

HOUSE OF REPRESENTATIVES

Friday, June 03, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

MISS DONNA COX (RECUSAL FROM THE COMMITTEE OF PRIVILEGES)

Mr. Speaker: Hon. Members, Miss Donna Cox has recused herself from the Committee of Privileges for consideration of the matter involving the Member for Diego Martin West. Accordingly, I wish to announce that I have appointed Mr. Nileung Hypolite to replace Ms. Cox on the Committee of Privileges during its proceedings involving the Member for Diego Martin West only.

PAPERS LAID

1. Ministerial response to the first report of the Joint Select Committee (Group I) of Parliament on the Ministry of Health and its management of vector borne diseases. [*The Minister of Housing and the Environment (Hon. Dr. Roodlal Moonilal)*]
2. Annual report of the Law Reform Commission of Trinidad and Tobago for the year 2005/2006. [*Hon. Dr. R. Moonilal*]

ANTI-TERRORISM (AMDT.) BILL

The Minister of National Security (Sen. The Hon. Brig. John Sandy):

Mr. Speaker, I beg to move,

That a Bill to amend the Anti-Terrorism Act, Chap. 12:07, be now read a second time.

As you may be aware, the Anti-Terrorism Act was first introduced in

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2005, and the Act criminalizes terrorism and provides for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets. In January 2010, the Anti-Terrorism Act was amended to provide for the criminalization of the financing of terrorism and for related matters.

As you may be aware, the Anti-Terrorism Act was first introduced in 2005, and the Act criminalizes terrorism and provides for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets. In January 2010, the Anti-Terrorism Act was amended to provide for the criminalization of the financing of terrorism and for related matters.

1.35 p.m.

It is timely that a Bill of this nature, which addresses terrorism and its financing, is now before this honourable House, given the recent killing death of notorious terrorist and religious extremist, Osama Bin Laden. The news of Bin Laden's death resounded throughout the global community on May 01, 2011, and it was a harsh reminder of the infamous day, September 11, 2001. The scourge of destruction, the pain that was experienced in the death of innocent men, women and children will not be soon forgotten by the world. These events are a chilling reminder that governments are mandated to protect the people that they serve from such pain and horror, and to take action against any entity or person who encourages terrorism in any form or fashion.

As a former leader of the military in Trinidad and Tobago, and now the prime contact to the Caribbean Financial Action Task Force (CFATF), I am ever cognizant of my responsibility for implementing safeguards to protect our country against terrorism. This is a responsibility I take very

seriously.

Mr. Speaker, I recall sometime in the late 1980s, as an operative in the defence force, with the visit of Pope John Paul II, I was tasked with the responsibility of securing the Piarco area. I remember, as I said in the other place, standing together with Sen. Hinds—I do not now recall in what capacity; he might have been a policeman at the time—and, as the aircraft left and entered the skies above Trinidad and Tobago, I breathed a sigh of relief and I said to him: “Now I can be a bit more comfortable.” He said: “You are happy, ‘eh’, that he has left?” I said: “Yes.”

You see, Mr. Speaker, we are considered a soft target and when we have dignitaries of the likes of Pope John Paul II and, up to two years ago, people like President Obama, I am sure that the operatives at that time as well were happy to see him come, but happier to see him go because of the terrorist activity that could possibly be unleashed upon us.

The Bill which is before this honourable House today represents a measure to safeguard our country against terrorism and brings Trinidad and Tobago into further compliance with international standards on the financing of terrorism. Only three weeks ago, we attended meetings in Honduras in pursuance of these goals.

Hon. Members, the Financial Action Task Force (FATF) is the international body which establishes the global standards and measures to be taken by countries to combat money laundering and the financing of terrorism. As a consequence, Trinidad and Tobago is required to implement FATF 40 + 9 Recommendations. In assessing Trinidad and Tobago and its anti-money laundering and combating financing of terrorism compliance, the FATF identified three strategic AML/CFT deficiencies, which they encouraged us to rectify expeditiously.

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These deficiencies are:

- (1) implementing adequate procedures to identify and freeze terrorist assets without delay—that is Special Recommendation III;
- (2) implementing adequate procedures for the confiscation of funds related to money laundering;
- (3) establishing a full operational and effectively functioning FIU including supervisory powers—Recommendation XXVI.

Since then, this Government has adopted an aggressive and rigorous plan of action to address these deficiencies. It is for this reason that in February 2011, the Financial Intelligence Unit Regulations were laid in this Parliament. These regulations instituted mechanisms to ensure that the FIU could effectively fulfil its mandate under the FIU Act and, in particular, give the FIU the legislative teeth to regulate listed businesses as identified in the Proceeds of Crime Act (POCA).

Hon. Members may recall that this Government came to this very Parliament in April of this year to amend the FIU Act. This was necessary to allow the FIU to exercise its supervisory powers over non-regulated financial institutions and listed businesses. Mr. Speaker, in addition, we are intent on criminalizing the trafficking in persons. This is a Bill that was approved for passage and for amendments in this House from the other place. This Act will bring Trinidad and Tobago closer toward our goal of criminalizing all predicate offences to money laundering as required by FATF Recommendation I.

Pursuant to this Government's plan of action, the objective of this Bill is to implement measures to identify and freeze terrorist assets without delay to meet Special Recommendation III of the FATF. Special

Recommendation III requires jurisdictions to implement laws and procedures to freeze terrorist assets in accordance with United Nations Security Council Resolutions 1267 and 1373.

Resolution 1267 establishes a regime to sanction individuals and entities associated with Al Qaeda, Osama Bin Laden and/or the Taliban, wherever located. Through this resolution, the Security Council urges states to freeze without delay the property, funds and other financial assets or economic resources owned or controlled directly or indirectly by terrorist entities.

In addition to reinforcing the sanctions and Resolution 1267, Resolution 1373 urges jurisdictions to prohibit their nationals from financing terrorism. It further calls upon states to implement measures to freeze the assets of persons who commit, attempt to commit, participate in or facilitate the commission of terrorist acts.

This Bill will bring our domestic legislative framework into accord with Special Recommendation III of the FATF. Permit me, therefore, Mr. Speaker and hon. Members, to address you on the salient aspects of this amendment Bill.

Clause 1 of the Bill sets out the short title and reads:

“This Act may be cited as the Anti-Terrorism (Amendment) Act, 2011.”

At clause 3 of the Bill, section 2 of the Anti-Terrorism Act is amended by deleting the existing definition of the term “financial institution” and replacing it with a definition of “financial institution” provided in the Proceeds of Crime Act. The effect of this amendment is to widen the scope of financial institutions, which will now be subjected to the provisions of the Anti-Terrorism Act.

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Clause 4 of the Bill is a pivotal amendment geared toward rectifying the deficiencies in the asset freezing mechanism established by the Anti-Terrorism (Amdt.) Act, 2010. This clause inserts sections 22AA and 22AB.

Section 22AA defines the term “designated entities” as individuals or entities and their associates designated as terrorist entities by the Security Council of the United Nations. This section also identifies the functions of the FIU in relation to the listing procedure under section 22B of the Anti-Terrorism Act as amended. In particular, the FIU would be required to maintain and circulate an updated list of designated entities to financial institutions and listed businesses.

Clause 4 also proposes the insertion of section 22AB, which would mandate financial institutions and listed businesses to make reports without delay to the FIU, where they know or have reasonable grounds to suspect that a designated entity has funds in Trinidad and Tobago.

In this regard, this is an opportune moment to mention that, at the committee stage, we intend to propose the insertion of a new provision into clause 4 that will specify the procedure that must be adopted by financial institutions or listed businesses when they receive the list of designated entities or the consolidated list.

This amendment intends to introduce a system whereby financial institutions or listed businesses shall immediately inform the FIU if any person or entity named on either list, with funds within the organization, attempts to enter into a transaction or to continue a business relationship. This amendment prohibits financial institutions or listed businesses from entering into such transactions without the prior approval of the FIU.

Further, in recognition of the serious implications of being designated a listed entity under the legislation, this new insertion proposes that where a

financial institution or listed business has reasonable grounds to believe that a person or entity named on either list has funds in Trinidad and Tobago, reasonable steps shall be taken to verify the identity of the person or entity.

Clause 5 of the Bill proposes a critical amendment to section 22B of the Anti-Terrorism Act as amended. Section 22B empowers the court, in certain circumstances, to make an order declaring an entity to be a listed entity and freezing the funds of that listed entity.

The amendment at clause 5 of this Bill provides that where an order is served on a financial institution or listed business pursuant to section 22B, action shall be taken immediately to restrict the availability of funds, subject to the order in accordance with the terms of that order.

Clause 6 of the Bill proposes an amendment to section 22C of the Act. It essentially prevents financial institutions or listed businesses from entering or continuing a business transaction or relationship with a person or designated entity which appears on the consolidated list of foreign and local designated entities without the prior approval of the FIU.

Mr. Speaker, it would also impose an obligation on the part of the financial institutions and listed businesses to make suspicious activity or suspicious transaction reports to the FIU, where an attempt is made by any person or designated entity to enter or continue a business transaction or relationship.

Other amendments within clause 6 address record-keeping requirements; developing and implementing a written compliance programme; and monitoring compliance with regulations by a financial institution and listed business.

1.50 p.m.

Clause 8 of the Bill, Mr. Speaker, amends section 41 of the Act to

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empower the Minister to whom the responsibility of the FIU is assigned, to make regulations under the Anti-Terrorism Act. Most notably, these regulations allow the Minister to prescribe the type of records and periods for which these records should be kept by financial institutions and listed businesses. It also allows the Minister to prescribe the measures that may be taken by a supervisory authority to secure compliance with the Anti-Terrorism Act.

Mr. Speaker, clause 9 of the Bill proposes the insertion of section 42(1). This insertion prescribes the penalty for breaches of certain provisions in the Anti-Terrorism Act. Accordingly, in recognition of the seriousness of the offences, under section 22C(1), (1A), (2) and (3), it is proposed that financial institutions and listed business are:

“...liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and on conviction on indictment, to a fine of two million dollars and to imprisonment for seven years;”

Further, Mr. Speaker, a financial institution or listed business that fails to comply with—

“Regulations made under section 41(2) is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years.”

Mr. Speaker, terrorist groups such as Al-Qaida, the Taliban and affiliated groups have ready access to funding from various sources. These sources include states which support terrorist activity, the proceeds from the illicit drug trade and deep pocket donors sympathetic to the terrorist cause. Collectively, these sources provide terrorist organizations with hundreds of millions of dollars per year to execute deadly threats around the globe. For

example, Mr. Speaker, in 2006, the United States Department of Treasury assigned nine persons and two entities in Paraguay, to the treasure list of terrorist and terrorist financiers which is akin to the proposed consolidated list.

This action by the United States stifled a major fund-raising channel for Hizballah, operating in the tri-border area of Argentina, Brazil and Paraguay. One of the designated persons on the list is Ali Muhammad Kazan, who helped raise more than \$500,000 for Hizballah from Lebanese businessmen in the tri-border region.

Mr. Speaker, I can continue all day calling a then inexhaustible list of names and listed entities that fund terrorist organizations, but the conclusion will still be the same: Trinidad and Tobago must join with the international community in addressing the scourge of terrorism in all its manifestations. Terrorist financing is the bloodline of terrorism in any jurisdiction and in order to counteract or diminish and finally eradicate terrorist activity, it is necessary to sever the arteries that pump life into the heart of these terrorist organizations.

Mr. Speaker, in this regard only yesterday the Cabinet agreed to accept offers extended by the Director of the Department of Public Security of the Organization of American States to the Government of Trinidad and Tobago, through the Ministry of National Security. These offers include an offer to provide equipment and software to facilitate the development and execution of a National Republic Security Observatory on crime and violence in the Caribbean, and also to provide one dot peen pin marking machine to assist in the proper identification of firearms and to improve the exchange of information and experiences, in the context of combating illegal criminal activities utilizing firearms.

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This offer, Mr. Speaker, was accepted, and in collaboration with the United Nations Office on Drugs and Crime, Cabinet also authorized the Minister of National Security to enter into an agreement with the General Secretariat of the OAS for the execution of these projects. Of course, in the interest of complementary crime fighting mechanisms in our region, it is noteworthy that the offer was also sent and accepted by Antigua and Barbuda, Barbados, Belize, Jamaica and St. Kitts and Nevis.

Mr. Speaker, the establishment of sanctions and the implementation of preventive measures outlined in this Bill are indicative of this Government's commitment to further comply with the FATF recommendations. These amendments provide proof of our willingness as a Government to move toward global compliance and to build a culture of international cooperation in the fight against terrorism and terrorist financing. Mr. Speaker, having regard to the foregoing submissions, I commend the Anti-Terrorism (Amdt.) Bill, 2011 to this honourable House and, most respectfully, beg to move.

[Desk thumping]

Mr. Sharma: Well done! *[Desk thumping]*

Question proposed.

Miss Donna Cox (Laventille East/Morvant): *[Crosstalk]* Thank you very much, Mr. Speaker. *[Crosstalk]* Mr. Speaker, I rise to speak on the Anti-Terrorism (Amdt.) Bill, 2011, which seeks to amend the Anti-Terrorism Act, Chap. 12:07. *[Crosstalk]*

Miss Mc Donald: Today is our cricket day “doh worry”.

Miss D. Cox: Mr. Speaker, I must state that it was the PNM government—

Hon. Member: “Ohooo!”

Miss D. Cox: Yes, it was. “Yuh know I must say that.” *[Desk thumping]*

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and crosstalk] And I repeat. [*Crosstalk*] It was the PNM government in 2005, which first brought this Bill to this Parliament which we seek to amend today.

Mr. Speaker, you were in another or, perhaps, the other place at the time and all that I will say at this time is that the behaviour of those now in Government, then in Opposition, was very different from what it is today. Mr. Speaker, these are, indeed, important amendments, because the face of the world has changed. Governments are faced with the problem of getting a grip on terrorism and terrorists are made powerful by their source of finance, particularly, emanating from certain parts of the globe.

Mr. Speaker, we are aware that the drug trade and terrorism are not unrelated. We are also aware that the biggest financial problem facing countries worldwide is money laundering. It is, therefore, reasonable to update laws in order to assist in the fight against crime. Mr. Speaker, we on this side stand ready to assist, at all times, in the fight against crime, because it affects all of us. I cannot say the same for those on the opposite side when they were in Opposition because, Mr. Speaker, they opposed every Bill brought in this House which dealt with anti-crime measures. [*Crosstalk*] Check the *Hansard* record!

Mr. Speaker, I am, indeed, concerned about some aspects of this Bill. We accept that we may have to give authorities like the police, the FIU and other intelligence agencies extraordinary powers, because the normal criminal law may slant the field in favour of terrorists. Mr. Speaker, my concern is, who is responsible to ensure that persons who have these extraordinary powers do not abuse them? In other words, who will guard the guards?

Mr. Speaker, there should be an independent person or body to review

the operation of these bodies like the FIU and report to Parliament. Legislation of this nature must come with checks and balances. In many countries, for example, in England, there is an independent reviewer to ensure that abuse of power does not take place.

Mr. Speaker, the tradition of independent review of terrorism legislation dates back to the 1970s in the UK. The reviewer's function is to look at the use made of the statutory powers relating to terrorism and to consider whether any change in the pattern of their use needed to be drawn to the attention of Parliament. The reviewer has access to all relevant papers including sensitive information and ministerial correspondence.

Mr. Speaker, I quote from a report of an independent reviewer of terrorism law in England, Andrew Lynch QC, who states the type of person an independent reviewer should be, and I quote:

“He or she would not be a judge but a person whose reputation would lend authority to his conclusions because some of the information which led him to his conclusions would not be published.”

Mr. Speaker, there is also an office in Australia called the National Security Legislation Monitor, and this office reviews anti-terrorism laws. Mr. Speaker, in light of the abuses that a person may encounter when these pieces of legislation are in effect, I want to refer to an incident which took place in England last year. I was very happy to hear the Minister of National Security speak about his experience with the visit of the Pope.

Mr. Speaker, six men were arrested during the papal visit last year. They were street cleaners who were all Muslims of North African origin. They were seized at gunpoint on the basis of a “barely credible” tip off. Mr. Speaker, they were never involved in any plot to kill the Pope, but it was later discovered that their arrest was prompted by a canteen joke.

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Mr. Speaker, a report was submitted by Mr. David Anderson QC, who is the independent reviewer of terrorism legislation in England. In his report he stated that, and I quote:

“...police must avoid the temptation to abuse anti-terrorism laws by using them as a net to round up innocent people.”

Mr. Speaker, in the report, he found that, and I quote:

“There is no reason to believe with the benefit of hindsight that any of the arrested men were involved in a plot to kill the Pope or indeed that any such plot existed.”

Mr. Speaker, this information was taken from a newspaper *The Independent* dated Tuesday, May 17 this year. Mr. Speaker, that was a clear case of profiling. It shows how important it is that when persons are appointed to position and given extraordinary powers, they must be insulated from political, racial or other social influences as much as possible. That is why we objected to the fact that an individual was appointed as director of the Financial Intelligence Unit without the proper procedures being followed. We will continue to raise our voices on this matter until the right thing is done.

Mr. Speaker, I want it to be clear that our objection was not because of who the person is, but the manner in which the person was appointed, and that is why this appointment was supposed to be under the control of the Public Service Commission. This, Mr. Speaker, must not be allowed to happen again, given the sensitive nature of the position, because, Mr. Speaker, in this legislation there is reference made to the FIU.

It is, indeed, Mr. Speaker, the start of a short walk to totalitarianism and dictatorship which our Constitution's framers attempted to guard against, but which those opposite are determined to carry us toward. This is

the reason there are bodies such as the Police Service Commission and the Public Service Commission, and that is also the reason we objected to a sitting politician being appointed to a commission which is supposed to be independent.

Mr. Speaker, the national community is awakening and listening to the cautionary words of the PNM and our leader. Over the coming days and months. [*Desk thumping*] there will continue to be many occasions for us to say, “We told you so.”

Mr. Speaker, there is also a body such as oftel which is a department in the UK government under civil service control charged with promoting competition, and it maintains the interest of consumers in the UK telecommunications market. So there are many bodies that review legislation.

Mr. Speaker, in institutions such as the FIU, confidentiality is very important, because persons in that unit will be privy to financial information. Most people in Trinidad and Tobago are related in some way; by batch, by school, work, family and friendships. I am aware that this is, indeed, an overall problem of governance in small states, because most people know each other. So, Mr. Speaker, in relation to these stringent powers being exercised in this legislation, I observed that there is very little form of redress if they are abused.

Mr. Speaker, this Bill creates huge paperwork requirements for listed businesses, ordinary persons and financial institutions. I was speaking to some persons with listed businesses recently, and they stated that because of the compliance requirements, this legislation would make it difficult for some sole practitioners to survive.

Mr. Speaker, clause 6c in subsection 2(ii)(c), (d) and (e) deals with the

keeping of records, developing and implementing a written compliance programme and monitoring compliance with regulations by a financial institution and listed business. Mr. Speaker, with regard to this amendment, I have not seen any reference as to who will ensure this compliance on each and every financial institution in Trinidad and Tobago. I need that to be clear. Mr. Speaker, this is typical of this UNC-led coalition Government. They come with Bill after Bill without thought as to how the legislation will be operationalized, and this amendment calls for extensive work in the private sector, and the Government must, therefore, ensure that there is compliance.

Mr. Speaker, I move to clause 8, which provides for the Minister to make regulations under the Act. Mr. Speaker, this is telling me that someone external to the financial institutions will tell them how to run their business, how to keep their records and what compliance programmes they should have. Who will be advising the Minister on this?

Mr. Speaker, did any consultation with regard to these amendments take place between the Government and financial institutions, the Bankers Association, the Commissioner of Cooperatives or any other association that represents less weighty financial institutions? I would like to know. Did consultation take place?

Mr. Speaker, consideration must be given to how financing of terrorism occurs, not only through the use of illegally obtained funds, but also through financing derived from legitimate sources such as charitable donations which are diverted for use in terrorist activities.

Additionally, Mr. Speaker, funds for terrorism may come from legitimate and illegal sources, and understanding how terrorist groups are financed remains an important means of preventing them from functioning,

thus minimizing the risk of attack.

Mr. Speaker, according to an article from the Department of Foreign Affairs and Trade in Australia, in South-east Asia, it is believed that charities are the second most important sources of funds for regional terrorist groups. In light of these facts, the increased regulations of the financial sector may lead to further exploitation of the less regulated charity sector.

Mr. Speaker, I believe that one of the most effective ways to ensure compliance with current regulatory arrangements is for the Government to interact closely with the relevant stakeholders ensuring that those at risk of becoming involved in financing terrorism understand the laws that are in place. This will help not only to increase compliance with those laws, but also minimize the risk of terrorist attacks occurring in the future.

2.10 p.m.

Speaking about minimizing the risk and preventative measures, I am indeed concerned that a Jamaican dancehall artiste was allowed into this country. He has a history of spewing lyrics pertaining to violence, gun violence and violence against gays. Mr. Speaker, imagine a man who is currently banned from several Caribbean countries, including Trinidad and Tobago, and this ban took effect because of the fact that most countries were trying to deal and grapple with their crime situation.

David Constantine Brooks, better known as Movado, was allowed entry into Trinidad and Tobago this year, despite the fact that a ban is in place. We are here discussing preventative measures with regards to terrorist activities, and yet, this Government allowed a notorious dancehall artiste to enter our country despite the fact that a ban was imposed on this individual. This was a serious policy decision made by a government—this was a principled decision. How can an exception be made at the behest of a

promoter? This is an unexplained exemption to an individual breach of a serious policy decision, and if a ban was placed on an individual, why was he allowed in? Are they serious about crime? Are they serious about putting serious, effective anti-crime measures in place?

Mr. Speaker, with regard to this legislation, which deals with anti-terrorism—am I to assume that someone or some financial institution might be exempted from fulfilling the requirements in this Bill based on a request; based on who they are; based on who intervenes on their behalf? I am indeed concerned. Are we to expect the same behaviour by this Government, based on the stringent financial measures placed in the amendments to this legislation? I can imagine many persons wanting exemptions. Many will wish they can skip the paper work and I could only hope that this UNC-led government, elected by the people of Trinidad and Tobago, will act responsibly. Mr. Speaker, from what I see taking place so far, I urge the people of Trinidad and Tobago to pray because it is only God alone can help us. [*Desk thumping*]

Mr. Speaker, I move on to the criminal sanctions proposed in Clause 9 of the Bill, which appear to be harsh, considering the potential for errors and omissions in the monitoring, analysis and reporting processes, required to be undertaken by financial institutions and listed businesses. Further, the section does not require the proof of any specific criminal intent on the part of the directors, officers, and agents of a financial institution or listed business, in order for the sanction to be imposed. This is despite the references to directing, authorizing, acquiescing in the commission of the relevant offences in section 42(2)(a).

The proposed criminal sanctions are indeed harsh when viewed in the context of omissions of directors, officers or agents in section 42(2)(b).

Mr. Speaker, this clause creates offences of strict liability for financial institutions, but I understand that it may be deemed necessary under the international conventions regarding banking responsibilities. However, it is greater evidence that the powers of this Bill will benefit greatly if there is an independent reviewer or body. This will ensure transparency and will seek to prevent an abuse of process in terms of proportionality, taking into consideration the extensive part the Government has already, in terms of the FIU.

Mr. Speaker, I strongly suggest some consultations be held with the relevant financial institutions as it concerns compliance with these regulations. I hope the Government will consider the points raised, especially with regards to giving extreme powers to institutions and individuals. There should be an independent reviewer or body in place to check on abuses of this legislation, as is the custom in many countries. The process of selection of persons in key positions must also be fair in the eyes of the stakeholders, who happen in this case, to be financial institutions and listed businesses. They must be comfortable knowing that their financial information will not get into the wrong hands.

The Government must also look at charitable donations, which is an area not mentioned in this legislation, but which we grappled with while in government. This can and has been globally used to finance terrorist activities. Continuing education is needed for those individuals, organizations and communities most at risk of becoming involved in funding illegal activities, both intentionally and inadvertently. The Government must also ensure that those at risk of becoming involved in financing of terrorism understand the laws that are in place. I thank you, Mr. Speaker, for the opportunity to contribute on this Bill, and to remind you that we

remain a responsible Opposition.

2.15 p.m.

Mr. Speaker, We are cognizant of the fact that we in this House are here to serve the best interest of the people of Trinidad and Tobago.

I thank you.

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):

Mr. Speaker, thank you for allowing me to participate in this debate on the Anti-Terrorism (Amdt.) Bill, 2011.

I begin by responding to hon. Member for Laventille East/Morvant, to indicate that this Government, while we were in Opposition, did support that administration in terms of three pieces of legislation: the Police Service Bill, the Constitution (Amdt.) Bill and the Police Reform Bill.

Miss Cox: Out of how many?

Hon. Dr. S. Rambachan: I say this, because there are times in the life of a Parliament and in the life of a political entity, when you have to look beyond the narrow political ambitions, and when you have to consider what the national good of the country is and, therefore, rise for what is the national good. When the national good required the then Opposition, which today is the Government of Trinidad and Tobago, as the People's Partnership, to rise in the interest of the people and in defence of the people, we rose. [*Desk thumping*] That is why today we have risen to be the People's Partnership Government in Trinidad and Tobago, because our interest in Opposition was always national and will continue to be national and serve the national interest at all times.

Mr. Speaker, I wish to thank you for responding to my request to read parts of my contribution this afternoon. I thank you very sincerely for your response.

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I want to go back a little into the history of this amendment which we are dealing with, because I think it is important to understand the context, both domestic and international, in terms of what we are talking about. Trinidad and Tobago acceded to the International Convention for the Suppression of the Financing of Terrorism on September 23, 2009. This Convention was adopted by the UN General Assembly on December 09, 1999, and entered into force on April 10, 2002. So there is a history of about 12 years that this matter is being dealt with.

With the accession to the convention, Trinidad and Tobago became a party to 12 of the principal anti-terrorism conventions to which all state parties to the Charter of the United Nations have been urged to become parties, as part of what is an international effort to confront and combat terrorism. Terrorism is at our doors. We must never fail to be vigilant about terrorism and the presence of terrorism in our midst, disguised as they are under all kinds of organizations and connections.

These 12 international instruments are:

- International Convention Against the Taking of Hostages;
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents;
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platform Located on the Continental Shelf;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- Convention for the Suppression of Unlawful Seizure of Aircraft;

- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;
- Convention on the Physical Protection of Nuclear Material;
- Convention on the Making of Plastic Explosives for the purpose of detection;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation;
- International Convention for the Suppression of Terrorists Bombings; and
- International Convention for the Suppression of the Financing of Terrorism.

Trinidad and Tobago, therefore, became a party to all 12 of the principal anti-terrorism conventions to which state parties to the Charter of the UN have been urged to become parties as part of the international efforts to confront and combat terrorism.

With respect to the genesis of this convention, I would like to address a few comments. With a view to enhancing its involvement in counterterrorism efforts, the United Nations General Assembly established, pursuant to Resolution 51/210 of December 17, 1996, an ad hoc committee to elaborate two draft conventions aiming to combat terrorist bombings and nuclear terrorism.

At the start, the committee's mandate did not extend to the issue of the

financing of terrorism. In fact, the mandate was, however, expanded to encompass eventually, the financing of terrorism. The work of the ad hoc committee led to the drafting of the Convention for the Suppression of the Financing of Terrorism. Eventually on September 23, 1998, at the UN General Assembly, it was France who proposed a convention for the suppression of terrorist financing. This proposal was designed to close the lacuna in the international law with respect to terrorism.

Mr. Speaker, broad international support for the convention was signalled on December 09, 1999, through Resolution 54/109, when the convention was adopted without a vote by the United Nations General Assembly in New York. This instrument sought to bring about the prosecution of persons accused of involvement in financing terrorist activity, and it sought to do so by obliging state parties to prosecute or extradite them to another state that has established the jurisdiction to try them.

Mr. Speaker, states are mandated to adopt several measures to prevent and counteract the financing of terrorism. This emphasis on the financing of terrorism considerably widened the scope of international instruments to combat terrorism. Earlier counterterrorism conventions have been described as sectoral. They dealt with specific types of terrorist activity. But this convention instead targets all terrorists and would-be terrorists, but more importantly, seeks to dry up their source of funds. In other words, the object and purpose is to decapitate the proverbial monster.

That is what is important; you need to dry up the source of their fund. Therefore, this is what this convention is; this is what we are trying to do here today also, to make sure that you dry up the source of funds of these people. [*Interruption*]

Mrs. Gopee-Scoon: Even FIFA ones?

Hon. Dr. S. Rambachan: Mr. Speaker, I hope that the funds that are now being enjoyed at restaurant tables in Florida will also be dried up very soon.

[*Laughter*] [*Crosstalk*]

The adoption of this convention was the outcome of a global recognition that the availability of funds for terrorist activity and the ability to move such funds together, empower terrorists and, therefore, facilitate terrorism. It was also recognized that there exists a discernible relationship between what is described as ordinary criminal activity and the financing of terrorist activity. Indeed, these concerns had already been articulated in the 1996 General Assembly Resolution 51/210, on measures to eliminate international terrorism, in which states in paragraph 3(f) were called upon to act to prevent and counteract the financing of terrorist organizations:

“whether such financing is direct or indirect through organizations which also have or claim to have charitable,”—which the Member referred to—“social or cultural goals or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering.”

In the *Ottawa Citizen* of May 07, 2011, in an article entitled, “Gadhafi charity in Canada linked to terrorism” by Gary Dimmock it says, and I quote:

“The Harper government has revoked the registration of a longtime Canadian charity that it says was established as a front by Libyan ruler Moammar Gadhafi to funnel money to terrorists the world over—including a Muslim militant cell implicated in a 2007 plot to blow up JFK airport in New York City.

According to government documents obtained by the Citizen, the World Islamic Call Society, based in London, Ont., has been

transferring money from Gadhafi's 'Jihad fund' to bank accounts of known terrorists.

A payment of \$170,814.20 was made to Jamaat al-Muslimeen, a terrorist group known for a campaign of rape, torture and murder, according to the documents. The same group once attempted to overthrow the elected government of Trinidad and Tobago.

Canada Revenue Agency financial documents also show"—according to this report in the *Ottawa Citizen*—"that the Canadian charity referred to transferred \$10,000 directly to the terrorist group's leader, Yasin Abu Bakr."

This is what is reported in the *Ottawa Citizen*, and that is what I am reading from.

The Member for Laventille East/Morvant made a good point in terms of how charitable organizations or individual accounts could be used to indirectly finance terrorist activities. It says here:

"In Gadhafi's scheme, according to federal government files, money was wired in U.S. funds to the personal bank account of Assem Fadel, then transferred to the bank account of the World Islamic Call Society's Canadian branch, only to be distributed to known terrorist organizations."

It is a long article. I just wanted to make the point that, yes, they do use different kinds of indirect means to finance terrorist activities, and therefore one must be alert, because right here one is referred to in Trinidad and Tobago, and we know that people have just been prosecuted in the US courts with respect to the 2007 discovery of the plot to blow up the JFK headquarters and so on, and the tanks of fuel and what have you. So the Bill being piloted today will bring Trinidad and Tobago into further

compliance with the convention, and with a series of additional United Nations Security Council resolutions which aim to restrict and eliminate the source of funds to designated or specified terrorist entities.

Mr. Speaker, the Security Council Committee was established in accordance with paragraph 6 of Resolution 1267 in 1999, with regard to Al-Qaida, the Taliban and associated individuals and entities overseas, the implementation by states of the sanctions imposed by the Security Council on the leadership as well as individuals and entities associated with the Taliban and Al-Qaida organization. These measures include: assets freeze, a travel ban and arms embargo.

The Security Council Committee maintains a consolidated list of individuals and entities that are subject to the sanction's measures.

2.30 p.m.

Mr. Speaker, there are several resolutions by which the security council requires all states to carry out the following actions with regard to the individuals on the consolidated list, and these are important, firstly:

- Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.
- Prevent the entry into or the transit through their territories of these individuals on the Consolidated List; and
- Prevent the direct or indirect supply, sale, or transfer of arms

and related material, including military and paramilitary equipment; technical advice, assistance or training related to military activities, with regard to the individuals, groups, undertakings and entities placed on the Consolidated List.

The consolidated list consists of four sections, specified below:

- A. Individuals associated with the Taliban;
- B. Entities and other groups and undertakings associated with the Taliban;
- C. Individuals associated with Al-Qaida; and
- D. Entities and other groups and undertakings associated with Al-Qaida.

Mr. Speaker, the Security Council Resolutions and the Convention work in tandem. There is a 2009 article written by Prof. Pierre Klein, who is a famous professor and Director of the Centre for International Law at the Université libre de Bruxelles, in which he said that the Convention had only moderate success initially. It had not yet come into force in 2001 at the time of the September 11th attack on the United States in New York, but that attack forged a new international consensus on terrorist financing and precipitated the adoption by the United Nations Security Council Resolution 1373 of 2001 on September 28, 2001.

The United Nations Security Council determined that, on the basis of Chapter VII of the United Nations Charter, states are responsible for the prevention and punishment of the financing of terrorism. We are responsible to prevent, but not only prevent but punish the financing of terrorism and this responsibility was to be fulfilled through criminalizing the provision of funds by their nationals or the provision of funds in their territories which will be used to implement acts of terrorism.

Mr. Speaker, that Security Council Resolution 1373 of 2001 also placed additional responsibilities on states and these responsibilities are what encompass the main features of the convention. The combination of obligations assumed in the convention together with the obligations subsumed in Resolution 1373 meant that the critical aspects of the convention became binding not just on state parties to the convention but on all member states to the United Nations. The effectiveness, therefore, of the international legal framework for combating the financing of terrorism was bolstered and was strengthened by the combined impetus of the convention and the resolution.

Mr. Speaker, we are members of the United Nations also and we are a state party to all of this. Resolution 1373 requires states, therefore, to work urgently to prevent and suppress terrorist acts, including increased cooperation and full implementation of the relevant international conventions. Resolution 1373 recognizes the need for states to complement international cooperation by taking additional measures, in their territories through all lawful means, to prevent and suppress the financing and preparation of any acts of terrorism. This matter of terrorism is a concern all over the world.

I have here another report posted by Global MB on April 01, 2010: “Macedonian Government investigates IRRO in connection with extremism and terrorist financing.” Canadian Government, April 29, 2010: “Canadian Government concerned about suspended Canadian charity and ties to terrorism.” It is a matter that is of governments worldwide, and what we need to do is to ensure that our legislation is strong, because it is in countries where these pieces of legislation do not exist and where these groups feel they can do things freely and utilize what might seem to be a kind of

freedom because the law is not there. We have to strengthen our laws to prevent them from coming in here and taking advantage of what they may perceive to be loopholes in the law.

Mr. Speaker paragraph 8 of Resolution 1390 urges all states to take immediate steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating on their territory, to prevent and punish violations of the requirement to freeze assets, to prevent the transit of designated individuals and to prevent the sale of arms and military equipment to designated individuals and entities.

Mr. Speaker, it is when this money can flow freely that people get the money to buy the arms and buy the military equipment and then use it against decent citizens. States were further urged to inform the committee of the adoption of such measures. Resolution 1390 also invites states to report the results of all related investigations or enforcement actions to the committee unless to do so would compromise the investigation or enforcement actions.

Mr. Speaker, what is terrorism? The convention defines terrorism as:
“Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.”
That is what the convention defines terrorism as, and it is worth repeating.

“Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a

situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.”

Threat: it is a form of threat in which they are prepared to kill you, seriously hurt you or maim you, or maybe not you, your family or maybe your children; that is how terrorists work. Terrorists do not have a heart; terrorists do not care about their own lives much less your life or the life of members of your family. Mr. Speaker, you remember we had here in Trinidad the bombings or whatever used to—the explosions that used to take place on the streets and there is one woman who lost her leg and today she suffers so much agony and pain from that incident, it continues. *[Interruption]* We must never think that that is not possible here and this is why we must move together in order to dry up the source of all of this funding; dry it up, bring it to an end and deal with it. Deal with it!

Mr. Speaker, the convention requires Trinidad and Tobago to adopt measures to criminalize—and I emphasize the word “criminalize”—the funding of terrorist activities and identify, detect and seize or free funds used or allocated for terrorist purposes. It also requires Trinidad and Tobago to prosecute or extradite individuals suspected of unlawful involvement, direct or indirect, in the financing of terrorism. It also requires us to cooperate with other state parties in the investigation and prosecution of suspects, because this is a trans-border kind of activity; transnational.

Mr. Speaker, the convention further requires that financial institutions utilize the most efficient measures available for the identification of their usual or occasional customers, as well as customers in whose interest accounts are opened and to pay special attention to unusual or suspicious transactions and report transactions suspected of stemming from a criminal

activity.

Mr. Speaker, that is a very interesting bit, because as I understand it, if you deposit less than \$60,000 in a bank account you do not have to explain the amount, so the banks have to be very careful that somebody could be depositing \$40,000; \$45,000; \$50,000; but it is depositing—

Dr. Gopeesingh: Often.

Hon. Dr. S. Rambachan:—often, so you have to be very, very alert in the banks. So this matter is not a matter just for governments you know—if we are really concerned as citizens about fighting terrorism in this country, then at all levels we have to be very careful and very alert as to where money is coming from and how money is being deposited.

For example, somebody buying a piece of land from you and they come to you and say, “I will pay you in cash”, should you take \$300,000 in cash? Even if you go to the bank and say, look, this is where I got this money, where did the other person get \$300,000 in cash? Why is it that they did not bring you a bank draft? So, even the ordinary citizen has to be very careful.

Dr. Gopeesingh: Purchasing a car.

Hon. Dr. S. Rambachan: Yes, or purchasing a car. Of course, there are other cases that happened in this country that may not have reached the media, where people came, bought land and paid cash and they did so, let us say, five o’clock in the afternoon and by eight o’clock in the evening they were also robbed of the cash after they transferred the land to people. *[Laughter]* *[Interruption]* This has happened in this country. So, one has to be very careful and very alert to how these things happen. Then there are other aspects of money laundering that take place in the country. So, even the banks have to be careful that while they talk about \$60,000; the

frequencies with which certain amounts are deposited also have to be considered.

Mr. Speaker, my point though is that we must be part of the criminalizing of the funding of terrorist activities in our country.

Dr. Gopeesingh: Part of the prevention also.

Hon. Dr. S. Rambachan: And prevent, yes. Mr. Speaker, by Act No. 26 of 2005, the Anti-Terrorism Act, Trinidad and Tobago did seek to criminalize terrorism and to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities, but this Act did not give comprehensive effect to Trinidad and Tobago's obligations.

Five years later by Act No. 2 of 2010 an attempt was made to implement Trinidad and Tobago's obligations under the Convention, which I was speaking about, and the associated United Nations Resolutions by criminalizing the financing of terrorism. This 2010 Act does attempt to place restrictions on entities that have been designated as terrorist entities by the United Nations, but it did not create the institutional infrastructure that is necessary to place a stranglehold on the activities of these designated entities.

So, Mr. Speaker, there is the need for institutional strengthening and in order for swift and effective action to be taken with regard to terrorist entities designated by the UN Security Council, it is therefore necessary for a local institution to be charged with the responsibility of maintaining a list or register of these designated entities. This local institution will be required to monitor the UN list to ensure it is updated and most importantly will have to be made responsible for notifying financial institutions of the list in order to ascertain whether the entities on the list have funds in Trinidad and Tobago.

Mr. Speaker, by ascribing these responsibilities to the Financial Intelligence Unit, clause 4 of the Bill, which was referred to by the hon. Minister of National Security, seeks to ensure the establishment of the necessary institutional framework to give tangible legal effect to Trinidad and Tobago's international obligations in the multilateral struggle against terrorism, and I note that. Mr. Speaker, I really want to emphasize this, this is no one country's job, and this is a job, a multilateral approach to fighting terrorism. Terrorism is a global thing and requires a global response, and what we are doing here today is being part of that global fight against terrorism and the little statement we make here today in terms of this amendment is an important statement that will be made to the international community and will demonstrate to the international community that Trinidad and Tobago is a serious country, serious in terms of seeking a world in which there is peace, serious in seeking a world in which citizens can move freely in their own countries and in other countries and to do so without the threat of being maimed, or the threat of being hurt, or the threat of being killed.

2.45 p.m.

Trinidad and Tobago will stand out as a country that is peace loving. Trinidad and Tobago will stand out as a country that seeks to join forces with the international world to strike against those who want to strike us, the peaceful, strike us down. That is an important statement for a small country like Trinidad and Tobago to make. Therefore, by ascribing these responsibilities to the FIU, clause 4 of the Bill seeks to ensure the establishment of the necessary institutional framework to give tangible legal effect to Trinidad and Tobago's international obligations in the multilateral struggle against terrorism.

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Mr. Speaker, further to this, the 2010 amendment requires the Attorney General to seek judicial orders in respect of designated authorities. However, there was no proper system to ensure that the Attorney General is kept abreast of developments with regard to the list, and that he has information required to seek orders of the court with regard to the designated entities. This proposed Bill charges the FIU with that responsibility and authorizes that institution to compile a list of court orders, and circulate such orders to the financial institutions. That is an important addition, therefore, in this Bill, in terms of this responsibility, and to allow the Attorney General to be kept abreast of developments.

Mr. Speaker, this Bill recognizes the need for specific duties to be ascribed to an implementing agency. Having been strengthened by amendments recently proposed by the People's Partnership Government to the FIU, the FIU is therefore well placed to carry out these important duties. And the Member for Laventille East/Morvant was asking who is going to carry out these duties. The FIU is well placed to do this. This Bill evinces the coherent and strategic approach of this Government towards ridding Trinidad and Tobago of every trace of criminal element, whether national or transnational. As you will see, though small they are in terms of achievements—the Ministry of National Security under the distinguished leadership of the hon. Minister—they have been doing things that are bringing a ray of hope to citizens that crime is being attacked in a very serious way by the People's Partnership Government. [*Desk thumping*]

The Minister of National Security deserves commendation for the leadership he is showing and for the brave and courageous way in which he is going forward, systematic and planned in terms of dealing with crime, including a holistic approach in dealing with people in our society who for

one reason or the other have fallen through the cracks. So it is not just in the area of legislation that we are working, but it is also working holistically in order to deal with the crime element.

We are all aware of the heinous acts that the well-financed terrorist organization can commit. We read it every day in the newspapers, and we sit back and we look at it, and we read it and we see it on television, and we somehow become immune to what we are seeing. It is something we once used see as being made up on movies, but it plays out before our eyes and now it plays out in real time. We are seeing people killed, we are seeing people bombed. It is real time. Member for Diego Martin Central, I do not know; we have become immune, immune to it, right. This attack on lives, to see young children being used, young children being used by, placing bombs on them to go and bomb places.

Mr. Speaker, sometimes you really have to ask what kind of world; what kind of world we are living in? You know man's humanity to man, is turning this whole world into almost a cemetery. That is what it is turning this whole world into. It has made living rather difficult to predict, whether you are going to be alive this moment or you are not going to be alive. And for this reason we must join hands, we must join voices, and we must be determined as one unit in this Parliament to ensure that we pass the legislation and do what is right for Trinidad and Tobago and by extension, the world.

2.50 p.m.

Mr. Speaker, we all are aware of the heinous crimes that a well-financed terrorist organization can commit. Consequently, it is imperative that each of the nation's financial institutions act to prevent the financing of terrorism even if the financial institution does not have access to the funds of

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the designated terrorist entity. Consequently, today's amendment extends the reporting requirement imposed on financial institutions and listed businesses. They will now be required not merely to report to the FIU; once they are aware that the designated entity has funds in Trinidad and Tobago, even if such funds are not lodged within the financial institution that is reporting, they will need to do that now, and I think that is an advance on the way that the legislation is framed and what it asked for.

Mr. Speaker, earlier in my contribution, I alluded to the requirement of the United Nations—

Mr. Speaker: Hon. Members, I want to suspend the proceedings until about 3.10 p.m. This sitting is now suspended until 3.10 p.m.

2.51 p.m.: *Sitting suspended.*

3.30 p.m.: *Sitting resumed.*

Mr. Speaker: Hon Members, like the last time, it seems that this particular bug is visiting our Chamber quite frequently, lodging itself in the 1,000 watt halogen bulb and frying itself in the process. The smoke that emitted, therefrom, was another experience that we are having for a second consecutive occasion. So we took all the precautionary measures to ensure that all Members of Parliament are safe and secured. The reason the fire service was called out was to ensure that the safety and security of Members of Parliament are in fact given top priority, so hence the reason for the temporary break. [*Desk thumping*] I am advised that all is well and we can now resume our debate on this very important Bill. Hon. Minister of Foreign Affairs, you may continue.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. Just when we broke, I had alluded earlier to the requirement of the United Nations Security Council, that states take immediate steps to enforce and strengthen, through

legislative enactments or administrative measures, the requirement to cut out the flow of funds to individuals, groups, undertakings and entities associated with members of Al-Qaida and the Taliban. States were also invited to report the results of all related investigations or enforcement actions to the committee, unless to do so would compromise the investigation or enforcement actions. Regular and accurate reporting with regard to measures to implement these restrictions implemented by the UN Security Council can only take place if an institution is charged with implementation on monitoring, and that is what this Bill seeks to achieve by expanding the role of the FIU.

Mr. Speaker, since the legislation seeks to use judicial processes to curtail terrorism, it is important and imperative for the provisions of the Bill to dovetail with existing legislative provisions and processes in the judicial system. That is why in clause 5 of the Bill, we seek to insert a new subsection (4A) into the Anti-Terrorism Bill which requires orders to be served on financial institutions or listed business in accordance with Civil Proceedings Rules, 1998. Once served, the institution will be required to take immediate action to restrict the availability of funds as specified in the order.

It is important at all times to remember, that Article 18(b) of the convention requires financial institutions to use the most efficient measures available for the identification of their usual or occasional customers, as well as customers in whose interest accounts are opened and, as I said, to pay special attention to how the deposits are made, an unusual or suspicious transaction, and report transactions suspected of stemming from a criminal activity. Consequently, the Bill seeks to widen the restrictions and obligations placed on financial institutions and listed businesses.

Mr. Speaker, pursuant to clause 6 which provides for insertions to section 22C of the Act, financial institutions and listed businesses are prohibited from entering into or continuing business transactions with designated entities where court orders have been obtained, and they are also prohibited from entering into a business relationship with the entities which appear on the FIU's consolidated list without the permission of the FIU. Additionally, clause 6 amends section 12B, by inserting additional requirements for financial institutions and listed businesses with respect to record keeping and compliance. They are also required to develop and implement a written compliance programme to ensure faithful adherence to the provisions of the Act. In keeping with this provision, the Minister is given extensive powers regarding the records that the financial institution is required to keep, as well as the implementation of their compliance programme.

Mr. Speaker, as I come to the end of my contribution, let me say that the fight against terrorism is universal. This Government, the People's Partnership Government, is mindful that Trinidad and Tobago plays a pivotal role in matters of security in the region and in the hemisphere. Terrorism is a threat to democracy. Terrorism is a threat to economic and social well-being of citizens. The masterminds of terrorist activity must not avail themselves of our financial institutions to carry out the nefarious plots. Our financial institutions must be aware at all times, and I repeat at all times, that unless they practise unwavering vigilance, they may serve as abettors to would-be or actual terrorists. Our Financial Intelligence Unit must at times therefore act in a manner to ensure their compliance.

Mr. Speaker, globally, ever since September 11, 2001, in which 14 Trinidadians perished, there has been heightened concern about security and

terrorism. It would be greatly remiss and naive of us to claim that no specific threats are directed against Trinidad and Tobago. On the contrary, there exists a universal threat to the safe and orderly conduct of normal business and interaction, both nationally and internationally. We, in Trinidad and Tobago, must remain forever mindful of the fact that complacency increases vulnerability, and complacency increases susceptibility. States that are perceived to be weak, states that are perceived to be ill-prepared, are considered opportune targets, and this legislation is intended to make sure that nobody thinks that Trinidad and Tobago is weak and Trinidad and Tobago can be an easy target. We are going to be prepared and we are going to be ready, and in readiness we are going to be preventative. [*Desk thumping*]

In the borderless world which we now inhabit, criminality, like everything else, has become transnational. Trade liberalization and globalization have not been kept within the confines of legitimate business. The benefits of liberalization and globalization have redounded not only upon states. Nefarious individuals and groups have been able to capitalize on the liberalized economies in this technological age to advance their reprehensible agendas. Mr. Speaker, international criminal networks and markets now span numerous jurisdictions. Terrorism, trafficking of drugs, human trafficking, money laundering, which we are all fighting with legislation in this country, have all increased exponentially.

Apart from strong transnational links that exist between established terrorist organizations, it has been noted that cooperation and cohesion, among what I would like to call, these despicable groups, have been greatly enhanced.

3.40 p.m.

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The expansion of these linkages has been aided by the intervention of certain international actors that support an alarming array of terrorist activities. Governments must therefore adapt! Governments must therefore adapt! We live in an open system environment. We must continually adapt our laws and institutional framework in order to respond to these burgeoning threats. Mr. Speaker, we must also evolve.

Evolution demands, not merely a reactive response on the part of those entrusted to govern a country, we must be proactive too. A proactive approach will ensure that Trinidad and Tobago is never viewed as a soft target by would-be terrorists, or as a vehicle through which they can achieve their reprehensible goals.

As those who frame the laws, it is incumbent upon all of us in this august Chamber to ensure that we protect, not only our citizens, but those who fall within the radar of our conscience, and responsibility as a Parliament and as a nation.

Mr. Speaker, I thank you.

Ms. Alicia Hospedales (Arouca/Maloney): Mr. Speaker, thank you. It is a pleasure for me to contribute to this debate on the Anti-Terrorism (Amdt.) Bill, 2011. Mr. Speaker, for the last 12 months, I sat here and I listened well to the Member for Tabaquite contributing during the debate, and even looked at him while he was in his seat and never saw him so happy. Today, he even looks so much younger, [*Desk thumping and laughter*] joyous, and he presented an exuberant contribution.

Mr. Speaker, I want to go to the Bill that is before us today. The Bill comes at a time when there are allegations of thousands of US dollars being brought into this country for the purpose of a bribe. [*Interruption and Crosstalk*] Mr. Speaker,—

Mr. Speaker: Please! I do not know what is the relevance of that in the first instance; focus on the Bill, please. It has nothing to do with bribery or moneys coming into the country, okay? Continue.

Miss A. Hospedales: Mr. Speaker, I am linking it to the Bill.

Mr. Speaker: Do not question me! Just stay away from that and move on.

Ms. A. Hospedales: Mr. Speaker, there are some questions that I would like to ask about some events that occurred over the last few weeks, and it has to do with border security as it pertains to terrorism and terrorist financing. I would like to know and I would like the Members of the Government to answer—if they have the answer—when did the FIFA official arrive in this country? What time?

Mr. Speaker: Member, this Bill has nothing to do with FIFA officials, and it has nothing to do with where you are going. Could you focus on the Bill, or I will tell you resume your seat. Okay. Right!

Ms. A. Hospedales: Mr. Speaker, it has to do with—I am asking these questions as they relate to border security—

Mr. Speaker: Member for Arouca/Maloney, I know where you are going and I am not permitting it here. I am saying to you deal with the Bill that is before us—it deals with the FIU and all sorts of other amendments. This has nothing to do with what you are asking, so please!

Ms. A. Hospedales: Okay, Mr. Speaker. There are some questions I would like to ask with respect to customs and customs officers as it relates to the issue of terrorist financing. Mr. Speaker, I would like to find out—as far as I am aware, customs declaration forms are normally provided to passengers in Trinidad and Tobago, and when these persons are entering the country, they are asked to declare whether or not they have in their possession TT \$20,000 or equivalent, in terms of foreign currency.

Mr. Speaker, what we have seen or what has happened over the last few weeks was actually a breach when it came to security as it relates to customs.

3.45 p.m.

Miss A. Hospedales: Mr. Speaker, we would like to find out—

[Interruption]

Dr. Moonilal: You have nothing to say. “Sound intelligent, nah!”

Miss A. Hospedales: I have plenty to say. Mr. Speaker—*[Interruption]*

Mr. Warner: I thank you.

Miss A. Hospedales: In 2005, when allegations of bribery and election fraud were brought against two government ministers under the then PNM government, the Members of the UNC government, who are seated on the opposite side were most vocal in asking that the Fraud Squad and the Anti-Corruption Bureau investigate the allegations made. Today, we are calling for an investigation into the allegations that have been made against a Government official, and we are asking—*[Interruption]*

Miss Roopnarine: Point of order, Mr. Speaker.

Mr. Speaker: If you persist—*[Interruption and crosstalk]* hon. Member for Arouca/Maloney, you are bordering now on personal reflection on a Member of Parliament and I know who you are talking about and who you know who you are talking about. You cannot “mamaguy” or fool anybody. What I am saying to you is, focus on the Bill, deal with the provisions of the Bill and you will be able to make your 75 minute contribution. But if put persist, I will have to invoke Standing Order 43(1) and ask you to take your seat and call for the next speaker. Okay? Continue, please. *[Interruption]*

Mr. Seemungal: Take “yuh” seat.

Miss A. Hospedales: Okay, Mr. Speaker. What I would like to find out—*[Interruption]*

Mr. Seemungal: Three-quarters of the speech was based on that. She has nothing to say.

Miss A. Hospedales: No, Mr. Speaker. It was in recognition of the serious implications of complex, unusual or large monetary transaction that resulted in the Proceeds of Crime Act, which was enacted in 2000. The Act provides for the confiscation of the proceeds of drug trafficking and other crimes and the criminalization of money laundering.

The Bill before us was brought in 2005, which is the Anti-Terrorism Bill, by the then PNM government as a means of criminalizing the financing of terrorism and providing for the detection, prevention, prosecution of terrorist activities and confiscation, forfeiture and seizure of terrorist assets.

During the same year, the Central Bank published guidelines on combating money laundering and terrorist financing to educate financial institutions and to inform them of ways they could be guilty of aiding terrorist financing if they carried out a transaction knowing that the funds or properties involved are owned or controlled by terrorists or terrorist organizations, or that the transaction is linked to, or likely to be used for, terrorist activity.

Mr. Speaker, the education of the personnel at financial institutions is important because all these institutions are required to have systems in place to ensure full compliance with the provisions of the Anti-Terrorism Act, and this was recognized by the People’s National Movement and as a

result, there were many measures in place to ensure that personnel and financial institutions were educated. They understood what were the requirements and they needed to understand, as well, the measures within which they had to be compliant. All these measures have been put in place—again a PNM government—but we are yet to hear from the UNC Government about their plan to address money laundering and terrorist financing in this country.

Mr. Speaker, once again we can stand and say that they have no plan. They are just—they have no vision, no plan. They have no measures in place. I would like to ask: What measures do you have in place for updating the system, for combating money laundering and terrorist financing? We know; none again. Could the Government also tell us what measures are in place to supervise non-profit organizations? Based on research, it is stated that non-profit organizations are often used by terrorist groups to receive finances, which they then use to execute their terrorist acts. What measures are in place to ensure that terrorist organizations cannot pose as legitimate non-profit organizations? What role does the Strategic Services Agency play in national and international cooperation? Where does the Strategic Intelligence Agency fit in all of this? I am asking this, because in a report by FATF, it was stated that the SIA is one of the agencies that the Financial Intelligence Unit has networked with. I would like to know where does the SIA fits in all of this, because we know that the UNC Government has dismantled that particular intelligence agency.

I would also like to ask: Is the National Anti-Money Laundering Committee still in place? If the answer is no, why? What is the

Government's plan for dealing with the problem of corruption? We have seen many, many, many examples of this and there is one particular issue that is gaining international attention, Mr. Speaker, and we would like to know what the Government intends to do with respect to dealing with the problem of corruption. What measures do you all intend to put in place to ensure that our borders are properly protected and large sums of money do not come into Trinidad and Tobago.

Mr. Speaker, is the Counter Drug Crime Task Force still operational? If the answer is no, could the Government tell us why it is not operational? We would also like to know the Government's plan for training the staff at the Financial Intelligence Unit, because one of the recommendations of FATF is that the staff must be continuously trained and must be up to date, with respect to terrorist financing and the impact of that.

Mr. Speaker, I would also like to ask: Would there be additional staff assigned to the FIU, because based on clause 6 of the Bill, the FIU is to develop a programme of written compliance and to implement it. I am asking: Would there be additional members of staff hired, who would be assigned to ensure that the written compliance measures are actually met and they are implemented by the particular financial institutions?

Again, we look at the issue of monitoring compliance. Clause 6 refers to that; the FIU would be responsible for monitoring compliance. Would there be additional staff who would be responsible for the monitoring?

Clause 9 of the Bill speaks to financial institutions or listed businesses that fail to comply having to pay \$500,000 or be imprisoned

for a period of two years.

I would like to just recommend that the Government consider suspending the licence of these financial institutions for a period of time, because \$500,000, I am sure, for any financial institution, would be a small sum of money to actually pay, and what will happen after that is; they can go back to their state of not being compliant with the regulations or rules of the FIU, and as a result, they would more or less take it for granted that it is just a small sum of money in their eyes and they can pay the small sum of money each time they are found to be non-compliant. I think a more stringent measure should be put in place which, I am suggesting, can be the suspension of their licence.

I would also like to state that many of these agents or financial institutions sometimes commit other offences that should also be considered, especially when it comes to penalizing them.

Mr. Speaker, without further ado, I thank you.

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. After the intervention of the last speaker, I would like to lift the bar of the debate a little and bring some order and some intelligence to the debate, that we can understand the purpose why were are here today. In fact, Mr. Speaker, I would like to bring back some sanity to the debate, so to speak. [*Desk thumping*]

Mr. Speaker, this Bill we are debating today is very relevant, because it addresses the issue of the financing of terrorism and that is a very global matter when one considers the issues in the news these days; issues such as the links of certain Middle Eastern leaders and known terrorist organizations around the world.

This Bill is also relevant today, because at this time, we have a commission of enquiry in the process of bringing some measure of closure to the events of July 27, 1990; at that time, July 27, 1990, when armed insurrectionists tried to overthrow the government. It was in this same Chamber they tried to do that. In this sacred Chamber they did that. This Chamber was desecrated by fanatics on July 27, 1990. The former Prime Minister and the Attorney General were shot in that event of July 27, 1990. The sum of 24 persons were killed; there was widespread looting in Port of Spain. In fact Port of Spain looked like Beirut at one time, and, of course, we were the number one item on the world news.

In a real sense, therefore, this Bill is relevant because, it comes at a time when we are bringing closure to the coup of 1990. But, it is also relevant because many questions still linger about that coup of 1990. For example, how did the Jamaat al Muslimeen bring the weapons into our country? How did they finance their coup attempt? Who financed the coup? All these are questions which still have to be answered. That is why, in a real sense, this Bill today is relevant, because unless and until these questions are answered, you will always be asking yourself, can another coup happen here again? Can another coup take place here again? If the answer is yes, with what atrocities? What will we have to endure? Therefore, these questions make this Bill today very relevant.

Over the years, we have heard reports about a local organization here being linked with Gaddafi in Libya. [*Interruption*]

Dr. Moonilal: The PNM?

Hon. J. Warner: No, not the PNM, a local organization. We have also heard here of a local organization being linked to terrorist activities in the

United States of America: smuggling guns, plotting bombings and so on. There have been reports of people leaving the country and going to the Middle East to undergo training to learn how to kill and how to maim. There were reports or allegations of money from the Middle East flowing into this country to finance illegal activities, and all of this in the line of terrorism.

This Bill today is very relevant and that is why I say I want to lift the bar in the debate and show the relevance of the Bill and why it is we have to support this Bill. This Bill is relevant today because it strengthens the anti-terrorism laws. It is designed to do that.

4.00 p.m.

It gives the existing laws teeth, Mr. Speaker, and with the provisions which relate to the FIU it makes the monitoring of suspicious transactions more possible and more effective. So this Bill is relevant today for those reasons.

Mr. Speaker, let me make it quite clear that there are several organizations in our country which for all kinds of reasons have been described one way or the other as terrorist organizations. Not all of them are aligned to any particular religion and, therefore, there is no kind of stereotype you can really say that can label these organizations. But I want to say that there are different types of terrorism, the same way there are different ways an individual, or an organization can inflict pain and hurt on an individual or on a nation. There are different ways and, as such, I would like to say that one form of terrorism is called state terrorism. State terrorism; by that I mean that states can use force or the threat of force without declaring war to terrorize citizens to achieve a political goal. That is

state terrorism. Under Nazi rule, for example, Germany used this successfully.

We also have bioterrorism, and this refers to the intentional release of toxic biological agents to harm and terrorize civilians. Gaddafi has been accused for years of doing this, Mr. Speaker. It was the late Saddam Hussein who was also accused for years of doing this against the Kurds, and they do all of this in the name of a political cause.

Mr. Speaker, the US Centre for Disease Control has classified the viruses, bacteria and toxins that can be used in an attack. Category A, for example—as I said, I want to lift the quality of the tone this afternoon. Category A, biological diseases are those most likely to do the most damage and they include anthrax, botulism, smallpox; these are released to damage and to maim.

Mr. Speaker, another form of terrorism is cyberterrorism. Cyberterrorists use information technology to attack civilians and to draw attention to their cause—cyber terrorism, and they, therefore, use information technology such as computer systems or telecommunications as a tool to orchestrate yet additional attacks. More often, cyberterrorism itself refers to an attack on information technology in a way that would radically disrupt network services. So that is cyberterrorism. Then you have eco-terrorism where, of course, again, these terrorists attack the environment and this refers to those environmental extremists who sabotage property to inflict economic damage on industries, or actors who they see harming animals and so on.

We also have nuclear terrorism, Mr. Speaker, we have narcoterrorism and the list goes on and on, and some of these categories have direct relevance to Trinidad and Tobago. In our country, we have industrial plants

and, therefore, it is not unreasonable for us to think or believe that it is quite possible that there may be persons locally, or internationally, who may have issues with some point, or some aspect of our culture and who may try to harm us. There would be local interests who wish to create chaos and they may target these facilities.

4.05 p.m.

Mr. Speaker, I refer to the Port of Spain bombings. Mr. Speaker, do you remember the five bombings that occurred here in 2005? Over the space of four months, 28 innocent citizens were injured; some more severely than others. That case has never been solved. We do not know who was behind it, but the last Prime Minister said it was “Mr. Big”, and up to today we have not yet found “Mr. Small”.

Mr. Imbert: He is in jail in the States.

Hon. J. Warner: “Mr. Big”?

Mr. Imbert: “Mr. Small”.

Hon. J. Warner: I wonder where “Mr. Big” is. “Mr. Small” is in the States, right? Well, “Mr. Big” must be somewhere else. Right? Okay.

I remember, Mr. Speaker, that when they went up in the air with the helicopter, they “blow way” all the evidence. All the evidence was blown away at that time. So I am saying, for four months, citizens in this country were in fear to walk in the streets of Port of Spain. They were in fear to go about their business. They were in fear to walk past a garbage can. Every garbage can they saw was a threat. They trembled when they saw garbage cans, Mr. Speaker.

I repeat. One citizen lost a leg; another lost hearing in one ear. A clerk in a store on Frederick Street lost the use of one arm when, of course, shrapnel flew across the street and hit her, and the list goes on and on; and therefore, we, in a real sense, experienced a level of terrorism as well and that is why this Bill is so relevant.

Mr. Speaker, we have to also understand that while Trinidad and Tobago is ideally located as a trading hub for legitimate goods and services, we are also ideally located for persons who may wish to threaten us or our neighbours, and therefore, we have to remain vigilant and we have to remain on our guard.

Mr. Speaker, I do not know how you will classify a situation that I am advised currently exists even in Trinidad today. At 9-11 Fitt Street, Woodbrook, there is a company called Policing, Defence and Medical Solutions Limited. This is operated, all I would say, by two Josephs, nothing more than that. This company has retained the services of two former British SAUTT officers. I have their names, but I will give you their phone number 354-4443.

This company and these men have bought surveyor's equipment, among other things, and I am advised that they are spying on the Government. [*Crosstalk*] I am saying again: "I am advised". All I am saying to you, Mr. Speaker, is that this is an area that, again, has to be investigated. I do not know what kind of terrorism—

Mr. Imbert: Mr. Speaker, point of order: 36(1), relevance.

Hon. J. Warner: As I was saying, Mr. Speaker, that you have terrorism in

all forms and, therefore, we have to be always vigilant and instead of protesting—I would have thought that our friends would have begun to dial the number to see who is there and who will answer; but, of course, that is another story. So I am saying, therefore, we have to be vigilant because at no point in time can we as a country allow ourselves to rest on our laurels. That is why I say again, this Bill is relevant.

Mr. Speaker, in December 2000, it was alleged that a man named Omar Abdullah, who leads a group called the Islamic Front, was leading a war against British and US interests from Trinidad. The FBI alleged he was smuggling guns and other weapons into Trinidad for his terrorist activities. Abdullah was linked to the Taliban, to Al-Qaeda, to Hammoud and the Islamic Jihad.

In this small country of 1.3 million to 1.4 million people, I want to make the point that for no reason are we insulated against the pitfalls of terrorism and, therefore, I repeat, this Bill is relevant today more than ever; and Mr. Minister of National Security, I commend you on this initiative.

Mr. Speaker, for what it is worth, just last month, another chapter was closed in the JFK bombing plot. Another defendant, Karim Ibrahim, was convicted of the conspiracy to blow up the fuel tanks at JFK. The plan, again, was linked back to Trinidad, so when we believe that we are safe and free and “God is a Trini”, God also says that he only helps those who help themselves and, therefore, we have to put in place measures that will protect us.

Mr. Speaker, considering the categories of terrorism activities, we also

must look at what our crime situation is; how the local and foreign drug lords are connected and we must now factor into their deliberations. In other words, I am saying that we now have to spend time looking at narcoterrorism; looking at the relationship between the local and foreign drug lords and do not close our eyes to these things and say they cannot happen here.

That is why I make the point that we must put certain teeth and bite into the FIU. It will serve a broad range of purposes, Mr. Speaker, legitimate purposes. We must put teeth in the FIU, unlike the last government, which used the surveillance network to spy on its people; honest citizens, innocent citizens. The last government spied on them and their political opponents. We have to do it differently. We have to do it legitimately. We have to do it legally, and that is why we are here today and that is why, again, the Bill is so relevant.

Therefore, Mr. Speaker, in a real sense, this Bill is very relevant with what is taking place in the world today. We cannot say: "Not me; you". We cannot say: "Not here; there". We cannot say: "Not Trinidad; Libya. Not Trinidad; Iran." This can happen anywhere, any time. Even in Grenada, it is possible, and that is why I repeat, this Bill is relevant today.

This Bill will strengthen our monitoring, so that we can detect early signs of suspicious activity. That is the point. We have to be able to detect early signs of suspicious activity and then do not ask questions after and say: "If I did know". No, from very early, once you see these activities; once you could, of course, look at them, then we must be able to detect them and you

must plan and execute appropriate responses.

Mr. Speaker, in the long-term, if we do this, if we take these measures, it will help to save the lives of our citizens; it will help to save the lives of citizens in our neighbouring countries. Mr. Speaker, as such, therefore, I reiterate my commendation for the Minister of National Security; my commendation for the measures he brought here today and it is my sincere hope that this Bill has the collective support of all of us.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker.

The previous speaker did not address a single clause in the Bill; did not address the policy of the Bill; did not speak about the Bill at all, and, therefore, as per usual, it falls to me to deal with what the Bill seeks to do.

The Bill before the House is an Act to amend the Anti-Terrorism Act, Chap. 12:07. The main purpose of the Bill is to tighten the provisions of the legislation that deal, in particular, with the financing of terrorism, and in particular, Mr. Speaker, what the Bill seeks to do is to address amendments made to the Anti-Terrorism Act in 2010.

While I am at that, Mr. Speaker, the Member for Chaguanas West is very fond of making broad, sweeping statements that bear no relationship to the truth; and one of the statements he made today—and I took notes—was that we must put teeth and bite into the Financial Intelligence Unit unlike the last government.

I did a cursory examination, today, as I prepared to speak on the various pieces of legislation that were tabled and enacted in this Parliament by the previous People's National Movement administration that are relevant

to the matter at hand. For the benefit of the Member for Chaguanas West and the Member for D’Abadie/O’Meara, in October 2009, Mr. Speaker—the assent by the President was in October 2009; it was actually passed in the House of Representatives in June 2009. [*Interruption*]

Mr. Speaker, I am getting a constant—I am sure you are hearing.

Mr. Speaker: Yes, I am hearing it. Member for Fyzabad, I would like you to allow the Member to speak in silence.

I have observed a trend. When Members are speaking, either on this side or on that side, there is a tendency for those who are seated to shout down, virtually, in a very disrespectful manner, the contribution of a Member. I am serving notice that if that continues, I would ask the Member to withdraw from the Chamber, have some tea in the lounge for maybe a two hours and then join us again. [*Desk thumping*]

I am serving notice. I am not permitting that any longer; this kind of howling over the floor and trying to shout down a Member, who is contributing, will not be tolerated by this Speaker any longer. Could you continue, hon. Member. [*Desk thumping*]

Mr. Imbert: Thank you very much, Mr. Speaker. I certainly hope that your—

Mr. Sharma: You look for that.

Mr. C. Imbert: Mr. Speaker, as soon as you sat down, the Member for Fyzabad is at it again; at it again. Well, let us see—[*Interruption*] Mr. Speaker, he “cyah” help himself. [*Laughter*]

Mr. Speaker: Member for Fyzabad, please! Please! I know you are

coming closer to tea and you would like to go out. [*Laughter*]

Mr. C. Imbert: So, in 2009, Mr. Speaker, the Parliament of Trinidad and Tobago, under a PNM government, passed Act No. 10 of 2009, an Act to amend the proceeds of crime, and any time we are going to discuss terrorist financing, we must also discuss the proceeds of crime because they are naturally linked. The proceeds of crime is usually money, cash money, different currencies; sometimes Trinidad and Tobago, sometimes United States dollars, sometimes euros; but the Proceeds of Crime Act is very relevant to the debate that we are about today.

Mr. Speaker: I do not want you to import relevance for me in this debate. The Bill that is before us is clear, so do not make what might turn out to be irrelevant, relevant. So I am advising you, whilst you came with all those contributions about what is relevant and what is not relevant, let the Speaker determine, and not the Member who is speaking, determine. I am seeing where you are going and I want to let you know I will not permit it; but I am letting you develop your point.

Continue. [*Desk thumping*]

Mr. C. Imbert: Mr. Speaker! You know, Mr. Speaker, I will always abide by your ruling; I am very obedient, but you have no idea where I am going, Mr. Speaker.

The Bill before the House deals with money transactions; it deals with the transfer of money and payments that could be linked in some way to terrorism.

It places an onerous burden on listed businesses, Mr. Speaker. [*Crosstalk*]
It is the responsibility of the Financial Intelligence Unit to monitor—
[*Interruption*—would you all excuse me? [*Laughter*] [*Desk thumping*] I

could not help that. [*Crosstalk*] It is the responsibility—I am glad you see the humour in it too, Mr. Speaker. Come on. [*Crosstalk*]

4.20 p.m.

Dr. Gopeesingh: Mr. Speaker, they are shifting their seats.

Mr. C. Imbert: It is the responsibility of the Financial Intelligence Unit to monitor listed businesses. [*Crosstalk*] The Bill before the House—
[*Interruption*]

Mr. Speaker: Please, please, please, hon. Member for Caroni East and Member for Diego Martin Central!

Dr. Browne: I said nothing.

Mr. Speaker: Member for Diego Martin Central, Member for Caroni East. Continue, Member.

Mr. C. Imbert: Thank you, Mr. Speaker. For example, clause 4 of the Bill before the House—“The Act is amended by inserting after section 22A the following sections:” If you go down to 22AA(2)(c):

“circulating the list of designated entities to financial institutions and listed businesses requesting information on whether these designated entities have funds in Trinidad and Tobago”.

In addition, you have an amendment to section 22AB or a new section 22AB, where a financial institution or listed business knows or has reasonable grounds to suspect that a designated entity has funds in Trinidad and Tobago, it shall report the matter forthwith to the FIU. In addition, as we go over the page in clause 6, section 22C of the Act—and the Act in question is the Anti-Terrorism Act:

“A financial institution or listed business shall not enter into or continue—

business transaction with a person whose name or a designated

entity, the name of which appears on the consolidated list...”

And so on, Mr. Speaker. It goes on to speak about suspicious transactions and gives:

“The Minister to whom responsibility for the FIU is assigned may make Regulations prescribing—

the type of records to be kept by a financial institution or listed business and the type of information to be included in these records;”

Various procedures, and:

“...measures which a financial institution or listed business shall implement to—

(i) ascertain...”

This is very important, Mr. Speaker:

“the identity of persons with whom they are dealing; and...treat with circumstances in which sufficient identification data is not made available—

the manner and time frame in which due diligence may be undertaken in respect of existing customers and business relationships established prior to the coming into force of the Proceeds of Crime (Amendment) Act, 2009 by a financial institution or listed business;”

Clause 9 speaks about the penalties that will be imposed on listed businesses which fail to comply with various regulations, and so on.

4.25 p.m.

So that in order to understand what we are doing today, we are trying to eliminate, restrict, prohibit, constrain and restrict terrorist financing laundered through listed businesses—and I have just given them the whole

list of listed businesses coming out of the Proceeds of Crime Act—or their agents, their directors, officers, employees and so on to promote the financing of terrorism, Mr. Speaker. This terrorist financing can come in many ways. It does not have to come by way of wire transfer. Terrorist financing can be done in cash, Mr. Speaker.

The speakers before us were very careful. They took pains to speak about the attempted coup where terrorists took over this Parliament, Mr. Speaker—tied up the Prime Minister, shot the Prime Minister, shot the then Attorney General and terrorized the country, et cetera. They spoke about that; the Minister of Foreign Affairs.

The Minister of Works and Transport spoke about terrorist activities which were financed—money for the purchase of rifles and the purchase of other equipment by that terrorist group imported into this country through a port of entry. If my memory serves me right, I believe there was some story about the guns coming in a container that might have had a false compartment, and there might very well have been some complicity with persons who at that time, 20 years ago, might have been working on the port or working in the airport or dealing with the arrival of persons and allowing them to pass through, for example, the diplomatic lounge, without checking their bags and so on [*Desk thumping*] Mr. Speaker, if I remember correctly. [*Desk thumping*] What it is with you all? [*Laughter*]

So, Mr. Speaker, when we talk about terrorist financing—and the Member for Chaguanas West took us on an excursion all over the world and I am grateful for that. I am grateful. The Member for Chaguanas West did not speak for very long, but he spoke about some of the main terrorist countries in the world. He spoke about Libya; he spoke about allegations about the head of the Government in Libya—I do not know if he is still the

head. He might not be; I am not sure—Moammar Gadhafi and he indicated that Mr. Gadhafi had been linked in some way to terrorist financing and so on.

Recently, we saw the United States of America entering into Pakistani territory and doing a strike on a compound in Pakistan, and reportedly eliminating Bin Laden whom they had been hunting for 10 years, and who was obviously surviving off the proceeds of crimes and off terrorist financing, Mr. Speaker. I am not sure how he got his financing, whether it was in cash or whether it was by wire transfer. I really do not know. But, I mean, the United States of America takes these things very seriously. We could laugh about it here.

There are citizens of this country who have found themselves in a very invidious position, because the United States of America pays little attention to crimes committed in Trinidad and Tobago—the Minister will know what I am talking about—until and unless it affects the laws of the United States of America. And, you know, if in Trinidad and Tobago we have people involved in crime, committing fraud, embezzling and misappropriating funds, whether private funds or state funds, and it does not affect the United States of America, they do not pay much attention, Mr. Speaker, but from the time a red flag goes up in the United States of America, because they monitor all of the bank accounts in the United States of America, and from the time a transaction passes through a particular bank account, and it is one of their designated accounts—because what this legislation is seeking to do is to bring us within the ambit of the United Nations where you would have—

Mr. Speaker: Hon. Member for Diego Martin North/East, it is a good time for us to pause and have some tea. This sitting is now suspended until 5.00

p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. C. Imbert: Thank you, Mr. Speaker. Mr. Speaker, before we took the break, I was going into the mosaic, the compendium of bits and pieces of legislation that fit together to combat the scourge of terrorism and, in particular, terrorism financing, which is what the Bill before the House seeks to treat with. The point I was making is that clause 4 of the Bill before the House seeks to make it mandatory that financial institutions and listed businesses shall be subject to certain procedures when they are dealing with designated entities and their associates designated as terrorist entities by the Security Council of the United Nations. That is how I ended the little introduction before the tea break, Mr. Speaker.

Now, we have to understand exactly what we are trying to treat with in the Parliament today, and for a better understanding of this—because the United Nations Security Council will designate entities and their associates and individuals and so on as terrorist entities based on certain criteria—if we look around the world—as I said, I am grateful to the Member for Chaguanas West for going on a world tour of terrorism, short as it was. I have before me an article that refers to a number of countries that have been accused of being associated with state-sponsored terrorism, and this is over a period of time, Mr. Speaker, not in the modern era, but for a period of time coming up, and these countries include: Afghanistan, France, India, Iran, the Republic of Ireland, Libya, Morocco, Pakistan, the Soviet Union and believe it or not, the United Kingdom and the United States of America, and the article goes through and looks at terrorist organizations and terrorist agencies, and I can just give you an example, Mr. Speaker.

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In Afghanistan, there is a secret agency called “KHAD”, which it is believed may have conducted terrorist bombing in Pakistan in the early 1980s. In fact, the US State Department blamed another agency called “WAD” for being involved in terrorist bombing of Pakistani cities, and this was a secret intelligence agency in Afghanistan that was actually created by the “KGB”, the Russian Intelligence Agency.

It is said that Afghanistan security agencies also supported a terrorist organization called Al-Zulfiqar, a terrorist group that conducted the hijacking of a Pakistan International Airlines plane from Karachi to Kabul in 1981. So Afghanistan—well we all know Afghanistan, Mr. Speaker. As a matter of fact, the United States of America has been in Afghanistan for a long time, and this has been a feature of the United States of America’s presidential election for several years.

In fact, the current President of the United States of America had promised to take troops out of Afghanistan very early in his term if he was elected, and when he got into office and he got a better understanding of what was present in Afghanistan—that is the home of the Taliban—President Obama decided to stay a little longer, and there are still US troops in Afghanistan. [*Crosstalk*] There are no US troops in Afghanistan? [*Crosstalk*] “You all are confused!” I mean, I remember, Mr. Speaker, listening to the debates in the presidential campaign in the United States of America, and hearing a pledge being made by President Obama to withdraw from Afghanistan, among other things, as soon as possible. [*Interruption*] Mr. Speaker, ridiculous! Could you—

Mr. Speaker: I will protect you. Could you allow the Member to speak without any interruption, please?

Mr. C. Imbert: Thank you, Mr. Speaker, thank you. So there are still

troops from the United States of America in Afghanistan. There have been issues with Iran. We do not need to go into much detail on that, but I have a quote here from President George W. Bush who called Iran the world's primary state sponsor of terrorists and claimed that Iran sponsors Hezbollah, Hamas, the Palestinian Islamic Jihad and the Al Mahdi Army, and all of these are groups that Iran does not view as terrorists.

You know, it is a funny thing. In the world today, one man's terrorist is another man's friend. As you look around the world, you will see many countries do not view certain groups as terrorists, whereas other countries view them as being very, very, dangerous terrorists.

Mr. Speaker, there are also issues, a lot of issues in Libya. Libya was accused up to 2006 of harbouring various terrorist groups, and it was only in 2006 that Libya was removed from the United States of America list of terrorist supporting nations.

Pakistan has been accused by India, its neighbour, by Afghanistan, by the United States of America and by the United Kingdom of being involved in terrorism in Kashmir and in Afghanistan.

Poland has also alleged that terrorists have friends in the Pakistani government, Mr. Speaker.

5.10 p.m.

In July 2009, the current President in Pakistan admitted, so this article alleges, that the Pakistani government had created and nurtured terrorist groups to achieve its short-term foreign policy goals. According to analysis published by the Saban Center for Middle East Policy at the Brookings Institution in 2008, Pakistan was considered to be the world's most active state sponsor of terrorism, including aiding groups which were considered a

direct threat to the United States. There is a lot of information on allegations, because these are all allegations; I have never been to Pakistan, I do not know anything about it, but when one reads the articles, one sees that there is a lot of interest in the potential for terrorist groups and terrorist individuals to be operating in Pakistan. And as I indicated, the United States recently did an operation in Pakistan using military equipment, that I believe was stationed in Afghanistan, and they raided a compound in Pakistan, so it is alleged that they killed the infamous Bin Laden.

The Soviet Union was accused on many occasions of being involved in terrorism. The KGB was believed to have possibly conducted terrorist bombings in Pakistan in the 1980s, and so on, and the terrorist group called the Popular Front for the Liberation of Palestine was also claimed to have received support from the government of the Soviet Union. There have been allegations even about the United Kingdom, that they have been accused of supporting loyalist, paramilitary groups, both within the United Kingdom and also in cross-border operations into the Republic of Ireland, namely the Ulster Volunteer Force and the Ulster Defence Association. These groups that I have just named support the territory of Northern Ireland, remaining part of the United Kingdom. In Ireland, for those of you who may have travelled, there has been a movement now for, I believe, almost 90 years—since 1922, I believe. There has been a movement of persons who are citizens of the Republic of Ireland to make Ireland completely whole again, and to recapture, as it were, the territory in the north of Ireland, which is part of the United Kingdom.

You have also, of course, in references to the Irish Republican Army, and so on. So, if one goes into the literature, one will see that there is a lot of information on what is considered to be state-sponsored terrorism, in a

number of countries throughout the world. I have looked at Russia in particular, and in contemporary Russia, there is a threat of Islamic terrorism; it is considered to be a major threat to the security of the Russian nation, with most terrorist activity taking place in Chechnya and Dagestan.

The present Russian Government, has banned 17 terrorist organizations, such as the highest military Majlis al-Shura, the united forces of the mujahideen of the caucuses. This is an interesting name, the Congress of the Peoples of Ichkeria and Dagestan, I hope there is no association. Al-Qaida, Asbat al-Ansar, the Egyptian Islamic Jihad, Al-Gama'a al-Islami, Jamaat-e-Islami—you know, so strange, these names are so familiar—the Muslim brotherhood, the Islamic Movement of Uzbekistan, and so on. Seventeen organizations have been banned in Russia and deemed to be terrorist organizations.

The reason why I am singling out Russia is that this new government, this People's Partnership, has made a decision to allow Russian citizens to enter Trinidad and Tobago, or so it is reported, without the requirement of an entry visa. I read that in the newspapers some time ago that there were two countries—I believe India was the other one, and Russia—that the new government had decided to waive the requirement for visas for Russian citizens. I wonder if they knew, I wonder if the Cabinet knew when they were participating in that decision, that there were 17 terrorist organizations within the borders, home-grown—these are not external, home-grown—terrorist organizations within the borders of the Russian—[*Interruption*]

5.15 p.m.

Mr. Roberts: Thank you, Member for Diego Martin North/East. You are so skillful, it is not funny. First of all, you said you were not sure, that you

read it in a newspaper, then you smoothly went in to asking us if while we discussed it in Cabinet, we knew. Could you please clarify whether you know it to be a Cabinet decision or a mere newspaper report, please?

Mr. C. Imbert: Mr. Speaker, I recall saying that I did not know what was going on in Pakistan, but I think I know what is going on in Russia. I am asking the Cabinet, let the Minister tell us, because the hon. Minister has to deal with immigration. The whole question of the waiving of visas would have been strictly under the purview of the Minister of National Security. Tell us whether visas have been waived for Russian citizens, which could include members of any one of these 17 terrorist organizations. If it is true that visas have been waived, then terrorists from Russia could be entering Trinidad and Tobago without any strictures at our ports of entry.

It is a very serious matter. People make jokes about these things. I am just asking, when the Cabinet sat to consider—because it was an announcement from the Minister of Foreign Affairs, “so doh try dat”. The Minister of Foreign Affairs announced that visas had been waived for Russian citizens. When the Cabinet sat to consider this, did you know there were not one, but 17 active terrorist organizations within the Russian Republic?

We could make jokes about what we are doing here, but what we are doing is very serious. By the way, I completely endorse what we are about today. We have to put a stop to all terrorist financing, of all kinds, whether it is by wire transfer, whether by cash coming through one of our ports of entry. We have to put a stop to it. I would urge the Minister to be very vigilant about the people that are coming into Trinidad and Tobago. Take another look at that decision to waive visas for citizens of Russia, because I am not sure what the compelling reasons were. What is it about Russia that

we decided to waive visas for citizens of Russia? There are many other developed countries whom we actively trade with, that we have active trading relationships with, that we export and import goods and services to; a number of developed countries in the world that may still be subject to visas. What is so special about Russia, and especially when we now discover there is a lot of domestic terrorism in Russia and a number of groups, including Al-Qaida?

While the Minister is at it, I refer him to an article in *the Atlantic*. This is a 2010 article, a very, very current article entitled:

“Qatar: ‘Worst’ on Counterterrorism in the Middle East”

I will read it into the record. I need to educate you:

“On Sunday, WikiLeaks revealed a State Department cable last December that labeled Qatar, the tiny, oil-rich Gulf nation, as the Middle East’s ‘worst’ participant in counterterrorism efforts...”—that was reported by the *New York Times*.—“According to the cable, Qatari security was ‘hesitant to act against known terrorists out of concern for appearing to be aligned with the U.S. and provoking reprisals.’

Another cable from December 2009”—not too long ago—“stressed increased counterterrorism efforts as a talking point for...”—a visit in January 2010 from the Emir of Qatar.

“The details offered in these cables are particularly strange when compared with a 2008 Congressional Research Service Report for Congress.

The U.S. State Department called Qatar’s terrorism support since 9/11 ‘significant’,...Since the attacks, Qatar established both a Combatting Terrorism Law and the Qatar Authority for Charitable Activity...”—

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because one of my colleagues made the point that terrorists can launder their money through charitable organization—”was meant to monitor the operations of all Qatari charity organizations and...make sure the charities weren’t funneling cash to terrorist organizations.”—but there was a caveat—“The Emir could stop the”—authority—“from overseeing a particular organization’s activities whenever...”—he pleased.

“U.S. concerns regarding alleged material support for terrorist groups by some Qataris, including members of the royal family, have been balanced over time by Qatar’s counterterrorism and efforts and its broader, long-term commitment to host and support U.S. military forces...

So what has changed between 2008 and 2009?”

In 2008 that was what they were saying, that the terrorism threat in Qatar was balanced by the commitment of the Qatari Government, the ruling family, to work with the US to deal with problems in Iraq, Afghanistan and so on.

Mr. Speaker, what has changed?

“Probably not much. The discrepancy in rhetoric is likely more an issue of what the United States is willing to say in public, and in private.”

So this article is telling us that the US made a public statement indicating, “Yes, there is a terrorism problem in Qatar, but the government is working with us and that balances it out.” That is what they said in public, but this is what they are saying in private:

“keeping U.S. basing rights in Qatar and ensuring the stable flow of oil and LNG gas...are both more important than Qatar’s willingness to

deal seriously with its citizens involvement in terrorism,...”

I want to repeat; this is what they are now saying:

“‘keeping U.S. basing rights in Qatar and ensuring the stable flow of oil and LNG gas...are both more important than Qatar’s willingness to deal seriously with its citizens involvement in terrorism,’ says Toby Jones, an assistant Middle East history professor at Rutgers University. ‘The cost of [the United States] pressuring them publicly to take counterterrorism seriously...might come at too high an economic cost.’

But U.S. officials may have reason to be suspicious of Qatar. Members of the royal family reportedly hosted Khalid Shaikh Mohammed, the 9/11 mastermind, in the late ‘90s and may have helped him evade U.S. capture. In 2005, officials discovered another link between Qatar and al Qaeda: Qatar paid Al Qaeda (and some speculate it may still be paying)...”—I downloaded this article half an hour ago, so we are talking 2011 here—“millions of dollars each year so al Qaeda wouldn’t attack it. Qatar struck the deal before the 2003 Iraq invasion and renewed it in March of 2005, when an Egyptian suicide bomber attacked a theater in Doha. Many believed the bomber was part of al Qaeda. ‘We’re not sure that the attack was carried out by al Qaeda, but we ratified our agreement just to be on the safe side’,...We are a soft target and prefer to pay to secure our national and economical interests. We are not the only ones one doing so.’”

So this article is saying that Qatar has been accused of paying money to terrorist groups, “protection money” as you would call it.

The Mafia is accused of making people pay protection money, so they

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would not attack them, and Qatar is accused of doing the same thing:

“It’s true:”

It is not me saying this, Mr. Speaker. It is an article from a magazine called *the Atlantic*:

“Qatar is one of many nations that have allegedly funded Islamic movements to save their own citizens, and that funding was another topic of discussion slated for last January’s meeting.”—this was about a year ago—“Officials should make known...concerns about the financial support to Hamas by Qatari charitable organizations and our concerns about the moral support Hamas receives from Yousef Al-Qaradawi, ...It is also essential to stress that high-level Qatari political support is needed, if financial flows to terrorists are to stop.”

So this same matter we are dealing with here, the question of terrorist organizations funding terrorism through various means, is the subject of this article.

The article continues:

“But in a region rife with secret terrorist ties and illicit deals,”—they are talking about the whole Middle Eastern region—“it may seem strange that the only nation to host a U.S. military base could earn the dubious-least-valuable player title.”

This article is saying that Qatar is the worst country in the Middle East, when it comes to dealing proactively with terrorism:

“Yet America’s chummy relationship with Qatar is a key reason for Doha’s hesitancy to comply with every U.S. demand and its apparent eagerness to appease threatening countries and organizations. That relationship is, partly, what makes Qatar such a ready target.

Because it hosts the Al Udeid airbase and Camp As Sayliyah, a pre-

position facility of U.S. military equipment, Qatar is at greatest risk of terrorist attacks than neighbouring countries, whose ties to the U.S. are less tangible....

So while countries like Saudi Arabia and the emirate of Abu Dhabi have aligned themselves strongly with the U.S. counterterrorism strategy because they rely...on U.S...protection, Qatar has no such dependence.’ ‘[Qatar isn’t] fully behind the United States in the same way that Abu Dhabi clearly is,’...’This explains why there’s been some criticism of Qatar not being tight enough on counterterrorism.’

Beyond Qatar’s alleged funding of al Qaeda and its ties to Hamas and Iran, it has also tried to bolster its reputation by allowing money to flow freely through the country, no questions asked.”

Dr. Browne: Sounding familiar.

Mr. C. Imbert: “Implementing more scrutiny would likely anger terrorist groups and put Qatar at greater risk.

‘If the funding is cut, or if the Qatari authorities listen to America and try to tighten things up so money can’t flow as easily, then you have the real risk of jihad coming home to Qatar’,...The smaller Gulf states have never really faced a stage of serious terror attacks like Saudi Arabia has, but they all certainly live in fear of that.’”

What does that article tell us, Mr. Speaker?

Dr. Browne: [*Inaudible*] [*Laughter*]

Mr. C. Imbert: In addition to countries like Afghanistan and so on, there is a view by the US State Department that within all the countries of the Middle East that have ties to terrorist organizations like Hamas and Al-Qaeda, or organizations that are designated as terrorist entities by the Security Council, that Qatar is the worst in terms of tightening up on the

flow of money. It is the worst. [*Interruption*] Mr. Speaker—

Mr. Speaker: Member for Lopinot/Bon Air West, I have asked that you allow the Member to speak in silence. The next time I have to rise, I will ask you to withdraw from the Chamber for an hour.

Mr. C. Imbert: Thank you, Mr. Speaker.

You see, I do not know why Members opposite are so jumpy. I am dealing with a serious matter here. Hon. Members opposite are probably trying to link it to something that may be in the news, but I am dealing with serious matters here. How many of you opposite knew that Qatar was the worst country, according to the United States, that is, in terms of fighting terrorism? How many of you knew that, before I spoke today? I dare say, none, except possibly, the hon. Minister. [*Interruption*]

Mr. Volney: US propaganda!

Mr. C. Imbert: I hear the Member for St. Joseph, and I will not ask for your protection against him, but he has misunderstood what I said. I said that Qatar is considered, by the United States—that is what I said. I said it about four times; you need to listen. So Qatar is considered by the United States—which is one of our largest trading partners, one of our closest allies. We export significant amounts of LNG to the United States. The last time I checked, and the Minister of Trade and Industry could give me an update, we still were the largest exporter of LNG to the United States.

5.30 p.m.

I remember when we were in government it was about 70 per cent, and it may now be 65 per cent, I do not know, but the United States has an interest in Trinidad and Tobago, because the LNG required to power the eastern seaboard of the United States comes from Trinidad and Tobago.

So, if a terrorist organization in receipt of terrorist financing—

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possibly from Qatar—decides to destroy the Atlantic LNG facility in south Trinidad, then the United States will be interested in that, and they will be tracking these terrorists when they come from Afghanistan, Russia and Qatar, tracking their movement out of the Middle East into Trinidad and Tobago. So, Mr. Speaker [*Interruption*] every two minutes—

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Mr. C. Imbert: Thank you, Mr. Speaker. Now, in all the debates we have had in this Chamber over the last couple years about terrorist financing, there has been an explanation given—I am sorry that I was not here when the Minister made his presentation, unfortunately I had to attend a very important event elsewhere. I do not know if in the Minister's presentation he spoke about this, but one of the problems with tracking terrorist financing, is what they do, or so we are told; they use wire transfers as very small sums of money. So, they will transfer \$500, \$1,000, but they will do it a hundred times in one day. So, they will transfer \$1,000 in a seemingly legitimate transaction—the buying of something or purchasing of something, a pump or something like that that would cost US \$900—but they will do that a hundred times, and in one day, therefore they can launder US \$100,000.

And one of the amendments we made to this compendium of legislation, because this legislation does not stand alone—you have the Financial Intelligence Unit Act, Proceeds of Crime Act, Anti-Terrorism—they all come together, financial institutions and so on.

One of the things we sought to do was to implement one of the recommendations of the Financial Action Task Force, that we would monitor these small wire transfers, and in particular—if there is a transfer—you now have to have the identity of the sender, the identity of the recipient and a number of details on the transaction because previously they would just send through this money with insufficient details in terms of the nature of the transaction and also the identity of the persons. And one of the things we are seeking to do in this legislation, is to allow the FIU and the Minister in charge of the FIU, to make regulations so that the identity of persons involved in suspicious financial transactions can be properly resolved.

But, Mr. Speaker, there is another way that terrorist organizations fund terrorism, and we do not know how that attempted coup in 1990 was funded, whether it was funded by way of a bank transfer or funded through cash, and I rather suspect that it was cash, I do not know. But, I believe in all probability it was a cash transaction.

5.35 p.m.

Mr. Speaker, this is why we have laws in this country. This is why we have laws and I refer you to—[*Interruption*] What is wrong with the two “ah all yuh”? Mr. Speaker, I would have to ask for protection against the Member for Oropouche East and other people. [*Laughter*] Mr. Speaker, this is why we have laws in this country so that we can track cash transactions that could be used for terrorist financing and I refer you to the Exchange Control Act Chap. 79:50 and I refer you in particular to a section in that Act and that section reads as follows, the importation into Trinidad and Tobago—section 22(1)(b):

“any such other notes as may be specified by order of the Minister, being notes issued by a bank or notes of a class which

are or have at any time been legal tender in any country;
is hereby prohibited except with the permission of the Bank.”

The bank here being the Central Bank.

So the Central Bank from time to time, all in the fight against terrorism, has made regulations prohibiting the importation of foreign currency notes in excess of a certain amount, and in order to establish what that amount is we go to the Exchange Control (Import and Export) Order which states that:

“There shall be exempted from the provisions of section 22(1)(b)” —which is the one I just read— “of the Act the importation into Trinidad and Tobago by a traveller on his person or in his baggage of foreign currency notes which are or have at any time been legal tender in any country to the extent of US\$5,000.00 currency in value.”

And (4) says:

“There shall be exempted from the provisions of section 22(1)(b) of the Act the importation by a traveller...of foreign currency notes which are or have at any time been legal tender in any country amounting to more than US \$5,000.00...in respect of which a declaration is made to the Comptroller under the Customs Act.”

So what does this tell us? That under the Exchange Control Act you are only allowed to import US \$5,000 in cash, notes without a declaration.

If you are importing more than US \$5,000 you need to declare such, and I would ask the Minister since you now know or you knew before that Qatar is the worst country as far as the United States is concerned, or allied in terms of counterterrorism in the Middle East, be very careful about aircraft originating in Qatar [*Desk thumping*] that may land in Trinidad and

Tobago with cash and that [*Desk thumping*] cash may come through, possibly, the south terminal at Piarco, the private jet centre; persons may have diplomatic privileges, they may be from Qatar, who knows, and they may bring large sums of cash into this country to finance terrorism.

Therefore, Mr. Speaker, we in this country have to be very careful about what we are doing. We have to be very, very careful about what we are doing, because I want to warn any Trinidad and Tobago citizen who might have ideas about facilitating the importation of foreign currency notes in Trinidad and Tobago, that it is a serious offence and there is a serious penalty for it, and let me educate Members on what the penalty is. You have to go to the Customs Act, section 63, and it says:

“Any person entering Trinidad and Tobago shall, at such place and in such manner as may be prescribed...declare any uncustomed or prohibited goods contained in his baggage or carried with him.”

If you do not do that, if you do not declare prohibited goods—and anything over US \$5,000 in cash notes is prohibited. If you do not declare it, the penalty is three times the value of the items and eight years imprisonment. So, if hypothetically, a large sum of US foreign currency notes, say US \$1 million was smuggled into Trinidad through one of our ports of entry and not declared and Trinidadians facilitated that, those Trinidadians could face a fine of US \$3 million and eight years imprisonment. You know, I made the point; we have to be very careful in this country in terms of the countries that we are allowing unfettered access to Trinidad and Tobago.

I spoke about Russia. I spoke about the fact that there are 17 known terrorist organizations within the borders of Russia, home-grown and some

external. I spoke about the US State Department's view of Qatar. And as I said when I began, there are citizens of Trinidad and Tobago who have found themselves in difficulty because the financial transaction that they were involved in sent up a red flag in the United States. It broke a law of the United States. The United States not easy you know. You see how they moved into Pakistan and they disregarded Pakistani sovereignty, that is a big thing now you know. I was looking at the World News and I saw government officials from Pakistan complaining that the United States had entered their airspace without proper permission and carried out a raid on a target within Pakistani soil. Now, the United States is not easy you know.

Hon. Member: They raid Maraval.

Mr. C. Imbert: Yes. Mr. Speaker, if a Trinidad and Tobago citizen finds himself wittingly or unwittingly involved in or facilitating terrorist financing using money, possibly from Qatar, you know what will happen? I can give you a pertinent example, and this is not a matter that is sub judice.

The Member for Chaguanas West made a "lil" joke about "Mr. Big" and "Mr. Small", but there is a Mr. Small and his pseudonym or his other name is "Olive El" and he was extradited from Trinidad and Tobago some years ago. He fought his extradition and he was unsuccessful.

Dr. Moonilal: Mr. Small.

Mr. C. Imbert: Yes, Small, I believe it is Mike Small.

Dr. Moonilal: "Big Brent."

Mr. C. Imbert: You seem to have some knowledge of these characters; my knowledge is from the newspapers. [*Laughter*]

But there was a particular individual called "Small" who was extradited from Trinidad and Tobago. Do you know why? Because he was implicated in a wiretap in Florida in the possible purchase of guns for

importation into Trinidad and Tobago, and the United States through the Mutual Assistance Treaties that we have applied for him to be extradited, and I said he fought it. He fought it for a little while, more than a year, normal thing with these “fellas”, when they try to extradite them they fight it for a very long time. Some take a little time and some take a long time, but this particular individual after a couple years he lost his extradition challenges and he was extradited to the United States.

Mr. Speaker, that trial was interesting. He landed in the United States on a Monday and by the Friday of the next week he was sentenced. The trial took 12 days, between the time he landed—he was arraigned, he was brought before the judge, they brought evidence, they brought witnesses, convicted, sentenced, jailed in 12 days. I say this with all sincerity, Mr. Speaker, citizens of Trinidad and Tobago who may contemplate aiding and abetting the illegal importation of large quantities of cash from countries that are considered to be sponsors of terrorism had better watch out, because if the United States believes that you are involved in money laundering, in terrorist financing, in drug trafficking, in any one of the things that bother them, that they consider to be a threat to the security of the United States, they are going to “take your wicket”. They are going first go the extradition route and if that does not work, well, we have seen what they do.

Dr. Moonilal: You say we push Manning.

Mr. C. Imbert: So, Mr. Speaker, I entered this debate simply to educate hon. Members opposite. [*Interruption*] Simply to educate hon. Members opposite—all of us in this Parliament must support this legislation. We must. But I would ask the Minister to, not just—do not just look at the financial regulation, this is part of it. Yes, it is very good that we would make financial institutions and listed businesses more compliant that they

would have to have a bureaucracy, that they would have to have compliance mechanism, they would have to report suspicious transactions, especially in areas where there may be a designated terrorist entity; all very important, but that is not all.

You know, Mr. Speaker, armed insurrections in Trinidad and Tobago, they come in 20-year cycles. We had one in 1970, we had one in 1990, we did not have one in 2010, but you know, one has to be very careful and mindful about history and that story I gave you about Mr. Small who was trying to smuggle guns into Trinidad and Tobago, that is not long ago you know, that is 2005 or somewhere like that you know, so I mean this is very current, very, very current. I am asking the Minister, therefore—in addition to these measures—in all sincerity, we need to tighten up on border control, we need to tighten up on the monitoring and surveillance, especially, of private aircraft, persons who would come not through the commercial airlines, not through the main terminal, but may be entering through that new south terminal and may not be subjected to as rigorous, checks as a normal passenger would be when they are going through the main terminal, because that airport and our port are places where large quantities of cash can come through and can be used to aid and abet or to finance terrorism. As I said, if any Trinidad and Tobago citizen finds himself implicated in that the next thing we would get is an extradition request from the United States of America and that person would be facing certain jail in the United States.

So, I entered this debate to underscore how serious it is and how important it is that we in Trinidad and Tobago take note of the global environment, take note of terrorism all over the world, take note of the countries—like Russia—where I am told we have waived visa requirements; countries like Qatar, where private jets are coming from Qatar and landing

here. Take note, Mr. Speaker. We need to take note, because we may find ourselves under the microscope by the United States and other developed countries that are targets of terrorism.

I thank you, Mr. Speaker.

[*Sen. The Hon. Brig. J. Sandy rises*]

Mr. Speaker: Just now. Before, is there anybody else on the Opposition Bench who would like to speak? If not I would call on the hon. Minister of National Security.

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. Speaker. I am indeed heartening that the few contributions we had this afternoon in respect of this Bill were all in support of the Anti-Terrorism (Amdt.) Bill that is here before us today.

Mr. Speaker, this is particularly heartened as we seek to conform with the FATF 40 + 9 recommendations in respect of the anti-money laundering and combating financing of terrorism deficiencies. The offence—and I refer to section 22A(1), Financing of Terrorism:

“Any person who by any means, directly or indirectly, wilfully provides or collects funds, or attempts to do so, with the intention that they should be used or in the knowledge that they are to be used in whole or in part—

- (a) in order to carry out a terrorist act;
- (b) by a terrorist; or.
- (c) by a terrorist organization,

commits the offence of financing of terrorism.”

5.50 p.m.

“(2) An offence under subsection (1) is committed irrespective of

whether—

- (a) the funds are actually used to commit or attempt to commit a terrorist act;
- (b) the funds are linked to a terrorist act; and
- (c) the person alleged to have committed the offence is in the same country or a different country from the one in which the terrorist or terrorist organization is located or the terrorist act occurred or will occur.”

Mr. Speaker, it was referred to earlier on, that mere weeks ago, a Trinidadian was found guilty of terrorist activity in the United States. Therefore, it has brought it to our doorstep. We heard about incidents all over the world with respect to terrorist activity, particularly in the Middle East and we must take cognizance that we are indeed a global village. And upon what occurred recently, in Pakistan, the red flag went up to most countries with which the United States carry a good relationship. Trinidad and Tobago happens to be one of these. This is why I said earlier, in my initial presentation that we ought to ensure that we are not on the wrong end of any kind of terrorist activity having regard to the fact that we are considered a soft target. As a consequence we must ensure that every effort is made to counter the possibilities of terrorist activity being committed in Trinidad and Tobago and the funding of that activity coming from anywhere, and into our country.

Mr. Speaker, a number of people are not aware as they ought to be with respect to what is happening around the world as it affects terrorist activity. Sometimes because of one's training and because of one's thinking in terms of such matters, red flags would go up. I remember, for instance, being this country's defence attaché in Washington. We were housed on

Massachusetts Avenue between Peru and Turkey. I got there in 1997. At the time there was I think the “flaming Bush” out of Peru and of course Turkey had their problems with Greece. I remember sharing with the Ambassador at the time that we needed to take cognizance of the fact of where we are sitting between these two countries. Because while Trinidad and Tobago is considered a peaceful country sitting between the two of them we could have been collateral damage in the event that there was any action taken against any one of those two countries. But, I make mention of that to underscore the fact, that after sharing that with my colleagues at the Embassy it was taken lightly, too lightly for my liking. I had to put pen to paper with respect to beseeching my Ambassador at the time to be a little more serious about what we do and how we do it. At the time we did not have even an evacuation plan for that building and it was a one-way out situation.

Back in Trinidad and Tobago, and having regard to the fact the energy sector was mentioned, I recall during my days in the military doing what we used to call the pipeline patrol, to safeguard our pipelines running from Guayaguayare in the east and out to Pointe-a-Pierre in the west. I recall the tedious task it was, having to go through and ensure that those pipelines were not tampered with, and I am sure the soldiers today continue that. I am talking about three decades ago.

5.55p.m.

So even then we were thinking along those lines. The type of terrorist activity that exists today—the global village that we exist in today was not readily available, so to speak, at that time. Even in 1990—we heard a number of things here about 1990—there was the psychological terrorism in Trinidad. I remember on one occasion, shortly after July 27th, it was

rumoured that the water was being poisoned. So people were wary about drinking water. There were other rumours that bands of Muslimeen were invading different communities. Of course, most of them were not true, but rumours like those were spreading like wildfire. I am sure everyone in this room would recall that every Friday afternoon in Port of Spain, people were hustling home because there were rumours that something was going to happen. That was the kind of psychological terrorism that existed around that time.

So sometimes people could not sleep because they were thinking that the possibility exists that all sorts of things could happen in Trinidad to interrupt their peace of life. Then, of course, the technology, the cybercrimes, the cyberterrorism and the type of hardware that exist now, we know that with our nuclear world, so to speak, a number of countries are gearing and preparing themselves to be nuclear ready as some of them would say in the combatant world. Even our sports—we all know the stories of Olympics, football, cricket. All of these sports suffered from terrorist activity. So it reaches a point now, where you cannot even go to a world sporting activity without wondering whether there would be some element of terrorism that would cause you not to return, and it is a frightening thing. It is indeed frightening.

As a consequence, in Trinidad and Tobago, for quite a while the law enforcement agencies and, indeed, the defence force, have been training in areas that would make them sufficient to deal with our terrorist activity—it would take me back to 1990, again, when it was said that the Marines came here. There were no Marines coming in here to do anything against the Muslimeen. It was the Trinidad and Tobago Defence Force that held Trinidad and Tobago in 1990. [*Desk thumping*]

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I recall again, Mr. Speaker, while we were on a Staff College Course in Levenwood, Kansas, and we were about to leave—the course had ended, and on the day of the graduation there was an officer from Beirut with his family, his wife and two children—and when we were bidding our goodbyes, she was weeping and sobbing uncontrollably saying, “I do not want to go back there. I do not want to go back there”—having had a year of comfort in the United States. Those were the days when every day or two days you were reading in the newspapers, that in Beirut, they had to get into bomb shelters. Those were the kinds of lives that they were living at the time, and that is the global activity that terrorism is.

As indicated earlier, terrorist financing nurtures and feeds terrorism all over this world. Accordingly, this global village that we speak about, we call the world, we will remain vulnerable if we allow the financing of terrorism to continue. We in Trinidad and Tobago must play our part to ensure that this scourge is eliminated globally. We are therefore pleased, Mr. Speaker, to recognize the support of our colleagues on the opposite side as we attempt to enact this important piece of legislation. I want to thank them all for their support.

Mr. Speaker, as together with global community, we make attempts to ensure that the financing of terrorism, the combating of terrorism and the means thereof, are all eliminated to provide us with a better world and, indeed, a better Trinidad and Tobago.

Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

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

Dr. Moonilal: Mr. Chairman, I beg to move that clause 4 be amended as circulated:

- A. In the proposed section 22AA(2)(c), delete the words “of designated entities” and substitute the words “referred to in paragraphs (a) or (b) immediately”.
- B. In the proposed section 22AA(2)(e), insert the word “immediately” after the word “businesses”.
- C. In the proposed section 22AA(3), delete the word “forthwith” and substitute the word “immediately”.
- D. Delete the proposed section 22AB and substitute the following section:

“Certain 22AB. As soon as a financial institution or
Procedures listed business receives the list of designated
entities or the consolidated list, referred to in
section 22AA(2)(c) or (e), the following
procedures shall apply—

- (a) the financial institution shall immediately inform the FIU, if any person or entity named on either list has funds with the financial institution or listed business;
- (b) if the financial institution or listed business has reasonable grounds to believe that a person or entity named on either list has funds in Trinidad and Tobago, the FIU shall be informed immediately;
- (c) in the circumstances referred to in paragraphs (a) or (b), the financial institution or listed business shall obtain the prior approval of the FIU to continue the transaction or business relationship with the person or entity; and
- (d) if a person or entity named on that list attempts to enter into a transaction or continue a business relationship, the financial institution or listed business shall submit a suspicious activity report to the FIU immediately and shall not enter into a business transaction or continue a business relationship with such person or entity.”

Question put and agreed to.

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

Clause 5.

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

Dr. Moonilal: Mr. Chairman, I beg to move that clause 5 be amended as circulated:

In the proposed subsection (4A), insert after the word “FIU” the word “immediately”.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 6 be amended as circulated:

- A. Delete paragraph (b);
- B. Renumber paragraph (c) as paragraph (b).

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Mr. Imbert: Mr. Chairman, could I crave your indulgence?

Mr. Chairman: Yes.

Mr. Imbert: In this particular clause, we notice that this amendment seeks to delete paragraph (b). Am I on the correct clause? What is the purpose of the deletion of paragraph (b)? What is the intent?

Dr. Moonilal: I am advised, Mr. Chairman, that the substance of paragraph (b) is now in the new section 22AB in clause 4. So it has been captured there.

Mr. Imbert: Continuing activities with designated entities? 22AB does not

deal with that there. It just deals with reporting unless I have the wrong copy of the Bill. On page 3, 22AB just makes it mandatory that the institution or the business reports the matter to the FIU. It is just a reporting function, but this clause that you are taking out is a clause that would make it mandatory that they stop doing business with the entity. Am I not correct? It seems to be very different from me. Completely different! I would love to know, if I am right, why are you taking this out? Because if you discover that a business is transacting business with a terrorist organization, you would want to order them to stop it immediately; not just report it, not just say I am doing business Al-Qaida. Tell them stop that now. So I do not know if I am misinterpreting it. I will be happy to be corrected.

Dr. Moonilal: Through you, Mr. Chairman, just to ask the Member, in his view, if the amended clause 22AB(d)—paragraph (d)—at the bottom of the first page of amendments, whether or not that takes care of the problem (d)? It seems to be the same thing as clause 6(b). What we are suggesting is really a repetition, so that we can go with the amendment to delete paragraph (b).

Mr. Imbert: Just a second.

Dr. Moonilal: Yes, sure.

Mr. Imbert: If you would give me a minute and let me look at it?

Dr. Moonilal: Yes, sure.

Mr. Imbert: You need to tighten up this amendment to include transactions because if you look at it carefully, (d) says:

“if a person or entity named on that list attempts to enter into a transaction or continue a business relationship, the financial

institutions...shall submit a suspicious activity report...and shall not enter into a business transaction or continue...”

But what about an ongoing transaction?

6.10 p.m.

Dr. Moonilal: You suggest ongoing.

Mr. Imbert: The “continue” does not speak to the transaction; it speaks to the business relationship.

Dr. Moonilal: But is it not a business transaction?

Mr. Imbert: No, you shall not enter into a business transaction or continue a business relationship. But what about an ongoing transaction that you have already entered into?

Dr. Moonilal: But would that not be a continuing transaction?

Mr. Imbert: But it does not speak to a continuing transaction; it is not there. You see—

Dr. Moonilal: What is the effect of continuing a business transaction?

Mr. Imbert:—look at what was there before, the language was much better. Clause 6(b)(1A) reads as follows:

“A financial institution or listed business shall not enter into or continue—

- (a) a business transaction with a person...; or
- (b) a business relationship...”

So it covers both the continuation of the transaction and the continuation of the relationship; this does not address the continuation of the transaction.

Mr. Chairman, I suggest that the Government revisit the amendment to clause 4 and tidy it up there, okay.

Dr. Moonilal: Could we agree, and I am sensing, that we delete 4D(b) that will erase this matter and, with leave, go to 4D(d) and put in the words there to take care of it?

With your leave, Mr. Chairman, at clause 4D(d), we are suggesting [*Interruption*]—clause 4D(d) on the list of amendments, it will read:

“If a person or entity named on that list attempts to enter into a transaction or continue a business relationship, the financial institution or listed business shall submit a suspicious activity report to the FIU immediately and shall not enter into a business transaction or continue a business transaction or business relationship with such person or entity.”

Mr. Imbert: All right, that is fine, but it is, in my humble view, not elegant. You could just put “shall not enter into or continue a business transaction” higher up.

Dr. Moonilal: Okay, “shall not enter into or continue a business transaction...”

Mr. Imbert: Yes, and that will take care of it. That is more elegant.

Dr. Moonilal: But then what about the business relationship?

Mr. Imbert: “or enter into or continue a business relationship...” Use the same form of words. “Shall not enter into or continue a transaction...”

Dr. Moonilal: “Shall not enter into or continue a transaction...”

Mr. Imbert: Or, “and shall not enter into or continue...”

Dr. Moonilal: So you want to double—use the—again, it sounds—

Mr. Imbert: Well then okay, “shall not enter into or continue a business transaction or a business relationship...” Do it that way.

Dr. Moonilal: So it would read:

“shall not enter into or continue a business transaction or business relationship...”

Mr. Imbert: “with such a person or entity.”

Dr. Moonilal: “with such a person or entity.” Is that okay? So we will read it over again for clause 4D(b):

“If a person or entity named on that list attempts to enter into a transaction or continue a business relationship, the financial institution or listed business shall submit a suspicious activity report to the FIU immediately and shall not enter into or continue a business transaction or business relationship with such person or entity.”

Okay, we got it and that will be clause 4(D).

Mr. Chairman: So we are revisiting clause 4?

Dr. Moonilal: Yes.

6.15 p.m.

Mr. Chairman: Under clause 4D. We are deleting the words—

Dr. Moonilal: “into or continue”

Mr. Chairman: Let me just say what we are hearing here. I am just reading:

“and shall not enter into or continue a business transaction or business relationship with such a person or entity.”

Dr. Moonilal: Correct.

Mr. Imbert: Just delete the words “continue a”

Mr. Chairman: No, we are deleting the words “a”—

Dr. Moonilal:—at one point and “or continue” at another point.

Mr. Chairman: We are deleting “a” and we are deleting “continue a business”.

Dr. Moonilal: Yes.

Mr. Chairman: Okay? And we are replacing “a” with “or”, “continue a” and we continue with “or business.” These are the new words.

Mr. Chairman: “or business”

Dr. Moonilal: “or business relationship”

Mr. Chairman: Yes, but we have “business relationship” already.

Dr. Moonilal: Correct.

Question put and agreed to.

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

Clause 7 ordered to stand part of the Bill.

Mr. Imbert: Clause 7 is amending section 33. No, that is clause 8. Sorry, my apologies. It is the next one. It is clause 8.

Clause 8.

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

Mr. Chairman: You wanted to raise something under clause 8?

Mr. Imbert: Yes. I notice the Minister is being given the power to make regulations. I do not have the parent Act with me. Does the parent Act require these regulations to be laid in Parliament, subject to some form of resolution or not?

Dr. Moonilal: My advice is that these regulations are to be laid in the House, not subject to affirmative or negative resolution.

Mr. Imbert: Just laid?

Dr. Moonilal: Yes.

Mr. Imbert: So, how do they become law?

Dr. Moonilal: By laying them—on publication.

Mr. Imbert: They become law when they are published.

Dr. Moonilal: Yes.

Mr. Imbert:—and they are not subject to negative resolution?

Dr. Moonilal: No, they are not subject.

Mr. Imbert: But there is a requirement that they be laid in the House, or that is a courtesy?

Dr. Moonilal: Yes. It is the first time that regulations concerning the financing of terrorism are being laid. It is not in the parent Act. It is the policy to lay it in the House. It becomes law on publication.

Mr. Imbert: Right, but it is not going to be written in any law? That is a legal requirement that it be laid in the Parliament?

Dr. Moonilal: Mr. Chairman, we are prepared to “re-look this and to add “Minister to whom responsibility for the FIU is assigned may make regulations, subject to negative resolution”—

Mr. Imbert: Very good. I would accept that.

Dr. Moonilal:—of the Parliament prescribing...”

Mr. Chairman: We are inserting after the word “regulation” in paragraph 8(2), line 3 the words:

“, subject to negative resolution of the Parliament.”

Question put and agreed to.

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

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 9 be amended as follows:

- A. In the proposed section 42(1) (a)—
 - (a) insert the words “22AB,” before the words “22C(1)”; and
 - (b) delete the words “(1A),”
- B. In the proposed section 42(2)—
 - (a) delete the word “sections” and substitute the words “sections 22AB,”; and
 - (b) delete the words “(1A),”.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

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

House resumed.

Bill reported, with amendment, read the third time and passed.

DATA PROTECTION BILL **Senate Amendments**

The Minister of State in the Office of the Prime Minister (Hon. Collin Partap): Mr. Speaker, I beg to move,

That the Senate amendments to the Data Protection Bill listed in Appendix I be now considered.

Question proposed.

Question put and agreed to.

Mr. Speaker: Hon. Members, having regard to the number of clauses for

amendment, with your leave I would like to suggest, rather than all of these clauses be read, we would follow the following procedure, with your leave, when it comes to clause 2, the Clerk will say: clause 2A, B, C and then go to clause 8(2) A and B.

Mr. Imbert: Thank you so much, Mr. Speaker. I wish to say that it is the position of the Opposition, just like the other Bill, the companion Bill to this, that the Government did not listen to us. We want nothing to do with these amendments. They can pass all of them in one “grappe”. [*Desk thumping*]

Dr. Moonilal: Thank you.

Mr. Speaker: Thank you very much, Member for Diego Martin North/East. I am suggesting that the approach that I have advanced be adopted.

Clause 2.

Senate amendment read as follows:

- A. In the definition of “data” delete the word “physical”;
- B. In the definition of the word “Head of a Public Body”-
 - (i) insert after the words “Minister,” the words “the President of the Senate, the Speaker of the House of Representatives,”; and
 - (ii) delete the words “a corporation” and substitute the words “an enterprise”;
- C. In paragraph (h) of the definition of the words “personal information”
 - (i) delete the words “acid or” and substitute the words “acid,”;
 - (ii) insert after the word “type” the words “or the biometric characteristics”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 8(2).

Senate amendment read as follows:

- A. In the Marginal Note: Delete the words “7:07” and substitute the words “90:03”
- B. Delete the words “at the bar”

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 9(2).

Senate amendment read as follows:

- A. In paragraph (b), delete the words “offer comment” and substitute the word “advise”; and
- B. In paragraph (g), delete the words “58 or 76” and substitute the words “58, 78, or 79A”;
- C. In paragraph (j) delete the words “subject always to any special or general directions as the President may from time to time specify” and substitute the words “in accordance with this Act”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 10.

Senate amendment read as follows:

In paragraph (f) delete the words “either upon his own initiative or upon the request of the President”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 11(1).

Senate amendment read as follows:

Delete the words “possess the same qualifications and experience required for” and substitute the words “meet the same requirements for qualifications or experience as specified for”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 12(1).

Senate amendment read as follows:

In the Marginal Note:

- (i) delete the word “;” after the word “resignation” and insert the word “or”;
- (ii) delete the words “and suspension”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 20.

Senate amendment read as follows:

Insert after subclause (5) the following new subclause:

“(6) Where the Head of a Public Body referred to in subsection (3) refuses to—

- (a) allow the Information Commissioner or any person acting for or under him to enter and inspect premises under subsection (1)(a);
- (b) produce a document or record under subsection (1)(b),

the Information Commissioner may apply to a Judge for an Order to direct the Head of the Public Body to—

- (c) allow the Information Commissioner or any person acting for or under him to enter and inspect the premises and seize any document found therein for the purposes of an audit or enquiry; or
- (d) produce the document or record.”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 21.

Senate amendment read as follows:

- A. In the chapeau, insert after the word “by” the words “ an Order of the Court”;
- B. In subclause (1)(a) delete the words “ an Order of the Court,”;
- C. In subclause (1)(b) –
 - (i) delete the words “a warrant,”
 - (ii) insert after the word “conduct” the words “and seize any document or record found therein”;
 - (iii) delete the words “for the purpose of an” and substitute the words “relevant to the”;
- D. In subclause (2)—

- (i) Delete the words “(1)(a)” and substitute the words “(1)(b)”;
- (ii) delete the words “a Magistrate for a warrant” and substitute the words “the Court for an Order”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 27.

Senate amendment read as follows:

In subclause (1), insert after the word “Parliament” the words “within three months after the end of the calendar year”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 28.

Senate amendment read as follows:

Insert after the word “publish” the words “in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 40(2)(a).

Question put and agreed to.

Clause 42.

Senate amendment read as follows:

In paragraph (d) insert after the word “fairness” the words “and prior notice of such disclosure is given to the person to whom the information relates”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 46(1).

Senate amendment read as follows:

Insert after the word “;” the word “and”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 49.

Senate amendment read as follows:

A. Renumber clause 49 as 49(1);

B. Insert after subclause 49(1) as renumbered the following:

“(2) An Order under subsection (1) shall be published in the *Gazette* and two newspapers in daily circulation in Trinidad and Tobago.”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 51.

Senate amendment read as follows:

In subclause (2) delete all the words after the word “means” and substitute the words “the title, business address, business telephone and facsimile number and business e-mail of an official or employee of the public body.”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 52.

Senate amendment read as follows:

- A. In subclause (1) delete the words “a citizen of or resident”.
- B. Delete subclause (4).

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 59.

Senate amendment read as follows:

Delete the words “Commissioner written” and substitute the words “Commissioner a written”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 64.

Senate amendment read as follows:

In subclause (3) delete the words “Deputy Commissioner” and substitute the words “Deputy Commissioners”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Part IV.

Senate amendment read as follows:

In the heading “PART IV” delete the word “PERSONSAL” and substitute the word “PERSONAL”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 76(2)(a).

Senate amendment read as follows:

A. Insert after the word “professional” the words “or an

employee or agent of a health care body at the direction of a health care professional”.

- (3) B. (i) In paragraph (e) delete the word “and” after the word “;”;
- (ii) In paragraph (f) delete the word “.” after the word “Act” and insert the word “and”; and
- (iii) Insert after paragraph (3)(f) the following new paragraph:
- “(g) Emergency Ambulance Services and Emergency Medical Personnel Act, 2009.”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 82.

Senate amendment read as follows:

In subclause (3) delete the words “Deputy Commissioner” and substitute the words “Deputy Commissioners”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 94.

Senate amendment read as follows:

- A. Delete the words “, acquiesced in”;
- B. Delete the words “, whether or not the corporation has been prosecuted and convicted.”.

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

6.30 p.m.

Clause 101(d).

Senate amendment read as follows:

Delete the word “58” and substitute the word “57”

Mr. Partap: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed.

Schedule.

Senate amendment read as follows:

In the title of PART A, delete the word “an” and substitute the word “of”.

In the title of PART B, delete the word “an” and substitute the word “of”

TRAFFICKING IN PERSONS BILL **Senate Amendments**

Mrs. Gopee-Scoon: Mr. Speaker, I would just like to raise an objection if I may, please? On the last occasion when we met on this particular Bill, the Trafficking in Persons Bill, 2011, the Government had given an undertaking that with regard to clause 31,—we left here undecided on it, and they felt they needed to give some consideration to it, they promised us that they

would take it to the other place, to the Senate, to have a look at it and it would be discussed at the point. I felt also that it involved some sort of policy considerations on their part. However, I have perused the notes from the *Hansard*, from the Upper House, and I have seen that the Government did not do as they had promised, they did not raise it at all, this is with regard to clause 31 and I seek an explanation as to what they intend to do about clause 31.

I am not sure, maybe I can explain what it was about. It was with regard to the immunity from prosecution and we had commented on the differences between the two Bills, the previous erroneous Bill and the subsequent amended Bill. Whereas initially they had spoken of full immunity for criminal and for immigration offences, they had gone to a position of no immunity at all and, in fact, they were—what they had left was a very broad defence which left a gaping hole for criminals to make use of that hole which they left in the legislation.

We considered it serious. The Government gave an undertaking and, therefore, I want to hear what the Government has to say on this.

6.35 p.m.

Mr. Speaker: I did indicate to the hon. Member for Point Fortin that, having regard to the fact that it is not here, it is very difficult, unless the Minister wishes to make a limited intervention. What I can say is that when we amend our Standing Orders, there could be some provision that will deal with assurances given by Ministers and, in that regard, we will be able to track, when assurances are given, that those assurances are, in fact, executed. That could be contained in our new set of Standing Orders. That is what I

would like to suggest unless the hon. Minister is aware of what you have raised and, if he wants to take a minute to respond, I will allow him. Other than that, I will call on the Minister to deal with these clauses as they are brought from the Senate. Would you like to comment briefly, Sir, on what the hon. Member has said?

Sen. Brig. Sandy: Mr. Speaker, I do not recall the actual argument, but if it is that—

Mrs. Gopee-Scoon: [*Inaudible*]

Brig Sandy: I am not saying no.

Mr. Speaker: Hon. Minister, just one second. Member, I know that you are very passionate like myself, but please, allow the Member to speak and do not growl and howl in that kind of way. You snapped there; snapped at the Minister and it is disrespectful, so I ask you to calm your nerves and allow the hon. Minister to respond. Hon. Minister, could you kindly?

Brig. Sandy: Thank you, Mr. Speaker. You are most kind. All I was saying was that I do not recall the argument, but I am sure, once it is registered and it is determined that it is so, that I will get some assistance from the drafting team with respect to that.

Mr. Speaker: As I said, hon. Member for Point Fortin, I know what you speak to and I am saying that when we amend our Standing Orders, we can have that particular provision that deals with Ministers' assurances and, therefore, it will be compulsory in the future to deal with the matter that you have raised. I now call on the hon. Minister of National Security.

The Minister of National Security (Sen. The Hon. Brig. John Sandy):
Mr. Speaker, I beg to move,

That the Senate amendments to the Trafficking in Persons Bill listed in Appendix II to the Order Paper be now considered.

Question proposed.

Question put and agreed to.

Mr. Speaker: Could I again seek the House's indulgence, unless the House determines otherwise, that we deal with these clauses as they are—the way we will approach them in a short while—clause 3 and go right down unless there is a specific intervention that Members would like to make. Do I have the agreement of the House?

Mr. Imbert: Mr. Speaker, there is just one clause we are interested in that I am aware of, and that is clause 31, which is not on the list of amendments.

Mr. Speaker: That is what I was saying; because it is not here, we cannot deal with it.

Dr. Moonilal: Mr. Speaker, I am hearing the Members on that clause, but the Motion before us is to accept the amendments from the Senate. I am not sure that we can deal with an amendment that did not come from the Senate.

Dr. Rowley: Mr. Speaker, in light of the fact that—if my memory serves me right, this assurance was a prime ministerial assurance—the Prime Minister is not here this evening; the Minister cannot recall the particular assurance given—I am wondering whether, since we are constrained by the Standing Orders not to touch on clause 31, the Leader of Government Business would give a new assurance that provision would be made to revisit clause 31 in the context of the prime ministerial assurance given at the last sitting.

Dr. Moonilal: Mr. Speaker, the matter raised, which is clause 31, as I said,

is not on the list here; it is not part of the Motion. We can accept and proceed with our Motion; it is common knowledge that this session will come to an end in a few days. I propose, if it is that clause 31 has to be amended in any way, we can easily do it with a subsequent amendment to the Act that deals with that; but it is hard now, procedurally and otherwise, to take an amendment that did not come forward from the Senate.

Dr. Rowley: Mr. Speaker, I fully understand and I agree with that, but I am saying that we are confident that, in the substantive debate, an assurance was given and we would not like that assurance to evaporate as we close the passage of this Bill and enact this law. I would like the assurance to remain alive by asking the Leader of Government Business to commit to honouring the assurance when it is confirmed that such an assurance had been given. We can check the *Hansard* and see what it was and just commit that it will be honoured.

Dr. Moonilal: Mr. Speaker, at no point were we saying that an assurance was not given. In all fairness, we can refresh our minds now as to the assurance. I remember the exchange. The Prime Minister was here and gave an assurance. In the debate in the Senate that generated quite a number of amendments, that was not one. I have not read word for word the debate in the Senate. I am not sure if Members of the Government raised that matter; I am not sure if it was raised by Members of the Opposition, for example. The Opposition raised it in the House of Representatives, but did the Opposition raise it in the Senate? [*Interruption*] This is what I am saying. It was raised in our Chamber by the Opposition. The Government gave an assurance that we would look at it.

I understand from the Member for Point Fortin that it was not raised in the Government's debate, but I think I understand that Members are not aware whether or not the Opposition Members raised it. It would appear that no one may have raised it because it did not find itself here as an amendment.

All I am saying is that the Prime Minister has given an assurance to look at it. Let us proceed with the Motion and then it may require an amendment to the Act in the Second Session of the Tenth Parliament to deal with section 31. But we cannot deal with it now in the circumstances.

Mr. Speaker: Hon. Members, if the Leader of the House is giving an undertaking that that particular assurance will be honoured, I think we should take him at his word. Let us proceed, given the undertaking that has been given. It is in the record of the *Hansard*, so that is clear. I understand what you said, so we proceed. [*Interruption*] We are not amending anything based on what you have said. Continue, please.

Clause 3.

Senate amendment read as follows:

Insert in the appropriate alphabetical sequence, the following definition:

‘premises’ include any building, room, vessel, vehicle, aircraft, enclosure or place;

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 6(1).

Senate amendment read as follows:

Delete paragraph (a) and substitute the following paragraph:

- (a) to establish policies and develop a national plan of action, consisting of a comprehensive set of measures:
 - (i) for the prevention of trafficking in persons and trafficking in children;
 - (ii) for the identification of, assistance to and protection of victims;
 - (iii) for the prosecution of traffickers; and
 - (iv) for the repatriation of victims,

in partnership with non-governmental organizations, inter-governmental organizations and other States and to coordinate the implementation of the national plan;

Delete paragraph (b) and substitute the following paragraph:

- (b) to develop plans in consultation with representatives of civil society to provide victims of trafficking where appropriate with suitable housing, employment, educational and training opportunities, psychological counselling, legal assistance or legal information and medical assistance;

6(1) Delete paragraph (c) and substitute the following paragraph:

- (c) to develop, review, evaluate and revise, if necessary, a national counter-trafficking plan;

6(1)(h) Delete paragraph (h) and substitute the following words:

- (h) to measure and evaluate the progress of Trinidad and Tobago in the areas of:
 - (i) trafficking prevention;
 - (ii) protection and assistance to victims of trafficking; and
 - (iii) prosecution and enforcement against traffickers, including persons in the public sector who facilitate trafficking in persons and trafficking in children and the role of corruption in such facilitation;

6(1)(i) Delete paragraph (i) and substitute the following paragraph:

- (i) to evaluate all programmes developed pursuant to this Act to ensure their effectiveness;

Sen. Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 7.

Senate amendment read as follows:

Delete and substitute the following clause:

“7(1) The Task Force shall comprise the Ministers responsible for foreign affairs, labour, social development, national security, justice and education.

- (2) The Task Force may co-opt:

- (a) the head of the Central Authority;
 - (b) the Chairman of the Board of the Children's Authority;
 - (c) other appropriate public officers, whether on contract or otherwise, with responsibility for law enforcement, intelligence, immigration, social development, health, education, gender affairs, finance, foreign affairs, labour and justice, who shall be appointed by the Chairman on the recommendation of the respective ministers and who shall hold office for two years but may be eligible for reappointment; and
 - (d) representatives from non-governmental organizations who shall be appointed by the Chairman on the recommendation of any of the ministers referred to in subsection (1), and who shall hold office for two years but may be eligible for reappointment.
- (3) The Chairman may, for the purposes of the performance of the functions of the Task Force, co-opt any other minister as the Task Force sees fit.”

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 8.

Senate amendment read as follows:

Delete after the word “appointed” the words “by the President”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 9.

Senate amendment read as follows:

Delete subclauses (4), (5) and (6).

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 11.

Senate amendment read as follows:

A. Delete subclauses (1) and (2) and substitute the following subclauses:

“(1) There shall be established a Counter-Trafficking Unit within the ministry responsible for national security, which shall be headed by a Director who shall be—

(a) a public officer appointed by the Public Service Commission; or

(b) an officer on contract engaged by the Permanent Secretary in accordance with the Guidelines on Contract Employment established by the Chief Personnel Officer for such purpose and who shall

hold office for three years, but may be eligible for reappointment.”

- (2) There shall be a Deputy Director who shall be:
- (a) a public officer appointed by the Public Service Commission; or
 - (b) an officer on contract engaged by the Permanent Secretary in accordance with the Guidelines on Contract Employment established by the Chief Personnel Officer for such purpose and who shall hold office for three years, but may be eligible for reappointment.

- B. In subclause (4) insert after the word “comprise” the words “positively vetted,”
- C. Renumber subclause (6) as (5) and subclause (5) as (6).
- D. In subclause (6) as renumbered insert after the words “authorized officer” the following words: “for a specific period and purpose”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 12.

Senate amendment read as follows:

- A. In paragraph (f), insert after the word “receive” the words “, collate and analyse”.

- B. In paragraph (h), delete the words “institution of prosecutions,”.
- C. Renumber paragraphs (i) to (r) as (j) to (s).
- D. Insert after paragraph (h) the following paragraph:
 “(i) to refer all matters requiring the initiation of criminal prosecutions to the Office of the Director of Public Prosecutions;”.
- E. In paragraphs (q)(i) and (ii) as renumbered insert after the word “citizens” wherever it occurs the word “, residents” in each paragraph.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Senate amendment read as follows:

<p>Heading</p> <p>“PART V CRIMINAL OFFENCES AND RELATED PROVISIONS”</p>	<p>Delete the Heading—</p> <p style="text-align: center;">“PART V CRIMINAL OFFENCES AND RELATED PROVISIONS”,</p> <p>Occurring after Clause 14 and insert the heading after Clause 13.</p>
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Clause 16.

Senate amendment read as follows:

Insert after paragraph (d), the following words and subparagraphs:

“by means of—

- (i) threats or the use of force or other forms of coercion;
- (ii) abduction;
- (iii) fraud or deception;
- (iv) the abuse of power or the abuse of a position of vulnerability;
or
- (v) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person;”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 17.

Senate amendment read as follows:

Insert after paragraph (d), the following words and subparagraphs:

“by means of –

- (i) threats or the use of force or other forms of coercion;
- (ii) abduction;
- (iii) fraud or deception;
- (iv) the abuse of power or the abuse of a position of vulnerability;
or
- (v) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person;”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 21.

Senate amendment read as follows:

- A. In subclause (3), delete the word “may” and substitute the word “shall”.
- B. In subclause (5)(d) delete the word “or”.
- C. In subclause (5)(e) delete the comma after the word “Service” and substitute a semi-colon and the word “or”.
- D. Insert after subclause (5)(e) the following paragraph:
 - “(f) any other official or public officer having the coercive power of arrest under any other written law,”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to

Clause 36.

Senate amendment read as follows:

Delete all the words occurring after the word “concerns”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to

Clause 37.

Senate amendment read as follows:

- A. Delete subclause (1) and substitute the following subclause:

“(1) Victims of trafficking who are not nationals of Trinidad and Tobago and their accompanying dependent children, may receive for the duration of their stay in Trinidad and Tobago, such social benefits including—

- (a) appropriate housing, education and training opportunities;
- (b) psychological counselling;
- (c) legal assistance and legal information; and
- (d) medical assistance,

as may be determined by the Minister to whom the responsibility for social development has been assigned”.

B. Delete subclause (2) and substitute the following subclause:

“(2) Victims who are participants in the Justice Protection Programme may have the option to communicate with and receive visits from family and friends, subject to the terms and conditions of the programme.”

C. Insert after subclause (4), the following subclause:

(5) Justice Protection Programme” referred to in subsection (2) has the meaning assigned to it in the Justice Protection Act.”

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 39.

Senate amendment read as follows:

A. In subclause (1)—

(a) insert after the words “do not” the words “desire to”;

(b) delete the word “dependants” occurring after the word “accompanying” and substitute the words “dependent children”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to

Clause 44.

Senate amendment read as follows:

A. In subclause (2) insert after the words “liaise with the” the words “Children’s Authority and other”,.

B. In subclause (3), delete and substitute the following chapeau: “The Counter-Trafficking Unit, in consultation with the Children’s Authority, shall develop special programmes for child victims including—”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to

Clause 48.

Senate amendment read as follows:

Delete paragraph (b) and substitute the following paragraph:

“(b) by a national of Trinidad and Tobago anywhere, whether in Trinidad and Tobago or elsewhere; or”

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to

Schedule.

Senate amendment read as follows:

A. In paragraph 1—

(a) renumber subparagraphs (c) to (f) as (d) to (g);

(b) insert after subparagraph (b), the following subparagraph:

“(c) psychologists”.

B. In paragraph 2, delete the number “(d)” in the chapeau and substitute the number “(e)”.

Brig. Sandy: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon. Members, I seek your indulgence to revert to “Presentation of Reports from Select Committees”, in an effort to save the work of the various committees.

Question put and agreed.

THE WAY OF TRINIDAD AND TOBAGO (INC’N) BILL

Special Select Committee

(Presentation)

Dr. Fuad Khan (*Barataria/San Juan*): I beg to present the following

report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of The Way of Trinidad and Tobago and for matters incidental thereto.

6.50 p.m.

**ASSOCIATION OF REAL ESTATE AGENTS
OF TRINIDAD AND TOBAGO (INC'N.) BILL**

Special Select Committee

(Presentation)

Dr. Fuad Khan (*Barataria/San Juan*): I beg to present the following report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the Association of Real Estate Agents of Trinidad and Tobago (Inc'n) Bill and for matters incidental thereto.

**CENTRAL TENDERS BOARD ACT
(PROPOSAL TO REPEAL AND REPLACE)**

Joint Select Committee Report

(Presentation)

The Minister of Education (Hon. Dr. Tim Gopeesingh): Mr. Speaker, I beg to present the report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act.

**MINISTRIES, STATUTORY AUTHORITIES
AND STATE ENTERPRISES (GROUP 1)
(GREEN FUND)**

**Joint Select Committee Second Report
(Presentation)**

Mrs. Patricia McIntosh (*Port of Spain North/St. Anns West*): Mr. Speaker, I beg to present the second report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1), on the administration of the Green Fund.

**THE WAY OF TRINIDAD AND TOBAGO (INC'N) BILL
Special Select Committee
(Adoption)**

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I beg to move,

Be it Resolved that this House adopt the Report of the Special Select Committee of the House of Representatives appointed to consider a private Bill entitled an Act for the incorporation of The Way of Trinidad and Tobago and for matters incidental thereto. I beg to move.

Question proposed

Question put and agreed to.

Report adopted.

ASSOCIATION OF REAL ESTATE ETC

**Special Select Committee
(Adoption)**

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I beg to move that the House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill entitled an

Act for the incorporation of the Association of Real Estate Agents.

Question proposed

Question put and agreed to.

Report adopted.

6.55 p.m.

CENTRAL TENDERS BOARD ACT
(PROPOSAL TO REPEAL AND REPLACE)
JOINT SELECT COMMITTEE REPORT
(Adoption)

The Minister of Education (Hon. Dr. Tim Gopeesingh): Mr. Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the House adopt the Second Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act

Mr. Speaker, in keeping with the promise of the People's Partnership and in our manifesto of 2010, we introduced in Parliament two legislative proposals on procurement within its first 30 days of governance namely, Legislative Proposals to provide for Public procurement and Disposal of Public Property—

Mr. Speaker: Hon. Minister, I think you are moving a bit too fast. Let me put the question. You are really presenting the report, and not the interim report, so I would ask you to present the report. Just go back to your particular resolution, and you are presenting to the House for adoption of the report and not the interim report.

Hon. Dr. T. Gopeesingh: Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following Motion standing in my name:

Mr. Speaker: Right!

Hon. Dr. T. Gopeesingh: That the House adopt the report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act.

Yes, Mr. Speaker, in keeping with the promise of the People's Partnership Government, we laid the two legislative proposals within the first 30 days of governance namely, the proposals mentioned just a while ago. These documents were laid in the House of Representatives and in the Senate as papers on June 25, 2010 and July 06, 2010, respectively.

The legislative proposals were prescribed a procurement system that seeks to provide certainty with a view to increasing public confidence in governance. The legislative proposals was meant to repeal and replace the Central Tenders Board Act and provide for the establishment of a national tenders board for the Government of Trinidad and Tobago and a parliamentary commission to monitor the activities of the board.

Mr. Speaker, pursuant to resolutions passed in the House of Representatives on Friday, October 08, 2010 and on Friday October 29, 2010, and in the Senate on Tuesday, October 19, 2010 and on Tuesday November 02, 2010, a joint select committee was appointed to consider and report on the legislative proposals as mentioned earlier.

Mr. Speaker, the committee and I am sure the House, would like to express its sincere thanks and gratitude for the invaluable and extensive contributions of the following Members of the committee: Minister Prakash Ramadhar; Minister Herbert Volney; Minister Collin Partap; Member of Parliament, Dr. Keith Rowley; Member of Parliament, Mr. Colm Imbert; Minister Sen. Anand Ramlogan; Sen. Kevin Ramnarine; Sen. David Abdulah, Sen. Faris Al-Rawi, Sen. Helen Drayton and Sen. Dr. Rolph Balgobin.

Mr. Speaker, we would also like to commend and thank the secretarial support—the extensive secretarial support—given by two individuals; the Secretary of the committee, Mrs. Lily Broomes, and we want to thank her very sincerely for the work that she did [*Desk thumping*] and also Mr. Julien Ogilvie who was the Assistant Secretary and who sent a lot of this information via email and for easy assistance. [*Desk thumping*] We would also like to thank for her expert assistance, Mrs. Claire Blake, the Senior Counsel who was the legal consultant to this committee and Ms. Ann Hussein, Legal Officer I.

Mr. Speaker, five meetings took place between November 12—January 31—just in a short period five meetings were held. The committee

at its first meeting resolved, that in order to proceed Members must have a common perspective on the issue surrounding public procurement. To this end, the committee directed the secretary to source certain background information on the legislation, conventions and rules among other things, from other jurisdictions concerning public procurement systems and models. The committee also resolved that the services of a legislative drafting officer from the Ministry of the Attorney General should be sought to assist the committee during this process.

Further to its mandate to consult with stakeholders, the committee developed a list of stakeholders, and through its secretary wrote to them inviting submissions on the two legislative proposals. The deadline established for submission was December 23, 2010. Additionally, advertisements inviting submissions on the legislative proposals were published in the press and were broadcasted on the Parliament Channel.

Further to the issuance of invitations for submissions, the following organizations responded: the Joint Consultative Council for the Construction industry (JCC), which included submissions from the Trinidad and Tobago Transparency Institute, the Chamber of Commerce, the National Insurance Property Development Company (NIPDEC), the Chief Parliamentary Counsel Department, the Ministry of Finance and the Treasury Solicitor.

The key points that were gleaned from meetings with the legal consultant from the Chief Parliamentary Council's Department included, that the National Tenders Board of 1997 was designed to give an institution

the investigative authority not only for the pre-contract phase, but also for the post-contract or implementation phase.

The National Tenders Board Bill of 1997 represents a natural progression from the Central Tenders Board Act. The draft Procurement and Disposal of Public Property Bill, 2006, is primarily framework legislation.

Mr. Speaker, following deliberations as a whole, meetings with stakeholders and consideration of submissions, the committee was able to determine as follows: The draft Bills represent two different philosophies, that is, a centralized model in the case of the National Tenders Board Bill, 1997 and a decentralized model as it relates to the Procurement and Disposal of Public Property Bill, 2006. The primary difference between the Central Tenders Board Act and the National Tenders Board Bill, 1997 was the inclusion of the parliamentary commission in the latter.

Mr. Speaker, the procurement procedures were absent from this Bill, however, they were supposed to be outlined in the regulations and guidelines, which the procurement regulator is responsible for developing. The Bill was intended to apply to fully-owned or partially-owned controlled state enterprises as well as the Tobago House of Assembly. The Bill proposed a decentralized procurement system. The Bill also proposed that every procuring entity must observe certain principles in an unbiased and ethical manner and these principles will be enforceable.

It also found that the regulator has several powers and functions including quasi-judicial; powers of a commission of enquiry, additional

powers to that of a commission of enquiry to make findings and punitive implications and administrative.

Mr. Speaker, the following were suggestions and findings originating from the committee's deliberations:

- There should be an assessment of the pros and cons of the adoption of a centralized model and/or a decentralized model.
- The Ministry of Finance should undertake empirical research with the goal of producing data that can be used to make an objective assessment of the cost and benefit of adopting a centralized or a decentralized or a hybrid procurement model.
- Any regulations, guidelines and handbooks, et cetera necessary for the implementation of the provisions of the legislation should be prepared before the legislation is enacted—you know that we enact legislation and the regulations are not there and, therefore, the legislation comes to naught with the absence of the regulations. So that was one of the main suggestions.
- The provision of the United Nations Commission on International Trade Model Law also called UNCITRAL on procurement of goods, construction and services ought to be adopted in the form of regulations or subsidiary legislation that may supplement a Bill. UNCITRAL laid the groundwork for the possible regulations that may accompany this Bill. But although the UNCITRAL document is dated 1993, over 17 years have passed and, therefore, countries may

have adjusted their legal framework for public procurement to meet evolving demands.

Mr. Speaker, procurement legislation ought to also address how cumbersome it is to conduct business in our country, since companies throughout various sectors adhere to different procurement procedures, and the issue of local content should also be addressed. [*Desk thumping*]

Mr. Speaker, the committee reported or the committee having reviewed both proposals and after consultations with stakeholders, particularly the legal consultant from the Chief Parliamentary Counsel's Department, the Ministry of Finance, the Treasury Solicitor as well as other stakeholders who had also submitted written proposals, concluded that the two legislative proposals are mutually exclusive; neither of the legislative proposals met the requirements for an appropriate legislative framework for a modern and relevant public procurement system in Trinidad and Tobago.

Following its deliberations and further to its findings the committee recommended:

- (1) That it be granted a three-month extension to complete its mandate.
- (2) During the period of extension the committee proposed to continue its work in collaboration with the Ministry of Finance and the Ministry of the Attorney General.
- (3) It proposed to complete the review of the two legislative proposals against best practice.

- (4) The committee be permitted to submit recommendations for an appropriate draft Bill to be considered by Parliament in a form to be determined.

Mr. Speaker, an interim report of the committee was adopted in the House of Representatives on Friday, February 04, 2011 and in the Senate on Tuesday, February 08, 2011. The committee requested and was granted a three-month extension to complete its mandate. The extension expired on May 07, 2011. Since the presentation of the interim report, the committee held seven meetings between February 28, 2011—May 02, 2011.

The committee reported that during the period of extension it continued its work in collaboration with officials from the Ministry of Finance and technical experts from the Chief Parliamentary Counsel's Department. The committee reviewed the submissions received from stakeholders and held detailed discussions with members of the Joint Consultative Council for the construction industry.

Mr. Speaker, following the adoption of the reports, and given the foregoing, as well as the imminent prorogation of the First Session of the Tenth Parliament, your committee wishes to report that it will not be able to complete its work in this session, and to recommend that all the work of your committee be referred to a new committee in the next session for further consideration of the subject proposals.

Mr. Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, [*Crosstalk*] I know it is getting late into the night, I do not expect to do the full 75 minutes, but I am sure Members would agree that 45 minutes is reasonable. [*Laughter*]

Mr. Speaker, this matter of public procurement is a very, very, important matter in Trinidad and Tobago today, and it has been for quite some time, and the work of this committee is extremely important as we seek to rectify or establish new paradigms in the issue of public procurement.

7.10 p.m.

And that is why whatever has been accomplished to date at committee stage should be saved, so that the work could continue in the next session, and hopefully, we will have a piece of legislation for consideration in the next session of Parliament.

That being the case, we support the Motion that the committee—I hope it is the same committee because we do not want to start over, but when the committees are reappointed, I trust that the same Members who have been there and who are familiar with the work done so far could be reappointed so that the work can continue smoothly, and we would move towards the original objective. We support the Motion, Mr. Speaker. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Mr. Speaker, obviously there is no caucusing on that side. As a Member of the committee, I think it is incumbent of me to say a very—[*Interruption*]—I was sitting here peacefully and I was being harassed, and the Member for Pointe-a-Pierre can

attest—[*Interruption*—The Member for Fyzabad kept saying, “Say a few words nah. Say a few words nah”. So I am sitting here—I said, “Me? About what?” He said about the report, I said, “Oh gosh, what is that?” He said, “Say a few words. Say a few words.” It is the first time a proposal has been made by the Member for Fyzabad that I endorse entirely.

Mr. Speaker, all I would want to say: I want to commend the Chairman of the Committee. He has adopted a very professional and businesslike approach to the work of the committee. The Member for Caroni East, believe it or not, I know it is hard for some to believe that, and you know, as he says of me, he says I have a different personality when I am in committee, well, Mr. Speaker, I will return the compliment. He has a completely different personality when he is in committee, and I want to commend him for his professional and businesslike approach to the work of this committee.

All I would say is that it has been a feature of the work that we are being asked to deal with, the absence of a written policy document from the Government. That has hamstrung the committee, notwithstanding the best intentions of the Chairman, the Member for Caroni East. Really, something as important as procurement, we really should not be shooting in the dark or, you know, putting your hand in a barrel like, you know, these games where you put your hand in and you try to pull out an apple or something—

Dr. Rowley: Bran tub.

Mr. C. Imbert: Bran tub! The work of this committee should not be like a bran tub. I would urge the Government—procurement has become very much in the news in the last couple of months. Just today, I was reading an

article where it is reported that the Attorney General has quashed the purported award of a contract with respect to national petroleum, and if one reads the article and one believes what is there, and I have no reason to doubt—[*Interruption*] If you believe what is in the article, and I have no reason to doubt that what has been reported is accurate, the Attorney General found irregularities in the bid evaluation process for the tender for the supply of services. I believe it is tractors and tractor trailers, or something like that, for the transport of petroleum products and—Mr. Speaker—[*Interruption*]

Mr. Speaker: Please. Yes, yes, please. Allow the hon. Member for Diego Martin North/East to speak in silence, please.

Mr. C. Imbert: “Lord put ah han.” Mr. Speaker, if one reads what the Attorney General has found and believes that the newspaper report is accurate, he found irregularities. He found that none of the companies that submitted bids met the qualification requirements in terms of financials, in terms of track records, et cetera, and as a consequence, he quashed the bid, and that speaks volumes for the competence of the persons who were involved in that procurement exercise.

It speaks volumes for the need of a clear written Government policy on procurement. If there was one, then the board of the NP and the tenders committee of NP would have had a manual, a procedure to follow. One gets the impression that they did not, and as a consequence they seemed to have messed up or bungled that procurement exercise.

7.15 p.m.

The other thing I would like to say is that I am not sure the Attorney General has the power. He is not the Corporation Sole; NP does not report

to him in any form or fashion, whether as a line ministry or whether in the capacity as Corporation Sole, because he is not Corporation Sole. Therefore, I would ask the question, what law or authority did the Attorney General use to squash that contract? [*Interruption*] What I saw is that he has squashed it. These things need to be dealt with properly. There needs to be a level of rigour.

The Government has been in power for one year. They have had enough time to settle down and settle in, and as we go forward to the remaining years of this Government's term—[*Desk thumping*] I said remaining years; I did not say how many—I would hope that they would be very careful about the persons they put in charge of these state enterprises—we are talking about large sums of money—and that they would be very careful about procurement.

I am just ending by urging the Government to produce a written policy on procurement, not just for the committee, but for the country at large. Because of what happened at NP, because of the ambiguous nature of procurement arrangements in this country, could easily be happening in all 52 state enterprises in Trinidad and Tobago. All I would do is ask the Minister, in his capacity as Chairman of this committee, to see if we could get a written policy out of the Cabinet on procurement.

I thank you, Mr. Speaker.

The Minister of Education (Hon. Dr. Tim Gopeesingh): Mr. Speaker, it was indeed a joy and a privilege to work with all members of the committee, including the Leader of the Opposition, the Member for Diego Martin West, who for certain reasons could not be there for all the meetings, but whenever

he was there he contributed significantly.

I would like to register particularly the contributions of the Member for Diego Martin North/East, who did a tremendous amount of work in the analysis of the entire procurement, and we record our sincere thanks and appreciation for his contribution and, of course, my colleagues, Minister Volney, Minister Ramadhar and Members of the Senate who contributed significantly, and took time off to attend meetings. We had seven meetings in a short period of time. Almost every Monday we met to bring this together.

The committee was charged to examine the proposals, consult with stakeholders and interested persons, send for papers, records and other documents and record amendments to the proposals, with a view to improving the draft, and submit a report to Parliament. We submitted the first report, we submitted a second report and now we have the final report, which we are asking, for consideration of this House, to save the work of the committee. In pursuance of the work of the committee, we had asked Senior Counsel, Mrs. Blake, to help us do a legislative framework and to inform the policy for public procurement in Trinidad and Tobago. We are very happy to state that Miss Blake, in fact, has presented a legislative framework to inform the policy for procurement in Trinidad and Tobago.

So this committee has a lot of information to move forward with, when the work is saved, and pretty shortly, if another committee is appointed in the next session of Parliament, this work would have moved expeditiously to bring a draft Bill to Parliament for consideration on procurement.

We know that the Government definitely has a focus on where we want to take procurement, in terms of its transparency, accountability and probity. The question is whether we just use a centralized or decentralized model or a hybrid model. That is still something we will work out as a Government, and bring it back to Parliament.

There were a few areas where there was substantial discussion, namely—just permit me a minute or two to indicate what they were—the incorporation of parliamentary oversight in the proposed procurement model, as practised in Jamaica by the Contractor General; Jamaica has a way of dealing with this, and we debated that at length in the committee—and whether a National Advisory Council on Procurement and/or a Procurement Commission were necessary. These were areas that formed a significant part of the debate, when we met with the stakeholders.

I raised the question of a centralized, decentralized or hybrid model and the rules and regulations, where we were going to get the rules and regulations from, and the UNCITRAL, which is 17 years behind time. We were getting some rules and regulations from there, but moving on to other areas where there are more modern rules and regulations. Then the appointment of a regulator by the Public Service Commission, as opposed to the President in consultation with the Prime Minister; the process used for parliamentary oversight and the system of interaction between Parliament and the regulator, since we believe that the regulator could frustrate the efforts of state enterprises in their pursuit of work. In the procurement practices, if the regulator finds something is wrong, he could stop an entire contract for years, as exemplified by the contract that went to court in the

Junior Sammy matter on the paving.

I think we made significant progress. The legislative framework is there for the new team, or members of the next committee in the next session of Parliament. There was a substantial amount of work done, and hopefully the work would be completed in a short space of time, for a national procurement legislative drafted Bill, so that it would be debated and enacted, so we could guide procurement with transparency, accountability and probity.

I beg to move, Mr. Speaker.

Question put and agreed to.

Report adopted.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, at this point I beg to move that this House do now adjourn to a date to be fixed. Let me ask Members and colleagues to please keep your mobile devices on and monitor those text messages, emails and BBM.

May I also, for the record, express my gratitude to all Members of the House on the Government side and Members in the Opposition, and particularly the Member for Port of Spain South, for the cooperation and support given in the conduct of Government business.

In due course, and at another time, we will review the session, but I really want to thank all Members, and particularly the Member for Port of Spain South for their cooperation and support. There have been several

challenges, of course, but we were able to meet and surmount many, if not all. I thank all Members for their support.

Members will be aware that there are some very urgent matters that the Government is considering, and it may well be that we may have to speak to Members Opposite, in particular, and look at legislation in the coming days.

At this moment, Mr. Speaker, I beg to move that this House adjourn to a date to be fixed. [*Crosstalk*] [*Laughter*] I feel I should continue talking to save someone from the wrath. [*Laughter*] On that note, I wish all Members a very pleasant evening, a very pleasant weekend and days ahead.

Ms. Marlene Mc Donald (*Port of Spain South*): Thank you, Mr. Speaker, [*Desk thumping*] and thank you Member for Oropouche East and Leader of Government Business, and the Member for D'Abadie/O'Meara. [*Laughter*] Over the last 10 or 11 months, it has been quite an experience here in the Parliament. I think that over the last 10 or 11 months I have grown as a person and grown as a parliamentarian.

I know that there were lots of challenges. I worked very closely with the Leader of Government Business. At times we had our own little “to do”, as I would put it, going on, but at the end of it we achieved what we set out to achieve in terms of having our Order Paper and the agenda flow very smoothly.

I would have liked to see a legislative agenda before us. I asked for it on several occasions, because that would make us on this side able to respond properly and appropriately. But not given sufficient time, in some instances, I think was a setback for us. As we go into the next session, I

would like to see a proper legislative agenda coming to this Parliament, so we would be able to follow exactly what is happening. .

All in all, we on this side have had a good working relationship with Members of the Government, and I think there was mutual respect on both sides. I would like to continue in that vein in the second session. I want to state that we have two or three months vacation. [*Laughter*] Well, I was just trying to get it out of you.

Dr. Moonilal: Not at all.

Ms. Marlene Mc Donald: I know that the next time we meet as a full House, we will be at another place. Would we not?

Dr. Moonilal: The second session.

Ms. Mc Donald: The second session we will be here? It does not matter, but the point about is that I want you to relax. Let us be prepared as we return to Parliament, so we could have, as I would put it, much more meaningful debates, once we get out legislative agenda laid.

Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, before putting the question for the adjournment of this House to a date to be fixed, may I also join the Leader of the House and the Opposition Chief Whip, in thanking all Members for their kind cooperation during the period over the last few months.

I also sincerely thank the Members of the House to rapidly adjusting to the supplemental Order Paper that came very late this afternoon. Members were able to quickly adjust to that, and I really think that was wonderful.

I also want to make an appeal to the new Members, as I indicated

some time ago, that Members can learn from the hon. Member for Diego Martin North/East, learn from the Member for Diego Martin West, Leader of the Opposition. I am dealing specifically with presenting your arguments without reading your contributions. That is an area that I would like the new Members—of course, I want to join the Member for D'Abadie/O'Meara. You have the Member for D'Abadie/O'Meara, you have the Leader of Government Business, you have the Member of Parliament for Chaguanas West, you have the Member for Pointe-a-Pierre, as examples of people learning.

So in the next session, if we do not come back before the 17, I would like to appeal to Members to take this period to practise, because clearly I would not be able to facilitate in the second session any reading. I ask Members to desist from approaching me for permission; it will not be granted. [*Laughter*] I think we should all seek to begin to emulate our colleagues who are really efficient in that area, and those who need help, you have help on the Opposition Bench, and those who need help, they have help on the Government Benches, so we can all begin to debate in a way that the population—especially the new ones. .

Hon. Members, I look forward to a very great session in the Second Session of our Tenth Parliament. I want to also thank all Members for the cooperation I received during the period under my stewardship, as Speaker of the House of Representatives.

Question put and agreed to.

House adjourned accordingly.

Adjourn at 7.31 p.m.

