorney General or for the Minister of Finance to speak a little more on this. They mentioned that it is illegal, so citizens must be aware that going into a PH vehicle for transportation is illegal and they are not protected. Even some of those who go into some other vehicles, some of them do not even have an insurance and, therefore, what redress do they have?

I have been advised by Mr. Howai, when I spoke with him—[*Crosstalk*]—the former Minister of Finance, the former distinguished Minister of Finance and a former distinguished member of the banking fraternity of Trinidad and Tobago, he indicated that there is a special fund now that is being paid for by the insurance companies to cover some of the issues where individuals have died in vehicles which for some reason or the other, the vehicle was not insured. So it is important for the AG, hon. Attorney General, and the team when the Joint Select Committee is appointed to look at these particular issues of the PH drivers, and the uninsured and so on when their lives have been lost on those areas.

Another area, Mr. Deputy Speaker, is that because of the vastness of the insurance industry, there are a number of players in it. The Attorney General mentioned a significant amount of people as insurance companies, insurance agents, insurance brokers and actuaries, whatever. The issue there is that there are so many of them they want to do very well their business so they take up a number of insurances where they can get them and then dump them to the Lloyd's of London where Lloyd's of London pick up the tab. But in the era now where we have difficulty in foreign exchange and where there are local insurance companies that can do the work and insure whether it is bulk amount of homes which they can split amongst themselves, it should stay here. So, therefore, we are not loaded with the onerous responsibility of providing foreign exchange to Lloyd's of London. It might be worthwhile determining how much money goes internationally to Lloyd's of London from insurance companies in Trinidad and Tobago. So you have smaller insurance companies, for some reason or the other, getting a large amount of work and then dumping it to Lloyd's of London and seeking foreign exchange to pay for that. So that is a major issue that has to be looked at.

Mr. Deputy Speaker, private pension funds—[*Interruption*]

Mr. Deputy Speaker: Hon. Member, your speaking time has expired. You have an additional 15. Do you care to use it?

Dr. T. Gopeesingh: Yes, Mr. Deputy Speaker.

Mr. Deputy Speaker: Kindly proceed.

Dr. T. Gopeesingh: Thank you, Mr. Deputy Speaker and thanks to everyone. The private pension funds. We have seen where the private pension funds in Trinidad have gone haywire. There are a number of companies, private companies, which have pension funds, and we are quite aware that a number of these pension funds fold up from time to time, and leave the workers—as my colleague the Member for Couva North will tell you—that a lot of them have been left on the breadline when they retire or even when they have been sent on voluntary separation and so on, because the pension plans have not been functioning. So that area is an area that has to get the scrutiny of this joint select committee.

We have had instances, as everyone knows, about pension plans even in the statutory authorities and state enterprises that have gone through some difficulties and so people were left without—even as we speak today, the members of the former employees of BWIA who were in the pension plan of BWIA are still struggling to get funding, to get the money that is due to them. You even have Caribbean Airlines coming into play because one is passing the buck on the other one.

So, Mr. Deputy Speaker, in terms of the penalties for the insurance companies, that has been streamlined and the work has been done on that already. There were some ambiguities in the definitional terms and there was an issue of unwittingly referring to persons such as lawyers and accountants in addition to insurance consultants. The team wanted to focus on insurance consultants, so that issue of the definition has already been clarified, and it is therefore the acceptance of the new joint select committee when it is appointed.

Duties of directors to be more in line with the Companies Act. The Attorney General mentioned that in a small society like ours there is always the question of interlocking directorates and, therefore, that was looked at and examined and the amendments to the duties of directors to be more in line with the Companies Act, and they adopted the provision from the Jamaica legislation on this particular point. I think the Hon. Attorney General will remember while he was a member of that Joint Select Committee.

The independent directors of the audit committee must not also be a director of a connected party. So a connected party would be a parent company and a subsidiary and, therefore, in a sense, lighten that load a bit recognizing the fact that they must however be independent of the executive of the company. In other words, the members of an audit committee must be separate from the directors of

the company, and the parent company as well to be totally independent from every director on the subsidiary company particularly as far as the audit committees are concerned. I believe the English legislation, the Canadian legislation and the Australian legislation spoke very clearly about that. So if that was in place in 2009, the issue with Clico might not have probably been a strong negative factor if the issue of interlocking directorates was dealt within in any piece of legislation and well monitored by the Central Bank.

6.20 p.m.

I mentioned earlier on about the divorce situation. The 2015 Bill, my understanding now, allows a divorced person to remove his or her former spouse as a named beneficiary of an insurance policy. That was in the original Bill but it required a consequential amendment to repeal section 11 of the Married Persons Act to avoid the legislative conflict, and they have incorporated that into this Bill in dealing with it. I think they looked particularly at the English legislation to do those regulations.

Then the constitutional rights issue had been looked at as well, so this is another area which the committee will have to examine carefully.

The taxes that are required to be paid is another key issue. Life insurance companies are assessed on a rate of tax of 15 per cent of their net investment income, and with respect to the annuity business which deals with registered approved annuities—the net investment income from investments, is it held to meet future annuity liabilities and therefore is it not taxed? So the annuity income taxation is important for consideration by the committee. I believe ATTIC had written about one of these issues, and the committee had decided to adopt a transitional period with what ATTIC was asking for, and had made some recommendations on that. So perhaps when the joint select committee meets again, the stakeholders, ATTIC, may probably come before them and they will have to consider what is happening there.

Mr. Deputy Speaker, this piece of legislation, the AG had also mentioned that there was comparison. He was not very comfortable with the issue of what was laid in 2015, and therefore decided to change certain things and lay a different thing in 2016, and there were some comparisons done. So, Hon. Attorney General, there is a whole list of comparisons between the 2015 and 2016 Insurance Bill. It would be worth noting for you to take these into consideration as a Member of the Government on the Joint Select Committee.

In closing, this is a well thought out and well managed piece of legislation, that took the People's Partnership administration a period of time to bring to a closure, but,

unfortunately, when it was laid in May 2015 the term came to an end shortly after that and the Bill lapsed. So now we are happy that there will be a joint select committee of Parliament where this will be discussed further very quickly, and so we will end up with a robust piece of legislation which will govern the insurance industry, the brokers, the insurance brokers, the actuarial science people, the whole management of pension plans, private pension plans and state pension plans.

It was recently that the Minister of Finance spoke about the national insurance plan. In Trinidad and Tobago, our life expectancy is 69 for men and 72 for women. In the United States, the life expectancy is 79 for men 82 for women, so we are 10 years behind. Although our life expectancy is increasing, we are still way behind. So in determining actuarial studies and so on for the future for our citizens, when most of the population in about 20, 30 years would be senior citizens, that is an important aspect for determination of a pension plan for Trinidad and Tobago. We are 20 years behind as a nation in terms of our pension plans.

Mr. Deputy Speaker, thank you for the opportunity to speak on this, and I was very happy to do so.

The Attorney General (Hon. Faris Al-Rawi): Mr. Deputy Speaker, I thank my learned colleague for a very good contribution on some very serious issues raised. Certainly, I am confident that the committee will, as it is constituted, look at all of these.

We have had such a serious debate, as I wind up perhaps I should start with a lighter moment. I enjoyed my learned colleague, the Member for Caroni East, because he spoke live. He knew his content; he could speak well pellucidly on the issues. When I heard that I had to jump in for my learned colleague, the Minister of Finance, I called for a couple of papers from the AG's Office, and, as you know, it is a matter of public record that I kept my entire staff from the previous government, because they are excellent professionals and one should promote professionalism.

In the papers that I got, I saw the speaking notes on the Insurance (No. 2) Bill, and in watching the way the Hon. Member for Caroni East actually spoke head up, no paper, I came across this:

> Thank you, Madam President, I am honoured to be contributing to this debate on the Insurance Bill 2015, an Act to repeal and replace the existing Insurance Act, Chap. 84:04.

In brackets:

[Pause look around at some faces on the opposite side for effect.] close—close brackets. [*Laughter*]

And that is in print. [*Crosstalk*] It was one of our colleagues in a Parliament previously, in government then, a former Attorney General. But I will not name who exactly. But I was quite amazed to come across a piece of paper that had to indicate when to pause, when to look and what to say and for what effect.

But anyway, having lightened the mood a little bit—and I do not mean to be pejorative, it was intended to lighten the mood in the House—what I can say is that the work of the committee is serious work. Apart from the matters observed by my learned colleague, it certainly would include the need to look at the regulations, and I would remind that the legislation is ready with the regulations. They will include the Central Bank Payment of Supervisory Fees and Charges (Amdt.) Regulations, 2016; the Insurance (Intermediaries Registration) Regulations, 2016; the Insurance (Capital Adequacy) Regulations, 2016; the Insurance (Caribbean Policy Premium Method) Regulations, 2016; the Insurance (Financial Condition Report for General Insurance) Regulations, 2016; the Insurance (Financial Condition Report for the Long-term Insurance) Regulations, 2016; the Insurance (Participating Account) Regulations, 2016; the Insurance (Companies Registration) Regulations, 2016; the Insurance (Pension Fund Registration Fees) Regulations, 2016; the Insurance (Pension Fund Investment) Regulations 2016, and the Insurance (Approved Securities) Regulations, 2016.

I have taken time to include that reference because we have in fact in the consultation over the last couple of months, and certainly since we took up office, had recommendations come on the draft regulations. I am pleased to say that that ought to occupy the consideration of the Joint Select Committee that this honourable House hopefully would recommend shortly, together with that to be constituted from the Senate—the Members to come from the Senate. Pause and look up for effect. [*Laughter*]

My learned colleague, the Hon. Member for Caroni East, raised the very proper perspective on the state of our economy, the contribution to GDP in dealing with transparency issues. In fact, some of those markings by which we are measured by international organizations or non-profit entities include the very recently published CPI Index, which is the Transparency International listing. I think that this Bill will certainly help us in the rankings that Trinidad and Tobago in the publication which came in 2016 has pointed out. There has been slippage.

I took the opportunity to contact one of the members of Transparency International and have confirmed that the period upon which that report was based was 2014, 2015

and part of 2016. Therefore, when I observed ill-informed commentary that the country has miraculously woken up in a different state of slippage, I wonder if people understand that 2014 was under the People's Partnership, 2015 was under the People's Partnership, and that when you look to slippage you also have to factor that new countries were added to the list for the first time who ranked higher to Trinidad and Tobago than before. So really and truly, this sort of slash and burn analysis that some persons may be wont to engage in, you know, we should really check facts first before we make statements, because I think the word I am looking for is that it can be embarrassing. It really can be embarrassing.

Let us look to the issue of two very important points raised by my learned colleague, the Member for Caroni East, outside the parameters of the observations which we are aware ought to be attended to in the Joint Select Committee, but raised by my learned colleague. We do certainly have written submissions from ATTIC, from Lloyd's, from other entities, and we should hear from them again. But my learned colleague raised two very important issues. One was the need to look at the PH regulations and how our society is going to treat with the elephant in the room.

What I can say is that one of the reasons, in my estimation, that the—if I can call it the Jack Warner Plan—the UNC plan to register PH drivers, did not work, included the fact that insurance companies would not provide underwriting for persons who took hire whilst being privately registered. That is one of the reasons. The other reason is that the motor vehicle and registration laws in Trinidad and Tobago say specifically if you are going to have passengers for hire, you have got to be registered under the laws for hire.

This is a very serious issue. The fact is we have heard for many, many years that our young people, our elderly male and female are victims of characters that will mask themselves as persons operating what we call PH, and then enter into acts of savagery or inappropriate relationships. So it is a very serious issue raised by my learned colleague. What I can say, in looking at the issue of Uber in having the discussion with them there is a very interesting conversation afoot in other jurisdictions where you deal with what you call the "shared ride policy". In the shared ride policy, you have the ability to have underwriting. What Uber told Trinidad and Tobago was that they actually have an insurance product to underwrite their position in Trinidad and Tobago. That does not escape the fact that it is illegal, because you have to be registered for hire. We do not recognize shared hire, but it certainly is food for thought to promote a system where you can actually have a registration of persons, certificates of character, you know who the persons engaged are, you can have GPS tracking by the use of

technology and, importantly, once there is an underwritten insurance aspect then you can deal with special registration.

So it is not quite an impossible task; it is something that requires a stretch of consideration and there is certainly possibility, but it provides for a very useful position for us to regulate. The Hon. Member for Caroni East pointed out the criminality which I have just spoken about, in this unregulated PH industry. We all know it is the police to enforce the laws. What has been a significant problem for us as a jurisdiction is that police hours have not been facilitated into the detection and conviction because court time takes a very long time. Court time consumes significant man hours.

The Government has certified, by way of the statistical work that we have done, that 23,000 cases a year end up in the traffic court. Of these 23,000 cases a year, you have got policemen who have to turn up to give evidence for those 23,000 cases, but 70 per cent of that 23,000 pool fall by the wayside because the defendant does not turn up. So the prosecutor turns up, the virtual complainant turns up, but the person who is charged does not turn up. They stretch the system and 70 per cent of 23,000 per annum ends up with loss of revenue for the 70 per cent, but more particularly the cost of man paying hours for police is a significant factor. Not for what you pay them, because they are worth every cent, but for the fact that they could be on the streets dealing with detection and conviction—the opportunity cost.

That is why we are very, very pleased to be able, as we intend to lay, legislation to remove the requirement for offences and move to violations. Not yet laid; it would be laid I imagine by Monday, but what that does is that it frees up policemen to be on the beat, and that is what you call anticrime plans at work. [*Desk thumping*] That added with this Bill, added with gaming, added with FATCA, added with so many other pieces of law is how you begin to fashion the success of anticrime provisions.

So the Hon. Member for Caroni East was very right, the PH issue is a serious issue. It is why I have just said what I said. It is why the Government has spent almost a year crafting specific laws to free up man hours, to gain better revenue, to have the court system not having to deal with 23,000 cases and therefore moving the criminal justice system faster so that people feel the consequence of crime, if you dare to commit it. Because the difficulty in our society is that the proximity of sanction by the court is very far away from the charge that is laid. If you narrow that gap by solving the criminal justice system, by finding better fix, we are going to be on the right path. I am very pleased that this Government is in track to do that imminently.

My learned colleague, the Member for Caroni East, also raised the issue of the

fund which insurance companies have been collecting, and it is true. Insurance companies have been contributing to the compensation fund, which, I believe, stands at close to $2 billion plus, and that compensation fund is intended to provide for instances where persons have not been compensated by insurance companies, whether by way of third party insurance or otherwise. Certainly that is something of merit to look at in this contemplation of the insurance laws, and I thank the Hon. Member for raising it.

I want to repeat, Mr. Deputy Speaker, if I may—as I intend to wrap up now, because I think we have traversed almost all of the issues—I do sincerely compliment all of the work prior, without fear or favour, without risk of being "buffed". I recall when Minister Howai was Minister of Finance and he paid a very glowing compliment to me in the Senate, and I too to him, he was given a sound buffing for doing it. But what I will say—[*Interruption*] it was in the papers carried, if you remember. [*Crosstalk*] It was in the papers. It was in 2014 in the *Express* newspaper.

But the point I am saying is I acknowledge, and the Government acknowledges, that excellent work was done in the Joint Select Committees by all Members that participated, then UNC Government Members and then PNM Members and Independent Members of the Senate. I certainly think that the work that ought to be performed, the analysis, is something which is very doable in a very short space of time.

My learned colleague raised the issue of proportionality. I noticed that there is a tendency to undervalue the importance of proportionality. Let me just underscore, any time law is challenged in the courts of Trinidad and Tobago the first thing that you look to up to Privy Council level, is your statement of proportionality. It is what gives you a fighting chance to allow law to survive judicial inspection. So we are very clear on the issues of proportionality. I found it very warming when I looked at the policy of the then UNC Government to insist in the insurance framework, as the PNM accepted, that you take all of these large offences summarily, not indictably. Let me repeat that: that you take these offences summarily and not indictably. My learned friend, the Member for Caroni East, understands what I am saying.

Mr. Hinds: He does not. [*Laughter*]

Hon. F. Al-Rawi: Because it was a very different perspective, Mr. Deputy Speaker, when we had discussions on other issues. New-found enthusiasm of certain people have come to pollute what I think is a good policy decision, to

election for summary trials as opposed to indictable, particularly when the Government shall be bringing very shortly law to completely abolish preliminary enquiries.

Mr. Deputy Speaker, I commend the consideration of the Honourable House into the push towards a joint select committee. I think we have purchased as a country enough analysis for 37 years. I think that we can deliver ourselves us out of that paralysis and that we can get on with the work to treat with the benefit and protection for the citizens of Trinidad and Tobago.

I only have left to say, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Hon. F. Al-Rawi: Mr. Deputy Speaker, in accordance with Standing Order 68(1), I beg to move that the Insurance Bill, 2016 be referred to a joint select committee, and that this committee be established for its consideration and report by March17, 2017.

Question put and agreed to.

Hon. F. Al-Rawi: Mr. Deputy Speaker, subject to the concurrence of the Senate on this matter, I beg to move that this House appoint the following Members to serve on the Joint Select Committee on the Insurance Bill, 2016. The Members being:

Mr. Colm Imbert;

Mr. Faris Al-Rawi;

Mr. Fitzgerald Hinds;

Miss Marlene McDonald;

Mr. David Lee; and

Dr. Surujrattan Rambachan.

Question put and agreed to.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, I beg to move that this House do now adjourn to Monday, February 13, 2017 at 2.30 p.m. At that time we will deal with the FATCA Report, and debate will ensue on the FATCA Report.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.45p.m.