

*Leave of Absence**Friday, August 17, 2012***HOUSE OF REPRESENTATIVES***Friday, August 17, 2012*

The House met at 10.00 a.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the following Members: Mr. Patrick Manning, Member for San Fernando East, has asked to be excused from sittings of the House during the period July 25, 2012 to October 24, 2012, due to continued illness. Hon. Herbert Volney, Member of Parliament for St. Joseph, has also asked to be excused from today's sitting of the House. The leave the Members seek is granted.

CONDOLENCES**(MR. KELVIN RAMNATH)**

Mr. Speaker: Hon. Members, as you are all aware, whilst this House was in recess, a former Member of Parliament passed away. This is the first opportunity we are having since his passing. I refer to Mr. Kelvin Ramnath, former Member of Parliament for Couva South. I now call on Members to pay tribute at this time.

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): Thank you very much. Mr. Speaker, Mr. Kelvin Ramnath first entered Parliament in 1976 as Member of Parliament for Couva South, and a member of the United Labour Front, joining I believe the Member for Oropouche at that time, the hon. Errol Mc Leod. Mr. Ramnath would occupy this position until 1991, serving as Minister of Government between 1987 and 1988, when he served as a member of the National Alliance for Reconstruction, the NAR, first as Minister of Energy, and later as Minister of Public Utilities.

Mr. Speaker, by 1988 Mr. Ramnath's political career would take him to the formation of the United National Congress where he became a foundation member of the UNC, and later served as Opposition Chief Whip in that very Parliament until 1991.

Mr. Ramnath left the House of Representatives between 1991 and 2000, but did serve as a temporary Senator in the other place. He would return to electoral

Condolences (Mr. Kelvin Ramnath)
[HON. DR. R. MOONILAL]

Friday, August 17, 2012

politics in 2001, returning to represent the people of Couva South as a member of the United National Congress, and again in 2002 and 2007.

Mr. Ramnath will be remembered as a very formidable debater in the Parliament who brought enormous experience, particularly in the energy and environmental sectors, to bear on his presentation. He was known for his resilience, his wit, his humour at times, but always for his tenacity, for his courage in defending the underprivileged, in defending those he believed were victims of oppression, and were victims of unjust institutions.

Mr. Ramnath worked for several years, and several decades in the energy sector serving at Trintoc, and later at Petrotrin, and was very experienced and skilful in this area.

Mr. Speaker, bringing that expertise to bear, it was our honour, in 2010 on November 16, to appoint Mr. Ramnath, first as a member of the board of directors of the Environmental Management Authority, and later, with the passing of Prof. Julien Kenny, Mr. Ramnath became Chairman of the Environmental Management Authority on July 13, 2011, a position which he held until his passing.

Many of us on this side of the House, including the Member for Tabaquite, the Member for Fyzabad, the Member for Toco/Sangre Grande, the Member for Caroni East, several colleagues on this side including the current Member for Couva South, Member for Caroni Central and others have had the opportunity to have worked with Mr. Ramnath in politics for several decades, including of course, the hon. Prime Minister, the Member for Siparia, Mrs. Kamla Persad-Bissessar, and would attest to his courage, his strength, and his inspiration in leading his party, whether in government or in opposition.

We would like to pay tribute to him this morning, to extend our sympathies and condolences to his wife Debra, their children, friends and relatives on this rather untimely passing. Indeed, Mr. Speaker, on July 21, 2012, when we learnt of this, I think the entire nation was in a state of shock, since it was not common knowledge that Mr. Ramnath was terribly ill at the time.

So we would like to express our condolences to the family and we will ask in prayer that God grants the strength and courage to his family and friends to accept his passing and, Mr. Speaker, may his soul rest in peace. He was a great friend and colleague, and we will truly miss him. Thank you.

Miss Marlene Mc Donald (*Port of Spain South*): Thank you, Mr. Speaker. I had not known Mr. Kelvin Ramnath for a very long time, as indeed my colleague the Member for Oropouche East would have. I—[*Crosstalk*] [*Interruption*]

Condolences (Mr. Kelvin Ramnath)

Friday, August 17, 2012

Mr. Speaker: Please, please!

Miss M. Mc Donald: Mr. Speaker, again, protect me from the Attorney General.

Mr. Speaker: You have my full protection.

Miss M. Mc Donald: I got to know Mr. Ramnath only in 2007 when I entered this honourable Chamber, and in the period November 2007 to May 2010, what little I knew of Mr. Ramnath is that he was a very articulate, extremely good debater. I personally had a very good working relationship with Mr. Ramnath. I thought that he was a rather witty person, very knowledgeable, and believe me, very quick on his feet, and quick with his tongue at the same time. [*Laughter*]

Mr. Speaker, there is not very much that I can say, because as I said, I did not really know him personally, but whatever I knew of him as a colleague in Parliament, I want to think that those were treasured moments that I spent with Mr. Ramnath here in this House.

We on this side do mourn the passing of our colleague, and we wish to extend condolences to his family, his friends, not only his close friends, but his political friends at the same time.

Mr. Speaker, his passing should be a lesson to all of us. You would recall that in June, on the last day, I made mention of the fact that we all must look at our own health. I think that this so important that, as parliamentarians, we need to step back a bit. We know that the work is very stressful. We have Ministries to run, we have constituencies to run, we have a family to take care of, and at times we forget ourselves in the middle of all of that. I am asking today that all of us, again, take a second look at how we carry out our own activities. May his soul rest in peace. Thank you.

Mr. Speaker: Hon. Members, I wish to join with the hon. Member for Oropouche East and the Member for Port for Spain South, Chief Whip, in paying tribute to former Member of Parliament for Couva South, Mr. Kelvin Ramnath, who passed away whilst this House was in a period of recess.

As is well known, Mr. Ramnath was a former Manager of Petrotrin, a former Member of this honourable House, and representing the constituency of Couva South. He was a former Minister of Energy, and more recently, the former Chairman of the Environmental Management Authority.

Hon. Members, while I have no hesitation in fully endorsing the sentiments expressed by those who preceded me, I wish to add that I shared a valued

Condolences (Mr. Kelvin Ramnath)
[MR. SPEAKER]

Friday, August 17, 2012

relationship with Kelvin. It was a relationship marked by mutual respect. Resilience was one of Mr. Ramnath's admirable traits. Indeed, anyone who knew the man could not help but have the greatest respect for his abiding advocacy against discrimination in all its forms.

Kelvin Ramnath was passionate about our country's ability to chart its own course for the future, and to develop strategies to achieve sustainable development. He was a man totally committed and loyal to his political ideals. He endured and never surrendered. He served his country well, he stood up to be counted. May his soul rest in peace.

On behalf of this honourable House, on behalf of my family, and on my own behalf, I extend to his grieving widow, his children and family, deepest sympathy on the sad passing of their loved one.

Hon. Members, I have directed the Clerk to prepare an appropriate letter of condolence to the family of the late Mr. Kelvin Ramnath, on behalf of all Members of this honourable House. As a mark of respect to this former Member of Parliament, could we all stand to observe a minute's silence.

The House of Representatives stood.

**SESSIONAL SELECT COMMITTEES
(APPOINTMENT OF)**

Mr. Speaker: Hon. Members, in accordance with Standing Order 71(2) I wish to announce the appointment of the following Sessional Select Committees for the Third Session of the 10th Parliament.

Standing Orders Committee

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Mr. Colin Partap	Member
Dr. Delmon Baker	Member
Mr. Jairam Seemungal	Member
Mr. Colm Imbert	Member
Miss Marlene Mc Donald	Member

*Sessional Select Committees**Friday, August 17, 2012***House Committee**

Dr. Roodal Moonilal	Chairman
Mr. Anil Roberts	Member
Mrs. Vernella Alleyne-Toppin	Member
Mrs. Nela Khan	Member
Mr. Colm Imbert	Member
Mr. Nileung Hypolite	Member

Committee of Privileges

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Mr. Prakash Ramadhar	Member
Mr. Chandresh Sharma	Member
Mr. Rodger Samuel	Member
Dr. Tim Gopeesingh	Member
Mr. Colm Imbert	Member
Miss Donna Cox	Member
Mrs. Paula Gopee-Scoon	Member

Regulations Committee

Mr. Wade Mark	Chairman
Mr. Rudranath Indarsingh	Member
Mr. Nizam Baksh	Member
Miss Ramona Ramdial	Member
Dr. Amery Browne	Member
Miss Alicia Hospedales	Member

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayor's Fund of the Chaguanas Borough

- Corporation for the year ended September 30, 2009. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the year ended September 30, 2005. [*Sen. The Hon. L. Howai*]
 3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the year ended September 30, 2006. [*Sen. The Hon. L. Howai*]
 4. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 1998. [*Sen. The Hon. L. Howai*]
 5. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 1999. [*Sen. The Hon. L. Howai*]
 6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Environmental Management Authority—Environmental Trust Fund for the year ended September 30, 2009. [*Sen. The Hon. L. Howai*]
 7. Audited Financial Statements of the Deposit Insurance Corporation for the year ended September 30, 2011. [*Sen. The Hon. L. Howai*]
- Papers Nos. 1 to 7 to be referred to the Public Accounts Committee.*
8. National Insurance (Benefits) (Amendment) Regulations, 2012. [*Sen. The Hon. L. Howai*]
 9. Annual Audited Financial Statements of Telecommunications Services of Trinidad and Tobago Limited for the year ended March 31, 2012. [*Sen. The Hon. L. Howai*]
 10. Annual Audited Financial Statements of Estate Management and Business Development Company Limited for the financial year ended September 30, 2010. [*Sen. The Hon. L. Howai*]

Papers Laid

Friday, August 17, 2012

11. Audited Financial Statements of Export-Import Bank of Trinidad and Tobago Limited for the financial year ended December 31, 2011. [*Sen. The Hon. L. Howai*]
 12. Annual Audited Financial Statements of Trinidad Nitrogen Company Limited for the financial year ended December 31, 2011. [*Sen. The Hon. L. Howai*]
 13. Annual Report of National Entrepreneurship Development Company Limited for the financial years ended September 30, 2007 and 2008. [*Sen. The Hon. L. Howai*]
 14. Audited Financial Statements of the Water and Sewerage Authority for the year ended September 30, 2007. [*Sen. The Hon. L. Howai*]
 15. Audited Financial Statements of the Water and Sewerage Authority for the year ended September 30, 2008. [*Sen. The Hon. L. Howai*]
- Papers Nos. 9 to 15 to be referred to the Public Accounts (Enterprises) Committee.*
16. Annual Administrative Report for the Occupational Safety and Health Authority (OSHA) for the period October 2007 to September 2008. [*The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod)*]
 17. Annual Administrative Report for the Occupational Safety and Health Authority (OSHA) for the period October 2008 to September 2009. [*Hon. E. Mc Leod*]
 18. Annual Administrative Report for the Occupational Safety and Health Authority (OSHA) for the period October 2009 to September 2010. [*Hon. E. Mc Leod*]
 19. Annual Report for the Registration Recognition and Certification Board (RRCB) for the year 2009. [*Hon. E. Mc Leod*]

The Minister of Transport (Hon. Chandresh Sharma): Mr. Speaker, I have the honour to lay on the table the following papers: the Annual Administrative Report of the Point Fortin Borough Corporation for the period—

Mr. Mc Leod: “Chan; Chan.”

Mr. Speaker: I think you are now “Transport”, not so?

Hon. C. Sharma: Oh. [*Laughter*] Perhaps it is your error, it was sent to me.

Mr. Speaker: Sorry, Sir. Sorry about that, “Chan”.

Hon. C. Sharma: It was sent to me.

Mr. Speaker: They still have you down as the Minister of Local Government. [*Crosstalk and laughter*]

20. Annual Administrative Report of the Point Fortin Borough Corporation for the period October 01, 2003 to September 30, 2004. [*The Minister of Local Government (Hon. Dr. Surujrattan Rambachan)*]
21. Annual Administrative Report of the Point Fortin Borough Corporation for the period October 01, 2005 to September 30, 2006. [*Hon. Dr. S. Rambachan*]
22. Annual Administrative Report of the Point Fortin Borough Corporation for the period October 01, 2009 to September 30, 2010. [*Hon. Dr. S. Rambachan*]
23. Administrative Report of the Siparia Regional Corporation for the period October 2007 to September 2008. [*Hon. Dr. S. Rambachan*]
24. Administrative Report of the Siparia Regional Corporation for the period October 2008 to September 2009. [*Hon. Dr. S. Rambachan*]
25. Administrative Report of the Siparia Regional Corporation for the period October 2009 to September 2010. [*Hon. Dr. S. Rambachan*]
26. Administrative Report of the Arima Borough Corporation for the year October 2009 to September 2010. [*Hon. Dr. S. Rambachan*]
27. Administrative Report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 2010. [*The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal)*]
28. Family Proceedings (Amendment) Rules, 2012. [*The Attorney General (Sen. The Hon. Anand Ramlogan SC)*]
29. Civil Proceedings (Amendment) Rules, 2012. [*Sen. The Hon. A. Ramlogan SC*]
30. Annual Administrative Report of the Tobago House of Assembly for the year 2010. [*The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal)*]

STATEMENT BY MINISTER**Flood Devastation in Diego Martin and Environs**

The Minister of Local Government (Hon. Dr. Surujrattan Rambachan):
Thank you, Mr. Speaker. I thank you for this opportunity to make the following statement to this honourable House regarding the floods and consequent devastation as well as the loss of lives in Diego Martin and environs last weekend.

On behalf of the hon. Prime Minister and fellow Members of the Government of Trinidad and Tobago, I wish to extend our deepest sympathies to all those affected and give the assurance that in addition to the efforts already made to bring about a state of normalcy that the Government will continue to lend support to citizens affected.

As you are aware, Mr. Speaker, following her on-site visit on Saturday last, the very day of the floods, the Prime Minister declared the area a disaster area and pledged funding to Ministries and agencies so that work could proceed apace. For the record, approximately four inches of rain fell within a period of about two hours creating severe floods with it, and with it came tonnes of silt, gravel and boulders destroying the homes of residents, their vehicles, furniture and appliances and other cherished possessions. Many were left not only homeless but without food and clothing. Two persons lost their lives, which is most regrettable.

Mr. Speaker, today is not the time nor the place to lay blame for what has happened. It is not the time nor place to speak about the cutting of the hillsides exposing the raw earth, nor is it a time to address the matter of unplanned developments, nor is it a time to lay blame on who gave permission for persons to build on the hillsides; or, where they built without permission, why the authorities did not step in and apply the law. I am sure these are matters that will be addressed with both the urgency and importance that is required.

Before outlining the response of the different agencies to the crisis, it is imperative that I place on record the gratitude of the Government and the people of Trinidad and Tobago, and I am sure the people of areas affected, and our commendation to the several Ministries and agencies of Government including the Fire Services, the Housing Development Corporation, the National Self Help Commission, REACT, Local Government Regional Corporations, in particular the Diego Martin Regional Corporation; NGOs, the Red Cross, the corporate sector, the police and the regiment, the Defence Force, as well as citizens from all walks of life who generously and compassionately gave of their resources, skills and time in the service of those who were affected. [*Desk thumping*] Special mention

Flood Devastation in Diego Martin
[HON. DR. S. RAMBACHAN]

Friday, August 17, 2012

must be made of Columbus Communications who contributed way beyond the call of duty, assisting in transporting, communications and relief supplies.

Mr. Speaker, the speedy response to this crisis, as I will show, and the determination to ensure that normalcy was returned in as quick a time as was humanly possible demonstrated that the people of this country care deeply for each other and will go the extra mile to reduce human suffering and dislocation. It is also a story of productivity and high performance and gives the lie to the proposition that our people and our workers are lazy and unproductive. Let the record also show 50 years from today, when this country would have marked 100 years as an independent nation, that the qualities of love, selfless service and the use of one's best resources for the benefit of the community were values not only spoken about but lived and practised by our people.

Within a period of between 24 to 36 hours vital public utilities were restored in most of the affected areas. Congratulations are in order for T&TEC, TSTT and WASA as well as the line Ministers for their leadership. [*Desk thumping*] Impacts on the affected areas resulted in the following incidents:

- destruction of roadways;
- landslips;
- hill slides;
- clogged surface and underground watercourses;
- failed retaining walls;
- vegetation, slush and boulders washing down into roadways and private properties.

Mr. Speaker, it would surprise you to know that the Highways Division responded very quickly by mobilizing private contractors from as early as 6.30 a.m. on Saturday when this incident occurred—under the leadership of Mr. Roger Ganesh and Sen. The Hon. Emmanuel George, the Minister of Works and Infrastructure—and in-house resources from midmorning. The contractors started clearing hill slides which were restricting vehicular traffic, removing debris and vegetation from watercourses, repairing roadways and washing roadways. On that morning equipment initially mobilized included 64 dump trucks, 24 backhoes, six excavators, 20 water trucks, 15 Bobcats, 14 pressure washers, one-D8 Caterpillar tractor, one-D6 Caterpillar tractor and two front-end loaders. And that was the initial equipment that was mobilized.

In the five days starting from Saturday, eight contractors removed over 500 truckloads of debris and garbage from the Diego Martin, Morne Coco and Maraval areas. As of yesterday there were about 800 to 1,000 truckloads still to be removed and work is apace. Emergency work started in the Blanchisseuse area mid-morning on Saturday and about 100 truckloads of materials were removed from 11 landslide sites. At present works are continuing in this area and should be completed in eight days' time.

The records will show that in the case of T&TEC, of the 33 area outages attended to, all except one were restored on the same day the report was received. If there are doubting Thomases about what T&TEC did, I have evidence of when the reports came in, when the crews were sent out and the time taken to do each one of these jobs. Of the 33 areas, in one area it took 29 hours to restore electricity, due to the fact that there was a major landslip in that area. Four engineers, 14 line crews, four senior foremen and three lift trucks were mobilized to ensure that electricity was restored.

Currently T&TEC is lending support to the Diego Martin Regional Corporation to facilitate the trimming and clean-up exercises. Under the direction of the Ministry of the Environment and Water Resources and in the five days that followed, several agencies in the Ministry such as Drainage, Met Office and divisions within WASA would join forces together with other Ministries to help restore the living conditions of more than 28,000 residents of the Diego Martin Valley affected by severe flooding and disruption of water supply.

10.30 a.m.

Upon receipt of the reports and discussions on that Saturday morning, line Ministers hon. Emmanuel George, hon. Ramona Ramdial, hon. Ganga Singh and Permanent Secretary of the Ministry made all efforts to determine the status of the authority's assets at its water treatment facilities located at Four Roads and River Estate, and the condition of the pipeline infrastructure.

Hon. Minister Ramona Ramdial accompanied by the CEO—the acting CEO—on Saturday 11th, went out for the assessment and did this by 11 a.m. when the flood waters had subsided enough to allow the field staff to proceed.

Mr. Speaker, you have got to understand the speed of this response, by 6.30 a.m. Works and Infrastructure was out there. By 11 a.m. when the flood waters subsided and gave the opportunity to view the pipeline WASA was out there with the Ministers. The River Estate Water Treatment Plant remained in full operation.

Flood Devastation in Diego Martin
[HON. DR. S. RAMBACHAN]

Friday, August 17, 2012

However, the Four Roads and Sierra Leone Well 10 were affected by power failure. These facilities were subsequently placed on a generator supply and operations were resumed.

The authority's pipelines are exposed at various bridge and river crossings especially along the Diego Martin Highway and at Sierra Leone. These pipelines vary in sizes from 4 inches to 21 inches in diameter. Several ruptured mains were discovered in Covigne, La Estancia, St. Lucien Road and Glencoe. In addition, there were at least two dozen broken service connections located throughout the Diego Martin Valley that were ruptured by flood waters.

At La Horquette Road, Glencoe, the roadway collapsed at the corner of Gittensdale and La Horquette, isolating the residents and the water supply. Mr. Speaker, field personnel were on the ground checking the level of service in the entire area and by 12 noon it was established that the area had 80 per cent water supply coverage. Based on the level of devastation caused by the extensive flooding, WASA—and this shows you the level of preparedness—immediately activated its emergency response plan. Personnel from the Operations Division, Health and Safety, Procurement and Transport were mobilized to have the water supply restored within the shortest possible time.

There were numerous requests by Diego Martin Regional Corporation for assistance with heavy equipment to commence also clean-up exercises. And at this point the Health and Safety Department—that is, on Saturday morning—established communication links with all major stakeholders as part of the coordination effort. Additional daily paid crews were assembled in Port of Spain to assist in the clean-up efforts. Heavy equipment from WASA including backhoes, dump trucks and grabber trucks were mobilized and dispatched to Diego Martin. WASA water tankers were dispatched to the St Clair filling station. Contracted water tankers were dispatched also to the St Clair filling station. Sewer vacuum tankers were dispatched to Diego Martin.

Mr. Speaker, during the first three days, in terms of WASA, there was an average of 50 officers on the ground working with 30 pieces of heavy equipment conducting repairs and clean-up operations. A total of 23 streets and main roads were cleaned along the Diego Martin Main Road, Petit Valley and the Maraval area. Mr. Speaker, it does not give me time to read for you all the areas that were cleaned and all the streets, one by one, which I have listed here that were cleaned by WASA.

The Diego Martin River burst its banks and flooded the TSTT Diego Martin Exchange and a power outage also resulted in the exchange being completely out of service at 12.17 p.m. on that Saturday. The Diego Martin Exchange serves an area bounded by Cocorite in the east, North Coast Road and Blue Basin in the north, Westmoorings in the south and Chaguaramas in the west. Landline, Internet, subscription TV and mobile services were all negatively affected by the loss of the service at the exchange.

Apart from the service disruption, the flooding caused, in the case of TSTT: breakdown of a 50-foot wall at the back of the exchange; collapse of a 30-foot bridge carrying cables and ducting over the Diego Martin River; tons of silt deposited on the compound; submersion of the external generators and batteries under eight feet of water; loss of electricity supply; and damage to eight TSTT vehicles which were parked on the compound.

Mr. Speaker, TSTT engineering personnel as well as on and offsite members of the Technology, Service Operations, Human Resources, Customer Care and Risk Management, the Regulatory and Corporate Support Services, amongst others, worked alongside contractors to bring about recovery solutions. Together they were able to mobilize resources to install additional backup power and electrical systems to ensure speedy restoration of and communications systems at the Diego Martin Exchange to ensure that service to the 10,000-plus loyal customers was restored by Sunday after lunch.

In less than 36 hours TSTT, despite this destruction, was able to restore service in this area. This is a remarkable performance on the part of another agency. [*Desk thumping*] TSTT was able to revert to its T&TEC electrical supply by Thursday, August of this week, and will be undertaking work to replace the bridge over the Diego Martin River over the weekend.

The role of the Diego Martin Regional Corporation, its Chairman Mr. Anthony Sammy and all the Councillors, the CEO, the County Superintendent, the staff and the Disaster Management Unit of the Corporation must not go unnoticed. Whatever might be the limitations and criticisms of local government corporations, the public in Diego Martin will attest to the fact that the Diego Martin Regional Corporation, charged as a first respondent, performed at a very high level. [*Desk thumping*]

It set up an Emergency Organizing Unit and worked feverishly coordinating the recovery efforts that we required in a crisis situation. In this it was supported

Flood Devastation in Diego Martin
[HON. DR. S. RAMBACHAN]

Friday, August 17, 2012

by eight other neighbouring local government corporations who supplied the equipment and manpower. By mid-afternoon of the same Saturday when the incident occurred, the Diego Martin Regional Corporation—through the Disaster Management Unit—had established two shelters, outfitting them with cots and mattresses and links with the school nutrition company, under the distinct leadership of the Minister of Education, to ensure that hot meals were provided on both days.

“Outstanding” is the only word that therefore can describe the efforts and support given to the Diego Martin Regional Corporation by other municipal corporations. Port of Spain City Corporation provided six trucks, two backhoes, two water trucks and one cesspool emptier. San Juan Regional Corporation: two dump trucks, one cesspool emptier. Couva/Tabaquite/Talparo Regional Corporation: two dump trucks, one flat tray truck, one lowboy, one skidsteer and one water truck. Princes Town Regional Corporation: one Hiab and two skidsteers. Sangre Grande Regional Corporation: one water truck. Arima Borough Corporation: one water truck, one dump truck, one backhoe. Tunapuna Regional Corporation: one skidsteer, one backhoe, one dump truck. Mr. Speaker, this is teamwork and has never been seen before. [*Desk thumping*]

The National Self Help Commission has processed 42 applications for grants and these will be ready for distribution as of today. The National Housing Authority has provided temporary accommodation for 45 persons so far and are processing other applications. On Saturday last, CEPEP started with 300 workers, and as of yesterday afternoon a total of 500 workers working on two shifts have been mobilized. The Office of Disaster Prevention and Management also played its role and guided the recovery efforts.

The ODPM is currently monitoring the Disaster Management Unit’s operations and they have provided shelter security, heavy equipment, mattresses and other essential products and services to alleviate the current plight of victims. Through the operational arm and the gracious duties of the 1st Engineering Battalion, the ODPM has conducted damage assessments and provided homeowners with immediate relief when it was unsafe for civilians to traverse the impassable roads.

Most recently, they have provided volunteers on a daily basis to assist with the EOC operations and conduct damage assessments. Their 511 Call Centre, which was opened by midday on Saturday, has ensured that all victims’ calls were answered and the Emergency Operation Centre is in the process of providing recourse to these persons.

Mr. Speaker, the Minister of the People and Social Development has been on the ground in the Diego Martin disaster area with its staff since Saturday, August 11, and has committed to remain on site until August 24, 2012. [*Desk thumping*] They have visited and worked in all parts of the disaster area. Initially, they utilized five teams of five persons, and, Mr. Speaker, I will put it for the records, they went to Rich Plain, Ravine Road, parts of Bagatelle, Petit Valley and Diego Martin Central. Then they fanned out to Petit Valley, Maraval, La Horquette, Carenage, Cocorite and Diego Martin proper. On Monday they covered Morne Coco Road, Cameron Road, La Platte and La Puerta.

On Tuesday, however, the Ministry of the People and Social Development ramped up its approach by opening five Social Impact Assessment Centres. They are located in:

- La Puerta Community Centre
- Diego Martin Community Centre
- Petit Valley Community Centre
- Point Cumana Community Centre
- La Seiva Community Centre

Staff are now based at these centres which will be operating until next Friday to facilitate any affected persons who need the assistance of this Ministry. In addition, the Ministry has staff out in all the areas conducting assessments based on the reports of losses already received and being received.

As of yesterday afternoon, Mr. Speaker, 379 affected persons have been assessed. This is within five days. Approximately 50 hampers and 50 temporary food cards were distributed. Persons will also be considered for Micro Enterprise Grants of \$5,000 to assist them in restarting their businesses. The Ministry is now assessing applications from affected businesses for assistance with school books and uniforms.

Mr. Speaker, the Government and this Ministry have committed themselves to fast-tracking all completed assessments so that persons so badly affected by this disaster can get back on their feet quickly and restart their lives.

The Ministry of Health has also commenced spraying activities in all the areas to mitigate against any health or environmental concerns. For this weekend the Minister of Health has organized a medical camp to serve persons affected by the

Flood Devastation in Diego Martin
[HON. DR. S. RAMBACHAN]

Friday, August 17, 2012

floods. I have tried within the limitations to provide to you and the national community a picture as accurate as I can, based on the information provided by the different agencies and Ministries.

On December 22, 2008, the then Minister of Works, Mr. Colm Imbert, reported in the *Guardian* by saying \$30 million was required to fix the Diego Martin River and \$20 million for the Maraval River. He also reported that 150 millimetres of rainfall had fallen, which was way above the average. Of all people he would understand the magnitude of the destruction that could be caused by four inches of rainfall in two hours.

That article on December 22, 2008 in the *Guardian* from which I quote—in this article he said:

“Starting tomorrow, the Drainage Division will start filling in cavities in the river to stop further erosion...

But the real work to rehabilitate the river will begin early in the new year in the dry season.’

He said the Ministry of Works, and not the regional corporation, was the one to attend to this kind of problem since the regional corporation had only limited capability.” [*Crosstalk*]

Mr. Speaker, I simply wish to put on record that that was promised in 2008.

In conclusion, I wish once more on behalf of the Government and the people of Trinidad and Tobago, and I am sure on behalf of those affected in Diego Martin to thank every single individual, agency, Ministry or corporate entity, including the volunteer groups for their contribution to help achieve a state of normalcy in Diego Martin once again. Thank you, Mr. Speaker. [*Desk thumping*]

10.45 a.m.

MISCELLANEOUS PROVISIONS (FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO AND ANTI TERRORISM) BILL, 2012

Bill to amend the Financial Intelligence Unit of Trinidad and Tobago Act 2009 and the Anti Terrorism Act, Chap. 12:07 [The Attorney General]; read the first time.

Motion made: That the next stage be taken at a later stage of the proceedings [*Hon. A. Ramlogan SC*].

Question put and agreed to.

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Mr. Speaker, I rise before this honourable House to present the Miscellaneous Provisions (Financial Intelligence Unit of Trinidad and Tobago and the Anti-Terrorism) Bill, 2012. The amending Act No. 8 of 2011, the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) (No. 2), 2011 and Act No. 16 of 2011, the Anti-Terrorism Act, 2011, were brought to Parliament earlier this year in a quest to enhance the State's compliance rating with the 40 Recommendations enumerated by the Financial Action Task Force (FATF) which deals with anti-money laundering and the financing of terrorism and measures to prevent same.

As Members of this House might recall, Mr. Speaker, when those amendments came, the role of FATF in the international community to ensure implementation of the recommendations and effective monitoring and supervision of anti-money laundering policies were fully explained. The aim is to prevent money laundering and to reduce and eradicate the financing of terrorism. These series of amendments to both the Anti-Terrorism Act and the Financial Intelligence Unit Act were designed to cure strategic deficiencies which were identified by FATF in Trinidad and Tobago's mechanisms. There were three main strategic deficiencies identified, and they were:

1. implementing adequate procedures to identify and freeze terrorist assets without delay;
2. to implement adequate procedures for the confiscation of funds relating to money laundering; and
3. to establish a fully operational and effective monitoring unit—the Financial Intelligence Unit, which would include supervisory functions.

The present Bill, in light of that backdrop, is therefore correlated to three main Acts of Parliament. The first is the Anti-Terrorism Act, Chap. 12:07; the second is the Financial Intelligence Unit Act of Trinidad and Tobago, 2009; and the last one is the Proceeds of Crime Act, Chap. 11:27, also referred to as POCA.

Mr. Speaker, there have been several amendments to the Financial Intelligence Unit Act and the Anti-Terrorism Act, and pursuant to those amendments and in an effort to achieve a higher level of compliance with the FATF Recommendations, Regulations were made—the Financial Obligations Regulations, 2010; the Financial Obligations (Financing of Terrorism) Regulations, 2011; and the Financial Intelligence Unit of Trinidad and Tobago Regulations, 2011.

Mr. Speaker, it was on February 09, 2010 that we proclaimed the set of amendments that would enable the FIU to combat money laundering through services offered by non-regulated financial institutions and listed businesses. You may recall when that matter was debated in Parliament, it was pointed out that there were several areas in the corporate sector and in the business sector which were identified as vulnerable or soft that can easily facilitate money laundering and hide and conceal the terrorist funds—areas such as real estate, jewellery businesses and so on, and those matters were dealt with.

The other critical functions and powers under the Financial Intelligence Unit were dealt with by virtue of the sister Act, which is the Anti-Terrorism Act. What we did was to provide teeth under both pieces of legislation to enable the effective monitoring and supervising of these activities.

We amended section 8 of the FIU to empower the FIU to perform its supervisory functions in relation to listed businesses and certain categories that had been identified. The Anti-Terrorism Act, which seeks to criminalize terrorism and provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and for the confiscation, forfeiture and seizure of assets relating to terrorist activities were provided for.

In amending Act No. 8 of 2011, the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) (No. 2) Act, we catered for specific compliance measures for the FIU as follows:

1. the promotion and advancement of the FIU;
2. the powers to impose administrative sanctions for non-compliance with legislative obligations; and
3. clearly established functions and powers of the FIU as a supervisory authority.

Mr. Speaker, on October 15, 1999 and September 28, 2001, the United Nations Security Council passed two important resolutions that are relevant to this particular issue. They are Resolutions 1267 and 1373. I pause to highlight the dates of those resolutions, October 15, 1999 and September 28, 2001, simply to highlight the length of time it has taken for us to arrive at this stage whereby measures were taken to ensure compliance.

Resolution 1267 established a regime to sanction individuals and entities associated with Al-Qaeda leader, Osama bin Laden and the Taliban movement wherever they are located. Throughout this resolution, the Security Council urged

States to freeze assets or economic resources owned or controlled, directly or indirectly, by terrorist entities.

Resolution 1373 urged jurisdictions to prohibit their nationals from financing terrorism, and called upon member States to implement measures to freeze the assets of terrorist wherever they may be to prevent them from utilizing same in the commission of terrorist crimes. It was in keeping with those resolutions that the amendment Act No. 16 of 2011 was brought, and the domestic legislation of the country was brought in line with those recommendations from the United Nations and, of course, the FATF.

Mr. Speaker, these amendments to which I have referred contributed in no small measure to Trinidad and Tobago gaining an enhanced rating from the FATF in terms of its evaluation of our compliance level with the 40 FATF recommendations. There is in fact a site visit for Trinidad and Tobago to evaluate this country's compliance level, and that is carded for the end of August. Consistent with the measured progress that has been made thus far, we expect that that site visit will no doubt lead to Trinidad and Tobago gaining a positive recommendation and rating from FATF. [*Desk thumping*]

Hon. Member: Exactly!

Sen. The Hon. A. Ramlogan SC: It will be a marked improvement on what obtained before.

Mr. Speaker, the functions of the FIU are set out in section 8 of the FIU Act and the core functions are to receive reports of suspicious activities, to analyze financial reports that are received, and to confirm whether or not there are matters of concern that ought properly to be referred to any of the law enforcement agencies for investigation. Additional functions include an education role to disseminate information to the financial sector and to liaise with our foreign counterparts in other jurisdictions with a view to cooperating and collaborating for the benefit of all concerned.

Concerns were raised during the course of the debate which have been addressed in these series of amendments in this Miscellaneous Provisions Bill. The most obvious, of which, was the fact that the Register of Listed Businesses which was referred to in section 18C did not in fact make provision for non-regulated financial institutions. We have now sought to amend that, and, of course, there are some amendments which were circulated on the floor of the House this morning, which are meant to really tidy up some of the language in the miscellaneous provisions.

For administrative efficiency, I wish to point out that the FIU has now created and established a separate register for both non-regulated financial institutions as well as listed businesses. That will improve the administrative efficiency and allow for the spotlight to be focused separately on both.

Mr. Speaker, I am very pleased to say that the FIU has also managed to publish its first and second annual reports, and that is quite an accomplishment [*Desk thumping*] because this is a first. The reports include statistics on suspicious transactions and suspicious activities reports, the results of analyses conducted, trends on money laundering; and it is also available for the benefit of the Member for Diego Martin North/East.

Mr. Imbert: Where is it set up?

Sen. The Hon. A. Ramlogan SC: On the website of the FIU—fiu.gov.tt. My learned friend, the Member for Diego Martin North/East, spends a lot of time on the blogs and I am sure he will be able to visit that site in due course.

Hon. Member: He is a regular blogger.

Sen. The Hon. A. Ramlogan SC: He is a regular blogger.

The FIU has already also released statistics for the first two quarters of 2011 and 2012, which are also placed on the website. It is against that backdrop that we come to the main clauses of this Miscellaneous Provisions Bill.

The first seeks to—in section 2, which is the definition section of the FIU—we seek to insert a definition for “financing of terrorism” by having a reference to the offence which was created under the Anti-Terrorism Act. We have expanded the definition for “law enforcement authority” and we have now defined “public authority” which was not there before. The reasons for this amendment are self-evident, but are rooted in part in the dynamics of the debate that occurred on the previous occasions when this matter rose before this honourable august House.

Mr. Speaker, the offence of terrorism was created in the Anti-Terrorism Act and it was felt that the financing of terrorism, being an offence under this Act, should bear some correlation with the Anti-Terrorism Act, and we have therefore created a link between both.

The restructured definition of “law enforcement authority” is one that was debated in this House and in the other place, and it was felt that we should not adopt a restrictive approach to what law enforcement agencies the FIU can have recourse to and gain assistance from in investigating suspicious financial activity in the country.

It is for that reason we have expanded a “public authority” to include any Ministry, department or division of a Ministry; the THA, Executive Council of the THA or a division of the THA; a municipal corporation; an RHA; a statutory body for which responsibility has been assigned to a Minister of Government; a company incorporated under the Companies Act which is owned or controlled by the State; a service commission; a body corporate or an unincorporated entity. And, in relation to any function which it exercises on behalf of the State, a body established by virtue of the President’s prerogative, a Minister of Government in his capacity as such or any other public authority and one which is supported, whether directly or indirectly, by Government funds over which the Government is in a position to exercise control.

These are very expansive definitions of a public authority. The last one in particular was borrowed from the Freedom of Information Act and goes so far as to say that any institution that the Government controls, whether directly or indirectly, once taxpayers are financing that entity that that is a public authority for the purpose of the Financial Intelligence Unit, And that means the powers and the tentacles of the Financial Intelligence Unit can now overreach into any of these institutions to solicit their cooperation in investigating suspicious financial activities. That is a positive step in the right direction and I dare say the FATF will be most pleased to note that Trinidad and Tobago has taken that step towards embracing all of the public authorities rather than taking a restrictive approach. [Desk thumping]

In section 8(1), we have deleted certain words and references, and that is really for tidying up. I have asked the draftsmen to bear in mind that, where possible, we must have legislation that is not only user-friendly, but also easy to read—reader friendly.

Hon. Member: [Inaudible]

Sen. The Hon. A. Ramlogan SC: Yes, it is to assist you as well. What we have done therefore is to simplify the language and make reference simply to the Proceeds of Crime Act and the Anti-Terrorism Act which will encompass and take care of all of the series of amendments that occurred to those two pieces of legislation.

We have also clarified and deleted the words “the primary institution”, because the primary institution responsible for the collection of financial intelligence and information implied that it was possible for some other institution to have that shared responsibility. It was clearly felt that the intention should be

that the FIU is the sole body that should be the repository of this kind of information. It is for that reason we have now clarified that and I believe the Member for Port of Spain South is very happy with that.

Hon. Member: I can see that.

Sen. The Hon. A. Ramlogan SC: Mr. Speaker, by these simplifications and changes in the language, I believe we have cleared up the misconceptions and the confusion that occurred by saying that it is the primary institution with responsibility for same.

In section 8(3)(e), we have again expanded subsection (e) to engage in exchange of financial intelligence and information with members of the Egmont Group or with foreign financial intelligence units. This is a curiosity because the Egmont Group really is one of those international bodies that comprise a number of states that are compliant with the FATF recommendations or attempting to comply with same and to define ways to collaborate and share information.

11.00 a.m.

But when we were doing the research and when the debate was in progress, it occurred to us that there may be states that are not members of the Egmont Group, and we will be restricting ourselves—based on the way the legislation was drafted—to cooperation and collaboration with only members of the Egmont Group. It is for that reason, we have now expanded it to say members of the Egmont Group or foreign financial intelligence units.

I am advised that there are countries such as Cuba, Pakistan, Bangladesh, Iran and Iraq—those are some of the countries that are not members of the Egmont Group. One can immediately see the relevance of such an amendment to expand the possibility for future cooperation and collaboration and sharing of information between Trinidad and Tobago's FIU and others. In this regard, Trinidad and Tobago, perhaps, has taken a step that other FIU-compliant countries have not in fact taken. So, we have adopted the broadest possible approach to equipping the Financial Intelligence Unit with the necessary authority to fight terrorism and money laundering at all levels.

Mr. Speaker, I turn now to section 8(4). Section 8(4)(a), we have expanded as a consequence of the previous amendment. We have expanded it to allow for reciprocity with members of the FIU and foreign financial intelligence units, and that relates now to the sharing of information and the exchange of information.

Mr. Speaker, these amendments highlight the fact that in today's world, communication and cooperation with several distinct groups is what is needed to

treat with the phenomenon of money laundering and financing of terrorism. These two offences are known to cross territorial boundaries and can only be attacked by legislation that traverses boundaries and is expansive in its approach.

Mr. Speaker, I take you now to section 10. In section 10, we have inserted “or under the Anti-Terrorism Act”. This is because section 10 previously provided for the FIU when it received a suspicious transaction or a suspicious activity report from a financial institution or listed business under the FIU Act, but left out and omitted the Anti-Terrorism Act. And of course, suspicious transaction reports can come not only with respect to money laundering but with respect to the financing of terrorism, and that two-pronged approach, this Act needed to cater for both. So we have now included reports received either under the FIU Act, as well as the Anti-Terrorism Act, and that will take care of one of the deficiencies in the legislation that was there before.

I take you now to section 12(2). We have cleaned up the language there to just ensure that there is some consistency, which was lacking in the use of the term “financial institution” and non-regulated financial institutions.

Section 13 we have repealed entirely, and I will come to that because that is a direct result of one of the recommendations of FATEF, that section 13 be repealed. Section 13, you may recall, Mr. Speaker, enabled the FIU to grant approval to complete a suspicious transaction, and it was clearly felt that once there is suspicion about a financial transaction, when it had the connotation or taint of financing of terrorism or a money laundering complexion, that there should be no possibility whatsoever of granting permission to complete that transaction.

Section 41 has been repealed and replaced, Mr. Speaker, and that had to do with the circumstances which were prescribed under section 27 to enable the FIU to suspend the processing of a suspicious transaction. Mr. Speaker, what happened is, the circumstances in which the FIU could have, in fact, directed or instructed a financial institution to suspend the processing of a particular transaction about which it was suspicious—those circumstances were not in fact set out in the Act, and therefore, by leaving it open-ended, it created fertile ground for arbitrariness and capricious behaviour.

It was felt that we needed to tighten that, having regard to the strength and depth of powers we were giving to the Financial Intelligence Unit. It is in that regard, Mr. Speaker, that we have now amended the provision, and we now have set out the two circumstances that the FIU can direct or instruct a financial institution to suspend a particular transaction because it is suspicious.

FIU of T&T and Anti Terrorism Bill, 2012
[SEN. THE HON. A. RAMLOGAN SC]

Friday, August 17, 2012

The FIU would now have the power to direct or instruct a financial institution to suspend for five days the processing of a transaction, which it has reason to suspect, may be related to the financing of terrorism or money laundering. The two circumstances that we have set out are:

- (a) in the course of enquiring into a suspicious transaction or suspicious activity relating to the proceeds of suspected criminal conduct to a money laundering offence or to the financing of terrorism, or, (b) where a request has been made by a law enforcement authority, a foreign FIU, during the course of investigation in or enquiring into a suspicious transaction.

So these circumstances are carefully circumscribed and—[*Interruption*] The Member for Diego Martin North/East wishes me to give way. I shall give way to hear what he has to say.

Mr. Imbert: I thank the Attorney General for giving way.

Just a clarification. I noticed that in this Bill you are deleting the definition of the Proceeds of Crime. I am not seeing a replacement for it. Could you explain that, please?

Sen. The Hon. A. Ramlogan SC: I will come back to that, Mr. Speaker, because what we have done is that we have created a correlation with the Anti-Terrorism Act, and I will come back to that to explain why that is no longer necessary. The three parent Acts are the Proceeds of Crime Act, the Anti-Terrorism Act and the Financial Intelligence Unit Act, and when one takes it together with the correlative references, there is no need to have that quite frankly, but we will come back to that.

Mrs. Gopee-Scoon: Have what?

Sen. The Hon. A. Ramlogan SC: Member for Point Fortin, if you would allow me to continue. [*Crosstalk*]

Mrs. Gopee-Scoon: You know you brought us out here so “doh try dat”.

Sen. The Hon. A. Ramlogan SC: I did not bring you out here today. It is your duty as a Member of Parliament [*Desk thumping*] elected by the people to be here to conduct their business.

Mrs. Gopee-Scoon: You are late!

Sen. The Hon. A. Ramlogan SC: Yes, you were late; you arrived late; I noticed that. Mr. Speaker, I continue. The regulations did not set out those

circumstances, and what we have done is that, if law enforcement agencies—because we know that there is a compartmentalized approach sometimes to crime solving, and having regard to the cleverness and the ingenuity that attends financing of terrorism and anti-money laundering, it was felt that we needed to cater for the fact that law enforcement agencies or foreign FIUs may be working on a particular transaction, making enquiries, and that we may need to cater for a request coming from them to be able to direct that we place on hold a transaction here in Trinidad and Tobago. That is a very important amendment to the legislation, Mr. Speaker, that will enable the FIU now to strengthen its collaboration with other FIUs from foreign jurisdiction.

I turn now to section 16. Mr. Speaker, in section 16, we have allowed the FIU to solicit information and cooperate in the performance of its functions with a number of state entities: the Central Bank, public authorities, any authority specified by or under a treaty for cooperation. We have also pointed out that where a person fails to provide information within a reasonable time, we have catered for the director being able to have some coercive power through the courts by applying to the High Court for an order to compel them to provide the requested information. We have also put in place a procedural safeguard to protect the rights of the citizen so that such information shall not be disclosed without the prior consent of the person from whom the information was obtained, so that strikes the right balance.

Mr. Speaker, I suppose one issue which might arise in the course of the debate is the fact that we did not define what is “a reasonable time”. It was felt during the course of our discussions with the technical experts that having regard to the unique nature of the potential entities that may be involved in this kind of activity, that it would be unwise to specify a “reasonable time” and try to adopt a procrustean method to what is a reasonable time which may not straddle and fit with all of the agencies.

The director of the Financial Intelligence Unit, however, bearing in mind the limitations that are placed, would no doubt operate in an efficient manner, and of course, has the power to go to court. The court, in its wisdom—there is a plethora of jurisprudence that addresses the question of what is a reasonable period of time in the context of particular legislation, and that will no doubt be applied in this kind of case in a prompt and efficient manner.

Mr. Speaker, additional protection is contained in section 22 of the FIU pertaining to disclosure of information, and this is a very—a matter of rather delicate and sensitive constitution—the provision of persons’ financial

information by any institution or individual. It is for that reason, I wish to highlight and repeat that section 22 of the FIU makes it a criminal offence for an FIU officer who has received information in the course of their duties, as a result of their employment in the FIU, commits an offence and would be liable on summary conviction to a fine of \$250,000 and imprisonment for three years for unlawful disclosure.

Mr. Speaker, I pause before continuing to say that that offence is one that the State will jealously guard and protect. I send a warning to those officers in the FIU who are entrusted with this serious responsibility, and who will be in charge of such sensitive information, that they must bear their oath and their responsibilities and duties under this particular legislation, and take it very seriously. Confidentiality is a must if this legislation is to work in tandem with the protection of the rights of citizens, and we must be very careful and guarded about it. So caution is necessary, and I have no doubt that the FIU will live up to our high expectations as a country in that regard so there is no need for fear.

Part IIIA of the FIU Act, which deals with the supervisory authority, we have made certain changes. We have included a register of non-regulated financial institutions. You may recall that I have mentioned before that we have now created two separate registers. We have defined what “document” means, and that is a suggestion that came from the other place during the course of the debate. We have not in any way tampered, in the course of these miscellaneous amendments, with the model that we have used, and the FIU would still not be the law enforcement model type. We will stick to the hybrid model that the parent legislation had created, and that in fact complies with the FATF recommendations.

If I may just be permitted, Mr. Speaker, to highlight Recommendation 17 which speaks to the fact that countries should ensure that effective, proportionate and dissuasive criminal, civil and administrative sanctions are available to deal with natural or legal persons covered by the FATF recommendations that fail to comply with national anti-money laundering and counter-financing of terrorism requirements; countries should designate an authority—for example, supervisors or the FIU—empowered to apply these sanctions. Different authorities may be responsible for applying sanctions depending on the nature of the requirement that was not complied with.

The FIU is allowed to apply administrative sanctions only, but it has recourse to the various law enforcement agencies to whom it can pass suspicious information that gives rise to concern, so that they can investigate, and where necessary, with the DPP’s office, prosecute if there is an offence. Of course, it is

not limited to the police, it may very well involve another regulatory agency such as, perhaps, the Central Bank or the Stock Exchange.

11.15 a.m.

Mr. Speaker, the model adopted by Trinidad and Tobago is, of course, not new—in so doing and in choosing from the various model options that were offered—because you have the administrative type model; you have the law enforcement type model; you have the judicial and prosecutorial type model in some countries. Finally, you have the mixed or hybrid approach which is what we have opted for, more or less, in Trinidad and Tobago, or perhaps the administrative model, with a slant to the administrative model.

Other countries in the world that have adopted this model include Australia, the United States of America, Canada, the Netherlands, neighbouring Barbados, St. Kitts and the Bahamas. So we are in good company in this regard.

I turn now to section 23(1). We have tidied up the language and reverse the words:

“about the commission of an offence” to simply say “commits an offence.”

Section 25, we have amplified—consistent with our concern for the protection of the rights of the citizen, and in light of suggestions made during the course of the debate—the protection given to those persons who may, in fact, be performing these functions, to say:

“No civil or criminal proceedings shall lie against a person who, in good faith, discloses financial intelligence or other information under this Act.”

A bit of whistle-blower protection perhaps, or just protection of persons and institutions who supply information in good faith. It is meant to provide the necessary protection and, of course, correspondingly, the incentive that will allow for persons to provide such information which is vital to the investigation of persons.

Mr. Speaker, I take you now to the Schedule, and we have amended the Schedule—the Oath of Office and Secrecy, and we have inserted the words:

“conscientiously and to the best of my ability discharge the duties of my office and that I will”.

This, of course, takes into account a concern which was raised by the Opposition, I believe, during the last debate.

We have, under section 22A(2), allowed for electronic transmission of the consolidated list of orders issued by the court under section 22B(3). This, of course, is simply to take advantage of the technology that exists and to allow for a more modern approach to the dissemination of information. It was a matter that was raised in the other place by the Independent bench during the debate.

We have also, in section 22AB, now made reference to a prescribed form because different institutions may supply information to the FIU in different ways, and it was felt that it would certainly streamline the administrative functions of the FIU if there could be one prescribed form that all persons and financial institutions can then use to provide the requested information that can be of use to the FIU in performing its functions.

As indicated earlier, we have removed the possibility of any financial institution or listed business obtaining prior approval from the FIU to continue any transaction or relationship with a designated entity. This was one of the main recommendations in FATF's evaluation of Trinidad and Tobago's compliance ratings. Permit me to quote from what they said. They were of the view that this exception—the exception to which I refer, Mr. Speaker, is the one that would have allowed the Financial Intelligence Unit to have some administrative discretion or power to allow a transaction, with permission from the FIU, to continue what may have been red-flagged. What the FATF said is:

This exception undermines the effectiveness of the designation and the exception should be removed so that under no circumstances a financial institution or listed business will be able to complete a transaction, or continue a business relationship with a designated entity.

Once it is red-flagged of course.

So, the prescribed form—the FIU has created a prescribed form known as the terrorist funds report, and that again will help to streamline the format of information that comes to you.

Section 22B(1),(3) (a) and (6), we have made certain changes to cater for a reference to individuals as well as to entities. We just want to make it as clear as possible, because entities may include individuals, but we now have clarified it to say: it is all encompassing and the legislation refers both to individuals as well as to entities because individuals may possess information that may be relevant to the work of the FIU just as well as institutions.

We have in section 22E(1), the right of suspension. You may recall we had it at five days before in another section. In section 22E(1), we had it at three days, and a decision has been taken as a matter of policy to increase that from three days to five days to allow the FIU the kind of elbow room and flexibility it will require to perform its functions under the Act. That brings it in line and it is consistent with the previous reference to a five-year period.

Mr. Speaker, under section 34(1), we have included:

“property of an individual or entity which participates in the commission of a terrorist act;”

This has to do with property in the possession of persons that we have reason to believe may be used for the purpose of terrorist financing or for a terrorist act. What we have done is to include property from an individual or entity who participates in the commission of the act. We have widened the scope so that we can, in fact, target all and sundry.

Section 42, we have made some minor changes which go to a clarification merely for language purposes, and that really is the sum of these amendments. There are really maybe three—this is a simple Bill—there are really three substantive amendments, all of the rest are either consequential, or they are there to deal with language to simply make it more user and reader friendly, or to simplify the language so that it can be understood better.

Mr. Speaker, permit me to say that one of the major recommendations of FATF had to do with getting the FIU as a unit up and running. I am proud to say that this Government has taken steps expeditiously to try and accomplish that and to this end. [*Desk thumping*] I wish to report on what the status is at present. The Government has now ensured that the offices of both the director and deputy director have been filled; persons have been appointed by the Public Service Commission and those positions have been filled. [*Desk thumping*]

With respect to technical staff, job descriptions for 6 analyst positions have been developed by the FIU and submitted to the Director of Personnel Administration and the Permanent Secretary in the Ministry of Finance and the Economy. Job descriptions for Compliance and Outreach Division, 7 positions have been likewise developed and submitted. Job description and classification questionnaire for the position of Senior State Counsel has likewise been developed and submitted. [*Interruption*]

Hon. Member: The Member for Point Fortin!

Sen. The Hon. A. Ramlogan SC: Well, Members on the other side are free equally to apply. Advertisements have been published and recruitment has already started for those positions.

With respect to the Compliance and Outreach Division, the process has not only started, it has been completed, Mr. Speaker, and five persons assumed duty in that division between the period July and August.

Advertisements for the positions of director in the analytical division and senior legal officer have been put out. A short list has been prepared for the position of intelligence research specialist, and four positions of analysts.

Mr. Speaker, at the last plenary session held by the Financial Action Task Force in Rome, in June of this year, Trinidad and Tobago informed the FATF of the steps and measures it had taken to ensure compliance. I am pleased to say that Trinidad and Tobago—the feedback that was received was quite positive and encouraging. These intended steps were accepted by FATF which have moved us from the brink of being blacklisted—which was the precarious position this administration inherited—to being considered as a country that would be considered to be soon in compliance with FATF’s recommendations as far as our anti-money laundering and counter-financing of terrorism activities are concerned.

On the on-site visit which will take place later this year—as a precursor and prelude to the October plenary session, which is later scheduled for this year—it is my hope and expectation that Trinidad and Tobago will achieve a successful and positive rating from FATF that will see us being removed altogether from the possible threat of being blacklisted and on the “grey list”, Mr. Speaker. *[Interruption]*

These amendments, therefore, are critical to ensure the country’s high level of compliance with FATF’s recommendations, which have been taking place since the original FIU Act was passed. This is one of those areas where there is a constant evolution and development in the monitoring process from the international body FATF for all member states, to ensure that they keep abreast of FATF’s recommendations, but also that FATF itself keeps abreast of what is happening in the world with respect to the financing of terrorism and, of course, anti-money laundering.

I mentioned the ingenuity that normally accompanies this kind of suspicious activity, and it is for that reason there will be need for amendments later on as we progress as a country, not just for Trinidad and Tobago, but for all countries, because there will always be in the ebb and flow and the manoeuvres and counter-

manoeuvres between the states that seek to detect and prosecute offenders—and the persons who are interested and committed to the financing of terrorism and money laundering—there will always be that tension, and we have to keep abreast and keep alongside them. Trinidad and Tobago will remain ahead of the game and these amendments are designed to place us at the forefront, as a leader in compliance with FATF’s recommendations.

Mr. Speaker, I therefore ask those on the opposite side—in the public interest, having regard to the meandering history of this legislation, and the interwoven linkages between the Anti-Terrorism Act and the Proceeds of Crime Act—that these simple amendments be approved without much ado in this House.

Before I take my seat, Mr. Speaker, permit me to say, on a personal note, what a pleasure it has been to be here and to listen to the tributes that flowed from both sides—and, of course, the Chair—to the late Mr. Kelvin Ramnath. It is important, as my colleague from Port of Spain South said, that we also remember our own contributions as we serve the country as Members of Parliament. It is an onerous, burdensome and very difficult job that we perform as legislators and as Ministers.

And on that note, I also want to wish the former Prime Minister—who may have been forgotten by some of his colleagues—not just a speedy recovery, but also I want to wish the former Prime Minister, Mr. Patrick Manning, a happy birthday today. I say happy birthday Mr. Manning. You may have been forgotten by others, but not by us. [*Desk thumping*]

I say thank you very much, and I beg to move. [*Desk thumping and crosstalk*]

Mr. Speaker: Hon. Members.

Question proposed.

Mr. Speaker: Before I call on the hon. Member of Diego Martin North/East to make his contribution, may I remind Members of this honourable House that your mobile phones are supposed to be on silent mode. Too many disruptions are taking place during these proceedings thus far, and if they continue, I will have no choice but to meet with the Leader of Government Business and the Chief Whip to review our position of bringing cellphones into this Chamber. You are disrupting the proceedings of this House. Members have their phones on vibrate when they are supposed to be on pure silent, and they have them near their microphones so you are getting this sensitive feedback. I am not prepared to allow this to continue.

FIU of T&T and Anti Terrorism Bill, 2012
[MR. SPEAKER]

Friday, August 17, 2012

Let me just inform Members as well: we agreed as a collective—Government, Opposition and Independent Senators—that as part of our 50th anniversary celebrations, we agreed, all of us, to host an independence ball this evening at the Hilton Hotel. I want to tell Members, that in proceeding, I seek your agreement and approval that we shall not break for lunch; those Members who are desirous of having their lunch will stream out at the appropriate time and have their lunch and return, and those other Members will remain and then go later on because we want to stop at a certain time to carry out our own mandate as a Parliament.

So Members, I have outlined the proceedings and the procedure from here on in. I call on the hon. Member of Diego Martin North/East at this time. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker. I wish to assure this House that I will not take up my full 75 minutes, maybe 74, but certainly not the full amount.

We are here today, not for the reasons given to us by the Attorney General—we are here today because the Government has missed yet another deadline. A team is coming from the Financial Action Task Force within the next couple of weeks and Trinidad and Tobago is not compliant with the FATF requirements. Those are the facts. We are not here for any other reason.

The Government is simply scrambling to meet this deadline, [*Desk thumping*] because if they do not, Trinidad and Tobago will be subjected to various sanctions including publication on a list of non-cooperative countries, and so on, and so on. It is necessary to give some history of this matter because the Members opposite are prone to be economical with the truth on certain occasions.

I have some fine print here, so I am resorting to reading glasses. I am going to read from the bulletin issued by the Financial Action Task Force on June 25, 2010, taking us back two years, because as I said there are Members opposite who have a problem with the truth and say things that have no relationship whatsoever to reality.

11.30 a.m.

In June 2010—on June 25, 2010 to be exact—which would be approximately one month after this new Government came into power, or was elected, FATF issued a bulletin and identified various jurisdictions which had strategic deficiencies. Contained in that bulletin was Trinidad and Tobago, and this is what FATF had to say in February 2010. So this notion that it was not known what the situation was, is certainly untrue. If it was not known prior to May 2010, it was certainly known in June 2010.

In February 2010, Trinidad and Tobago made a high-level political commitment to work with the Financial Action Task Force and the Caribbean Financial Action Task Force to address its strategic deficiencies.

“FATF has determined that certain strategic...deficiencies remain. Trinidad and Tobago should continue to work on implementing its action plan to address those deficiencies...”

And what were they? Implementing adequate procedures to identify and freeze terrorist assets. So, two years ago, this Government knew that FATF wanted Trinidad and Tobago to implement procedures to identify and freeze terrorist assets, which is what we are doing today, two years later. That would have been Special Recommendation III: Implementing adequate procedures for the confiscation of funds related to money laundering. We knew that two years ago.

Ensuring a fully operational and effectively functioning financial intelligence unit: they knew that since June 2010, but I have to hear the AG tell me now—in August 2012, two years later—that they have seven persons working in the Financial Intelligence Unit: the director, the deputy director and five staff members. That is efficiency. That is efficiency, Mr. Speaker; [*Desk thumping*] every other post being advertised; interviews being held; recruitment in progress; seven people. That is the efficiency of this administration in a period in excess of 24 months, Mr. Speaker. That is efficiency and now that they are caught with their pants down, the FATF team is coming, so they are scrambling to try to deal with the deficiencies that were identified two years ago. [*Desk thumping*] In addition to ensuring a fully operational FIU, it included supervisory powers, Recommendation 20.6.

On June 25, 2010, one month after this Government was elected, FATF encourages Trinidad and Tobago to address its remaining deficiencies and continue the process of implementing its action plan. That is what FATF had to say in June 2010.

Let us fast-forward now to February 25, 2011, another FATF bulletin. As part of its ongoing review of compliance, FATF has identified the following jurisdictions, which have strategic deficiencies. So they identified these deficiencies in June 2010 and eight months later—February 2011—they issue another bulletin and list all the countries that are not compliant.

Now Trinidad and Tobago has moved from a country that is doing something, but not doing enough, to eight months later in February 2011, which is nine

FIU of T&T and Anti Terrorism Bill, 2012
[MR. IMBERT]

Friday, August 17, 2012

months into the Government opposite, and we are now on a list called “jurisdictions not making sufficient progress”.

Big caption now. They have jurisdictions that are working—Antigua, Bangladesh, Venezuela, Vietnam and Yemen. Imagine “dem” better than us; but in February 2011, we are on a list of jurisdictions not making sufficient progress. This is what they have to say:

Despite Trinidad and Tobago’s high-level political commitment given to the FATF and CFATF to address its deficiencies, FATF is not yet satisfied that Trinidad and Tobago has made sufficient progress in implementing its action plan and certain deficiencies remain.

They go on to identify them again. They are asking Trinidad and Tobago to implement procedures to identify and freeze terrorist assets without delay. They want it done right away. Special Recommendation III: Implement adequate procedures for the confiscation of funds relating to money laundering and establish a fully operational and effectively functioning FIU, including supervisory. The same thing the Government was told to do on June 25, 2010.

Let us move now to the June 24, 2011 bulletin from FATF. What do they have to say about Trinidad and Tobago in February 2010? Trinidad and Tobago made a high-level political commitment to work with FATF to address its deficiencies. FATF has determined that there are still deficiencies. What are these deficiencies? Trinidad and Tobago has to implement adequate procedures to identify and freeze terrorist assets; procedures to confiscate funds of money laundering; establish a fully operational effectively functioning FIU, including supervisory powers.

They say one thing in June 2010. They say the same thing in February 2011. They say the same thing in June 2011. What was this Government doing all this time? I would love to know.

October 20, 2011 bulletin, again! FATF has identified the following jurisdictions which have strategic deficiencies:

Trinidad and Tobago—

Mrs. Gopee-Scoon: Again!

Mr. C. Imbert: Again. What are Trinidad and Tobago’s deficiencies? Failure to implement adequate procedures to identify and freeze terrorist assets without

delay; failure to establish a fully operational and effectively functioning financial intelligence unit—the same thing as June 2010; same thing as February 2011; same thing as in all the previous ones.

Let us go to February 2012. FATF issued a bulletin. FATF has identified the following jurisdictions which have strategic deficiencies—Trinidad and Tobago. What has Trinidad and Tobago not done? It has failed to implement adequate procedures to identify and freeze terrorist assets; failed to ensure a fully operational and effectively functioning financial intelligence unit, including supervisory powers.

Mrs. Gopee-Scoon: Fail, fail, fail!

Mr. C. Imbert: So June 25, 2010, February 2011, June 2011, October 2011, February 2012. Fail, fail, fail! [*Desk thumping*] June 2012, two months ago:

FATF has, to date, identified the following jurisdictions which have strategic deficiencies:

Trinidad and Tobago.

Mr. Speaker, I do not know what to say. If you go on the FATF website today, August 17, 2012, what happens? They have a page called high-risk and non-cooperative jurisdictions and they go on to typecast the various jurisdictions into bad, very bad and so on—I am paraphrasing—and where are we? We are in jurisdictions with strategic deficiencies. Trinidad and Tobago. That is today.

So the reason we are here and, in fact, in the bulletin in June 2012, FATF had indicated that they were going to conduct an on-site visit. I will read it exactly:

FATF will conduct an on-site visit to confirm that the process of implementing the required reforms and actions is underway to address deficiencies previously identified by the FATF.

That is what they said in June 2012. They certainly did. They identified them in February 2012, October 2011, February 2011, June 2010, et cetera. What was being done all this time? [*Desk thumping*]

I heard the Attorney General refer to reports of the FIU and I am grateful that he sent me to the website; but I am not grateful in a way because when I read what was there, it was shocking.

Let us deal with the 2010 report of the FIU which was submitted to the Minister of Finance in November 2011. That is efficiency. The year 2011 began

FIU of T&T and Anti Terrorism Bill, 2012
[MR. IMBERT]

Friday, August 17, 2012

on January 01, 2011; but on November 30, 2011, almost the last month in the year, the 2010 report comes up. What did the FIU have to tell us, the local FIU?

“As the FIUTT’s”—what language!—“odyssey enters a new year, the projections for 2011 seem well within its reach. There is need for Regulations which will give support to the FIUA. With the addition of listed businesses...there is need for supervision of this new group. As such, amendment to legislation will require the inclusion of this new function of the FIUTT. It is projected that legislative changes to effect this element of supervision will be completed in 2011.”

That is what the FIU is telling us on November 30, 2011, at the end of last year, that what we are doing today will be done.

Let us see what they said in the last report, submitted recently—very interesting language because they are no longer making the kind of grandiose projections that they were making before. What they say now, in chapter 8 of the 2011 report entitled, Projections for 2011/2012, hear what the FIU has to say now, our FIU.

Where the FIUTT identifies regulatory breaches, the appropriate legal measures will be taken.

They have climbed down from their definitive projections that they will be completely compliant by the end of 2011. Let us say wherever somebody identifies a breach, action will be taken.

They could not be serious, Mr. Speaker, because this Government is in receipt of a report, which I am in receipt of, which is the report from the Caribbean Financial Action Task Force dated October 27, 2011. What did this report have to say? This was an analysis of the measures taken by Trinidad and Tobago to comply with CFATF follow-up procedures and recommendations made in the third round Mutual Evaluation Report.

11.45 a.m.

What did CFATF, which is the Caribbean Financial Action Task Force, say on October 27, 2011? That was in October, almost a year ago. The first page, page 2 actually, item 2 says:

“...Trinidad and Tobago was rated partially compliant or non-compliant on fifteen (15) of the sixteen (16) Core and Key Recommendations and 26 other Recommendations.” [*Desk thumping*]

Let me just read that again.

Out—“of the sixteen (16) Core and Key Recommendations”—of FATF—“Trinidad and Tobago was rated partially compliant or non-compliant...” So they were compliant on one.

Hon. Member: Shameful!

Mr. C. Imbert: Mr. Speaker, when I went to school, one out of 16 was a fail, but it seems for this Government it is a pass.

Miss Mc Donald: A big pass!

Mr. C. Imbert: A big, big, pass! And what are the things they are failing on? The question of politically exposed persons—I am not surprised—unusual transactions, internal controls, shell banks, resources, integrity and training, correspondent banking, new technology, third parties, special attention for high-risk countries, regulation, supervision and monitoring, guidelines and feedback, supervisors, legal arrangements, wire transfer rules and non-profit organizations. These are the recommendations that are being rated partially compliant or non-compliant by the Caribbean Financial Action Task Force in October 2011.

Mrs. Gopee-Scoon: Serious!

Mr. C. Imbert: I do not see anything in the legislation we are debating today that will address those matters because many of these matters are administrative, they are not legal. I would not throw the blame entirely on the Attorney General, because his job is to pass laws, but it is the Ministry of Finance that has the responsibility because the FIU is a department of the Ministry of Finance, and it is the Minister of Finance who has failed to make sure that the proper administrative systems have been in place in the Financial Intelligence Unit. [*Desk thumping*] That is how we are non-compliant—you know that is true—with 15 out of 16 recommendations.

We could hustle and come here any day. I mean this Government has shown that. They could drag us out of the vacation period. You know why? People should be abroad having family vacations, and they could drag us out at any time to come here and debate. They could do that; the Attorney General could do that. The fact of the matter is, when it comes to the work—getting down to do the work to make sure the administrative systems are in place, the recruitment of officers and publishing of guidelines, that is where the Ministry of Finance has fallen down. That is not the AG’s business. His business is to organize the law. He has not done very well there, [*Laughter*] but where we are really failing is on the operationalization of the Financial Action Task Force. [*Desk thumping*]

Mr. Speaker, I want to warn the Government about something. You see, the Attorney General made a statement that there is a constant evolution and development of monitoring of member states and so on. Now that could be viewed by some uncharitable persons as a cop-out, as an attempt to explain away why we are here today, because the same recommendations and requirements that were identified by FATF in June of 2010 are the same ones that we need to comply with today. So there has been no evolution with respect to those requirements. It is the same Recommendation 3, and the same Recommendation 26 identified two years ago that we are non-compliant with today. So there has been no change in terms of what FATF wants.

I want to put the Government on notice. You see, the AG said something perhaps without really realizing what he was saying. FATF has issued some documents and I want to read them into the record. These are very recent, updated in July 2012. The first one is “Specific Risk Factors in the Laundering of Proceeds of Corruption—Assistance to reporting institutions” and it says:

“The 2011 FATF publication *Laundering the Proceeds of Corruption* discussed the interrelationship between corruption and money laundering. It identified the most common methods used to launder the proceeds of corruption, and highlighted the vulnerabilities leading to an increased risk of corruption-related money laundering.

The new FATF Recommendations”—and this is why I am putting the AG on notice, because do not lose sight of this because this is coming to bite you—“require a reporting entity to have ‘appropriate’ risk management systems in place to determine whether the customer or the beneficial owner is a foreign politically exposed person (PEP), and take ‘reasonable measures’ to determine whether a customer or beneficial owner is a domestic PEP or an individual entrusted with a prominent function by an international organisation...

Understanding risk is important after identifying domestic”—or local politically exposed persons—“or relevant individuals...in order to assess what level of enhanced due diligence is necessary.

Experience teaches us that combating corruption-related money laundering must be more than simply ensuring that PEPs receive an appropriate level of scrutiny. It is a rare case (although not unheard of) for a PEP to enter a financial institution and deposit (or transfer) significant amounts of suspicious money. Such action would likely create unacceptable risks...of detection by reporting institutions.

As *Laundering the Proceeds of Corruption* noted, corrupt PEPs will take great pains to disguise the identity and the source of the funds in order to place corrupt money in the financial system without suspicion. Therefore, an effective...scheme requires an assessment of corruption-related risk and protecting against the laundering of corruption proceeds...regardless of whether a...PEP is involved.”

What they are signalling is that they are going to be looking at politicians very, very, carefully.

They are going to be looking at things like wire transfers from countries like Qatar that might have come into a bank account in Trinidad and Tobago, and into the bank account of a politically exposed person. That is what FATF is telling you. If politically exposed persons in Trinidad and Tobago feel that they could avoid the local law-enforcement authorities, for whatever reason, FATF is coming for them because FATF is going to ensure that Trinidad and Tobago put systems in place to identify suspicious financial transactions to politicians in Trinidad and Tobago, and if we do not they are going to blacklist us. [*Desk thumping and crosstalk*] It does not matter—former, present or future. I am talking present. I have no problem whatsoever.

But the other thing FATF has done is issued financial investigations guidance, and it speaks of guidance related to the enquiry of financial affairs relating to criminal conduct. Again, if the local law-enforcement agencies, for one reason or another, decide they are not going to investigate financial transactions associated with criminal conduct, FATF is going to make sure Trinidad and Tobago does it. So, I am just putting the AG on notice. You made a statement that there is an evolution, well they are certainly evolving. They are warning you. This has been published on the FATF website just a month or two ago, and they are warning you that you could do what you want in Trinidad and Tobago—you could run but you cannot hide—otherwise we would be blacklisted.

Mr. Ramlogan SC: You are on notice.

Mr. C. Imbert: You are on notice, okay! Because, as I said, a US \$250,000 cheque that has no explanation coming out of Qatar and going into the bank account of a politically exposed person in Trinidad and Tobago may come up on the radar of the Financial Action Task Force.

Now, let us go to the legislation itself. A concern has been raised, and I would like the Attorney General to look at it. There seems to be a problem with the

FIU of T&T and Anti Terrorism Bill, 2012
[MR. IMBERT]

Friday, August 17, 2012

drafting, and that is in section 22—I believe it is clause 4—22B or 22AB of the section that affects the Anti-Terrorism Act. If I can go into that particular section—this is where the Government is introducing the individual as someone associated with terrorism or committing a terrorist act, and giving the Government the power to go to court to get an order to freeze the funds of a listed entity, whereas in the past the listed entity was simply thought to be a company—corporation.

The legislation now brings in the concept of an individual. But when you look at the wording very carefully, I do not think the draftsman has made the necessary consequential amendments, unless they appear in your list of amendments that we got this morning. If you read the existing law very carefully and you supersede what your Bill seeks to do—I am talking now about the existing section 22B(1)(3)—

Upon an application under subsection (1), the judge shall be by order—I am putting in what the consolidated version would look like—declare an individual or a designated or legal entity to be a listed entity.

So, the individual now becomes a listed entity if it is thought they are engaged in terrorism or they are associated with the financing of terrorism and so on. It goes on to say that the judge shall by order freeze the funds of the listed entity.

Now, if you go down to subsection (4A) it says:

“Where an Order is made under subsection (3), the Court shall serve the Order upon the financial institution or listed business...”

That seems to be wrong. It should be “entity” because you have gone to great pains to now define an individual as a listed entity, but you have left it out later on with respect to the whole question of the service of the order. So, I think you need to clean this up, and use the same language throughout and use the same words as “listed entity” throughout. I would ask the Attorney General to take a look at that before the debate on this legislation is completed because this will defeat the purpose of what you are trying to do.

On the top, you are seeing an individual as a listed entity, but at the bottom, you are just serving the order on the listed business which is not the same thing. So, I will be happy if this has been dealt with in the list of amendments and, perhaps, the Attorney General could let me know that.

The other thing that I do not understand is—in the existing law where the publication of an order relating to a terrorist individual or a terrorist organization is discretionary—I do not know if we explored that sufficiently when we debated this matter in 2011, but the word “may” has been used and it says:

Where an Order is made under subsection (3), the Attorney General may within seven days after the date of the Order cause to be published in the *Gazette* a copy of the Order.

Why is that not “shall”? So, you know, you could decide not to publish the Order. So, we could have terrorists around us; we could have terrorist organizations, and you are not telling us. So I would like you to revisit that as well.

I do not see why a court order declaring an individual or an organization to be involved in terrorism should be a national secret. I mean, we could all be associating with persons that we do not know what their antecedents are. [Laughter] So, in all seriousness, I would like the Attorney General to look at that and establish why you have put that provision inside of there that gives you the discretion.

Now, let us deal with the thing itself. Mr. Speaker, when I look at these amendments here today, half of these amendments are grammatical. What is the point? Grammatical! Listen to this. The previous definition of a law enforcement authority:

Commissioner of Police, Comptroller of Customs and Excise, Chairman of the Board of Inland Revenue, Chief Immigration Officer or any other body lawfully vested with the coercive powers of a constable.

That is the old definition.

Look at the new one—[Interruption]

12.00 p.m.

Hon. Member: What year is that?

Mr. C. Imbert: Under the Police Service Act 2006, the new legislature. Look at the new definition:

Law enforcement authority means the Commissioner of Police, the Comptroller of Customs, the Chief Immigration Officer, the Chairman of the Board of Inland Revenue, or any other of office or agency of the State which is vested with coercive powers of a constable.

What is that?

FIU of T&T and Anti Terrorism Bill, 2012
[MR. IMBERT]

Friday, August 17, 2012

They are adding under the Constitution by the Public Service Regulations, but who else is going to appoint the Commissioner of Police? Who will appoint the Commissioner of Police except the Public Service Commission? I mean, come on. So, I really do not understand that. Listen to this one:

The FIU may disseminate at regular intervals financial intelligence and information to local and foreign authorities and affiliates within the intelligence community, including the statistics on recent money laundering practices.

That is the old one, look at the new one.

“may disseminate financial intelligence and information to local and foreign authorities and affiliates within the intelligence community;”

What is that? You bring us here, in the middle of the August recess, to change A to B and Y to Z? Come on. Listen to this one.

For the purpose of subsection 3(a), exchange of intelligence shall be undertaken on the basis of reciprocity with an FIU which belongs to the Egmont Group.

Listen to the new one. Subsection 3(a):

The exchange of financial intelligence and information shall be undertaken on the basis of reciprocity with the members of the Egmont Group or the Financial Intelligence Unit.

“So, yuh go tell me a financial intelligence unit is not a member ah de Egmont Group? By definition, “is because we joined the Egmont Group that we find ourselves in dis monkey-pants, alright”.

Look at the next one. Subsection 3(f), local authorities. They changed local authorities—local authorities include—sorry, initially, “local authorities include”, so that is “authorities”, plural, “includes” singular or “include” plural; then “local authority”, singular, “includes.” Instead of “local authorities include”, you change that to “local authority includes”. “Wha going on here?” This is the West Indian Primer? “What it is you used to use in school?” And you bring us here for that? To change “local authorities include” to “local authority includes”.

Listen to this one. The FIU shall implement a system for monitoring the effectiveness of its anti-money laundering policies; change that to, “its policies with respect to money laundering”. [*Crosstalk*] Now, please, Mr. Speaker, I may have to ask you for protection.

Now, let us go on to the changes to clause 13.

“A financial institution or listed business may, where—

- (a) a transaction or activity appears...suspicious;
- (b) a suspicious transaction has been submitted...who attempts a subsequent transaction,

seek the approval of the FIU to complete the transaction and the Director may grant such approval with such conditions as he sees fit...”

“What dey do with dat one?” And they go on to say, hold on, they go on to say:

“The FIU may, where the circumstances set out in the Regulations... instruct a financial institution or listed business...to suspend the processing of a suspicious transaction for a period not exceeding three working days...”

What they say?

The FIU may instruct a financial institution or listed business to suspend the processing of a suspicious transaction for a period not exceeding five working days.

What going on? Let us move on. All right, 18—I was being harassed by my Whip with respect to 18. What was there before? [*Crosstalk*] No, “I eh reach there yet, I on (b).”

“All listed businesses and non-regulated financial institutions”—that is what was there before—that changed to “all non-regulated financial institutions and listed businesses”. Now come on! “Yuh stretchin’ it.” It previously was, “all listed businesses and non-regulated financial institutions shall register with the FIU”, it now is “all non-regulated financial institutions and listed businesses shall be registered with the FIU”.

Mr. Ramlogan SC: That is an important change.

Mr. C. Imbert: “Yeah, important change. I glad you have a sense of humour.” So we had to come here today for that; to take listed businesses and put it at the end of the sentence, and take non-regulated financial institutions and put it at the front of the sentence.

Mr. Ramlogan SC: High law.

Mr. C. Imbert: High law! Well boy!

Mrs. Gopee-Scoon: Could be Hi-Lo.

Mr. C. Imbert: Well yes, you mean Hi-Lo. [*Laughter*] Mr. Speaker, let us go on. Let me take a—[*Interruption*]

Mrs. Gopee-Scoon: Give us more.

Mr. Ramlogan SC: You have five more minutes.

Mr. C. Imbert: I have five more minutes, for what?

Dr. Gopeesingh: We are not granting an extension to you.

Mr. C. Imbert: That is okay. [*Crosstalk*] Mr. Speaker, I would like the Attorney General to explain, on a more serious note, why are we inserting this provision? “No civil or criminal proceedings shall lie against a person who in good faith discloses financial intelligence or information.” Why are you putting that in? When prior to that, in the Act, you have these words that:

An FIU officer or other member of staff of the FIU or any other person authorized to perform any function under this Act shall not be personally liable for any act done or omitted by him in good faith in the discharge of his functions.

Why are you adding this piece about disclosing information? I really need an explanation for that. Mr. Speaker, in the existing law, there is this statement which has never been done. The Financial Intelligence Unit legislation was debated around September 2009, okay.

Clause 28 of that Act states as follows:

“Within one year of the coming into effect of this Act, the Minister shall return to Parliament for a review, by Parliament, of the operation of this Act.”

So, if this Act was passed in September 2009, by September 2010, what this Parliament should have been doing is reviewing this Act. Now you did not do that because if you had done that we would not be here today. We would not be here today. If you had come back in September 2010 and done a comprehensive review of the operation of the Act, you could have used our collective knowledge and expertise here, cleaned up this Act, and we would have been compliant by 2010 or 2011 “buh yuh din do dat”. You did not come to Parliament and do a review, clause by clause, of the operation of this Act, hence the reason why we are here just wasting time today.

Mr. Speaker, the Leader of Government Business could have laid this law in the last sitting or the sitting before the last sitting. There is nothing objectionable. [*Desk thumping*] They move listed business to here, and they put non-regulated institution there. They say A is B and X is Y and Z is Q.

Dr. Browne: Inefficiency.

Mr. C. Imbert: Nothing—no rocket science inside of here. This could have been brought in this Parliament months ago, and we would not have made any big scene about it. [*Crosstalk*] No, it is incompetence. [*Crosstalk*] I left my gondola [*Laughter*] about a month ago; I left my gondola about a month ago. [*Crosstalk*]

Dr. Moonilal: We drag him off.

Mr. C. Imbert: But, Mr. Speaker, you know, one thing about this Government—it celebrates incompetence. “Ah cah take it.” [*Desk thumping*] They celebrate incompetence. I listened to the Attorney General, poor “fella”, he is a hard worker, “I eh blaming him, they mus be holding him back, I doh know what going on inside that Government, something wrong” because he is speaking about things raised in the debate, the last debate on this Bill. The Act No. 8 of 2011 was assented to in May 2011, over a year ago.

Mrs. Gopee-Scoon: It is called panic.

Mr. C. Imbert: It is over a year ago, but the Attorney General is coming here now—weeks before a FATF mission comes to find out why you have not complied with their recommendations made since June 2010—to tell us you are correcting things that were brought up in the debate in 2011. If you had done the review that I spoke about, we would not be here with all of this. [*Desk thumping*] You see, this country, and I am not—how many more minutes do I have of my original time?

Hon. Member: Two minutes. [*Crosstalk*]

Mr. Speaker: Six minutes.

Mr. C. Imbert: Thank you, that is enough, six minutes.

Dr. Moonilal: Then we vote. [*Crosstalk*]

Mr. C. Imbert: You cannot tell me what to do. [*Crosstalk*] I do not want it. We are just here wasting time.

Mr. Ramlogan SC: Come on, “yuh ramajay” enough, come on man.

Mr. C. Imbert: No, I am not “remajaying”, I have to make a point. The Government is celebrating incompetence. [*Desk thumping*] You come here to celebrate the fact that you took two years to do things that you could have done in two months.

Mrs. Gopee-Scoon: At great cost to the country.

Mr. Samuel: And you voted for the holiday?

Mr. C. Imbert: Mr. Speaker, it is the same way we had to hear from the Minister of Local Government celebrating incompetence. “Yuh eh clean the river, the place flood, buh you celebrating.” [*Desk thumping*] “You celebrating incompetence.”

Hon. Member: That river was cleaned.

Mr. C. Imbert: Huh, that river was cleaned? Ha, ha, ha. [*Laughter*]

Dr. Rambachan: You forget the *Guardian* of December 22?

Mr. C. Imbert: Oh, my goodness, Mr. Speaker. I want to give the Government the assurance that we are not going to waste time with this legislation here today [*Interruption*] [*Crosstalk*]

Mr. Speaker: Please, please, Members.

Mr. C. Imbert: We are not going to waste time with this legislation here today. The changes are inconsequential, nitpicking, bureaucratic, pedantic changes; changing grammatical composition, syntax. There is no change on the real effect and the import of the legislation. I asked the AG to look at two or three things, just look at that for me, and tell us whether you have properly defined an individual in the context of it being a listed entity in the context of a court order. Has that been done? It does not appear so because you have listed entity above, and listed business below. And you have defined an individual as a listed entity—a listed entity “cyar” cannot be a listed business. So, sort that out.

The whole question of whether you should have discretion to publish an order against an organization or an individual, as being a terrorist organization or associated with the financing of terrorism, I think we all in this country need to know if we have terrorists among us. I do not think, if you are going to go to court and go through the whole process of seeking an order from a judge, to declare an individual or an entity terrorist, and freeze their assets, I think everybody in this country at least needs to know who these people are or who this entity may be.

I also want to tell this Government, “I hear all kinda old talk about when the people come, yuh know, it go pass.” Talk is cheap because we have been deficient now for two years.

Mr. Ramlogan SC: Not two, since—[*Interruption*]

Mr. C. Imbert: Okay, whatever [*Crosstalk*] since anno domini 1. Whatever! [*Crosstalk*] Mr. Speaker, I am not arguing, since Columbus arrived. It is

irrelevant! The fact of the matter is that bulletins were issued by FATF commencing, in or around, the year 2010, those are the facts. [*Crosstalk*] Whether we were deficient or not, irrelevant. Regular three-month bulletins—every three months [*Desk thumping*] FATF has been publishing on its website that we are deficient from June 25, 2010. You are supposed to know. You have been elected to govern this country; you should have dealt with this long ago.

I am telling this Government do not think that this team would come here, and everything would be hunky-dory because as I pointed out to you, they are issuing a warning, with respect to suspicious financial transactions conducted by politically exposed persons, and you can bet your bottom dollar they are going to make a regulation about that, which I am certain, that unless we take serious action, we would not be compliant with.

So “doh” feel that this team just coming down here and they would just give us a clean bill of health. I am warning this Government, do what you have to do with respect to suspicious transactions, to and from, politically exposed persons. I thank you, Mr. Speaker.

The Minister of National Security (Hon. Jack Warner): Mr. Speaker, it pains me as much as I am sure it does pain—[*Interruption*]

Mr. Imbert: Admit that you did not clean the road.

Dr. Moonilal: The country. [*Laughter*]

Hon. J. Warner:—and there he goes again, he talks and he runs.

Dr. Moonilal: And he runs.

Hon. J. Warner: He talks and he runs but I will continue.

Dr. Moonilal: Incompetence on the run.

Hon. J. Warner: Because the fact is, the truth offends. The truth offends. [*Crosstalk*] Because we come here sitting after sitting—[*Interruption*]

Dr. Moonilal: To hear that rubbish.

Hon. J. Warner:—to listen to the histrionics and the foolishness—[*Interruption*]

12.15 p.m.

Mr. Speaker: Please! Please! I do not think a Member speaks foolishness. I think you should withdraw that!

Hon. J. Warner: And the nonsense, Mr. Speaker. Can I say nonsense?

Mr. Speaker: A Member does not speak nonsense, Sir.

Hon. J. Warner: All right. We come here sitting after sitting—

Hon. Member: Vacuous.

Hon. J. Warner:—to listen to the vacuous statements. Is that okay, Mr. Speaker?

Dr. Moonilal: “Yeah, yeah; tha good”.

Hon. J. Warner: To listen to the vacuous statements of the Member for Diego Martin North/East. I sat here for 45 minutes listening to what I would have hoped would be substance today, and what I sat here and heard was a mass amount of irrelevance.

Mr. Speaker, the last speaker, the Member for Diego Martin North/East, begins by saying that we brought them out here today for this Bill—took him from his gondola and so on—and we did this because we are desperate. We did this because we are scrambling literally, and he gives the impression as if the People’s Partnership Government is a last-minute Government. We could have done this in September. We could have done this in September and not today according to the FIU. The FIU said we could have done it in September. But because we are an efficient Government we chose to do it today.

Listen to the Government which the Member for Diego Martin North/East belongs to and which was in office in 2009. An article written on October 09, 2009 by Gail Alexander, titled “Gov cutting it close on \$ laundering bills”. In 2009 we were not in Government. October 09, 2009 Gail Alexander is writing again, headline: “Gov cutting it close on \$ laundering bills”. What did she say:

“When the Lower House meets tomorrow”—not this side—“Government will be ‘cutting it close’ in seeking to pass amendments to two anti-money laundering bills to meet a deadline of tomorrow set by an international authority.”

Who was scrambling then? Who took people from their house and came to Parliament then to scramble to pass two Bills? We did that?

At the time, Mr. Speaker, the Leader of Government Business was the last speaker—the Member for Diego Martin North/East, and he was the person who was piloting the Bills from this side. It was good then. They could have scrambled

then, but to take him from his gondola today is an offence. To do the people's job for the first time, possibly, is an offence. Mr. Speaker, I continue with this article:

“Government members”—no, skip that part. No, I will say that part because it refers to you, Mr. Speaker—“who piloted both sets of legislation in both Houses of Parliament in recent days, said the bills were needed for T&T to meet the recommendations of the global Financial Action Task Force.”—FATF, that is why they came then—“The UNC's Wade Mark, in the Senate on Monday, said T&T stands to be blacklisted”—up in 2009—“if the legislation was not passed by tomorrow, when FATF holds a meeting in Paris. Several countries have been blacklisted by FATF for non-implementation of recommendations.”

I continue:

“The Government, up to yesterday, did not deny the Friday deadline. The Government's move to present the bills to Parliament at the ‘11th hour’... was one of the major complaints in debate.”

And the article goes on and on, and they are asking all MPs to be present tomorrow because if they are not there what would happen and so on. And Karen Nunez-Tesheira had to fly out to some place and she could not go and all that is here. Where is the rush? Where was the rush then that was good then, and for an action that we could have done in September we are doing today is bad? Something has to be wrong. Where is the logic? As few as you are on that side: two, four, five; where is the logic? [*Interruption*] From 12 to 11 to five.

Mr. Speaker, the last speaker, the Member for Diego Martin North/East also said that he is issuing a warning to persons who are politically exposed. I wish he was here. And he is talking about something from Qatar and \$250,000 and so.

Hon. Member: That is rubbish.

Hon. J. Warner: I have not heard so much—sorry—trite for a long time—vacuous statement for a long time. Because the fact is this, any transaction from Qatar, Australia, New York, New Jersey; from anywhere, in any bank, from anybody on this side is open, free and above board. [*Desk thumping*]

I want to make the point that money laundering is done in all kinds of ways, and let me give you some ways, Mr. Speaker, which I am quite sure Members on that side are familiar with. In fact, before I talk about that, let me go first to an article written by Asha Javeed on April 03, 2012, and she is talking about a seminar that was held at the Hyatt Regency in Port of Spain on March 24th.

Miss Mc Donald: He is casting aspersion.

Hon. J. Warner: And at that seminar titled “Implementation of the FIU and the Anti-Money Laundering Act as Crime Fighting Tools”, Mr. Speaker, present were the former FIU director, David West; the DPP, Roger Gaspard; Chief Justice Ivor Archie; Criminal Justice Advisor Bob Bland; Deputy Commissioner of Police Mervyn Richardson; President of the Law Association, Dana Seetahal; and so on. At that seminar, March 24, 2012, the meeting said and I quote:

“...the FIB receives information from the FIU and”—the FIB—“begins investigations.”

Mr. Speaker, as I speak here today, I am advised that even at present there are 11 such investigations taking place. I am so advised. But more importantly, at that seminar they said that in 2011 the number of SARs, and SAR means Suspicious Activity Reports—you put money in the bank and it is too much money and you go to get it pretty often, a red light goes up and it is reported; in a nutshell. They call it SAR. In 2011 the number of SARs increased to 303 from 111 in 2010. So, 2010, 111; 2011, 303; and I do not have anything for 2012 as yet. But, of those cases 71 were closed and 219 are still ongoing, so let me talk about those ongoing cases now and the kind of laundering that takes place in Trinidad and Tobago, because some people believe that this big thing from Qatar, \$250,000 and you have to tremble because of this thing, and “dey comin’ for you, dey comin’ for you”.

Mr. Speaker, I want to make it clear, I sleep very soundly at night and “who cyar sleep, cyar sleep”, but I will tell you why some people cannot sleep. At that seminar, West pointed out that one of the ways by which money is being laundered in this country is through casinos in Trinidad and Tobago. These casinos, he said, are cause for concerns; he said these casinos pay the bills of some politicians; these casinos pay for the political meetings of some politicians; these casinos pay for airline tickets for some politicians; these casinos pay the salaries for some of these politicians; these casinos also launder money through sport bars and so on, and they also sponsor some organizations—*[Interruption]*—call them what you want, and that is how they get to launder their money. I repeat, let the FATF come because, I will tell you something, when the FATF does come nobody on this side has any cause to run, nobody on this side has any cause to hide.

Miss Mc Donald: Neither on this side.

Hon. J. Warner: “I doh know; who the cap fit pull the string.”

Miss Mc Donald: I know what I am saying, neither on this side.

Hon. J. Warner: Talk for yourself! [*Crosstalk*] “All right; all right; I say who the cap fit pull the string yuh know.” [*Laughter*]

Mr. Speaker, the last speaker went on to say that he, of course, whether the PNM was deficient in the past or not is irrelevant, but I cannot believe I heard that. I cannot believe that I heard that whether in this Bill the PNM was deficient or not is irrelevant. For over five years they did nothing! We are where we are today because they did nothing. We were blacklisted. This Government put this country on the “grey list” and at the end of the month we are moving from that list to become normalized. We have done that in two years [*Desk thumping*] and to come here and to posture and to behave—“look eh!” [*Slams paper on table*]

Hon. Member: “Doh geh vex. Doh geh vex.”

Hon. J. Warner: “You see he not here; I want to talk to him but he not here.”

Miss Cox: Talk to me.

Hon. J. Warner: “I doh wha talk to yuh, yuh have cotton in yuh ears. Stick break in your ears.”

Miss Cox: Talk to me, still.

Hon. J. Warner: No, I am not talking to you; I respect you at the highest. I am not talking to you. [*Laughter*] I quote him:

We have moved from the country that is doing something but it is not enough.

Okay, we did something that is not enough—Member for Diego Martin North/East. [*Turns to chair*] Let me talk to him, it makes no difference whether he is there or not—but what have you done, Member? Member what have you done? Because whether he is there or not is the same contribution because it makes no difference. [*Laughter*] Right? What has he done? What has your Government done?

I quote him again:

We have moved from a country that is doing something but it is not enough.

What have you done, Member for Port of Spain South? What have you done? Everything for you guys is to criticize. Whether it is flood, whether people’s lives are at stake, you close your office in Diego Martin West, not even a piece of bread, not even a “kaiser ball”, not even a sweet, a toffee. You closed your office and you criticize; nobody—

Hon. Member: Shame!

Hon. J. Warner: Full-page ad in the papers, Jack Warner has to go and so on; not a full-page ad to tell Keshorn Walcott congratulations.

Dr. Moonilal: None.

Hon. J. Warner: Not a full-page ad to say thanks to the workers who went there against the call and worked. Nothing! Not a toffee; not a “kaiser ball”; no thanks; criticize, criticize; a four-and-a-half-foot politician talking about a five-foot-high-flood water. [*Interruption*]

Not a full-page ad you know. He spends his whole life criticizing. “Yuh eh come to de airport to see Manning”—well, except for the Member for Diego Martin Central—“you eh come to the airport to see Keshorn Walcott; yuh eh say congrats to the guy, yuh eh say”—

Miss Mc Donald: Would you give way?

Hon. J. Warner: For you, yes.

Miss Mc Donald: Thank you, Member for Chaguanas West. I stand on a point of clarification, simply because you have said that the Member for Diego Martin West, who is not here to defend himself, that his office was closed, et cetera, and nothing was going on. I want to tell you that on Sunday morning I met the Member for Diego Martin West at his office, where I brought a lot of hampers. I was just one of the donors who brought endless hampers for him to distribute to his flood victims. So to say that he did not do that, he did not give out as much as a “kaiser ball”, that is not correct.

Also too, I am aware that another Member also donated a lot of hot meals, not only to the Diego Martin West MP, but also to Diego Martin Central. So I think that you have to be a bit more careful in making these flippant statements, Member for Chaguanas West, my colleague.

12.30p.m.

Hon. J. Warner: You may call them flippant, Member for Port of Spain South, but I am talking about the facts. I came Saturday and I spoke and met with the Member for Diego Martin Central, and of course we put our heads together to try and help some people. I then left on his advice—I went to La Puerta. He advised me to go up there because somebody had died. He and I talked and worked the whole of Saturday night. Madam, I have pictures of the whole of Saturday night. I put a cameraman opposite the building for the whole night to take pictures. It is black, black, black. I do not have it here now. [*Laughter*] I did

not ask for permission. Had I asked for permission from the Speaker before I came in today, I would have showed it to you. I forget to ask for permission. I have a picture big so Madam. [*Gestures with hands*] It is black as me—because the place is closed.

The Prime Minister is working all through La Horquette and so on, but the place is closed Madam. But criticize “nah”, everything: criticize. Nothing at all is good, coming here to say that the Bill is not good. Everything is bad because he has come from his gondola. But let me tell you one way again how people launder money in this country. They put their business on their wife’s name and then they build apartments all over the place, even in Rich Plain, Diego Martin, they build apartments. Then these apartments, sometimes the walls fall down as what happened last week.

Dr. Moonilal: A wall “fall down” behind the apartment.

Hon. J. Warner: You were there, you saw it.

Dr. Moonilal: I saw it.

Hon. J. Warner: And that is how they launder money. So let them talk. You see because they feel that when they talk, who talks the loudest is safe. I have no cause to worry. I sleep very soundly at night, but I know that there are those who cannot sleep, but time will tell. That is why there is this big hullabaloo about Jack Warner must not be the Minister of National Security. “Oh God! Dey fraid.”

Hon. Member: “Dey fraid.”

Hon. J. Warner: “Dey fraid.” They do not want Jack Warner there at all, at all. But I will tell you something, you know. They say I want to be Prime Minister of Trinidad and Tobago. Me? Let me put it on *Hansard* for “all yuh” to give you something less to talk about. I Jack Warner, never had any aspirations to become Prime Minister of this country. I do not have now and I will not have tomorrow or ever. That is on *Hansard*. So on the platform now, talk about something else. I have one obligation here. Mrs. Persad-Bissessar, the Prime Minister, has vested in me the authority to solve crime in this country, and come hell or high water I am going to do that. One of the ways to do that is to stop money laundering.

Money laundering is as pervasive as you can imagine. There are people in high places in this country who you least suspect, who politicians front for and go and defend and say, “move Jack Warner, Jack Warner has to go.”

Hon. Member: “Flush dem out Jack”.

Hon. J. Warner: It is coming, it is coming and when they are flushed out a lot of things will be exposed. Time will tell. The old people have a saying, “bambye we go see”. [Laughter] So let me continue, “nah”. I wish he was here, but I will let him go. [Pointing to Mr. Imbert’s seat]

So, Mr. Speaker, for me it is a privilege to be here today to contribute to this debate. This Bill signifies our Government’s ongoing commitment in the global fight against money laundering and terrorist financing. This is a collaborative effort based on the Ministry of National Security, Ministry of Finance and the Office of the Attorney General, in terms of coming up with a Bill, a proposal that would fight this scourge of money laundering and terrorist financing.

Mr. Speaker, earlier today you heard of the deficiencies which the AG said the Bill is trying to correct—and we heard just now about, of course, an “r” here and an “s” here, and a “comma” here and a “full stop”.

Colleagues, friends, help them “nah”. Tell the Members on the other side when you come to amend a Bill what you do as well you take the opportunity to clean up and tidy up the Bill.

Dr. Moonilal: Correct.

Hon. J. Warner: So you come to that, but you come to amend the Bill and if there are areas you have to tidy up and clean up you do that.

Dr. Moonilal: That is what they focus on.

Hon. J. Warner: But you sit here and you take the “r”, “s” as if that is what we come to do. We did not come to do that, we came to bring a Bill and to amend the Bill and we saw the opportunity to tidy up the bad work done by you guys. That Bill that you amended is your Bill you know. What we sought to do here is to tidy up your job. Had your Bill been a good Bill we would not have to tidy it up. And you come here to talk flippantly, and I mean very facetiously an “r” here and an “s” here and say “come on nah man, shh, shh”—oh please this is serious business. This is serious business.

So therefore, Mr. Speaker, we heard about the deficiencies of the Bill and our aim, therefore, is to implement safeguards to protect our country against money laundering; to protect our country against terrorism; to protect our country from the financing of terrorism. This Government pledges to do all in its power to curb these offences. These offences, because of the money laundering, these money launderers, so to speak, are the ones in many ways also who control the drug trade. The drug trade is not those little boys with five ounces of coke in the street

you know. They are wrong and they pay a price. The drug trade, Mr. Speaker, has some big, big guys who are backed and supported not on this side by us.

Miss. Mc Donald: Not on this side either.

Hon. J. Warner: I did not say anything. All I say is, not by us. And, Mr. Speaker, I say this in Parliament today we are going after them and who vex, vex. [*Desk thumping*]

Miss Mc Donald: “Ah find yuh throwing words”.

Hon. J. Warner: They say “move Jack Warner as the National Security Minister”, “ask Jack Warner”. The only person to ask me is this lady here, [*Pointing to the Prime Minister’s seat*] nobody else. And as somebody say, “leave Jack to the people.” Well “dat is de best thing I ever hear”. I am for the people. I am a “jack man”. So no problem. We are going after them because this country is—they are spoiling our young people. Our children are in danger and we have to go after them. So the guy with the five ounce of coke and the two sticks of marijuana, he is in use of the illegal and he will pay, but those who are hiding—the guy with five ounce of coke does not have a passport you know, does not even know where the immigration office is. Those guys have never boarded a plane, but they have AK-47s from Russia. They have coke from Colombia. They never boarded a plane. Where they get the coke from? Where did they get the guns from, Mr. Speaker—the money launderers—and that is what this thing is about and we are going after them, come hell or high water. “Que sera, sera.”

So therefore, I am saying that we are taking steps as a government to correct these deficiencies in the Bill, a Bill we inherited and a Bill which we found was deficient in several ways.

Mr. Speaker, in this global world in which we live, it is very easy [*Interruption*] when you are building your apartment—it is very easy to move from one country to another. Mr. Speaker in an age of cyber-technology, in an age where you can do anything virtually, and you do not have to move, it is very important that we look for places where people are trying to affect our laws and our systems in our country. Therefore, I am saying that the criminal underground economy is one that we have to look at, Mr. Speaker.

The criminal underground economy is like a parasite on the planet, and furthermore, I want to say that this parasite on the planet can only survive as long as it finds a host, and in this case the host that they believe that is easy for them is Trinidad and Tobago, and we have to arrest that, Mr. Speaker. We as a country [*Crosstalk*] Mr. Speaker, I heard obscenity, which I am sure you would not permit here. I am sure you

FIU of T&T and Anti Terrorism Bill, 2012
[HON. J. WARNER]

Friday, August 17, 2012

did not hear it, but it is all right, it is okay, I would not denigrate this House, but I will do it after I leave here, outside.

Mr. Speaker, this country refuses to be a weak link in this criminal underworld. We refuse to be a haven for criminal enterprises. We refuse to be a country where we shall sponsor the laundering of dirty money. We believe that as a country we must curb all these illegal activities and prevent dirty money from being invested in the criminal economy of this country because what happens is that this money comes back in the system, and when it comes into the system it can allow the very money launderers to buy guns, to buy drugs, to finance prostitution, to involve in human trafficking, exploitation and other kinds of criminal activities.

I have no doubt that in this country there is an underground arms importation and trade network. I have no doubt that in this country we have people who are involved in human trafficking and the exploitation of women from Latin America, in particular.

I am making the point therefore that because these so-called astute “businessmen”, these businessmen, of course—these so-called drug lords as I call them, crime lords, they do not ever put all their eggs in one basket. They put their money, as I said before, in counterfeiting. They put their money in gunrunning; they put their money in prostitution; they put their money in brothels; they put their money in fuel bunkering; they put their money in casinos; they put their money in sports bars; they put their money in building apartments. What you can do, Mr. Speaker, they have different ways of investing and therefore what we have here is an interconnection of organized criminal activity.

Mr. Speaker, we have to go after them. This Bill is designed to do just that. We must, as a Government, take the profits from the pockets of the criminals. [*Desk thumping*] We must make it difficult for them to move their money from place to place. We must make it difficult for them to wash and launder their money in this country. We must make crime in this country unprofitable, as it were, and that is why we are here today and who, of course, “doh want to leave dey gondola, doh leave dey gondola.” [*Laughter*] In other words, Mr. Speaker, you have—

Mr. Imbert: What about the million US?

Hon. J. Warner: Million what?

Mr. Imbert: I did not say you. I was talking—

Mr. J. Warner:—because I would tell you, yours in the Cayman, mine is here. [*Laughter*] That is not my business. That is Emile Elias business.

Mr. Speaker, in 2011 the UN office conducted a study on drugs—
[*Interruption*]

Mr. Speaker: Member for Diego Martin North/East, please, no, no, no.
[*Interruption*]

Mr. Imbert: He is terrorizing me.

Mr. Speaker: Member, you have already spoken, you cannot be interrupting another Member when he is speaking. You are engaging in what I call overtones. I am hearing everything that you are saying and Members are hearing it. You are therefore distracting the Member from concentrating and you are also distracting me from listening. So I am just asking you, if you have comments to make could you whisper so that I would not hear. Thank you very much. Could you continue hon. Member.

Hon. J. Warner: Thank you for your protection, Mr. Speaker. Mr. Speaker, there is no exact dollar value for the global crime economy. However, the UN Office on Drugs and Crime, commissioned a report in October 2011 title: Estimating Illicit Financial Flows Resulting from Drug Trafficking and Other Transnational Organized Crimes.

That report concluded that all criminal proceeds, as at 2009, accounted for US \$2.1 trillion. Of this amount—US \$2.1 trillion—they said that US \$1.6 trillion is available for laundering through the financial system. The report said, Mr. Speaker, that the flows relating to drug trafficking and other organized crime activities account for \$870 billion. Those figures, I say again, are for 2009. Fast-track to three years, Mr. Speaker, and you will see how much more it may very well be at this point in time.

12.45 p.m.

The report said that the largest income for transnational organized crime comes from illicit drugs and accounts for 20 per cent of all crime proceeds. The report went on and said that, for 2009, gross profits out of cocaine sales—only cocaine sales alone—were estimated at US \$84 billion. It says that 95 per cent of all cocaine-related offloads worldwide take place from countries in North America: US \$10 billion; South America, US \$7 billion; and Europe, US \$7 billion. The report continues:

It is estimated that about US \$6 billion of this money is directed to the Caribbean for laundering.

FIU of T&T and Anti Terrorism Bill, 2012
[HON. J. WARNER]

Friday, August 17, 2012

US \$6 billion comes to the Caribbean for laundering! Mr. Speaker, I give this information to this House, and to you because I am saying that we have to take stock of what faces us. We have to see things for what they are today, and we cannot say that we can escape.

Mr. Speaker, outside there, in this country, more than 60 per cent of the crime in the country is because of money. Money is the engine behind many of the crime problems this country faces. No gun trafficker, no gun runner, no brothel operator will stay in business if he or she cannot make money, or if they make money and cannot spend it. Therefore, our functions must be two-fold: to block them from making money, and if by chance, they escape they must not be able to spend it. That is what we are asking for. One would have thought that, based on those two ideals, we would have had the collective efforts of this entire House.

I quote from the Executive Director of UNODC, Yury Fedotov, 2011. Two years later hear what he is saying:

“This report argues that the severest consequence of criminal funding is that they perpetuate and promote criminal activities,...”

Mr. Speaker, let me read it again:

“...the severest consequence of criminal funding is that they perpetuate and promote criminal activities, creating a cycle of organized criminal activity and drug trafficking that leeches off societies.”

Mr. Speaker, we owe it to our children and our children’s children to fix this place, to fix this country, and do not come here and politicize every issue. There are issues, especially in this year of our golden jubilee. We are 50 years as a nation. There are times when we as a Government have to come together to save this country, and if ever such a time has come that time is now. [*Desk thumping*] That time is now! There are persons in this country who want to disrupt the peace and stability of this country, and with the authority which the hon. Prime Minister, through her wisdom, has invested in me, I will do everything possible to prevent that.

Mr. Speaker, you would recall even here a couple years ago there were persons who were held here, and convicted in the US, who were accused of trying to blow up JFK Airport. They were convicted [*Interruption*] right here in Trinidad. We cannot say that we escape from anything. We cannot say that. As such, therefore, the time has come for all of us to become true patriots.

Therefore, what am I saying? I am saying that this Bill is a measure to make it more difficult for criminals to do business. This Bill is geared towards fighting

illegal activity, particularly organized crime. I want to say again, one more time, we have to go beyond those little boys on the block. We have to go behind those guys who pull the strings for those little boys on the block. [*Desk thumping*] Those are the guys we have to go after. They are the money launderers. You remember, of course, “Mr. Big”. I know who “Mr. Big” is? We have to find the “Mr. Bigs” of this country and put them where they belong. It is time to cut the “ol talk”. It is time, of course, for us to stand as a country and see where we are going if we have to save this country.

Mr. Speaker, as far back as 2002, the Caricom Regional Task Force on Crime and Security commissioned a report on small arms and light weapons, and flagged this country as one of the countries—I quote:

“...with *emerging* high levels of armed and organized criminality...”

The year 2002!

Mr. Sharma: Under the PNM.

Hon. J. Warner: “Yeah, but who else?” Mr. Speaker, 2002. Can you say today we are still emerging? In 2002, “*emerging* levels of armed and organized criminality”. We are not emerging anymore; we are here. It is present right here and now. If a previous Government did not care about that, we on this side do care. [*Desk thumping*] We have to fix it. I do not want to spend much time talking. What they have failed to do is pointless at this point in time. We have to fix it and we must carry the fight against crime to all parts of this country.

Mr. Speaker, I want to end by saying, I am heartened that the hon. Prime Minister, Mrs. Kamla Persad-Bissessar and the Cabinet yesterday, approved about \$300 million as the first part in the fight against crime. That money gives us 5,000 more policemen on the streets. We shall have 1,000 members from the defence force who shall be precepted and who could do arrest. We shall have 300 motor cars, many of which shall be taken home by the law enforcement officers. We shall have community support officers in every community; they will know who are from there and who are not from there; and they shall police the place. Each one of us shall be each other’s keeper because all of us together have an investment in this country.

At the end of the day we have to leave a legacy here of safety and security for our young people. More importantly, I want to say that last week Wednesday we began building a series of police stations—eight in the first instance, which was not done before. Mr. Speaker, if you have chance at all, go to La Brea and see what passed for a police station in La Brea under the—he is not even here—PNM.

Mr. Sharma: “He geh lock up.”

Hon. J. Warner: How could La Brea have an MP under the PNM for eight years? Mr. Speaker, for eight years! I almost cried, with Mr. Sharma, two Sundays ago. I went to Oropouche to see what they have done. Mr. Speaker, I swear to you, in five minutes Mr. Sharma was able to call a resident and got his home to move for the Oropouche Police Station, and they are building one there now. Brasso—nothing in Brasso. We are building in Brasso, Maloney, Cumuto and Arima, you name it. We are building eight now and when we are finished, 10 after that.

Miss Mc Donald: And what about my police post.

Hon. J. Warner: Eighteen stations. Police post?

Miss Mc Donald: In Mango Rose.

Hon. J. Warner: In Mango Rose?

Mr. Sharma: We need mango, not police.

Hon. J. Warner: You want a police post in Mango Rose?

Miss Mc Donald: Remember with the 21st Century Policing—[*Interruption*]

Dr. Moonilal: 22nd Century.

Hon. J. Warner: Member for Port of Spain South, I have the highest regard for you. I cannot say that for everybody on that side, but for you, I have the highest regard.

Dr. Moonilal: Yes, yes, that is true.

Hon. J. Warner: When I was the Minister of Works and Infrastructure, you recall, we had a very good relationship, building roads, bridges and so on, and your police post in Mango Rose shall be reopened. It shall be reopened. [*Desk thumping*]

Hon. Member: You get your police post.

Miss Mc Donald: And Pleasant Terrace?

Hon. J. Warner: In Laventille, you are getting more than that and you could quote me on that.

So therefore, Mr. Speaker, as I conclude, I am saying to you that we must support this Bill. All of us in this House must support this Bill to prevent the

proliferation and the movement of proceeds from crime. We either swim together or all of us will sink on either side, and I do not think that is what we want for our children.

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

Miss Marlene Mc Donald (*Port of Spain South*): Thank you, Mr. Speaker, for the opportunity to join in this debate today. I am going to be very brief— [*Interruption*]

Mr. Sharma: Oh, that will be so nice.

Miss M. Mc Donald:—simply because I thought that my colleague, the Member for Diego Martin North/East, did quite a good job in this debate today. As a matter of fact, most of the things that I would have wanted to touch on, he has actually done it. So, there is no need for me to repeat. But, Mr. Speaker, I want to lament the fact that, as my colleague said, these recommendations from FATF were ongoing from 2010 to 2011 and as recent as June 2012.

Mr. Speaker, you will recall that this Government appointed a director—a director who was not the choice of the Public Service Commission in the first instance—and she came highly recommended. We were told that she is competent; we were told that she possessed the requisite skills to carry out the job as director of the FIU. We are now being told today that the second post, which is the deputy director, has also been filled.

So, my question is: what were these two people doing—these two positions—in order to avoid us being here? I am not saying—I have no problem with being here. I am called out to do the people's business; I will be here. What I am saying is, they are seated in that office, they would have known about—just how I could go on the website and see what FATF has said and the warnings given, they would have known all of this. Why these amendments did not come to this House before?

Parliament was prorogued the middle of June. There were many times, many Fridays, many weeks prior to June that we did not have Parliament. The then Minister of Finance who highly recommended this particular director, where is he to answer why these amendments did not—these amendments are not earth shattering amendments. They are not. They are basically simple amendments.

Not only that, I want to clear up something that the Member for Chaguanas West said, that it falls on this Government to put things right and to fix things. I want to remind the Member for Chaguanas West that in 1997 there was a

semblance of a FIU operating—the UNC had established that—under the Ministry of National Security, and by 2009 steps were taken under the last administration to put in place a body, a centralized body, in order to deal with money laundering and also the financing of terrorism. Now that legislation is Act No. 11 of 2009. If today there are amendments to it and we are trying to clean up and improve on it, we welcome that. We welcome it, but the parent legislation came from the former administration. So we did recognize the fact that there was a problem with money laundering which crosses all boundaries, and there was a problem with financing of anti-terrorism acts, et cetera.

Mr. Speaker, by and large, on this side, we do not have any problems with the amendments. I pride myself as researching and coming to Parliament and debating in an intelligent manner. For days I could not “make hand” of what was happening here—for days—which is unlike me. That is why I said I am going to be extremely brief.

I read the Bill, the very short Bill, and I can tell you that basically what the Government is trying to do here: they are seeking to widen—I am speaking to the national community so that they could understand—the authority and the powers of the FIU.

1.00 p.m.

What they are also trying to do is to broaden the net, so to speak, of where they can get information, and when I say that, I look particularly, Mr. Speaker, at clause 3(iii), where they have now introduced the concept of the “public authority”. So the FIU can now approach and request information from a Ministry, from the Tobago House of Assembly, from a municipal corporation, from a regional health authority, a statutory body, a company incorporated under the laws of Trinidad and Tobago, a service commission established under the Constitution, a body corporate—so they have expanded the bodies. And it is this, I would say, Mr. Speaker, that we welcome.

Mr. Speaker, we also looked at section 8(3). We are looking at—under the same clause 3—clause 3(c). Is it clause 3(c)? Yes, where they are deleting and substituting the following paragraph, where the FIU now could engage in the exchange of financial intelligence and information with members of the Egmont Group or with foreign financial intelligence. But, they have introduced a new subsection (k), and this subsection says that the FIU “may enter into such written agreements with a local authority or Foreign”—FIU—“as the Director considers necessary...”

Mr. Speaker, I understand that both subsections, (e) and (k), are seeking to widen the scope of exchange of financial intelligence and information with foreign FIUs. As I said, money laundering crosses all boundaries, so you need to establish a mechanism where you can liaise with your foreign counterparts. But, it also gives the authority to the director to enter into written agreements with the FIUs overseas—the foreign FIUs. Mr. Speaker, that is one of the problems or concerns that I have in that—who supervises this action? Because this director would be in charge of very—I should say—sensitive and confidential information, and it has been left open as to who supervises all of this. That is one of the questions that I would like the Attorney General to answer when he is wrapping up.

Mr. Speaker, we looked at clause 3(h), and I welcome (h) in that the FIU can now “instruct a financial institution or listed business, in writing, to suspend the processing of a suspicious transaction or activity for a period not exceeding five days”. I agree with that, Mr. Speaker. And what they have done, in that particular clause, in (a) and (b), they have now extended it to dealing with money laundering, financing of terrorism, and where a request is made by a law enforcement authority or a foreign FIU. There are absolutely no problems that we on this side would have with such a change.

However, when we look at clause 3(i), that is the one that deals with the request for information. We are seeing here that the FIU, in subsection (2), may, in the performance of its functions, request information from the Central Bank, and I now see the need for the public authority coming in there where you have expanded that net where you can collect information. But, what they are saying here is that where a person fails to provide the requested information or fails to provide in a reasonable time, the director may apply to a judge.

I am a bit confused—Attorney General, I am happy you came back because I am a bit confused because, under section 14(1), we are saying that with a suspicious transaction or activity, the FIU can suspend that transaction for five days—not exceeding five days—but on the other side, where you are now requesting information, information which may help you to analyze what that suspicious transaction is about, we are saying on this other side that it would be within a reasonable time. What is a reasonable time? I think it is too broad. We should at least align it with the five days. Give a specific time to that director; at least align it because we cannot have—if you are searching for information, you cannot just have it open-ended. I think that there is supposed to be some sort of synergy between (h)(1) and 16(4). This is just my observation.

Mr. Speaker, by and large, as I have said, we on this side do not have a problem with the proposals here. I know that my colleague from Diego Martin North/East would have raised a lot of questions, and I know that the AG was taking copious notes. The changes made to the Anti-Terrorism Act, I do not seem to have a problem with that either, but one of the things that I would like to have answered, AG, is that—this reminds me—earlier this year, the Member for Pointe-a-Pierre brought a Bill to this House, an amendment Bill. It is the Maternity Protection and the repeal of the Masters and Servants Ordinance, all dealt with under one Bill.

I am saying that it would be tidier if we had brought two separate pieces of legislation. There is the Financial Intelligence Unit Act, No. 11 of 2009 and the Anti-Terrorism Act, Chap. 12:07, but instead, the both sets of amendments are all subsumed under one Bill. I am saying that this needs to be tidied up, and when Ministers come to this House, I think they must come with their best efforts. I remember earlier this year, this is exactly what transpired, as I said, with the Bill brought by the Member for Pointe-a-Pierre.

Mr. Speaker, without further ado, I think that we can support such measures. I thank you. [*Desk thumping*]

The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh): Thank you very much, Mr. Speaker, for allowing me the opportunity to join in this debate on the Miscellaneous Provisions Bill as it relates to the Financial Intelligence Unit and anti-terrorism. Mr. Speaker, I have listened consistently to those on the opposite side as it relates to the proposed amendments. As the previous speaker has said, they have no problem in giving that level of support and commitment, but we must understand, Mr. Speaker, that we are here because of the problem that money laundering and terrorist activities, and terrorism and so on, pose in terms of a threat to the stability of our economy—the possible threat—and also to the stability of the global economy.

Those on the other side, especially the previous—not the previous speaker, but the Member for Diego Martin North/East, attempted to portray the Government, in proposing these amendments here today, as not understanding what we have to do in our pursuit of the work of the Government of Trinidad and Tobago. Just to quote from a story written by Reshma Baal on Friday, October 28, 2011 from the *Newsday* entitled “Money laundering widespread in TT”, declared by the FIU head.

“Director of the Financial Intelligence Unit of Trinidad and Tobago, (FIU), Susan Francois, yesterday said more money laundering cases were being recorded in T&T as more businesses report to the Unit.”

In addition to that, she indicated that the FIU was now covering:

“ ‘14 additional sectors and so it is expected the reports would increase,’ she said.

Prior to the FIU Act being passed in 2009, only financial institutions were mandated to report suspicious financial activity.

Francois also said the fight against money laundering was justified as it was linked to crime, drug trafficking, insider trading and tax evasion.

‘Money laundering produces ‘huge’ profits for criminals, and so, it fuels crime. It is bad for business, the economy, development, the rule of law and democracy.’ ”

Mr. Sharma: Excellent point!

Hon. R. Indarsingh: Therefore, Mr. Speaker, these amendments are part of the Government’s continued review of the legislation that focuses on the issues of money laundering and terrorism. In that context, too, Mr. Speaker, those who would have spoken on the other side attempted to paint a picture to the national community of the Government not understanding what it had to do.

Well, I want to say to you, Mr. Speaker, in the latest FATF blacklist that was published in February 2012, a total of 17 countries were presented as high risk and non-cooperative countries, and Trinidad and Tobago does not belong to that list. Trinidad and Tobago belongs to a group that is entitled “The latest countries with an ongoing FATF process of compliance”, which include our Caribbean neighbours such as Antigua and Barbuda, and south of us, if you go down to the southern continent, countries such as Argentina and Venezuela.

So, Mr. Speaker, when we as a political party in May 2010 went to the electorate and attempted to engage in a contract with the people of Trinidad and Tobago, we made it very clear that, through our political leader, and now our Prime Minister and Member for Siparia, that the People’s Partnership Government—one of its major platforms was good governance and a sustained commitment to implement and update crime-fighting legislation. As a result of this, Mr. Speaker, the PP manifesto—which has been adopted as official government policy—has made a broad-based commitment towards attacking crime and nurturing humanity, and making our society safe and our citizens more secure.

As a result of this, what we are seeing here today, in terms of the amendments, must be seen from a holistic angle because it is part of the Government's ongoing thrust to deal with anti-money laundering, and also combating the financing of the terrorism regime.

1.15 p.m.

This must be seen in the wider context of four key pieces of legislation in Trinidad and Tobago that focus of this overriding theme—the Proceeds of Crime Bill, the Financial Obligations Regulation 2010, the Anti-Terrorism Bill and the Financial Intelligence Unit, which is being amended today, in relation to what has been proposed before this august body, by the Attorney General of Trinidad and Tobago. But what is more important, it must be seen in the context of Trinidad and Tobago fulfilling its international commitments from a global point of view, a regional point of view and also fulfilling its responsibilities to the citizens of Trinidad and Tobago, Mr. Speaker.

In that regard, the amendments that have been tabled by the Attorney General have been found to be very simple in relation to what is before us in the context of addressing, tackling and coming to deal with the ever-pervading threat of money laundering and terrorism, and in this regard, we must continue to understand that Trinidad and Tobago's image is at stake if we do not give the necessary support to the amendments that have been tabled here before us.

Mr. Sharma: Very good.

Hon. R. Indarsingh: In that regard, we have to understand that, in addition to FATF, the Caribbean Financial Action Task Force—which was established in the early 1990s as an associate member, and which consists of member countries from the Caribbean Basin and to which Trinidad and Tobago subscribed to the Kingston Declaration in 1992—agreed to endorse and implement the FATF recommendations. And further to that, it was found that Trinidad and Tobago, since February 2010, has been demonstrating, as I said, progress in improving its anti-money laundering to combat financing the terrorism regime by the appointment of a permanent director and a deputy director. I want to set the record straight—when the Member for Diego Martin North/East attempted to say and insinuate that the Minister of Finance and the Economy and the Ministry of Finance and the Economy have failed in addressing this particular issue of zeroing in on money laundering and anti-terrorism, the threat of terrorist activities and so on.

Since assuming office and going into the Ministry of Finance and the Economy, the Minister of Finance and the Economy, Minister Howai, and myself,

and other senior officers of the Ministry have been focusing and zeroing in on the development of the Financial Intelligence Unit—its human resource capacity; the issues of staffing levels; the development of the IT unit and all that entails the holistic development of the Financial Intelligence Unit—and the importance to the economy of Trinidad and Tobago; its importance to the business community in terms of financial transaction; the time that it takes to conduct business activities and so on. All these things, if not properly addressed, have implications for the business community of Trinidad and Tobago, and not only the business community of Trinidad and Tobago, but the overall economy of the country. It is in this context that we must see the importance of the continued development of the Financial Intelligence Unit of Trinidad and Tobago, and the continued development of strategies, initiatives and legislation to address these two critical issues.

In this regard, Mr. Speaker, I want to give the ongoing commitment and the very focused commitment that the Ministry of Finance will continue to discharge its responsibility in ensuring that Trinidad and Tobago meets the necessary compliance, fulfils its obligations to international treaties and obligations under the United Nations, and also to ensure that Trinidad and Tobago understands its role in the global and international community in fulfilling its relationships with not only institutions, but in fulfilling its relationships and its commitments with the international community. So that in fulfilling our responsibilities to the international community, we will be fulfilling our role and responsibility in ensuring that we create a safer society for our citizens and a safer society for the global community; and as we create a safer society for our citizens and we create a safer society for the people of the world, the importance of what we are doing will be realized in the context of the international community.

Mr. Imbert: [*Inaudible*]

Hon. R. Indarsingh: And yes, Member for Diego Martin North/East—
[*Interruption*]

Dr. Khan: “Doh answer him.” [*Crosstalk*]

Hon. Member: Ignore him. Ignore him. Just see about your business.

Hon. R. Indarsingh: I know you are very concerned about the work of this Government—[*Interruption*]

Hon. Member: Forget him.

Hon. Member: “Doh spend too much time on him.”

Hon. R. Indarsingh:—you attempt to paint a picture of the Government not understanding its role and responsibility, but we are very serious in terms of fulfilling our role and responsibility. [*Interruption*]

Dr. Khan: Mr. Speaker, put him out. [*Dr. Khan points to Mr. Imbert*]

Hon. R. Indarsingh:—and you have to understand the threat that money laundering and terrorism pose not only to Trinidad and Tobago, but to the world and we are doing our part in fulfilling our responsibilities—[*Interruption*]

Mr. Sharma: Very good point.

Hon. R. Indarsingh:—from the point of view of compliance and fulfilling our role and obligations under international treaties and so on. And this is why, Mr. Speaker, we have to understand what we are doing. In fact, we have been very involved at the level of the Financial Intelligence Unit in ensuring that there is international cooperation with competent authorities.

Information sharing has been developed with foreign FIUs since the establishment of the unit and, in fact, we are alive to the importance of cooperation, as I said, in the global fight against money laundering and the financing of terrorism. This was seen from a regional point of view where we have been involved in cooperation with Barbados, Grenada, Jamaica, St. Kitts, Nevis, St. Lucia, St. Vincent and on an international scale with the United Kingdom and the United States of America. So that is fulfilling our regional and global responsibility in the context of our role in the global community of nations.

Mr. Speaker, from where I stand, we will continue to do the work of the Government of Trinidad and Tobago. We will continue to ensure that crime fighting is tackled [*Interruption*] on all levels, not only from the point of view of being focused on the transformation of the society from addressing the issue, or the very critical issue of improving the police service, and improving what we have to do from a legislative point of view [*Crosstalk*] but we are focused to ensure that there is also the institutional strengthening of the Financial Intelligence Unit over the next year and beyond the next 12 months.

In fact, the institutional strengthening of the Financial Intelligence Unit will be reviewed or has been reviewed, and it was found that there was the need to ensure that there were the competent resources, that the competent resources have been identified to take into consideration an IT manager, a network administrator and also the very important issue of finding the appropriate compliance officers, and investigative persons to man this particular unit.

From the point of view of taking into consideration the global reach of financial transactions, and questionable financial transactions as they relate to money laundering, terrorism and so on, the FIU continued in its thrust to focus on the development of what we would term its information technology capacity.

1.30 p.m.

In this regard, the FIU, in attempting to deal with this particular issue, has focused on an e-registration project for online registration and this in itself involves the development and implementation of an application software module accessible via the Internet, which would allow a supervised entity to log in, create a personal account in a secure environment and submit its application for registration.

Thirdly, the implementation of the policies emanating from the Privacy Impact Assessment since the FIU places a high value on data security and protection as it is committed to implementing the relevant ICT policies.

From the point of view of professional development, this will be a sense of intense focus in relation to the responsibility of the Ministry of Finance in ensuring that the money laundering tentacles that are developing from a regional and international point of view will be reduced, and reduced considerably.

In relation to 2012 and beyond, the FIU will be focused in relation to addressing the issue of compliance and training. This is one of the FIU's important or relevant strategies to address the issue in relation to reporting entities and, as the number of reporting entities increases, we will have that sense of responsibility to ensure that there is the training of staff to deal with the reporting entities in relation to the growth of listed businesses and the professional sector.

In this regard, Mr. Speaker, the projections beyond 2012 must be seen in a positive light in relation to the continued development of the FIU in terms of capacity building, compliance and training, inter-agency cooperation and the development of its IT structure.

This is a very important institution in the ongoing fight in dealing with the issue of crime in Trinidad and Tobago and also outside of Trinidad and Tobago, from a regional and an international perspective. This is why this is very important in the context of having all on board to display a sense of patriotism and commitment to the people of Trinidad and Tobago and to all of its citizens, to ensure that we must fight crime on all fronts from the point of ensuring that we

create a better Trinidad and Tobago for generations to come and to create a better global community for generations to come as Trinidad and Tobago fulfils its role and responsibility in the international community.

I thank you, Mr. Speaker.

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Thank you very much, Mr. Speaker. I will be brief in my reply because this is a very simple Bill and, notwithstanding the sound and fury that emanated from my learned friend, the Member for Diego Martin North/East, these are very simple matters.

Permit me to deal with a few matters just to set the record straight. I suppose the first point has to do with the impression which the Member for Diego Martin North/East sought to generate and create that the Government had somehow dragged its feet on this matter and we were caught with our pants down, he said, and scrambling at the last minute. He sought to create the impression that for two years the Government did not address this matter.

The truth is that this matter has been under continuous review and it is not that this Government has not been doing anything. It is that the matter has been in a state of continuous development and the Member for Diego Martin North/East well knows that because they left this issue of the FIU in the precarious state that threatened the country's listing, it slipped into blacklisting.

When he speaks about recommendations given by FATF that were not complied with and he conveniently quotes from the website of FATF, and quotes recommendations from 2010 onwards, I really wonder who he thinks he is fooling. It is certainly not the people of Diego Martin who have not seen him. In all of the flooding that has occurred, he is the scarcest thing in Diego Martin.

Mr. Speaker: This debate is not about flooding and I do not think you should be making personal attacks against any Member, okay. Please!

Sen. The Hon. A. Ramlogan SC: You see, Mr. Speaker, I am grateful for the reminder from my learned friend who raised the issue of flooding repeatedly during the course of his contribution.

The truth of the matter is this: this country has been a member of CFATF, that is, the Caribbean Financial Action Task Force, since 1992. Since 1992, the country has been a member of CFATF and the sole reason for being a member of CFATF is to comply with FATF's recommendations. When my learned friend seeks to give the impression that—it is like FATF started making recommendations when the People's Partnership was elected into office.

Mr. Imbert: Correct!

Sen. The Hon. A. Ramlogan SC: And he says correct. Let me educate you; let me elucidate you. The first recommendation of FATF; FATF was set up in 1989 and issued its first set of recommendations in 1990. Recommendations were thereafter updated in 1996, 2001, and thereafter in 2003.

As I mentioned, we have been a member of CFATF since 1992. So when in 1996 FATF issued recommendations, we were already a member of CFATF since 1992. Four years later, after membership in CFATF, recommendations were made by the international organization and after four years of preparation as a member of CFATF, we did not make any attempt; no attempt; nothing was done. Then, again in 2001 and 2003.

The proof really of this, the answer to this, the genesis of this, really, lies when the Financial Intelligence Unit Act was passed in this country. That Bill became law in 2009. So the question arises: if since 1992 we were a member of CFATF, and if recommendations were issued in 1996 and 2001, how is it that it took eight and 10 years to reach the stage where, in 2009, we were passing the Financial Intelligence Unit Act under a different administration. That is the question.

When you start to cast blame and point fingers at this side of the House and accuse the Government of dragging its feet and so on, you must remember that when you point your finger, there are four others pointing right back at you because that is where the blame belongs.

Insofar as that issue has been raised by my learned friend who I thought would really take no more than five minutes on the substantive provisions of the Bill, I must deal with it.

You must not get carried away. This issue about us getting out of the blacklist and being on the “grey list” and my learned friend from Diego Martin North/East likes to create this impression of doom and gloom; they are coming and all sorts of things will happen. What is the reality?

Mr. Speaker, Trinidad and Tobago is not unique in this regard. Thankfully, we have come off the blacklist where countries like Korea and Iran occupy a position; but on the grey list there are about 40 countries in the world that are attempting to comply with FATF recommendations; about 40 countries, and countries with much larger resources and a much better history of being a member of FATF than Trinidad and Tobago, attempting to comply; countries such as

FIU of T&T and Anti Terrorism Bill, 2012
[SEN. THE HON. A. RAMLOGAN SC]

Friday, August 17, 2012

Antigua and Barbuda, Argentina, Morocco, the Philippines, neighbouring Venezuela, Bolivia, Cuba, Ecuador, Ghana, Indonesia, Pakistan, Thailand, Turkey, Yemen, Vietnam; but many countries—over 40—are on the grey list.

I do not know that we should paint a picture as if Trinidad and Tobago is alone on the international stage struggling to comply. Compliance is an ongoing process. That is why I make the point that recommendations which emanated from FATF started in 1990. So, if you went to Parliament, which they did not, but assuming you go to Parliament in 1990 and pass a law, when FATF—given how the terrorists and money launderers react—when they then react and seek to countermand or counter-manoeuvre the measures you legislate, FATF then issues, in 1996, a new set of recommendations.

What has happened? The new recommendations—you obviously will not be compliant with them. You will have to come back to your country's Parliament and you will now have to seek to gain compliance status in light of the new recommendations. That is how it works. Likewise, the updates in 2001, 2003; and there will be other updates.

So, what is the reality? The reality is not this doom-and-gloom story my learned friend predicted, but a continuing process of updating one's laws and legal system to keep abreast of international developments, trends and patterns as codified in the recommendations of the international Financial Action Task Force. My learned friend well knows that. So, regardless of what was done, the fact remains that we would have had to come back to Parliament.

Furthermore, apart from the issuing of the recommendations—quite apart from that—we have plenary sessions as a nation that we have to attend to have discussions, negotiations and talks with FATF. When we attend these plenary sessions and we have these discussions, arising out of these discussions, FATF may then—in light of their own thinking and their own international experience—may say: look, we think you should review this; we think you should review that; or, we are happy with this; all sorts of things; but this is not a matter any Government could anticipate or predict because it depends on what FATF has in mind based on its collective international experience as gathered from all other countries that they are monitoring and evaluating on a consistent and constant basis.

So, for my learned friend, the Member for Diego Martin North/East, to have taken this Miscellaneous Provisions Bill and these amendments in a vacuum, isolate it from the world reality for all the other countries and seek to project it as though the Government has been doing nothing—look you come late—as

opposed to locating it in the spectrum of continuous development and in the ebb and flow that takes place with FATF and all its member states, I think that, quite frankly, is somewhat unfortunate.

You see, Mr. Speaker, if one looks at the chronological history of the legislation in this area, one would see that as a country—and unlike my learned friend, I am not going to cast blame—we have been trying to do our very best. You will see, Mr. Speaker, that the Financial Intelligence Unit—we were a member of CFATF since 1992, but the Financial Intelligence Unit Act of Trinidad and Tobago was assented to on October 09, 2009. It was proclaimed in February 2010.

So it took 1992 to February 09, 2010, that is eight years—eight years it took. We were not in power for those eight years. We did not accuse anyone and paint the doom-and-gloom story and say: “Well, yuh eh do nutten and yuh draggin’ yuh foot.” You see, Mr. Speaker?

As a member of CFTAF, we would no doubt have been told, “Look, all yuh get all yuh act together and so on.” It took them eight years to bring a Financial Intelligence Unit Bill. Eight years! We have been in power two years. It took them eight. Having brought the Bill, with eight years’ experience in the membership of the Caribbean FATF organization—with eight years, having brought the Bill in 2009 and it became law in 2010, in 2011, in February, we had to bring an amendment, the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act, 2011. That amendment was Act 3 of 2011.

1.45 p.m.

One of the very early pieces of legislation that the Government brought to the House was, in fact, an amendment to the FIU, an Act that they had passed. Why? If you take eight years to bring a Bill, and after eight years’ experience you brought a Bill that in the space of less than a year had to be amended—in light of our meetings with CFATF—well then what does that say about the Bill you brought? The fact is, I am not going to play—I have political gamesmanship about it. I would locate it in the spectrum of continuous development in the country’s relationship with FATF. [*Desk thumping*] That is why the Government had to bring an amendment so soon in office.

So when my learned friend seeks to create the impression that the Government was dragging its feet and did nothing, and has in his contribution the conspicuous omission of this early amendment to the FIU legislation brought by the People’s Partnership, I say well you are being very selective in your contribution.

Likewise, Mr. Speaker, in April 2011, we brought the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act No. 2; Act No. 8 of 2011, a second amendment; two amendments to a Bill that was brought to the House only the year before. But why are those amendments necessary? Those amendments are necessary because the international FATF organization, in all its dealings and relationship with all of the member states, FATF has been saying to them, “Look, we require a continuous updating of your laws to bring you into compliance consistent with international trends”, and that is not so for this alone. One can well imagine that in the wake of 9/11 things started accelerating, and the whole issue of an international and global approach to the financing of terrorist activity took on a new dimension and sense of urgency.

It was after 9/11 that everyone started tightening up, including the United States of America. So that is the reality. So when my friend seeks to single out Trinidad and Tobago for special mention as if Trinidad and Tobago has been blacklisted—because of this Government—I say that is really cheap and unfortunate disingenuous politics because the reality shows otherwise.

Then I turn to the anti-terrorism legislation; the sister Act to the Financial Intelligence Unit. Mr. Speaker, terrorism is not new. We had our own insurrection in July of 1990. The Anti-Terrorism Act for this country, do you know when it was passed? It was passed in 2004.

Hon. Member: What?

Sen. The Hon. A. Ramlogan SC: In 2004!

Mr. Sharma: Shame on the PNM!

Sen. The Hon. A. Ramlogan SC: And that too is a matter of major international concern. And after that, there was an amendment to comply with FATF recommendations to deal with the whole issue of terrorism that required constant monitoring and updating of our laws. The Anti-Terrorism Act was brought in 2004. They brought a Bill to amend that Act in 2010. Do you know what happened? The Bill lapsed. They allowed that Bill to lapse on January 08, 2010. So they were not serious about fighting the financing of terrorism; they were not serious about fighting the terrorists, they allowed the Bill to lapse.

Then, Mr. Speaker, an (Amdt.) (No. 2) Act of 2010 was eventually brought back and assented to in January 2010, and then the Anti-Terrorism (Amdt.) Act, 2011, Act No. 16 of 2011, was assented to on June 24. It was passed in the House of Representatives on June 03; the Senate on June 15, 2011; and assented to on

June 24, 2011. That, again, was another early legislative intervention by the People's Partnership in June of 2011. [*Desk thumping*] That was less than a month after the general election.

Mr. Sharma: That is Government at work!

Sen. The Hon. A. Ramlogan SC: So, when he seeks to say that we did not give it priority, I ask my learned friend, were you not in this House when on June 03, 2011 the Anti-Terrorism (Amdt.) Act, 2011 was passed? Were you not in this House on February 09, 2011 when the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act, 2011 was passed? Were you not in this House on April 18, 2011 when the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) (No. 2), Act No. 8 of 2011 was passed? So when you say that the Government did nothing—three pieces, three legislative interventions—my learned friend said that we did nothing. And my learned friend from Port of Spain North/St. Ann's West said "only three".

Let me remind them the country's membership in CFATF was in 1992. They did not bring an FIU Bill to this House until 2009. So, with those three amendments—and bearing in mind the back-breaking legislative interventions we have had in our country under the People's Partnership; bearing in mind the DNA, the electronic monitoring, the abolition of preliminary enquiries, human trafficking and long-outstanding issues, you know the difficulties, and we have been sitting and working hard.

On the one hand, the Member for Port of Spain South tells us, "Be careful of our health, do not overwork", and in the other breath—[*Interruption*] I do, that is why I will take you out later. [*Laughter*] The Member for Diego Martin North/East says, [*Crosstalk*] "You know, well only three, we did nothing". The Parliament of this country has been meeting consistently and working extremely hard under the People's Partnership. So, Mr. Speaker, and that is just anti-terrorism and the Financial Intelligence Unit.

I come now, of course, to the Proceeds of Crime Act. The Proceeds of Crime Act, like everything else, has had amendments because, again, these are issues that the international community has to treat with. So, when the Proceeds of Crime Act was passed in 2000, Act No. 55 of 2000, when that Act became law on October 27, 2000, it did not remain law and immutable. In 2009 a Bill was brought to amend the Proceeds of Crime Act.

Now, my learned friend made a point about the definition of the proceeds of crime, and the simple reason for its deletion is that proceeds of crime—you see,

FIU of T&T and Anti Terrorism Bill, 2012
[SEN. THE HON. A. RAMLOGAN SC]

Friday, August 17, 2012

Mr. Speaker, when we deleted that reference to proceeds of crime, we deleted it because there was a cross-reference to it to say that proceeds of crime had the meaning that was assigned or given to it under the Proceeds of Crime Act. That is what we said in the FIU Act, but the Proceeds of Crime Act itself never actually defined it, and the reason for that is because if you define the term “proceeds of crime”, you run the risk of that net being very restrictive because technological advancement, the shenanigans and the trickery that we have for hiding terrorist financing—it is secreted within the vein and bosom of the institutions, some of the large organizations.

So, in light of that, it was felt that rather than define it, let us leave it open-ended so that proceeds of crime will have its ordinary and natural meaning. It could mean anything. The accent is on the word “crime”.

So, once you can trace it back to the crime, it is proceeds of crime and rather than define it as my learned friend, the Member for Diego Martin North/East was saying, we prefer to keep it open-ended so that the Judiciary—the courts—can, in fact, apply that term in its ordinary and literal sense to the facts of any case before it to determine whether or not it falls within the definition and meaning of proceeds of crime or not.

That is an accepted rule of statutory interpretation, the literal rule of statutory interpretation. It is not everything that requires definition in legislation. And, if you define it now, today you define it, and then tomorrow some other thing happens. [*Crosstalk*] So my learned friend says it is no problem, so I think he accepts the explanation, and I am happy that he is satisfied on that score.

The hon. Member for Port of Spain South took issue, as anticipated, with the question of reasonable time. Now, Mr. Speaker, the concept of reasonableness is one that permeates the entire common law, and there is a lot of jurisprudence on the issue of what is a reasonable time. My learned friend, the Member for Port of Spain South advocated that, perhaps, we should have used the same five-day rule that we have or some sort of time frame. The difficulty with that really is that if you are seeking information from an entity, the entity could be a nascent financial institution that is now setting up, in its embryonic stages; it could be a full-fledged strong institution with a proud track record of history and so on; and it could even be an individual who you are trying to persuade to hand over information and they are playing hard to get.

Now, to put a time frame in a situation like that, given the vagaries and the different permutations that could occur in all of those situations might be

counterproductive and that was the position of the Financial Intelligence Unit. Indeed, in their meetings with other FIUs and organizations and so on, they felt that this was to cull from all that they had been told, that this might be the best way forward.

If we put a time frame, what if the person can supply the information? You want to persuade someone to give you information, a member of an organization, and the member is thinking about it, and in thinking about it they may have to consult their wife, their family, they may have to consult boards of directors of a subsidiary or holding company, they may have to consult with their financial planners to see how this will affect the company if it is listed on the Stock Exchange.

The market may be very sensitive; depending on if it is bullish or bearish, you may have to take different considerations into account. For that reason, we felt that to err on the side of caution, let us leave it and that it is to be given in a reasonable time, but give a back-up provision that would allow for the director of the FIU to go to court to get the court to order them if they are “playing the fool”, to use local parlance.

So if they are “dragging dey foot”—they are taking too long, and you feel that they are bobbing and weaving and they are being evasive and the facts present themselves in a solid manner to substantiate that suspicion, we have provided for the FIU director to go to court to get an order to compel them to disclose the information, but it would be counterproductive if we legislate to say a fixed number of days, and that should be applied across the board.

Now, Mr. Speaker, my learned friend, the Member for Diego Martin North/East also took issue with the staffing of the FIU to get it up and running. He sought to criticize the former Minister of Finance and say, “Well, you know, what were they doing?” And, of course, he even took an indirect shot at the Director of the FIU, saying that the current director was supported by the former Minister of Finance and what have they been doing and so on.

Mr. Imbert: No, I did not say that.

Sen. The Hon. A. Ramlogan SC: I am sorry. It is the Member for Port of Spain South, not the Member for Diego Martin North/East. You see, it is easy to confuse you with the Member for Port of Spain South. [*Crosstalk*] Now, Mr. Speaker, the Member for Diego Martin North/East and the Member for Port of Spain South know that these are positions, that they themselves in the debate

advocated ought to be filled, not by the Minister of Finance, but they advocated it should go through the Public Service Commission.

They all know that once the process is that the director must do the job specs, it must go to probably PMC in the Ministry of Public Administration; from there it has to go to the Director of Personnel Administration, and once the matter reaches the Director of Personnel Administration the baton passes from the hand of the Executive arm of the State into an independent service commission. It is well known that the service commissions are perhaps a little overworked. They take a little time to do their work. That is a fact of life.

2.00 p.m.

But whilst he seeks to criticize for that, what is really astonishing in its omission is the fact that after they took from 1992 to 2009 to pass the FIU Act, when we were a member of CFATF from 1992, after they took such a long time, despite that effluxion of time, despite that prolonged lapse of time, after doing all of that, and having all those years to prepare, when the Financial Intelligence Unit Act became law eventually in 2009, Mr. Speaker, one must ask the question, how come they did not fill it?

When it became law, after you had almost 10 years to prepare for it, how is it that you did not fill those positions? Why did you not fill those positions? If it is so easy to do, you could snap your fingers and get it done, why did you not fill it?

Hon. Member: Why you did not do it?

Sen. The Hon. A. Ramlogan SC: Not a single position in the Financial Intelligence Unit was filled under the People's National Movement, not one!

Hon. Member: Not one? Shame!

Sen. The Hon. A. Ramlogan SC: And they have the unmitigated gall and temerity to come to this House to point fingers and to pour scorn on the People's Partnership! [*Desk thumping*] [*Crosstalk*]

Hon. Member: Shame!

Sen. The Hon. A. Ramlogan SC: An abysmal failure! [*Crosstalk*] An abysmal and colossal failure! [*Crosstalk*] That is why on a day like today they do not even remember, they do not even have the political dignity to remember to say happy birthday to their father and political leader, former Prime Minister Patrick Manning. I saw the shock on their faces, the shock registered when I got up and wished former Prime Minister Manning happy birthday—[*Interruption*]

Miss Cox: A happy birthday?

Sen. The Hon. A. Ramlogan SC:—a Member of the House—[*Crosstalk*]

Miss Cox: “He doh want no deceitful happy birthday!”

Sen. The Hon. A. Ramlogan SC: That is why you did not wish him one! That is why you did not wish him one! [*Crosstalk*] That is why they were not at the airport to welcome him! You see. [*Crosstalk*] But Mr. Speaker, the reality is—[*Interruption*]

Hon. Member: You all did not even buy a cake.

Sen. The Hon. A. Ramlogan SC:—that not even the position of director did they make any attempt to fill. They appointed a man who was a consultant to the then Attorney General—the person who was a paid consultant—on a private retainer. They simply did a letter and said, you will also act as the director of the FIU.

Mr. Imbert: And they have been doing that for two years.

Mr. Roberts: And they paying for—[*Interruption*]

Sen. The Hon. A. Ramlogan SC: And they are the ones who come now to say, “Well all yuh eh do it and yuh have to do it by Public Service Commission and oh, ho, ho, ho.” I really wonder. I really wonder. There is a song called “Lamborghini Mercy” mercy, maybe this is—I will have political mercy on you. [*Crosstalk*]

You see, Mr. Speaker—now, the Member for Diego Martin North/East raised an issue with respect to the Anti-Terrorism Act: the one single issue that he raised that required attention, I mean, it was in section 22(b) of the Anti-Terrorism Act, and Mr. Speaker, that is the section that allows for an Order to be made by the court against—it is 22(4)(a)—and that is a provision that allows for an Order to be made by the court. And in 22(4)(a) he made the point that:

“Where an Order is made under subsection (3), the Court shall serve the Order upon the financial institution or listed business and the FIU shall act in accordance...”, and so on.

And he made the point that it did not say “on the individual”—[*Interruption*]

Mr. Imbert: Or listed entity.

Sen. The Hon. A. Ramlogan SC:—“or listed entity”. Now, in this case, once the court makes a declaration under section 3(a), if you read it correctly, you

would see that they would be declaring the individual to be a listed entity, so that takes care of the listed entity point; yes, you concede that, that is fine. [Interruption] Sorry.

Mr. Imbert: That should be a listed entity right through.

Sen. The Hon. A. Ramlogan SC: I am coming to that. Now, I think, the point that was not made, but a point that crossed my mind, Mr. Speaker, was that the Order is made on an application *ex parte* to the court—that means in the absence of the other side—so the other side is not notified, and you go to court, and obviously because of the sensitivity and seriousness of anti-money laundering and counter-financing terrorism measures, but in a situation like that the legislation did not make provision. It makes provision and reference for the Order to be served on the financial institution or listed business—[Interruption]

Mr. Imbert: But not the entity.

Sen. The Hon. A. Ramlogan SC:—but not the entity, that is right. So, I think that might be an area, a point I think—that it crossed my mind, and I spoke to the Chief Parliamentary Counsel. The answer to that however is that the court, under the new Civil Proceedings Rules of Court—before we had the CPR, lawyers would do up the Orders announced by the court. The judge pronounces the Order, and the lawyers would have to take a careful note, verbatim, do it up, send it to the Registrar of the Supreme Court, who would check the judge’s notes, and they would approve the Order and send it back to the lawyer.

What happens now is that the court, since the introduction of the Civil Proceedings Rules of Court, does up the Order itself. So that the court now does the Order, and the practice has become that the court would issue the Order.

Now, out of an abundance of caution—although that explanation is one that I accept from the public officers—it may be wise to provide for express service on the individual. So, what I propose to do is in section 22(b), 4(a) to insert after the word “upon”, the words “the listed entity” which would take care of that.

Mr. Imbert: Also 4(b).

Sen. The Hon. A. Ramlogan SC: 4(b), no; 4(b) is where the Order deals specifically with where the Order is served on the financial institution or listed business, like a bank and so on—[Interruption]

Mr. Imbert: Under 4(a)?

Sen. The Hon. A. Ramlogan SC: Yes, under 4(a), but you do not need to repeat it there.

Mr. Imbert: All right.

Sen. The Hon. A. Ramlogan SC: You understand? Okay. I think my learned friend accepts that. So, it is only in 22(4)(a) I will make that amendment.

Now, the other point my learned friend raised, which really is not a point that arises on the amendments before the House, and I really do not propose to treat with it because it is not before the House strictly. It has to do with the provision in subsection (5) really, with respect to the gazetting of the Order, and it uses the word, the Attorney General “may”, as opposed to “shall”. I have no real difficulty changing “may” to “shall”—[*Interruption*]

Mr. Imbert: Then change it.

Sen. The Hon. A. Ramlogan SC:—you know, but I suspect—that was in the original Act, by the way, yes. That was the original Act passed by Parliament, and I suspect the reason that that was there is because they felt that there should be some measure of retained discretion in case there are issues of national security, for example, that might arise. But having regard to the fact that the Order is now going to be served, no useful purpose can be served by having a discretion; it would come to their attention. So, I am prepared to say change “may” to “shall”. I mean, that is a change that I will be making even on your legislation, but that is fine. Mr. Speaker, that is [*Crosstalk*] “this lime now start, you is to remain, wait”.

So, Mr. Speaker, having gone through the chronology—having chronicled for the records of *Hansard* the history of the development of these three interrelated pieces of legislation: the Financial Intelligence Unit Act, the Anti-Terrorism Act and the Proceeds of Crime Act—this jigsaw puzzle of three pieces of legislation—I hope I have been able to tie up the ends into one knot [*Crosstalk*] to make sure that my friends on the other side understand the seriousness and importance of this. I say understand the seriousness and importance of this because when one listens to the contributions from the other side there was an underlying theme. The theme that underlined the contribution from both Members was that, “yuh pull meh outta meh vacation”. That seemed to have been a disproportionate concern, I think.

But be that as it may, I wish to thank all Members for their erudite contribution to this simple and important legislative measure and, I beg to move. Thank you very much. [*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.

Mr. Chairman: Are you ready? Well, we have a list of amendments to clause 3 that has been circulated, okay. Then we now have a new amendment to clause 4, as you have proposed, based on the Member for Diego Martin North/East's intervention.

Clause 1 ordered to stand part of Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

3(a) A. Insert after subparagraph (ii), the following new subparagraph:

“(iii) by deleting the definition “proceeds of crime”;

B. Renumber subparagraphs accordingly.

3(c) A. Delete subparagraph (i) and substitute the following subparagraphs:

“(i) inserting in paragraph (d), after the word “Act”, the words “and section 22C of the Anti-Terrorism Act”;

(ii) deleting paragraph (e) and substituting the following paragraph:

“(e) engage in the exchange of financial intelligence and information with members of the Egmont Group or with Foreign Financial Intelligence Units;”;

(iii) deleting paragraph (f) and substituting the following paragraph:

“(f) may disseminate financial intelligence and information to local and foreign authorities and affiliates within the intelligence community;”.

B. Renumber subparagraphs accordingly.

Insert after paragraph (a), the following new paragraph:

- 3(b) “(b) in section 4, by deleting the words “anti-money laundering policies” and substituting the words “policies with respect to money laundering and financing of terrorism”;

Insert after paragraph (d), the following new paragraph:

- 3(e) “(e) in section 9—
- (i) by deleting the words “its anti-money laundering policies” and substituting the words “its policies with respect to money laundering and financing of terrorism”; and
 - (ii) in paragraph (b), by inserting after the word “laundering”, the words “and financing of terrorism”.

Insert after paragraph (h), the following new paragraph:

- 3(i) “(i) in section 15(1), by inserting after the word “offence”, the words “or the financing of terrorism”;

Insert after paragraph (i), the following new paragraphs:

- 3(j) and (k) “(j) in section 17(1)(b) by—
- (i) inserting after the word “laundering” in the first place where it occurs, the words “and the financing of terrorism”; and
 - (ii) deleting the words “and its offences” and substituting the words “and financing of terrorism”;
- “(k) in section 18(1), by—
- (i) deleting the word “transaction” and substituting the word “transactions”;
 - (ii) inserting after the words “these reports,”, the word “and”; and
 - (iii) inserting after the word “offences” the words “and the financing of terrorism”.

Insert after paragraph (m), the following new paragraph:

- 3(n) “(n) in section 19, by inserting after the word “under”, the words “the Anti-Terrorism Act,”.

Insert after paragraph (o), the following new paragraph:

3(p) “(p) in section 28(2), by deleting the words “with a review to any amendment of the Act” and substituting the words “with a view to any amendment of this Act”.

Renumber paragraphs accordingly.

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

Clause 4.

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

Dr. Moonilal: In clause 4 insert after paragraph (f) the following paragraphs:
(g) In section 22B (4A) by inserting after the word “upon” the words “the listed entity,”. At (h) in section 22B(5) by deleting the word “may” and substituting the word “shall”; renumber paragraphs accordingly.

Mr. Imbert: Mr. Chairman.

Mr. Chairman: Yes.

Mr. Imbert: Could you just go over that first one 22B(4A).

Mr. Chairman: Let me read it out, that clause 4 be amended as follows:

4(g) Insert after paragraph (f), the following paragraphs:

“(g) in section 22B(4A), by inserting after the word “upon”, the words “the listed entity,”; and

“(h) in section 22B(5), by deleting the word “may” and substituting the word “shall”.

B. Renumber paragraphs accordingly. Is that okay?

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

2.15 p.m.

Preamble approved.

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

House resumed.

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

Mr. Speaker: Hon. Members, this Bill requires a special majority of three-fifths, a division is required.

The House voted: Ayes 35

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Warner, Hon. J.

Dookeran, Hon. W.

Mc Leod, Hon. E.

Sharma, Hon. C.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Ramadharsingh, Hon. Dr. G.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Indarsingh, Hon. R.

Samuel, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, Hon. C.

Seemungal, Hon. J.

Mc Donald, Miss M.

Cox, Miss D.

Hypolite, N.

Imbert, C.

Jeffrey, F.

Thomas, Mrs. J.

Hospedales, Miss A.

Mr. Speaker: Hon. Members, with a division of 35 Members voting for; no Member voting against; no abstention; the Motion for the third reading of the Miscellaneous Provisions (Financial Intelligence Unit of Trinidad and Tobago and Anti-Terrorism) Bill, 2012 is unanimously approved. [*Desk thumping*]

ADJOURNMENT

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed.

Mr. Speaker: Before putting the question for the adjournment, hon. Members would recall two very important occasions—one recently accomplished and passed and the other one to come. The one that was accomplished and passed with all our collective support was the outstanding and extraordinary performances by our athletes at the recently concluded Olympic Games in London. And then the one to come is our Eid celebrations by the Muslim community. I would now call on the hon. Prime Minister—[*Interruption*]—oh, the hon. Minister of Sport who will now speak to that very important accomplishment of our Republic.

Accomplishments at the Olympic Games (Trinidad and Tobago Contingent)

The Minister of Sport (Hon. Anil Roberts): Thank you, Mr. Speaker, and it gives me great pleasure in this august House to send congratulations to the entire population, in August, and to all the 31 Olympians—we had 31 qualifiers, even

though Josan Lucas from Tobago, unfortunately, got injured just before the games—to their coaches, their representatives, their managers, to the Trinidad and Tobago Olympic Committee under its president Mr. Larry Romany, secretary Brian Lewis and the chef-de-mission Miss Annette Knott, for bringing home to Trinidad and Tobago the greatest Olympic team performance in the history of our twin island republic [*Desk thumping*] amassing some 13 finalists; Cleopatra Borel-Brown being the latest addition on the unfortunate disqualification of a goal medallist for a doping violation.

Our 13 finalists included George Bovell III in the 50 metre freestyle; Njisane Phillip in the match sprint; Wayne Davis in the 110 metre hurdles; Kelly Ann Baptiste in the 100 metres; Semoy Hackett in the 200 metres; Richard Thompson in the 100 metres final; Jehue Gordon in the 400 metre hurdles; Lalonde Gordon of Low Lands, Tobago in the 400 metre dash, bringing home bronze in a personal best time and a brilliant performance winning the first bronze medal that started the medals flow. [*Desk thumping*]

The men's 4 x 400 relay team, breaking and smashing a national record twice in two days and being the first team to go sub three minutes, led off by Lalonde Gordon and finished by Deon Lendore. And, of course, our 4 x 100 men's relay, ably anchored by Richard Thompson despite a poor baton change from the third to fourth leg which saw us move from third to eighth. He then chose to never give up and run to the tape leaning in to come fourth, and then uplifted we were raised to bronze because the Canadians broke the rules and stepped on the lane cutting the distance under 400 metres and making sure that Trinidad and Tobago won another bronze medal. And then young Keshorn Walcott of Tobago—

Hon. Member: Toco.

Hon. A. Roberts: Sorry. “So, I love Tobago, meh father from Tobago and I doh mind if Tobago geh a lil ting.” —but Toco very close to Tobago— [*Interruption*]

From Toco, thank you, Mr. Speaker—coached by our Cuban friend, brought here by the Sports Company and the Ministry of Sport, Mr. Ishmael Lopez Mastrapa, who did an incredible job in finding this talent, nurturing it day by day and taking him into not only the world junior gold medal position in Barcelona, where in the last throw he was in second place behind the Argentinian, and he threw 78.64 to bring home world junior gold for Trinidad and Tobago. He did not come home, he went straight to Cardiff, Wales where the Government of Trinidad and Tobago paid for the entire team to train and stay together with the best

Accomplishments at the Olympic Games
[HON. A. ROBERTS]

Friday, August 17, 2012

coaches, best facilities, best nutrition, psychologist and teamwork management. He then went into the games village and waited as the swimmers swam, as the cyclists cycled, the sailors sailed, and he waited for the last two days for his competition, and what a wait it was.

He threw and broke a national record in his first throw of the finals with 83.51 metres and sent all hearts in Trinidad and Tobago palpitating [*Desk thumping*] but there was still more to come because there were 11 other finalists who had five more throws each, but Keshorn Walcott was not done there. He took his second throw, and with immaculate technical ability and prowess, launched the javelin, another national record, 84 metres and 58 centimetres to set the first leading throw in this javelin Olympic final, and one by one they fell to the might of Trinidad and Tobago and Toco, and Trinidad and Tobago got its second gold medal in the history of our republic on the heels of Hasely Crawford's lane one sprint in 1976, Montreal [*Continuous desk thumping*] in a time of 10.06.

So, to all of Trinidad and Tobago, to the Opposition, to the Government, to all the citizens, I say congratulations and we look forward to Rio, Brazil 2016 where we shall even surpass these results with the astute leadership of the People's Partnership Government moving forward.

Mr. Speaker, I thank you. [*Desk thumping and laughter*]

Miss Donna Cox (*Laventille East/Morvant*): Thank you very much, Mr. Speaker. After that commentary I would not have much to say at this time. But we want to say congratulations to all the athletes who made us very proud at the Olympics; Keshorn Walcott for bringing us gold; and I must say my cousin Lalonde Gordon for bringing us two bronze. [*Desk thumping and interruption*] Yes, yes, we have "plenty talent" in my family. [*Crosstalk*] The 4 x 400 relay team; 4 x 100 team; Njisane Phillip, and all the others who may not have medalled but we want to say that we are very proud of them.

Mr. Speaker, I just want to say congratulations also to all the sport administrators and coaches who would have assisted in this happening to us at this time. I note with pride that after 36 years we welcome a second gold medal from young Keshorn Walcott.

Miss Mc Donald: Yes, yes. [*Desk thumping*]

Miss D. Cox: It was indeed a true time of national pride for all of us hearing our anthem played and seeing our flag raised. Indeed, in this our golden jubilee year we are very happy and we say congratulations to all.

Thank you.

Mr. Speaker: Yes, hon. Members, I would like to join with the Minister of Sport and the hon. Member for Laventille East/Morvant in extending warmest congratulations to all our athletes who made us proud in this golden jubilee year of our independence.

I would also like, again, to put on record our collective support and thanks to our colleague, brother Keshorn Walcott, who did us proud. We look forward to the continued support by the Minister of Sport and the Government of Trinidad and Tobago and all of us here in giving the necessary support, the wherewithal, so that as we prepare for Rio in 2016, Trinidad and Tobago will continue to shine as a beacon of light for the entire world.

And I must say that the Caribbean, a small part of the universe, has done us proud as a people [*Desk thumping*] and we have to probably consider in the future some date in our calendar when we can recognize all our Caribbean athletes, and I look forward to that day when we can lift the spirit, inspire our youths—in particular, in this region—when we can bring them together from island to island and lift them to higher heights.

Congratulations and thank you very much.

2.30p.m.

EID-UL-FITR GREETINGS

Mr. Speaker: Hon. Members, as I indicated earlier on—Eid-ul-Fitr is being celebrated shortly. We have been through—that is, the Muslim community has been through a period of fasting and it is coming to a close where they have to break the fast—that is on Sunday, and we celebrate Eid-ul-Fitr as a public holiday on Monday. At this point I will call on the hon. Prime Minister to extend greetings to the Muslim community as we approach the end of the fast and the celebration of Eid-ul-Fitr.

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Mr. Speaker, I am very happy to bring greetings to all of our citizens and in particular our Muslim brothers and sisters, as we will join with them to celebrate Eid-ul-Fitr on Sunday. A great deal of life lessons can be learned by persons of all faiths, from the fasting and prayer of this holy month of Ramadan. It has been a time of personal sacrifice, a time of surrender to Allah, a time of reflection and contemplation on the wisdom of Prophet Muhammad (peace be unto him) and a time of recommitment to the strongest spiritual and moral values.

The holy month of Ramadan has also brought traditional family and community values high up into the national consciousness and has given us time

Eid-Ul-Fitr Greetings
[HON. K. PERSAD-BISSESSAR SC]

Friday, August 17, 2012

to pause and reflect on how we have faltered through human error and how we must continue to aspire to greatness in the eyes of God.

Today, I salute and pay tribute to the Muslim community for the manner in which they have been able to teach and guide us all in so many ways. As you have contemplated life and living, as a community you have always summoned the strength to ensure that you share your values with us, share your teachings with us and share your strength with us in times of happiness and also in times of distress. As we celebrate Eid on Sunday, when families and communities gather and greet each other with a unique and time-honoured sincerity, on my own behalf and on behalf of the Government of Trinidad and Tobago I send you all our very best wishes. I also send to you our gratitude for allowing your fellow brothers and sisters of other faiths to learn from you, to share in your celebrations and to adopt and adapt your principles and values to their own lives.

As a community, your contribution to our growth and development, our peace and stability, charity and goodwill, our nationalism and patriotic pride cannot be stated enough. The Muslim community has been one of our most potent forces in progress as we travelled a path to our independence golden jubilee this year. I ask that you all pray for our nation as we chart a course into a future of continued unity, progress and strength.

As I wish Eid Mubarak to the Muslim community, I pray that Almighty Allah bestows on you, blessings to inspire you to continue being beacons of light and hope for all times in the future. May Allah continue to bless you and may Allah continue to bless our very great nation, Trinidad and Tobago. Eid Mubarak to all.

Mr. Speaker, as I thank you for this opportunity, it would be remiss of me if I did not also take up a moment, with your leave, to congratulate our young colleague, the Member for Oropouche West, on her recent marriage, last weekend. [*Desk thumping*] I thank you, Mr. Speaker.

Miss Donna Cox (*Member for Laventille East/Morvant*): Thank you, Mr. Speaker. Mr. Speaker, during the holy month of Ramadan our Islamic brothers and sisters abstain from food, drink and other physical needs daily from dusk to dawn. They seek to realign their lives in accordance with the teachings of the Holy Qur'an, to reinforce family ties, to strengthen friendships and to turn away from bad habits, evil thoughts and deeds. In other words, they seek to purify their soul.

The festival of Eid-ul-Fitr which marks the end of Ramadan is celebrated by the community with a great sense of joy and gratitude to Allah for all His work and creations. Eid-ul-Fitr forges and strengthens communal harmony, as well as produces and perpetuates cultural and community awareness. It is a time to joyfully serve Allah by joyfully serving our fellow men.

The Holy Qur'an, Chapter 49, verse 13 tells us and I quote:

O mankind! We created you from a male and a female, and made you into nations and tribes, that you may know and honour each other.

To honour each other, brothers and sisters, is to do what is morally right. This is truly a powerful and relevant lesson, not only for Muslims but for each of us as individuals and indeed for our beloved nation as a whole.

As individuals we should honour one another as prescribed by the Qur'an regardless of race, religion, class, colour or political affiliation. By doing what is morally right we become stronger individuals who would build stronger communities which enable our nation to soar to greater heights of social and economic successes.

The significance of this message from the Qur'an is even more pertinent as we prepare to celebrate our 50th anniversary as an independent nation, a mere 11 days after the observation of Eid-ul-Fitr. Let us realign our nation by always doing what is morally right and by demanding the same of our leaders. Let us reinforce family ties, strengthen friendships and turn away from bad habits, evil thoughts and deeds. Let us purify our nation's soul as we join with our Muslim brothers and sisters in celebrating the festival of Eid-ul-Fitr. I call upon all citizens to heed the call of the Qur'an to honour one another for Eid and for always.

On behalf of the leadership and the members of the People's National Movement I wish Eid Mubarak to the Muslim community and all the people of Trinidad and Tobago.

Mr. Speaker, before I take my seat I want to take this opportunity on behalf of all of us on this side to wish our former political leader a happy birthday. I thank you. [*Desk thumping*]

Mr. Speaker: Hon.Members, I would like to join with the hon. Prime Minister and the Member for Laventille East/Morvant in bringing greetings on the occasion of Eid-ul-Fitr. The end of Ramadan opens the door for the grand Eid-ul-Fitr festivity. Eid is celebrated on the first day of the Shawal after the end of

Eid-Ul-Fitr Greetings
[MR. SPEAKER]

Friday, August 17, 2012

Ramadan. After observing an austere and highly disciplined schedule during this month of fasting, Eid is welcomed on the occasion full of celebration, food and fun.

Eid is an Arabic word which means celebration, while Fitr means to break the fast. Thus, the holy festival symbolizes breaking the fast. Eid stands for harmony and brotherhood.

Eid-ul-Fitr is celebrated for three days. It is an occasion which not only calls for celebration, but also upholds the religious fervour preached by the Qur'an. Islam ushers its followers not to waver from the path of Islam and perform the Five Pillars. Eid is the time to spread happiness, love and triumph thereby creating enthusiasm among all family members and friends.

It is in this vein that I want to extend a holy Eid to all the Muslim community in our Republic of Trinidad and Tobago especially in our 50th year of independence. Let us continue to recognize each other's faiths as this is what makes us this unique twin island Republic of Trinidad and Tobago. Eid Mubarak to all.

Hon. Members, before I put the question, may I remind all Members that based on a collective decision, we are hosting at the Hilton Hotel Ballroom this afternoon at 7.00 p.m., what we collectively decided upon, Government, Opposition, and Independent—this is a collective decision that we shall host a ball, an Independence Ball, and we have invited close to 450 Members and their spouses, all former Members of Parliament who we could have reached—we have sought to reach. This is a time for us to come together as parliamentarians as we look at our journey from 1962 to 2012. [*Desk thumping*] So I want to appeal to all Members to come this evening, bring your wives, your spouses and let us really enjoy the afternoon. So I appeal to you and I remind you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 2.41 p.m.