

*Leave of Absence*

*Friday, May 10, 2013*

**HOUSE OF REPRESENTATIVES**

*Friday, May 10, 2013*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon Members, I have received communication from the following Members: the hon. Anil Roberts, Member of Parliament for D'Abadie/O'Meara; Member of Parliament for Caroni Central, Dr. Glenn Ramadharsingh; they have both asked to be excused from today's sitting of the House. I have also received communication from Mr. Herbert Volney, Member of Parliament for St. Joseph, who has asked to be excused from today's sitting of the House; and the hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West, is currently out of the country and has asked to be excused from sittings of the House during the period April 27 to May 11, 2013. The leave which the Members seek is granted.

**MR. JACK WARNER  
(Resignation of)**

**Mr. Speaker:** Hon. Members, on Friday, April 26, 2013, I received a letter from Mr. Jack Warner which reads as follows:

“April 26, 2013

The Honourable Wade Mark  
Speaker of the House of Representatives  
Office of the Parliament  
Level G-7  
Tower D  
International Waterfront Centre  
1A Wrightson Road  
Port of Spain

Honourable Speaker of the House,

I hereby inform you of my decision to resign as the Member of Parliament for the Chaguanas West Constituency effective midnight tonight Friday April 26, 2013.

*Mr. Jack Warner (Resignation of)*  
[MR. SPEAKER]

*Friday, May 10, 2013*

I enjoyed my stint in the Parliament under you because at all times, you demonstrated fairness and impartiality in your judgments thereby maintaining the hallowed sanctity of the House.

In this regard I reiterate that from midnight tonight Friday April 26, 2013, my resignation as the Member of Parliament for the Chaguanas West Constituency will be in effect.

Respectfully,  
Jack Warner.”

Hon. Members, section 69(3) of the Constitution of the Republic of Trinidad and Tobago states, and I quote:

“Where a vacancy occurs in the House of Representatives within the first four years of the life of the Parliament a bye-election shall be held to fill such vacancy not later than ninety days from the date of the announcement by the Speaker of the vacancy.”

In view of the foregoing, I hereby declare the seat of Chaguanas West vacant.

#### **PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of Trinidad and Tobago for the financial year ended September 30, 2012. [*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 Trinidad and Tobago Postal Corporation for the financial year ended September 30, 2007. [*Sen. The Hon. L. Howai*]
3. Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2012. [*Sen. The Hon. L. Howai*]

*Papers 1 to 3 to be referred to the Public Accounts Committee.*

#### **JOINT SELECT COMMITTEE REPORTS** **Review of the Police Service Commission** **(Presentation)**

**The Minister of State in the Office of the Prime Minister (Hon. Rodger Samuel):** Mr. Speaker, I wish to present the following report, the Eighth Report of the Joint Select Committee appointed to enquire into and report on Municipal

Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on a Review of the Police Service Commission.

**The Ministry of Health  
(Primary Health Care Facilities)  
(Presentation)**

**Dr. Amery Browne** (*Diego Martin Central*): Mr. Speaker, I wish to present the following report, the Fifth Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1) on the Administration and Operations of the Ministry of Health with specific focus on Primary Health Care Facilities.

**ORAL ANSWER TO QUESTION**

**Rebuilding of the Morvant Community Centre  
(Details of)**

**33. Miss Donna Cox** (*Laventille East/Morvant*) asked the Minister of Community Development:

Could the Minister state:

- a) If there is any intention to commence the rebuilding of the Morvant Community Centre?
- b) If the answer is in the affirmative, when is rebuilding scheduled to commence?
- c) Has any contract been awarded for the rebuilding of this Centre?

**The Minister of Community Development (Hon. Winston Peters):** Thank you very much, Mr. Speaker. I know that you said you did not want any repetition of the questions that are asked, but in some cases you would have to—I guess, for the benefit of the people to whom you speak and who are not privy to reading these things—repeat it, and the question that is asked here, question (a), is if there is any intention to commence the rebuilding of the Morvant Community Centre. Mr. Speaker, the people who are asking these questions, if this was not a very serious place it would have been laughable, because I want to find out how long they know that they wanted to ask this question. This question should have been asked 10 years ago.

**Hon. Member:** Yes. [*Desk thumping*]

**Hon. W. Peters:** Ten years ago, Mr. Speaker. But having said all of that, the short answer to your question is, yes. Because I am not going to keep the people of Morvant waiting for years to get a community centre that they are entitled to. [*Desk thumping*]

*Oral Answer to Question*  
HON W. PETERS

*Friday, May 10, 2013*

The second part of the question, (b), if the answer is in the affirmative, when is rebuilding scheduled to commence?

Mr. Speaker, again, these questions should be asked of the people who are asking them now.

**Hon. Member:** That is true. That is true. [*Laughter*]

**Hon. W. Peters:** But I say to you, that because I am a community person and every community in Trinidad and Tobago is important to me, [*Interruption and desk thumping*] it is proposed that the rebuilding and the commencement of this centre would be in fiscal year 2012/2013. [*Desk thumping*]

**Hon. Member:** We are in 2013.

**Hon. W. Peters:** I know we are in 2013. We used to be in 2009, 2007; we used to be in 2002; we are in 2013, and this question is preposterous to be asked in a lot of ways.

**Hon. Member:** Frivolous.

**Hon. W. Peters:** But however, the third part of this question, Mr. Speaker, has any contract been awarded for the rebuilding of this centre? And the answer is, "no". No contract has been awarded for the Morvant Community Centre. Thank you, Mr. Speaker.

**Miss Cox:** Supplemental, Mr. Speaker. I would like to know what date? Could I get the date please, because we are in 2013? What date in 2013 would be the commencement of the centre?

**Mr. Speaker:** Please, Members. Hon. Member, Community Development Minister.

**Mr. Sharma:** She wants a date. She is asking for a date. [*Crosstalk*]

**Hon. W. Peters:** Mr. Speaker, if you would have permitted me to put on my calypso hat I would have answered it in a different way. [*Laughter*] But since I am only a politician as we are here now in this honourable House, I have no date as yet.

**Dr. Gopeesingh:** You cannot give a date.

**Mr. Sharma:** "No date for yuh".

**STATEMENTS BY MINISTERS****Official Travels of Prime Minister  
(Details of)**

**The Minister of Foreign Affairs (Hon. Winston Dookeran):** Thank you, Mr. Speaker. I rise before the honourable House to provide a report on the recent official travel by the hon. Kamla Persad-Bissessar, Prime Minister, to the United States, where the hon. Prime Minister addressed the General Assembly of the United Nations in New York, held discussions in Washington with Mr. William J. Burns, Deputy Secretary of State; met with the President of the Inter-American Development Bank, Mr. Luis Alberto Moreno, and addressed the Americas-Africa Business Forum at the headquarters of the Organization of American States. The hon. Prime Minister also paid an official visit to Canada.

Mr. Speaker, on these engagements, it is recognized that Trinidad and Tobago has played an important role in regaining its prestige and stature in the conduct of international relations. We recognize that the world has changed from the 1980s and '90s, and that in this age of globalization, leadership demands an international presence. The Prime Minister has therefore led the charge in order to give Trinidad and Tobago a voice in the international community and in order for the country to demonstrate its leadership.

Mr. Speaker, the meetings with the Prime Minister that were held in New York, Washington, Toronto and Canada, signalled that this country will continue to aggressively pursue international partnerships in order to continue its stimulating efforts at economic development. With respect to the address to the General Assembly on the invitation of the 67th Session of the United Nations General Assembly President, the hon. Prime Minister addressed the General Assembly on the theme, the UN and Global Economic Governance on April 15, 2013.

Mr. Speaker, Trinidad and Tobago was the only Caribbean member state to deliver an address during the debate, which presented the unique opportunity to the hon. Prime Minister to be the voice of Caricom and other small island states. Accordingly, the Prime Minister, at that occasion, included in her address, major proposals for the modification of the existing global economic architecture, so that the IMF and groups of large states such as G-20 can no longer dictate the rules for smaller states without adequate consultation, so that small states have a greater role to play in the formulation of global economic policies.

**1.45 p.m.**

With respect to the meeting with the US Deputy Secretary of State, William J. Burns, the hon. Prime Minister raised a number of critical issues affecting Trinidad and Tobago including the US Foreign Account Tax Compliance Act which was a matter of concern. The law, in part, of the United States is aimed at combating tax evasion by US citizens holding overseas investment. It requires foreign banks and financial entities to disclose the balances, receipts and withdrawals of American account holders to the US Internal Revenue Service, or be subject to a 30 per cent withholding tax on the income from US financial assets held by the banks or financial entities, along with other requirements which are a cause of concern. This topic will now be followed up by the Minister of Finance and the Economy, Minister Howai, and the banking association as they will meet next week to discuss the implications of that which was raised by the hon. Prime Minister.

As you are aware, Mr. Speaker, Trinidad and Tobago will assume the Chairmanship of Caricom at the Heads of Government meeting on July 1, 2013, following the term of President Martelly of Haiti. During her meeting with the Deputy Secretary General, the Prime Minister raised the possibility of convening the Caricom-US Summit on a date to be fixed—this in keeping with the decision taken by the Caricom Heads in February 2013.

And, in its significant demonstration of the excellent relations that exist between Trinidad and Tobago and the United States, the Office of the Prime Minister advised in a release on May 8 that US Vice President Joseph R. Biden and his wife, Dr. Jill Biden, will visit this country at the end of May. This will give us an opportunity to further pursue matters on the bilateral agenda.

With respect to a meeting with the Inter-American Development Bank, the hon. Prime Minister applauded the bank's continued support for Government's development efforts, which are currently reflected in 30 projects valued at US \$460.1 million. And at the same time she expressed her concern over the economic well-being of the Caribbean, the limited presence and contributions of the private sector arms of the bank in the wider Caribbean community and the decline in the number of personnel from the Caribbean region in the bank's staff.

Mr. Speaker, a key aspect of this visit had to do with her address at the Americas-Africa Business Forum: New Commercial Partnerships for Economic Growth which was done on April 18, 2013. Commenting on the historical relationship Trinidad and Tobago shares with the African continent, the Prime

Minister reiterated that this country stands ready to assist Africa with respect to natural gas development and drew attention to the new Africa initiative currently being developed through the National Energy Corporation in collaboration with the Ministry of Foreign Affairs. This initiative aims to provide assistance to newly emerging energy-producing countries in Africa by sharing best practices in the areas in which the country has excelled, including power generation and the commercialization of natural gas. It is expected that the Trinidad and Tobago delegation, as a follow-up, will visit Uganda, Tanzania, Kenya and Mozambique in the near future.

Mr. Speaker, in 1967 Trinidad and Tobago became the first English-speaking country to join the OAS, and this country continues to play an instrumental role in hemispheric collaboration and cooperation. In her acceptance of an OAS award dealing with the issues of women and children in the Americas, the hon. Prime Minister called for cooperation among OAS member states, noting that the OAS allows countries of the region to work together for a better quality of life.

Following her successful engagements in New York and Washington at the invitation of the Rt. hon. Stephen Harper, Prime Minister of Canada, the hon. Prime Minister paid an official visit to Canada over the period April 23-27, 2013. The visit to Canada also provided an opportunity for the hon. Prime Minister to showcase Trinidad and Tobago in interviews with the editorial board of *The Globe and Mail* and the City Television in Toronto. In those interviews, the Prime Minister reiterated the commitment of Trinidad and Tobago to the fight against drug trafficking in the region through collaboration with North America and other partners.

The Prime Minister spoke on ongoing efforts to open new space for the Trinidad and Tobago economy and emphasized that this country will do its part to give impetus to the stalled trade talks between Caricom and Canada. On the very last day of the visit, and in keeping with her demonstrated commitment to the well-being of women and children, the Prime Minister visited the Hospital for Sick Children in Toronto.

Mr. Speaker, the busiest and perhaps the most fruitful day of the official visit was April 25, which began with a courtesy call on the Governor General of Canada. You will recall that Their Excellencies the Rt. hon. David Johnson, Governor General, and Mrs. Johnson paid a state visit to Trinidad and Tobago a year ago, and that, on that occasion a memorandum of understanding was signed and cooperation in areas of corrections and health.

The Prime Minister of Trinidad and Tobago met with the Prime Minister of Canada on a one-to-one bilateral discussion on a number of matters critical to Trinidad and Tobago's bilateral relations with Canada, as well as on engagement with the international community, including those on the multilateral agenda. This was followed by the signing of four memoranda of understanding, a joint press conference with the Canadian Prime Minister, bilateral meetings between the Ministers and the Trinidad and Tobago delegation and their counterparts, a bilateral working luncheon and a meeting between the hon. Prime Minister and the Leader of the Canadian Opposition, the hon. Thomas Mulcair. That evening, both Prime Ministers flew to Toronto where they co-hosted and delivered statements at a Trinidad and Tobago/Canada reception.

So we ask ourselves, Mr. Speaker, what has been the outcome of the official visit? How will the visit benefit the people of Trinidad and Tobago? There are four memoranda of understanding that were signed during the official visit:

- An MOU on the Canadian Military Training and Cooperation Programme which provides training in peace support, communications and leadership in a number of non-NATO countries.
- Secondly, a memorandum on the development and implementation of projects in the areas of defence, security and related infrastructure, which will facilitate access by the Ministry of National Security to the products and services of Canadian security and defence companies, arguing in support of crime-fighting efforts both within and outside our borders.
- An MOU between the University of Trinidad and Tobago and Brock University to promote research and exchange between the two institutions. Such a partnership strengthens our capacity in the area of applied research in support of our ongoing initiatives in diversification.
- And finally, an MOU between the National Training Agency and the Career Foundation of Toronto, Canada, by which Trinidad and Tobago will partner with Canada for improving the existing employment centres, as we strive to facilitate our citizens' access to gainful employment.

Signing these four agreements signals at the same time our mutual commitment between our two countries in combating illegal activity in the Americas, improving our processes on matching employers and employees and strengthening research capacity in Trinidad and Tobago.



In addition, some new initiatives on health took place during this meeting between Prime Minister Harper and Prime Minister Kamla Persad-Bissessar, and they proposed negotiation on three draft memoranda of understanding in the period ahead. The first two relate to defence and security and will provide an overarching framework in collaboration with Canada on such priorities as border security, law enforcement and anti-money laundering.

The third MOU proposed by the hon. Prime Minister seeks to build ongoing cooperation with Canada with respect to health care and public health. Mr. Speaker, the Government is of the view that efforts to improve the delivery of health services to the people of Trinidad and Tobago would benefit from cooperation with Canada in such areas as health promotion and mental health, as well as maternal and child health, thereby putting this country well on its way to achieving higher performance in the energy sector.

In addition, Mr. Speaker, both Prime Ministers expressed satisfaction regarding the launch of negotiations between the Trinidad and Tobago Air Guard and Provincial Aerospace Limited of Canada with respect to two long-range multi-mission aircraft which would allow the Air Guard to be more effective in the fulfilment of its security, surveillance and search and rescue missions.

I take this opportunity to reiterate, as clarified by a press release issued by the Office of the Prime Minister on May 06, 2013, that as of now there is neither a formal contract nor any other agreement to purchase between the parties involved.

Mr. Speaker, during the business reception co-hosted by the Prime Ministers of Canada and Trinidad and Tobago in Toronto, Trinidad and Tobago was sold as a favourable destination for foreign direct investment, affirming that Trinidad and Tobago welcomes investment in ICT, light manufacturing, agriculture and the creative industries. Subsequently, the Minister of Trade, Industry and Investment headed a two-day Trinidad and Tobago/Canada business forum in Toronto, during which representatives from investTT and exporTT, as well as businessmen from Trinidad and Tobago, engaged their counterparts in discussions on mutually-beneficial business opportunities as they are expected to yield tangible results in the form of increased trade and investment between Trinidad and Tobago and Canada.

Mr. Speaker, the protracted negotiations between Caricom and Canada on a successor agreement of CARIBCAN is for many of us a cause for concern, as the failure to conclude a new agreement in a timely manner could mean the loss of access for several of our products in the Canadian market. During the official visit, Trinidad and Tobago restated its commitment to the negotiating process.

[HON. W. DOOKERAN]

The hon. Prime Minister and the Minister of Trade, Industry and Investment affirmed the intent to use this country's tenure as Chair of Caricom to actively pursue consensus among Caricom members on the successor agreement, and to engage Canada with Caricom to outline the way forward for trade talks.

Mr. Speaker, against this backdrop—the signing of an MOU on corrections just over a year ago during the state visit by Canadian Governor General Johnston and the Ministry of Justice—the Minister of Justice held discussions with representatives from the Correctional Service of Canada, the Royal Canadian Mounted Police and the Eastern Ontario Regional Forensic Pathology Unit. In addition, the Prime Minister of Trinidad and Tobago stated her interest in access for Trinidad and Tobago to grant funding from Canada towards the operationalizing of the new Trinidad and Tobago Forensic Science Centre and was assured that Canada would seek to render assistance in this regard.

**2.00 p.m.**

Mr. Speaker, Trinidad and Tobago and Canada collaborate extensively in the areas of energy, and bilateral discussions on energy which took place during the official visit addressed the leveraging of this relationship in ways that can benefit this country and the wider Caribbean.

With respect to transport, bilateral discussions also provided an opportunity for affirmation of interest in cooperation between the Motor Vehicles Authority of Trinidad and Tobago and the authorities responsible for managing motor vehicle use in the province of New Brunswick, Canada.

Mr. Speaker, the travel of the hon. Prime Minister to the United States of America and Canada made it clear that Trinidad and Tobago is not afraid to speak out on international developments and on matters of importance to Trinidad and Tobago and the Caribbean. It is by being proactive and demonstrating a willingness to engage other nations that this country is becoming increasingly respected and regarded as an important player in global affairs.

Mr. Speaker, last month, through the travel of the hon. Prime Minister, we engaged the United States and Canada's partners, emphasizing our cooperation, emphasizing our readiness to work together with North America and other partners in the fight against crime in our efforts to ensure the safety and prosperity of all the people of Trinidad and Tobago. In so doing, Mr. Speaker, the country has demonstrated a new turn in the conduct of our diplomacy where we now make a clear shift towards engaging in an equal-to-equal dialogue with our partners in the global hemispheric and national issues which have impacted on the people of Trinidad and Tobago.

The Prime Minister, as the head of the Government of Trinidad and Tobago, played her part in ensuring that this new bilateral and diplomatic initiative takes root within Canada, the United States and Trinidad and Tobago.

Thank you, Mr. Speaker. [*Desk thumping*]

**SEA Examination – Mathematics  
(Concerns Raised on Question)**

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, there have been questions raised, and concerns aired by students, parents, principals, the National Primary Schools Principals' Association and other stakeholders in education on the concluded SEA examination—mathematics, yesterday, Thursday, May 09, 2013 on one question of the 46 questions on that paper—which is question 35—related to ratio and proportion, presenting a challenge to some students at the examination.

The SEA mathematics and language arts question papers are set by the Caribbean Examinations Council (CXC). Questions for these examinations are pre-tested, using several versions of tests with students entering Form 1 in selected secondary schools. Pre-testing provides information on the difficulty or ease and suitability of the questions which can be included in the assessment or examination.

The mathematics and language arts papers also undergo several reviews by CXC to ensure questions match the objectives of the syllabus and are of appropriate difficulty or ease for a placement assessment. The Ministry of Education administers the Secondary Entrance Assessment set by CXC (Caribbean Examinations Council) to Standard 5 students in our 476 Government and Government-assisted public primary schools and 76 private primary schools. This year, approximately 18,036 students wrote their examinations. These papers are then handed over to CXC for marking and processing of scores.

Mr. Speaker, the standard procedure adopted by CXC prior to marking of these papers is a review of students' responses to questions, on the basis of which, marking schemes are finalized by measurement officers and the chief examiners of CXC. Mr. Speaker, in spite of numerous checks, there are instances—and have been instances in the past—where a question, or more questions, on an examination paper may be challenging to students through the wording of the question or mismatch with the objectives of the syllabus.

In these cases, CXC takes this into consideration and mark schemes can be, or have been, adjusted in the past or the particular question dropped from the examination to ensure students are not disadvantaged. Several students have

*Statements by Ministers*  
[HON. DR. T. GOPEESINGH]

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expressed concerns about one of the 46 questions, which I named—question 35—and use of the word “ratio” in the mathematics paper. Mr. Speaker, question 35 was based on objective 53 of the primary school curriculum—section B, namely, money—which requires students to “solve problems involving direct proportions”.

Mr. Speaker, in light of the concerns raised, the Ministry of Education takes this opportunity to assure students, parents, guardians and others concerned that the matter has been referred to CXC for consideration to ensure that our students are not placed at any disadvantage in the assessment.

I was informed this morning by the Chief Education Officer that he has so advised Mrs. Susan Giles, Senior Assistant Registrar, Examinations Administration and Security of CXC, who has confirmed that the students’ concerns will be addressed prior to the marking exercise. The Ministry of Education therefore gives the assurance that this issue will be dealt with by CXC so that no student will be disadvantaged in the mathematics examination conducted yesterday, Thursday May 09.

In closing, I take this opportunity to sincerely thank and congratulate all students, parents, guardians, principals, teachers, invigilators and examination supervisors, in the conduct of the examinations held yesterday. Mr. Speaker, our students have taken their first single step, and as Martin Luther King Jr. said, the longest journey begins with a short, single step.

The Ministry of Education remains committed and, of course, the Government of the Republic of Trinidad and Tobago, the People’s Partnership Government, remain committed to our students’ journey in their career paths development through our primary, secondary, post-secondary and through our tertiary institutions into the wider world of work. May God continue to richly bless and guide our students and their parents.

Thank you, Mr. Speaker. [*Desk thumping*]

**CUSTOMS (AMDT.) BILL, 2013**

*Order for second reading read.*

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai:**

Thank you, Mr. Speaker. Mr. Speaker, I beg to move:

That a Bill to amend the Customs Act, Chap. 78:01 to enhance border control by providing for advance passenger and cargo information to be submitted electronically to the Comptroller of Customs and Excise and for related matters, be now read a second time.

Mr. Speaker, this Bill requires a special majority, as it requires the sharing of information considered privileged and confidential among different agencies of government. It should be pointed out that the sharing of information, and of this information in particular, already takes place in the current paper-based system, and similar sharing of information on an electronic basis takes place in several developed countries throughout the world, notably Singapore, Australia, New Zealand and Canada, to name a few.

Mr. Speaker, the value of imports and exports into and out of Trinidad and Tobago is in the region of \$100 million per year—my apologies—\$100 billion per year. In addition, we have something like 1,300 ship arrivals and 33,000 international aircraft arrivals on an annual basis. The clearing of goods, which runs into very significant tonnage, could take weeks.

This Bill is intended to assist in speeding the flow of this tremendous value of goods without compromising security. Members will be aware that the ASYCUDA system, or the automated system for customs data, was introduced almost 20 years ago—I think somewhere around 1993—and the system has been upgraded by successive governments over the intervening period between 1993 and today's date.

This Bill, therefore, seeks to create a legislative framework which will make fuller use of the system, thereby increasing the efficiency and effectiveness of our border control and revenue-collection systems and speeding the time taken to do business in Trinidad and Tobago. Members will be aware that we have identified the process of reducing the time taken to do business locally as a major initiative. We have sought to reduce the time taken to register a business with the Registrar of Companies. We have also reduced the time to obtain a VAT registration and we have reduced the time to register a business with the National Insurance Board.

This initiative is expected to reduce the time taken to clear goods, or provide us with the potential to reduce the time taken to clear goods from days to hours. The provision of advanced information will also allow the customs to do early checks on persons coming into Trinidad and Tobago, thereby enhancing the speed with which the customs can respond to any potential threat. The early provision of merchandise information, as I said, will speed the clearing of goods at customs and thereby improve the productivity of customs and, consequently, reduce the cost of doing business in Trinidad and Tobago.

I expect that as a result of this, there will be a reduction in overtime costs for customs and excise for document processing alone, in the region of over \$5

*Customs (Amdt.) Bill, 2013*  
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million annually. There will be a reduction in the number of contacts with customs officials at the document-processing stage and this would also assist in eliminating inaccuracies. We expect also to reduce document-processing times from hours to minutes.

Mr. Speaker, it would achieve these objectives by making provision for this advanced submission of passenger and cargo manifest in an electronic format which can be accessed by customs officers at different points without having to go physically to a single point. In accordance with internationally accepted standards, the manifest would provide details of passengers and cargo carried on an aircraft or ship, as well as the destination and other particulars of such aircraft or ship, for customs purposes. Similarly, the processing of cargo declarations will also be conducted in an electronic environment.

**2.15 p.m.**

Mr. Speaker, the ASYCUDA system is used in 80 countries around the world and affords interoperability with various external systems and databases. So what this does is, it in effect creates a single window through which anyone using any piece of software that is generally accepted for transmitting cargo and passenger information, to allow them to access this particular window and through this single window be able to provide all of the information that is required to speed the processing of the passenger as well as the cargo manifests.

As I said, Mr. Speaker, this new system or this approach that we are taking, or this facility which we are in effect triggering on the system—in addition to their benefits outlined before—will also offer certain general and what we call functional benefits. These include increased efficiency in the customs-declaration process, resulting in the reduction, as I said, of cargo clearance times; improved revenue control, while promoting transparency through automated calculations of duties and taxes; and the uniform application of preferential treatment, so that all of the complex computations that are associated with the processing of the invoices and the manifests associated with the import and export of goods as well as the transfer of the people will be significantly reduced.

This also, Mr. Speaker, will afford us an online database of customs and trade statistics, and I will come back to that in a little while, and it will also reduce the administrative burden on importers and exporters through the introduction and extended use of the direct trade input system. As I said before also, Mr. Speaker, it will improve law enforcement capabilities by the Customs and Excise Division.

Why these amendments? As I said, Mr. Speaker, the implementation of this system is a critical element in the division's ongoing reform and modernization efforts and is an essential element for the achievement of the objectives which we have identified.

In order to achieve these objectives, a significant departure from current business processes of using several hard copies of the documentation will be required and this must be supported by law, and therefore we need to amend the Act to facilitate this, to allow us to be able to move away from a paper-based environment to an electronic-based environment.

So as a result, certain of the existing provisions in the Customs Act Chap.78.01 and the Customs Regulations must be amended to accommodate the electronic submission of passenger and cargo manifest, customs declarations and other e-documents relevant to the supply chain.

Mr. Speaker, the electronic submission of documents from cargo manifests to customs declarations, trans-shipment documents, certifications, licences and authorizations issued by other government agencies would now be possible with the necessary inbuilt security.

The amended legislation would facilitate the use of digital signatures, encryption tools, the use of biometrics, fingerprints and thumbprints, preventions of cyber-fraud; and it will authorize the use of computer-generated printouts as legally binding documents that are admissible as evidence in court.

The Customs and Excise Division, therefore, will now have the capacity to capture, analyze and disseminate trade data and other information in real time. Higher levels of screening and tracking of shipments as well as passengers and crew will now be possible for security purposes.

Advance passenger and cargo declaration will, therefore, also reduce the amount of routine administration procedures to a minimum and, therefore, will refocus our customs with their limited resources to specific control measures as well as certain risk assessment and intelligence-gathering activities rather than having to be tied-up with some of the manual processing which can now be automated and which can be done using electronic means.

**Mr. Sharma:** Excellent.

**Sen. The Hon. L. Howai:** Mr. Speaker, our Central Statistical Office has been described at times as a national disaster. Trade data is sometimes more than a year in arrears. The Customs and Excise Division would now be able to provide the Central Statistical Office on a timely basis with reliable and accurate trade data for the compilation, analysis and publication of trade data.

*Customs (Amdt.) Bill, 2013*  
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The division would also be able to interact at the document-processing stage with a number of other agencies such as the Ministry of Trade and Industry, the Ministry of Food Production, the Bureau of Standards, the Food and Drugs Division, Plant Quarantine and a number of other divisions in an electronic manner.

So, Mr. Speaker, overall, the introduction of this system will result in very significant improvements, or offer us the opportunity to take advantage of the electronic capabilities of the system, to provide us with information in real time, speedier processing of cargo, speedier processing of passengers and refocus the customs to focus on more value-adding activities, such as information gathering, intelligence gathering and dealing with potential threats.

Mr. Speaker, I now turn to the specific clauses of the Bill, so that we may be able to deal with some of the specific issues which arise. The management of information on this system is a serious matter and we have, therefore, included very significant fines and penalties for unauthorized access or use of the system.

I think, Mr. Speaker, that hon. Members will be aware of the risks that can be faced where individuals tamper with information, interfere with electronic systems and, in a sense, subvert the processing and open the country as a whole to risk, in an area where we are speaking about very significant values coming into and going out of the country. We are speaking here, as I said, Mr. Speaker, of values in the region of \$100 billion on an annual basis coming in and going out as trade and goods authorized for transactions.

So we have included, therefore, fines and penalties for unauthorized access or use of the system and we give the Comptroller of Customs the authority to cancel the registration of any registered user for any interference with or obstruction of the lawful use of the system or where anyone impedes, prevents access to or impairs the usefulness of any programme or data on the system. The fines and penalties are based on the matrix of existing fines and penalties used by the CPC with the following exceptions: the increased fine to \$600,000 at clause 5 is based on the Immigration (Advance Passenger Information) Act which was introduced initially in 2006, which had a sunset clause attached to it, but the fine was retained in the new Act which came into place in 2008, and we have, therefore, based this particular fine on the fine that is in the 2008 Act.

The other exceptions are the \$100,000 fine in relation to the confidentiality of information which is a higher fine for offences committed by individuals under the existing Data Protection Act. So we took the Data Protection Act, and there are two fines in the relevant clause to which we refer and we use the higher of the



two fines in that particular Act to determine the fine in this particular Bill, and a term of 15 years' imprisonment for unauthorized use or modification of the CBCS was set in light of the serious consequences that unauthorized tampering of this system could have on the economy, as a whole, as well as on the revenue of the Government of Trinidad and Tobago.

Mr. Speaker, I will identify some of the main clauses in the Bill to which we would want to refer, and I would not deal with clauses 1 to 4 which are mainly procedural. But, in clause 5 of the Bill, we seek here to amend the Act by repealing and replacing sections 72, 73, 74 and 75 of the existing Act to allow, first of all a master, his agent or a cargo reporter to provide advance passenger and cargo information on the prescribed form or by means of a data message.

Secondly, we require that advance passenger and cargo information be recorded to show certain goods separately; and thirdly, we require that a master, his agent or a cargo reporter shall submit an account of all discharged cargo within 24 hours. Failure to do so will incur a penalty of \$100,000. It also provides for an increase in the penalty from \$4,000 to \$600,000, which is what I was referring to earlier, where a master, his agent or a cargo reporter fails to provide advance passenger and cargo information or provides false information and also to provide that goods may be forfeited and the comptroller may refuse to grant clearance until the advance passenger and cargo information is submitted or the penalty is paid.

Clause 6 refers to the wrongful breaking of bulk, where, for example, persons may throw goods overboard if they see a customs boat approaching; or if there are other activities taking place, they may wrongfully break bulk and throw goods overboard. Clause 6 of the Bill seeks to repeal and replace section 79 to provide for the penalty for the wrong breaking of bulk by making the master liable to a penalty of \$100,000 and the goods liable to forfeiture.

**Dr. Gopeesingh:** [*Inaudible*] Bulk?

**Sen. The Hon. L. Howai:** Bulk—"yeah"—breaking of bulk—"yeah".

Clause 7, Mr. Speaker, deals with the penalties for breaches to the CBCS. Basically, again, as I said, the systems today are, of course, all subject to attempts at hacking, attempts at breaking—unauthorized breaking in—and we could have even, Mr. Speaker, perhaps even the unauthorized sharing of authentication codes, of passwords, of passcodes and so on, and this can lead to a breakdown of the security and it can also lead to significant loss to the Government. As a result, a new section 212A will make persons liable to a penalty of \$125,000 in relation to offences in respect of the CBCS and misuse of the authentication code.

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Clause 8 refers to basically unauthorized fees, and I think, Mr. Speaker, that goes without saying that where officers accept unauthorized fees, the penalty has been increased, and there is a term of imprisonment of 10 years.

**2.30 p.m.**

Then, of course, there is the issue of bribery and the collusive seizure of goods and where this occurs, the new clause 9 aims at amending section 217 of the Act to increase the penalty which an officer will incur as a result of the collusive seizure of goods or bribery. I think, Mr. Speaker, that having these new penalties in place will certainly be a deterrent to ensuring that people act in the way that one would expect them to as far as the management of the system is concerned.

With respect to clause 10, Mr. Speaker, the Bill amends section 259 of the Act by inserting a new subsection to provide that an electronic record or a data message retained by the comptroller would be admissible in court and shall be received as prima facie evidence of the transaction having occurred.

In clause 12 of the Bill, we provide for the Ninth Schedule which outlines all of the information which can be shared among different organizations as outlined in the Act to facilitate the speed of processing of transactions, of goods and of people across the system.

So, Mr. Speaker, this is essentially a simple Bill. It is a relatively short Bill of just a few clauses and it is not my intention to delay the honourable House longer than I need to. So, I would say in conclusion that the international trade landscape is constantly evolving, and therefore our customs laws must react to the developments in international trade. In order to meet this changing landscape, the process of transitioning customs and excise into a world-class, technology-driven organization must be continued with the aim of meeting and exceeding the expectations of all stakeholders by the quality of its service and the speed of their response.

In this regard, the management and control of customs business can no longer be managed in the way that it was 10 years ago. These amendments will establish a legal framework for importers, exporters and other stakeholders to conduct business with certainty by improving the efficiency of revenue collection, the availability of trade data and a reduction in the clearance times of cargo from days to mere hours.

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

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin North/East*): [*Crosstalk*] You will find out soon.

Thank you, Mr. Speaker. The Minister of Finance and the Economy, I have to say unfortunately, is like “ah recurring decimal”.

**Mr. Sharma:** Oh God, you say that every time.

**Mr. C. Imbert:** But it happens every time.

**Hon. Member:** Recurring decimal. [*Continuous crosstalk*]

**Mr. C. Imbert:** The Minister has a—[*Interruption*]

**Mr. Speaker:** Please, Member for Couva South.

**Mr. C. Imbert:** Thank you, Mr. Speaker. The Minister’s speechwriter has a particular form of words which is inserted into every piece of legislation that he brings to this House, whether the legislation has 250 clauses or whether the legislation, as in this particular case, has 12 clauses and that is it is a simple Bill and it should not detain the House. I would really ask the Minister to stop saying that because on every single previous occasion, that has turned out to be incorrect. The Minister never brings simple Bills to this House and the matters are never simple and should not be dismissed—[*Interruption*]

**Hon. Member:** Simplistically.

**Mr. C. Imbert:**—in that simplistic manner.

Mr. Speaker, the Bill before us, according to the Minister, is designed to improve efficiency at our ports and the Minister has told us that if this new system of advance information, passenger and cargo—we already have passenger so we are really dealing with cargo—is implemented, there will be a tremendous reduction in the time taken to process customs documentation at our seaports and our airports, and everyone will benefit and we would all be very happy.

**Dr. Browne:** Joy to the world!

**Mr. C. Imbert:** Yes, joy to the world as the Member for Diego Martin Central has said. But what the Minister did not tell us is that new sections are being introduced to the Customs Act. The current Customs Act ends, Mr. Speaker, at section 267. I assume there may have been amendments since the publication of this document, because in clause 11 of this Bill—yes, 267—

“The Act is”—amending—“by inserting after section 267, the following sections:”

—and new sections 268, 269, 270, 271, right down to new section 281.

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These sections deal with something new called the “Customs Border Control System” and when I say new, it is new in our laws. Now, the Minister himself is new so he does not know the trouble we have had with the Data Protection Act and the problems that are still associated with the Data Protection Act. [*Crosstalk*] And the privacy of information issues associated with the Data Protection Act.

The former Minister of Public Administration, who was shipped off to an ambassadorial post some years ago, brought a very badly drafted Data Protection Bill, and it was bullied through Parliament by the Members opposite and it is replete with flaws. That is a complete other debate. [*Crosstalk*] Mr. Speaker, I am being disturbed by the Member for Caroni East who is giving the Minister false information. [*Laughter*] Could you—

**Mr. Speaker:** You have my protection. Continue.

**Mr. C. Imbert:** Well, I hope you will stop him. He is just mumbling to the Minister. Let me put back into the record. The existing Data Protection Act, Mr. Speaker, is a 2011 piece of legislation. The PNM was not in Government in 2011, so for the benefit of hon. Members opposite who do not know and who like to spread bad information, the current Data Protection Act, which was proclaimed in January 2012 in part, is a creation of the People’s Partnership. It was bad law, it was rushed through this Parliament and there are all sorts of problems with its implementation. That is why the proclamation took so long and it is only proclaimed in part; only Part I, sections 7 to 18, sections 22, 23, 25 and 28 were proclaimed in the Data Protection Act because that piece of legislation is so bad. It has so many loopholes in it; it is so incompetently drafted.

I would ask the Minister, when the draftsmen prepared this legislation for him, did they advise him on whether there is any conflict with the Data Protection Act? Because under the Data Protection Act, there is a Commissioner of Information who has control over all private information. It is all very well to come into this Parliament and to put a special majority into this Bill, but unless there is a proper cross-referencing with the Data Protection Act, the Minister may find himself facing a challenge from an importer or a user of the system where you have a conflict of laws, you have a conflict between the provisions of the Data Protection Act and the provisions of this legislation.

Now, I am certain the Minister was not brought up-to-date with respect to that matter. I am also certain that his support staff cannot help him in the time frame required for the debate of this legislation today. So before the Bill goes to the other place—“I am not gonna waste time”—I would ask the Minister to check and

see whether there is any amendment required to the Data Protection Act, or whether any amendments are required to this legislation to ensure there is no conflict with the Data Protection Act and the powers of the Commissioner of Information in that Act, because that commissioner has custody of private information. Certainly, if someone is importing goods, the type of goods, the value of the goods, is private information that should not be shared willy-nilly with any agency.

I noticed that what the legislation seeks to do is to allow the sharing of information with a number of agencies, and these agencies would include the Food and Drugs Division, plant protection, the Chief Technical Officer in the Ministry of Food Production, the Bureau of Standards and the Chief Trade Officer at the trade Ministry. So that a large number of people, according to this legislation, will now have access to private and personal information because of the fact that it is being introduced with a special majority. But, as I said, the controller of information in the Data Protection Act has certain powers and there may be a conflict. So that is the first thing I would ask the Minister to check.

The second thing that makes this Bill not a simple piece of legislation at all is that there are complex rules in the Data Protection Act and complex systems with respect to the integrity of information. It is a whole, very large piece of legislation. I am sure the Members on the other side will agree that personal information should be treated in a very serious manner. What this legislation does by introducing new sections 267 to 281 is creates a database in law within the customs and gives the customs the ability now to control that information and to share that information, and also prescribes penalties for use or misuse of that information. It is all electronic.

I noticed that in clause 10 of the Bill, you have put in a provision that states that:

“(3) Notwithstanding any other law to the contrary, an electronic record of a data message made to or from the CBCS...”

—which is, according to the definition section, the Customs Border Control System—

“(a) is admissible in evidence; and

(a) shall be received as *prima facie* evidence,

that the person, whose authentication code was used for the purpose of the data message, made the statements contained in the data message.”

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So you have a situation where the information in this electronic database, which is now being codified in a piece of legislation for the first time, is going to be usable, admissible in court as evidence with respect to the prosecution of someone. The Minister is now introducing penalties, including a custodial sentence for the first time.

I really would hope that on the next occasion the Minister comes here, he will explain what he is doing, because—let us go to clause 8 of the Bill.

“Section 216 of the Act is amended by deleting the words ‘four thousand dollars’ and substituting the words ‘two hundred thousand dollars and to imprisonment for a term of ten years.’”

If we go to the existing section 216, there is no custodial sentence. It is simply a fine. Section 216 reads as follows:

“An Officer who, otherwise than with the approval of the President or the Comptroller, accepts any fee...or reward...is liable to be dismissed from his office; and any”—such—“person who gives, offers or promises to give any such fee...shall incur a penalty of four thousand dollars.”

#### **2.45 p.m.**

Now, this Customs Act was first introduced in 1938. I assume that penalty of \$4,000 came from some time very long ago, but the fact is that it was simply a fine and whereas the Minister has attempted to explain why he is increasing a particular penalty up to \$600,000, by saying that it is similar to what obtains in the advance passenger information legislation, there has been no explanation for the introduction of a term of imprisonment of 10 years and why you have chosen the term of imprisonment of 10 years.

Similarly section 217, at present this refers to an officer who makes a collusive seizure or delivers up or makes an agreement to deliver up or not to seize goods and so on, liable to forfeiture, currently the penalty is \$20,000 and the person would be rendered incapable of holding any office in the service of the Government, but there is no custodial sentence. So you are now increasing that penalty from \$20,000 to \$200,000 and including a term of imprisonment for 10 years. There needs to be an explanation for that. All you have now is a fine. Why are you bringing in a term of imprisonment?

When I look at what is done in other countries—and before I go to that just let

me deal with these penalties. In clause 5, a section is being introduced, section 75 that:

“The master of an aircraft or ship, or his agent and any cargo reporter who intentionally or recklessly—

(a) fails to comply with the...”

legislation or:

“(b) provides false information,

...is liable on...conviction to a penalty of six hundred thousand dollars.”

So, a person who recklessly does not provide the information—because section 72 just speaks to the provision of information; section 72, which is referenced in 75(a), so somebody recklessly does not provide advance passenger information, they are now going to be liable on conviction to a penalty of \$600,000.

When you turn the page, in clause 6, section 79 is being amended and a person who permits any goods to be thrown overboard is only going to be subject to a penalty of \$100,000. Now, what kind of goods are thrown overboard? Drugs, arms, ammunition. So, why would you want to prescribe a penalty of \$600,000 for not filling out the form, not putting in the proper information on the form, and \$100,000 for throwing goods overboard? It makes no sense, Mr. Speaker. It makes no sense. It makes no sense. What is a person doing throwing goods overboard before the customs inspect the vessel and inspect the goods, Mr. Speaker?

**Dr. Khan:** They could be throwing rubbish overboard, you know.

**Mr. C. Imbert:** “Yeah”, okay. Mr. Speaker, the Member for Barataria/San Juan, as I have said, is well intentioned but always saying the strangest things. I saw a very strange remark in the newspaper from him today and now I am hearing him say a very strange thing.

In this particular case we are dealing with cargo. We are dealing with cargo that should attract customs duty or illegal cargo should be seized and the persons charged and so on. If someone is throwing cargo overboard, surely they should attract as serious a fine as somebody who just did not fill out the form properly. I would ask the Minister to look at that and the \$600,000 thing, I do not understand it. Right now, if you go to section 75 of the legislation, the current penalty for providing bad information recklessly is \$4,000. You are taking that from \$4,000 to \$600,000 and the explanation given is that that is what is in the advance passenger information legislation.

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Mr. Speaker, I see absolutely no parallel between the provision of information on people, passengers and the provision of information on cargo. They are two completely different things and simply because there is a penalty in the advance passenger information legislation of \$600,000, that does not explain why the penalty in this piece of legislation that deals with cargo, inanimate objects, should also be \$600,000. As far as I am concerned, that is just laziness.

I think the Minister and his officials should really have taken a look at what happens in other countries. If you go and look at what—I just looked at the United States and I looked at Canada—and if you look at the United States, you will see that the way they address this matter, it makes a lot of sense, because the penalties for intentionally or recklessly providing false information on a customs form are as follows: the domestic value of the merchandise in the case of fraud violations, four times the loss of lawful duties, taxes and fees deprived the Government. That is in one case if the assessment of duties is at least 40 per cent of the—the amount escaped is at least 40 per cent of the dutiable value; two times, if it is 20 per cent, if the underreporting is 20 per cent.

The point being made is that if you are going to impose a penalty for people making a false declaration on a customs form, somebody could be importing goods valued \$20 million, somebody could be importing goods valued \$1,000, why would you have a regime that limits the customs to a single dollar value when you have goods that could be of a multitude of values? This is not progressive. This is not intelligent.

Why is the Minister limiting—forgetting the fact that the \$600,000 figure has been plucked out of a hat and has simply been pulled from the advance passenger information law for no valid reason, except laziness as I said. Why is the Minister restricting the penalty, the fine, against somebody who is recklessly or fraudulently trying to import goods and under-invoicing them or not describing them properly so they will attract a lower value or not declaring them at all inside of a container, and these goods could be worth millions and millions of dollars? Why is the Minister restricting himself to a fixed dollar value?

I would recommend that the Minister does some reflection and have some discussion with his staff, and you need to have a regime that is pegged to the value of the goods and/or the value of the revenue foregone by the misreporting of information. Because the Minister tells us that all of this is designed to make everything more efficient—*[Interruption]*

**Dr. Browne:** Modernize.



**Mr. C. Imbert:**—to modernize the system, to allow people to clear their goods faster. But why should you create a system to allow people to declare their goods faster, when the penalty that someone could attract could be relatively small when they could be escaping millions of dollars in customs duties?

I think logically it makes absolutely no sense to have a fixed-dollar penalty for the misreporting of the value of goods or the type of goods, in terms of advanced customs information and I think you need to go back to the drawing board and take a look at that. I would be happy to give the Minister this document. It is published by the US Customs and Border Protection and it is: *What Every Member of the Trade Community Should Know About: Customs Administrative Enforcement Process: Fines, Penalties, Forfeitures and Liquidated Damages*. It explains everything in detail and it explains why and I have highlighted the pages. It explains why. You do not have to be a rocket scientist to figure that out, that what is the point of putting a dollar figure inside there when a fella is coming and avoiding duty of \$5 million and all he is subjected to is a fixed penalty, which is less than \$1 million? This is illogical irrational. So, it has to be tied either to the value of the goods or the value foregone, in terms of taxes and duties that should be collected. So, that is the fines element.

As usual, in my opinion, the question of fines and penalties has not been thought through and I know the Minister has relied on his technocrats and once again, his technocrats have let him down. And, really, you need to do something about that. You need to do something about that. This is happening too often. You need to get proper people to advise you, not these quacks who keep giving you bad information. I am dead serious. We come into this Parliament week after week and the legislation is not properly drafted. It is replete with errors. When you speak to the Minister who is piloting the legislation—

Look at the situation with the diplomatic immunity for diplomatic vehicles when they—there was no amendment to the motor vehicle insurance legislation contemplated. Work in—*[Interruption]* this is the answer we get—workmen compensation. *[Laughter]* Absurdity! The Government is coming into this Parliament week after week, bringing bad legislation, poorly drafted legislation—*[Desk thumping]*—that is not consistent with what is happening in the rest of the world. *[Interruption]* You could say what you want and laugh but it is going to create all sorts of issues. It slows everybody down and it wastes our time inside of here.

Now, let us go back to the whole question of the customs border control system. I would like the Minister to tell me what is the system for appeals or

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petitions against a fine imposed under this new electronic advance cargo information system? How does one appeal or petition the customs if there is an error, or if they believe they are being unfairly treated? If you go and look at any other country—because the speed at which you can process your goods is vital to any importer. Whether you are a manufacturer or whether you are a distributor, the speed at which you can get your goods on and off the port is vital to the success of your business and on many occasions you are going to have situations where it is simply a misunderstanding, an error or the customs official has made a misinterpretation of the applicable legislation or the applicable duty with respect to a particular type of cargo.

In other countries there are handbooks this thick, an inch thick, on how you go through petitioning the customs and how you appeal to the customs to get your goods off the port, because there is a new system that is being introduced in this legislation and there is a particular clause where, until and unless you pay the fine imposed on you by customs, you cannot clear your goods and that is clause 5, the new section 75(3). It says:

“The Comptroller may refuse to grant clearance to an aircraft or ship until the advance passenger and cargo information...is provided... or the fine imposed...is paid.”

So, there may be a conflict over the required documentation. There may be an argument over the correct tariff classification for a particular item that has come in. According to this, the goods will just remain there until the comptroller of customs decides that the goods can be released, which may be never, or until the person pays the fine and this is not how it is done in progressive countries.

### **3.00 p.m.**

In progressive countries you could post a bond to the value of maybe 50 per cent of the items involved or there are other ways in which people can get their goods. If you have a customer where there is no belief that there was anything fraudulent, but there is a point of view that the advance cargo information was not properly filled out and so on, there should be a provision where a person can post a bond. I would ask that in clause 5, the new section 75 be amended to give the comptroller the ability to ask importers or owners of cargo or masters of a ship as the case may be to post a bond to allow the clearance of their goods.

I think once we have this sort of hard and fast thing where, if the documents are not in order, your goods will not be cleared until you pay the fine, I think you

are going to have all sorts of difficulties. The Minister, I am sure, is also aware that when this new system comes into play, it is an electronic system, you have the whole question of the integrity of the system—how confident would an importer be that even though you have penalties inside of here, a lot of the clauses deal with unauthorized entry, unauthorized use of the database? But it is a new electronic system and it does not have the legislative protection that is in the Data Protection Act.

If I call the Data Protection Act a three-piece suit, this is a bikini [*Crosstalk*] in terms of the checks and balances in it, in terms of the misuse of information or the hacking-into the database. What comfort or guarantee does a user of this new system have that the information will be secure, Mr. Speaker? I think it is incumbent upon the Minister to tell us at some point in time. I do not see how he could tell us today again, I do not think he would have that kind of support, but I think we need to get an overview—

**Sen. Howai:** [*Inaudible*]

**Mr. C. Imbert:** No, I do not think you have it Minister. I am not going to waste time. I do not think you have that level of support in the House today, but I think we need an overview on the integrity—[*Interruption*] “Ah” very well know—of this new electronic system, the type of encryption, the type of security measures that are in place to block unauthorized users, and the type of security measures that are in place in this new electronic database to stop people from changing data or from corrupting the system, and so on.

I think you need to tell us because you cannot just get up and say everything is fine, you know, and “it good, and de fellas know wat dey doing, and de system good” and it will not crash, right; it will not freeze. You know up to now we have the Legal Affairs Revised Laws of Trinidad and Tobago and the Companies Registry have been online now for years, and you still have situations where the system crashes. Up to last week or last month the Legal Affairs website was inaccessible. You go on, you log on, you “cyar” get on.

**Dr. Gopeesingh:** The ASYCUDA system has been running for a while.

**Mr. C. Imbert:** I am aware. I am just saying—[*Interruption*] yes—that it is necessary now that you are going to give this option because previously this advance cargo information was not a legal requirement. Now, you are giving the person an option and I might say that, Mr. Speaker, because again, the Minister

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was very, very brief in terms of his introduction. Clause 5 of this Bill reads as follows:

“Sections 72, 73, 74 and 75 of the Act are repealed and the following sections are substituted:

72. Subject to section 265, the master of every aircraft or ship,...shall, prior to arrival in or departure from Trinidad and Tobago provide to the Comptroller advance passenger and cargo information on the prescribed form...”

So that is manually—

“or by means of a data message in the prescribed manner.”

I think that needs to be explained to people because people may get the wrong impression that they have no choice but to provide electronic advance cargo information electronically. What this is saying is that you can do it manually and face the queue, or you can do it electronically and face the magic time of 10 minutes or half an hour or whatever it is the Minister would like us to believe will occur when somebody uses the advance electronic cargo information system.

Since this is now giving persons the option and it is making it a legal requirement, I think it is incumbent upon the Minister to let people know exactly how secure and how safe and how robust the Customs Border Control System is in terms of the integrity of that electronic system, Mr. Speaker.

The other thing I fail to understand, when you go to the North American legislation, they do not leave these things up to the discretion of the border patrol agents, you know. They give detailed limits with respect to various breaches of the legislations. I have with me the Canadian regulations dealing with administrative monetary penalties. They have defined the violations of their customs laws, 150 different violations, there are all sorts of things. You fail to fill out the form. You did not fill in a particular part of the form. You did not fill it in on time, whatever, and they have fines, they have defined the fines. For example, for a breach of subsection 109:3 of the Customs Regulations in Canada, the fine will vary from Can. \$3,000 to Can. \$12,000. For a breach of subsection 112, the fine will vary from Can. \$1,250 to Can. \$25,000.

When you have these things codified in law, as I have said they have defined over 150 types of breaches of their customs law, and they have prescribed a range of penalties for each one. I think the Minister needs to know that the maximum penalty in Canada is Can. \$25,000. So if it is just about TT \$150,000 is the

maximum penalty, in Canada, then why are you charging \$600,000 in Trinidad and Tobago? When I look at the United States—is it that we are trying to become a developed country faster than Canada or the United States? When I look at the penalties in the United States you are talking about penalties of US \$10,000; US \$5,000; US \$20,000. So that I think at some point in time the Minister needs to look at what is done in other countries.

Just providing a blanket provision of \$600,000 and not providing a range for different types of infractions to give guidance to the customs officials and the other administrators; just saying \$600,000 without any guidelines whatsoever, without any regulations, without anything to define the different types of penalties that will be imposed for different types of infractions, I think you are opening the door for tremendous confusion, Mr. Speaker.

So, I would ask the Minister if he so condescends to do take a look at what is done in other countries in terms of the imposition of fines. I looked at that \$600,000 fine in the advance passenger information law, and what the Members opposite need to do as well, is look at the history of a law. Those particular pieces of legislation, advance passenger information, came in the heat of the Cricket World Cup—

**Dr. Gopeesingh:** In the dead of the night by you all.

**Mr. C. Imbert:**—correct, and [*Interruption*] there was a lot of pressure put on the legislature. Now, it is a fact because of the situation, because it was the Cricket World Cup and the view was that if Trinidad and Tobago was not compliant, then it could “catspraddle” the whole competition, and all of the other countries were just falling in line. [*Interruption*] Correct!

And these were requirements being imposed upon Caribbean countries by other countries. The legislator just went along with the fine of \$600,000 that was imposed in that particular legislation. [*Crosstalk*] But, Mr. Speaker, if one looks at the penalties for breaches of advance passenger information in the United States, the penalty for a first breach of advance passenger information is US \$5,000 and the penalty for a second breach is US \$10,000.

So if in the United States—which has being the subject of 9/11 and so on, and most recently the terrible tragedy in Boston—they have decided that a penalty of US \$5,000 for incorrect documentation with respect to passengers is appropriate as a first offence, and a penalty of US \$10,000 is appropriate as a penalty in terms of a second offence, for advance passenger improper information with respect to

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passengers, why we in Trinidad and Tobago want to impose a penalty of \$600,000? Why? Well, let us impost a penalty of \$6 million then if that is the view of Members opposite that the numbers do not matter. Put any number in the legislation. Put six, put 12, put 24, put 36. [*Crosstalk*]

Mr. Speaker, time and time again we come into this Parliament as I said, legislation is being introduced—

**Mr. Speaker:** Hon. Member. Members, could I ask that we do not engage in crosstalk. I am hearing Members very clearly and Member, could I ask you to ignore and let me take charge, rather than respond to “sprats” that are coming across fast and furiously?

**Mr. Imbert:** Certainly. [*Crosstalk*] No, it is all right. He is right. He is absolutely right. You see, just because you look in a piece of legislation and you see that an advance passenger law that was passed under pressure, during the Cricket World Cup has a \$600,000 penalty—[*Crosstalk*] that may be true, but that does not mean it is appropriate because what we are dealing with here is large quantities of cargo. You have arrival of passengers in Trinidad and Tobago every day, it is true. You might have 10,000 not even so much. You might have 2,000 people arriving by air in Trinidad and Tobago on a daily basis, but you are going to have millions of pieces of cargo coming in, so you cannot mix and match, this is a case where you cannot cut and paste. You cannot say because you saw a penalty of \$600,000 in the Immigration (Advance Passenger Information) Act, that it is easy to stick it into the advance cargo information Act. It is not an intelligent thing to do, Mr. Speaker.

As I said, what is done in other countries—if you are going to copy, if we are going to modernize, if we are going to come like the United States, if we are going to come like Canada well, let us borrow all of the systems that these developed and the progressive countries implement. As I said, they give a range. They give specific ranges, they put it in the regulations, you do not have to put it in the Act and this law does provide for the Minister to make regulations. You put a range for different types of infractions, so you do not leave it up to the official to just decide, sometimes on “vaps”, what they are going to charge someone for a breach of the Customs Act and then they might charge somebody \$10,000 and another man \$100,000 for the same offence and then you find yourself in a judicial review situation. You have to appeal it and all this sort of thing, Mr. Speaker.

So I am telling the Minister go back and take a look. I do not expect you to do that today, but before this goes to the other place, I would expect you to take a

good look at what is done in Canada and what is done in the United States, in terms of the range of penalties that are prescribed for different types of infractions of customs laws in terms of the different types of information that may be missing or not missing on advance cargo forms, because you are leaving it up to discretion of the customs officer.

So “ah fella” might misspell his name on the form. “Ah fella” say right, \$100,000 fine for you. “Ah next fella” might just, he might improperly identify the cargo and because the customs officer is feeling generous that day, “he say all right 50,000 for you”. It should not be like that, Mr. Speaker.

We need to get to a situation in Trinidad and Tobago where people are more definite and more certain of what they face when they are doing business and when they are importing and exporting goods. This system, if it works, one assumes that what the Minister is telling us will happen—“so dey say”. What is being said is that if you have importers or exporters who have a good track record, then once everything appears to be in order, they would not be subjected to the same level of scrutiny if they provide the advance cargo information on a timely basis, and in an accurate manner. That is the objective, I assume.

**3.15 p.m.**

So that once everybody gets used to using this system, if an importer is bringing in goods and he provides the advance cargo information in the requisite manner and he builds up a track record of doing so, and when they do spot checks, they discover that everything is in order, I assume that people like that would be able to clear their goods quickly. Or, if it is a complicated shipment and the customs get advance knowledge of the fact that a lot of different items that attract different types of duty are coming in, then they can prepare themselves and deal with it and so on, Mr. Speaker, because at the present time, in the law, the system requires the person to provide the information after the vessel or the ship has arrived, Mr. Speaker—not before. There is no provision in the legislation at this point in time for advance information in the manner being proposed here in this House.

What is required now is that—if you look at section 72 of the existing Act, which is being repealed and replaced with the new section 72—what you see is that:

“The master of every aircraft or ship...shall...within twenty-four hours after arrival from any place outside Trinidad and Tobago at any port...make report of such aircraft or ship, and its stores and cargo, to the Comptroller on the prescribed form in the prescribed manner...”

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So what happens now, the legal requirement is that the ship comes in and within a 24-hour period, the master of that ship, whether it is an aircraft or a vessel, is required to make a report to the customs and then customs starts working on it.

So it makes a lot of sense that the information goes ahead of time so that the customs will have an understanding of the cargo that is coming in. If you think about it in a pure sense, if everything is working properly, then this should improve the system. If everything is working properly, if there is no argument about the tariffs, if there is no argument about the classifications, the way the forms have to be filled out, the way the electronic system has to be used and so on, then this should ease up the situation by giving customs advance notice.

So, in principle Mr. Speaker, this is an improvement on the current system; but with any improvement, there are always issues and problems that are going to arise. I fail to see—and I am going to repeat this—I fail to see how you could be introducing an advance cargo system requiring people—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin North/East has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Mr. C. Imbert:** The other thing the hon. Minister's technocrats did not tell him is that there are certain types of vessels where "yuh doh know wha the cargo is". A fishing vessel, for example, Mr. Speaker, you go outside with a fishing vessel; you have no idea the quantity and types of fish that you are going to catch. None! So you cannot send advance cargo information unless you have some sort of electronic system on your fishing vessel away outside there in the ocean and "yuh" getting proper reception and there is some way of transmitting this advance cargo information to the port.

So, in the case of a fishing vessel, Mr. Speaker, I would like the Minister to tell me what is going to happen in the case of a fishing vessel. What will happen is that the customs will exercise their discretion because there is a particular section in the existing Act, section 265, which says:

"The Comptroller may permit the entry, unloading, removal and loading of goods...in such form and manner as he may direct to meet the exigencies of any case to which the Customs laws may not be conveniently applicable."



Now this is simply inconvenient for a vessel that has no idea what cargo it is going to have when it leaves port and when it is coming back in and will not be able to submit a form in advance and will not be able to submit electronic data in advance. So I presume that all fishing vessels will be exempt from this requirement for advance cargo information. I would like the Minister to clarify that because if fishing vessels are not exempt, then please tell me how this legislation—

**Hon. Howai:** Not all.

**Mr. C. Imbert:** I would think that the vast majority of fishing vessels that do not have the capability to transmit electronic data would be exempt from this legislation.

**Hon. Howai:** How much tonnage?

**Mr. C. Imbert:** You would have no idea. You would have to wait until it comes in.

The other thing: what about a yacht? We have lots of yachties here in Trinidad and Tobago. Trinidad and Tobago is a centre for yacht repair and it is also a safe haven for yachts during the hurricane season. Because we are outside of the hurricane belt—we are south of the hurricane belt and large numbers of yachts berth in Trinidad and Tobago during the hurricane season and also because we are an industrialized country, a large number of yachts come to Trinidad and Tobago to get repairs done, to get parts made and so on.

Again, a yacht would not have the capability to provide advance passenger and cargo information, Mr. Speaker, and I would like the Minister to tell me what he is going to do for the yachting industry because I am sure the Minister of Tourism is going to have some views about that. If you are going to tell these yachties now that they must somehow be able to transmit electronically from the middle of the ocean if they plan to deliver a present or a book or some “piece of thing” that would be classified as cargo; if they are bringing something and it is in the middle of the ocean, perhaps you can explain how a yacht would—

**Hon. Howai:** They do not bring it in; they carry it out.

**Mr. C. Imbert:** “Yeah”, they carry it out. Yachts carry out stuff. That is true. [Laughter] Sorry, Mr. Speaker. I am responding to the crosstalk, but that was an important point.

The fact of the matter is that there are types of vessels where the identity of the cargo is not known and other types of vessels where—if a yacht, for example,

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encounters bad weather and has to divert to Trinidad and Tobago; like, a hurricane is coming and yachts decide to come down to Trinidad and Tobago and cannot provide the advance cargo information, what is going to happen in a particular case like that?

It is far too easy to say that the customs will deal with that because that is what is wrong with this country. Too many things are left unspecified, unwritten, unprescribed and it is left up to the discretion of the officer in charge; and when you have 10 different officers, you have 10 different approaches to the same issue and that is one of the problems we have in Trinidad and Tobago. We give people too much flexibility and we give them too much discretion and they make different decisions based on different circumstances and it creates all sorts of problems in terms of doing business.

That is why we are uncompetitive as a country—and we are uncompetitive; it is a fact. We keep dropping on the competitive indexes. I mean, I would not go into any big thing on that, but when you give all of these people at our borders—the customs in particular, the ability to make decisions, unfettered decisions, you do not prescribe any regime with respect to these decisions, that is why we end up in all these situations; we have all these arguments. As I said, there is no proper appeal system or petition system being introduced with this new legislation, so I can foresee some difficulties with the introduction of this new electronic system.

So, Mr. Speaker, just to recap: the issues I would like the Minister to address is the rationale behind the fines—and I really do not want to hear they came from the advance passenger law for that is absolutely irrelevant—the rationale for the new jail sentence that is being introduced for breach of sections 216 and 217 of the Customs Act. What is being done to preserve the integrity of the system and to ensure its accuracy, since electronic records will now be admissible in court as evidence?

What is being done to test and calibrate the system? Because wherever you have a situation where you are going to use an electronic record as evidence, or anything that is being produced electronically—even a breathalyser report for example—if you had to use that, there is always a challenge to the calibration of the equipment, a challenge to the integrity of the equipment and, more often than not, many of these situations unravel because the persons who are implementing the system are not implementing the system with sufficient care and attention to avoid a legal challenge to the integrity of the system.

So, if the Minister can in his winding-up give us a brief précis of the current checks and balances and controls with respect to the electronic database, the

Customs Border Control System, that would be appreciated and I am sure business owners would appreciate that as well, Mr. Speaker.

Finally, Mr. Speaker, I would like the Minister to take a good look at the Data Protection Act or get his people to look at the Data Protection Act and make sure there is absolutely no conflict between this legislation and that legislation and also give some assurance to businessmen. What I would have preferred the Minister to do is to give an example of how this new electronic advance cargo information system would work. What does one do?

You see, in other countries you can get these things very, very easily. You go into other countries and you get things like this from Canada—Electronic Commerce Client Requirements; Advance Commercial Information for highway ports. So this is for trucks that are crossing the border between the United States and Canada and they give a whole breakdown of what to do before pre-arrival; what to do on arrival; who you go to; how you deal with the new system and so on. That is in Canada, Mr. Speaker.

In the United States, they give all sorts of manuals. They have a website with frequently asked questions, inbound vessel only; Trade Act of 2002, final rules. They give you everything with respect to break bulk cargo, vessels arriving in ballast, empty containers, littering, ship spares, fishing vessels, research vessels, government vessels, petroleum slops generated aboard vessels and so on and so on. All of this is available in developed countries. All of this is available in developed countries.

So if you are an operator, if you are the owner of a vessel or you are an importer or master or pilot, you can access this kind of information and deal with issues that may arise in terms of the use of the advanced cargo information system. And when are we going to get to that point? I would like the Minister to tell us when will we get to that point where we can get this kind of data readily available in Trinidad and Tobago?

We have another thing from Canada—eManifest portal. So this is where you are lodging your customs documentation entirely online using an eManifest. Frequently asked questions—something as simple as what happens if the system crashes and it shuts down; if you have an outage, what do you do? All that is inside of there, Mr. Speaker.

We are implementing a system where nobody will know what to do if the system crashes; if halfway through the process of inserting data, advanced cargo information, halfway through, the customs computer system freezes and it crashes, what do you do? Do you start all over again? Do you use a manual

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system? What happens if they lose your data? What happens if you do not get a receipt?

In other countries, what they do, if you have entered the data correctly, you get an electronic receipt and that is evidence. Are we getting that here? Is it all informal? Is it written in a book anywhere? Is it in law?

**3.30 p.m.**

It is mandatory in the United States and Canada that when you submit your advance cargo information electronically you get an electronic receipt. That is not in this. I am not seeing this in this law. That is why I said—

**Hon. Member:** Will get!

**Mr. C. Imbert:** Fine! You are saying “will get” but, Mr. Speaker, through you, you have to depend on the Minister’s goodwill. He is not the comptroller of customs. The Minister cannot give an assurance on behalf of the comptroller.

The legislative authority in the customs area is the comptroller, not him. It is just like transport. The person in charge of the licensing office is in charge, not the Minister. According to law, the authority is the comptroller. So it is all very well for the Minister to tell us, “you will get it; you will get a receipt.” That does not mean the comptroller will do it. But if it was in law and if there was a penalty that was applied to the failure of the customs to provide the electronic receipt, then I am sure it would be better.

So these are all things that appear in the legislation in other countries. So whereas it is a good idea to do this, Mr. Speaker, there are lots of pitfalls along the way in terms of the submission of data, in terms of the transmission of data, in terms of the integrity of the electronic system and in terms of verifying that a person has complied with the requirements of the system.

I am assuming that what the Minister has told us is correct, but whereas I am seeing that an electronic record is prima facie evidence, I am not seeing that an electronic receipt is prima facie evidence that a person filled out an advance cargo information form.

So these are the things that I would like the Minister to look at. If you want this thing to be a success—and I am assuming that is the intention—I do not see anything sinister inside of here. So I am assuming the intention is to attempt to improve the system. But if you want the system to work, you must not only put in place systems which give the customs the ability to do all sorts of things, but you

must put in place systems that give users of the system protection and the ability [*Desk thumping*] to get through the system without all of the bureaucracy and the red tape and the confusion and the inconsistencies that apply to the current system.

So, I would ask the Minister—as I said, I do not expect him to be able to deal with all these matters today, but as this legislation makes its way to the other place—to consider the points that I have made and make appropriate amendments to the legislation. I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Tourism (Hon. Stephen Cadiz):** Mr. Speaker, thank you very much, and it really is a pleasure to be contributing—I do not contribute too many times in this House, but it is really a pleasure to contribute today. Mr. Speaker, before I get into the meat of my contribution on this Bill, you know, I marvel at the other side; I really and truly marvel. Here it is, I think the Minister of Finance and the Economy spoke about the ASYCUDA system being introduced 20 years ago, 20 years ago—[*Interruption*]

**Mr. Imbert:** By whom?

**Hon. S. Cadiz:** By somebody. All I could tell you is that after 20 years, finally, finally, after 20 years, we are starting to see the light of where we are going to be talking about advance passenger and cargo information to be submitted electronically to the comptroller of customs and excise. When I hear the Member for Diego Martin North/East—who I would remind this House is my Member of Parliament—

**Hon. Member:** Oh, no.

**Dr. Griffith:** “God bless you boy.”

**Hon. S. Cadiz:**—that when he gets up and he speaks and he talks about: “Why are we not becoming the United States of America?” Why is it that we have no intention of becoming Canada or becoming the UK and what have you? And yet for 10 woeful years of their representation they refused point blank to even look at these issues that we are talking about and we are dealing with today, and yet he wants to stand up there and say, “We should be the United States of Trinidad and Tobago in a flash, overnight.” And I really do not understand his logic, Mr. Speaker.

You know, he goes on and he talks about, for instance, the yachting fraternity. I remember when I was in the Ministry of Trade, the yachting people came to me, bawling, crying rivers of tears about how they pleaded and begged the other side

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to do something about the issue of the yachting arrivals and how a yacht would arrive into the waters of Trinidad and Tobago, because right now whether you are a thousand tonne tanker or you are a 40-foot yacht, you fall under the same legislation.

Mr. Speaker, the maritime legislation, I believe in Trinidad and Tobago—that all, for instance, the issues of shipping come under—was developed in 1919 I believe, and it still speaks of vessels propelled by oars, and that is what the other side—they sat understanding all of that but, of course, they did absolutely nothing. They did nothing to correct any of it, and here it is this People’s Partnership Government, three years—in two weeks’ time or one week’s time we will be here three years—and what we have been able to do in this country—[*Crosstalk*] what we have been able to correct, what we have been able to get rid of.

You know, when he talks about being the United States of America, I am sure that in the United States of America or maybe in Hawaii they have a tsunami centre. That is, in trying to become the United States of America, they go and build a tsunami centre in San Fernando, and that is the sort of logic the other side governed this country with. Instead of getting down to brass tacks and understanding what makes good governance, what makes business easier to do—instead of sitting down and figuring out that—again, they leave legislation on the books about ships, about vessels being propelled by oars.

So, for an hour and however many minutes, you sit down here and you listen and you really wonder: why, why, why this? He becomes very—no, I will withdraw that; I will retract that. You know, when he speaks of things like fishing vessels, you know, he is telling this House that if you go out in a fishing boat off Maracas Bay “to go and ketch four carite”—and that is what he likens it to. Instead of likening it to or understanding that a commercial fleet fishing in the Atlantic is very different from a pirogue going off Las Cuevas “to go and ketch carite”.

You know, but he wants to tell this House what a wonderful discovery he has made. He has found an error in the legislation about the fishing vessels. Instead of saying the vessel that I am talking about is a commercial fleet maybe run by the Taiwanese or a commercial fleet run by some other entity that is using Trinidad and Tobago as a base and, of course, they would have to comply with the regulations. But, anyway, that is the normal thing on that side.

You know, he speaks of the issues of penalties. Every jurisdiction, every jurisdiction has a different way of applying penalties, and whether or not you

apply penalties on a percentage basis of the value of the breach or you have a fixed penalty, that is the jurisdiction's decision. That is their decision to make, and in this case that is what we have. Again, we are now the United States of Trinidad and Tobago, so I really do not understand that.

Again, being frivolous about the issue of if somebody misspells their name. Of course, there are going to be careless errors on a form like everything else—there is going to be a careless error—but then there are going to be deliberate errors, and that is what this Bill speaks to—where there is a deliberate error. Okay? You are making every attempt to defraud this Government, to defraud the Treasury, and that is what we are going after. Not if you spell your name C-A-L-M or C-O-L-M. That is not the issue here.

**Mr. Imbert:** Which section is that?

**Hon. S. Cadiz:** Mr. Speaker, he talks about the sharing of information—that that is an issue—the sharing of information. As we speak, Mr. Speaker, in customs, there are officers from food and drugs; there are officers from plant protection; there are officers from Bureau of Standards. All of these different agencies would lend their expertise to customs when there is a declaration being determined. Okay? They already do that. So it is not a case that they are not doing that. And the Bill speaks to how you are going to protect that information. Okay? The Bill speaks to that. [*Interruption*] I am not speaking to you, I am speaking to Mr. Speaker. All right? But already, the sharing of information is there. [*Crosstalk*] And when you talk about the sharing—[*Interruption*]

**Mr. Speaker:** Hon. Members, may I appeal to you—with the greatest of respect, Member of Parliament for Diego Martin North/East, I always seek to protect you.

**Mr. Imbert:** But he is attacking me.

**Mr. Speaker:** No, no, but you are speaking while he is speaking. Hon. Member, I would ask you if you kindly, kindly, kindly, observe Standing Order 40, I think (b) and (c), and allow the Member to speak in silence, please. Continue hon. Member.

**Hon. S. Cadiz:** When he speaks about the sharing of information—

**Mr. Speaker:** It is not “he”, it is the Member of Parliament for Diego Martin North/East.

**Hon. S. Cadiz:** The Member. Sorry, I do apologize for saying—

**Mr. Imbert:** You are very rude.

**Dr. Khan:** That is your Member of Parliament. [*Crosstalk*]

**Hon. S. Cadiz:** My Member of Parliament; the Member of Parliament for Diego Martin North/East.

**Mr. Imbert:** Thank you.

**Hon. S. Cadiz:** When the Member speaks of sharing information, the information as the Minister of Finance and the Economy had indicated, the information is already there. The information is already shared. Some of the information is there, and it is easier to go and photocopy a piece of paper with this classified or the particular information on it than it is going to be able to go into the electronic system, because the electronic system is going to be protected.

So here it is that you are going to the customs long room and “is paper all over de place.” The entire office is filled with paper, and it is so easy to stick a piece of paper in your pocket, go and photocopy the piece of paper, and right down the data that you are seeing on the piece of paper. So as far as the issue of sharing of information is concerned, this electronic system is going to be far more secure than what is being used now, but enough of the Member for Diego Martin North/East.

Mr. Speaker, the purpose of this Bill, really and truly, is to improve the capacity of customs and excise to secure—very important—or further secure the borders of Trinidad and Tobago. When this Government speaks about fighting crime that is one of the issues.

Trinidad and Tobago, for instance, does not produce—unless it is a “phukni”. For the recorder, a “phukni” is a homemade gun. I do not know how to spell it. That is the only firearm that is made in Trinidad and Tobago. The rest of the firearms that are used in crime in Trinidad and Tobago come across a border. Okay? And where it is that we are trying to further secure the borders of this country, what this Bill seeks to do is just that—to give the additional teeth in the system to be able to further protect the borders.

So, Mr. Speaker, as Minister of Tourism, my principal mandate is to facilitate the process of transforming Trinidad and Tobago’s tourism and travel sector from what is right now a relative small player in the country’s gross domestic product to become a major economic player—that is what we are looking at doing—that contributes in a significant way to sustainable development and economic



diversification. We have in our manifesto, which is Government policy, the whole issue of the diversification of the economy and tourism is going to play a major part in that diversification process.

Mr. Speaker, this very critical mandate is directly related to the whole issue of increased visitor arrivals, about additional air access, about ease of access for cruise ships, and the full array of business spin-offs in that whole area of trade, finance and commerce that would really and truly emanate from these developments. The transport sector is the lifeblood of tourism, whether it is airlift coming into the country or whether it is yachties or whether it is cruise ship arrivals. It is all coming across borders.

So, Mr. Speaker, that then is chiefly the issue of the air, the water and the service accessibility. It provides the critical link between the origin and destination whilst facilitating mobility. You have to come across a border if you are to get into Trinidad and Tobago. You must cross a border.

**3.45 p.m.**

Mr. Speaker, the second factor relates to the commitment of Government to fulfilling Trinidad and Tobago's obligations in the sphere of security locally, regionally and internationally. To this end, the Bill confronts head-on this Government's imperative to secure our national borders through information security, information sharing and building confidence among all the critical players involved in various aspects of the movement of people and commodities across our borders. So as far as our national security is concerned, it is imperative that we have this Bill, as far as dealing with all the information being electronically transmitted.

This Bill effectively addresses this need by introducing data messaging in electronic form, facilitating the advanced screening and notification of passenger and commodity arrivals from points of source, to introduce effective deterrents in the form of penalties for various violations.

What we are looking at here is, with the world as it is today, the information that is shared from country to country on people, whether it is through international security agencies, whether it is Interpol, whether it is Homeland Security, wherever it is, you can be tracked electronically to any part of this world. That is what we are looking at being able to facilitate, that people arriving into this country, whether they say they are coming as tourists, whether they say they are coming as business persons, regardless of the reason they are coming here, you can in fact know, well in advance, who these people are.

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Therefore, if it is that there is any concern whatsoever as to who these persons are, the comptroller of customs or the agencies identified will be in a position to identify these people, prior to them landing, for instance, at Piarco Airport, and you only then discover who the persons are. You know well in advance who these people are. Again, whether it is you are coming on a scheduled aircraft or you are coming on a yacht sailing in from Grenada or you are coming on a cruise ship, we know.

When you are looking at the world as it is today, when it comes to terrorism, for instance, the only way these various international agencies can track these people is through electronic means. Mr. Speaker, when you leave Piarco Airport to go on an international flight, for instance to the United States, your name and information is already handed in. As you check in, that information is already sent to Homeland Security if it is you are going to a US port. That is how the system operates.

When you arrive in the US port they know exactly who is on that aircraft; they know exactly who they are looking for. “Doh feel dat yuh could go there and say that you are somebody else, or find some other way to get on, and they are not going to pick you up on the other side.” Therefore, Trinidad and Tobago is by no means in a position to accept anything lesser than that high level of security for people coming into our country.

The main elements of this Bill, in my view, provide generous guarantees for the more seamless movement of persons and goods at the first point of entry. Part V of the Customs Act, Chap. 78:01, as it now exists, spells out very specific procedures governing the arrival and reporting of aircraft and ships, the loading of passengers and the unloading and removal of delivery of goods.

The Bill seeks to enhance existing provisions governing information, as it relates to the movement of persons and goods, by providing for advance passenger and cargo information to be made available in electronic form to the comptroller of customs and excise. Another aspect of the Bill is that it introduces penalties that are intended to serve as an effective deterrent against the wrongful breaking of bulk as described in clause 6 and the misuse of the authentication code as iterated in clause 7.

Mr. Speaker, clause 8 in particular increases penalties for the conclusive seizures of goods and bribery. I hear the Member for Diego Martin North/East saying, “Where yuh get dem figures from?” “Why yuh use \$600,000 and why yuh didn use \$6 million?” How do you determine an effective deterrent? That is

the purpose of those fines. I mean, using \$4,000 is totally ridiculous. Of course, when they were on this side, what did they do? They left it as \$4,000; and he is now speaking about why \$600,000 and not \$6 million. Again, their argument is just not plausible whatsoever.

When we talk about the admissibility of evidence, the Bill has further attributes, in that it introduces provisions that will fortify the criminal justice aspect of the legislation, by ensuring the admissibility of an electronic record or data message retained by the comptroller as evidence, and receivable by the courts as prima facie evidence, having regard to the powers, authorities and privileges vested in customs officers for purposes of carrying out the law under section 3 of the Customs Act.

Of course, there are checks and balances in the system which, under clause 11, persons authorized to use the Customs Border Control System will be endowed with privileges commensurate with their use of the authentication codes. Logically, this must be mitigated with the appropriate checks and balances, and this is ensured by requiring persons with official duties under the Act to make a special declaration before a commissioner of affidavits. Thus the system is thereby protected from the risk of misuse, abuse and misrepresentation.

It goes where we are submitting this information electronically, where the people who have access to this information—again, like the plant quarantine officer or the bureau of standards that have to get involved in certain aspects of importation and what have you; they must get involved because those are specialist agencies. Customs officers are not specialists in every single field, therefore they will require assistance from other agencies. By doing it electronically, these people are authorized to use the code. It is not a case of paper all over the long room, that anybody could really and truly have access to. It deals with that whole issue of the checks and balances.

Mr. Speaker, the National Tourism Policy of Trinidad and Tobago recognizes the diversity of products that are on stream, and builds on the unique selling propositions of these products. Firstly, in the field of sport, there are plans to establish high-performance sporting venues and host world-stage tournaments in all forms. These include a world-class stadium for track and field and football and, of course, as we speak, the brand-new People's Partnership "built" aquatic centre has started in Couva. [*Desk thumping*]

**Mr. Sharma:** Marlene, you could go there and swim.

**Hon. S. Cadiz:** Mr. Speaker, what we are looking at is: what happen when we have all these groups of people coming into Trinidad from all over? These are

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not your typical tourists that are coming here: maybe a family of five, a couple or a single person coming. These are groups coming into Trinidad and Tobago for a specific purpose. You could have teams arriving here from all parts of the world. You could have an entire tournament; maybe 400 or 500 people coming in for a particular tournament.

What this electronic data does is allows the authorities in Trinidad and Tobago to be able to view all of these persons that are coming in here prior to them coming in. So it is very, very important—as far as a tourism product is concerned—it is a very good tool for us to be able to have the authorities in Trinidad and Tobago see all of this information before their arrival because you do not want people arriving here and then you find out that this is a person of interest and then you have to take them out of the line. All of this will be done prior to that.

Of course, Trinidad and Tobago has a rapidly evolving film industry. Again, what happens when you are producing a film? It is equipment that has to be brought in, “it is props, it is all kinds of things”. [Interruption] “Flim? Where de flim man? Flim man gone. He mus be gone to look at a flim.” All of this equipment, the props, everything have to be imported. Again, time and time again we hear of people coming into Trinidad and Tobago legitimately to process or to carry out these basic things of maybe shooting a film or what have you, and it is only when they arrive at Piarco, for instance, they find out that the particular cameras they are bringing in are either not allowed, for whatever reason, or there needs to be special permission and what have you.

All of this advanced data is going to serve us in good stead by allowing customs up front to say, “This can come, that cannot come, you need special permission for this,” or whatever. So when it does in fact arrive here in Trinidad and Tobago, it is cleared through the process in short order.

The whole issue of tourism again, and we are talking about health and wellness—all of these are new tools in the tourism tool box that are going to create additional traffic coming into Trinidad and Tobago, and not necessarily traffic from our normal areas of arrivals, which is North America, Europe and the UK. You are going to start seeing people coming from all different parts of the world, and it is going to be essential that we can process all this information prior to them arriving.

The trends underscore the distinctiveness of visitor types and the ranges of products and commodities for which the country will have to cater, and the

importance of the purport of this Bill is to enhance border control by means of a mechanism that facilitates the sharing of information by partner agencies and bodies involved in border protection, so that the comptroller of customs and excise and his agents would effectively discharge their responsibilities under the Customs Act Chap. 78:01. In doing so, other sectors, such as the travel and tourism sectors, of course, would benefit.

My understanding of a strengthened border management system is rooted in the notion of a regional single domestic space, whereby an array of border control mechanisms, dispersed at various entry points, regionally and internationally, are in place supporting each other in an atmosphere of mutuality. The catalyst in all of this information is information sharing and exchange, which is assured at regional levels by the following facilities: we speak of the advance passenger information system, we speak of the advance cargo information system, we speak of the Caricom Travel Card, the Caricom Visa Card. These are things that have been around, especially the travel card and the visa card. That is not a visa credit card, Member of Parliament for Fyzabad.

When we speak of all of these goals that we want to achieve, we cannot do it by using the old manual system. It cannot be done. We have to upgrade the Customs Act, which is what this Bill is doing here.

Mr. Speaker, my information of the advance cargo information system is that it operates on a very similar principle to the advance passenger information system, in so far that it allows collaboration among airlines, shippers, importers and exporters worldwide, along with customs authorities, while tracking the movement of cargo and permitting the submission of cargo information, prior to the arrival of aircraft and vessel at destination and even before the departure at the point of origin.

Mr. Speaker, the tourism industry and issues of security—again, I think for last year, 2012, there were 24 million people that came to the Caribbean, 24 million tourists came to the Caribbean. For the year ending December 2012, it is estimated that over one billion people crossed borders for the purposes of recreational travel, with the Caribbean accounting for 24 million out of that. How do you process all of this information? How could you possibly deal with all of that and understand who is it that is coming into your country? How do you understand who is leaving your country? Not with a manual system; it all has to be done electronically. It has to be digital, and that would enhance the security of our borders.

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This then brings me to the third factor, after speaking about the tourism industry and issues of security. The third factor speaks of Trinidad and Tobago, that it must continue to demonstrate its cutting-edge capacity to maintain a lead in the region in the sphere of e-commerce, through analysis, design, implementation and application of IT and e-commerce solutions.

There is the single electronic window that we launched in 2011. It is now known as TTBizLink. When you hear the Member for Diego Martin North/East go on and on and on, “Where is the issue with the frequently asked questions” and “Where is the information that if the system fails or the information shuts down,” or what have you. Of course that is not part of the Act. That is not going to be part of the Bill. Those are all operational issues; those are things that are promotional and marketing concepts.

All of that is already there in TTBizLink, which is the single electronic window which we, I must say, the People’s Partnership Government brought on in 2011. From what I understand that is one of the systems that has really changed the whole way in which they do business in Trinidad and Tobago because you can sit at home, you can register a company at home, you can do a whole series of transactions by sitting at a computer in your home or in your office 24/7.

**4.00 p.m.**

That is what this People’s Partnership brought in to basically help businesses. When we are talking about how efficient we are as a country and our competitiveness, all of that leads to becoming far more competitive than we are now, so all of that is already there.

So I would recommend that the other side go on to TTBizLink. Go on, they all have their computers, go on and see what is this TTBizLink, how does this single electronic window work. How does it—what are the different areas, the different elements of it, and how to capitalize on that, rather than going and standing up in line in a government department. All of that has gone. All of that is old hat. We have changed the way in which we do business in Trinidad and Tobago by ensuring that you can actually sit on a computer, sit on your smart—not on your smartphone—but using your smartphone to transact all of these different types of businesses, of actions. So, Mr. Speaker, it is already there.

Mr. Speaker, the automated system for customs data entry provides a single window—single window—for accepting and processing of documents for the clearance or cargo, and it requires the transporter or trader or carrier to make one electronic submission, one electronic submission of data, to the Customs Border Control System through a single portal.

Again, this is one single action that the shipper has to do—one single action. That again, when we talk about Trinidad and Tobago being—its competitiveness on the world competitiveness index—these are all areas of concern to the Government, and therefore, these are all things that we are correcting. We are making sure that Trinidad and Tobago is very much on par with the rest of the world.

So this is where the industry segment of tourism, of course, must converge with the macro-level initiatives of the type that this Bill before us seeks to introduce, namely at an international level, meeting the objectives of the ASYCUDA World programme. Again, ASYCUDA 20 years old; 20 years old. Imagine it took Trinidad and Tobago 20 years, to really and truly bring the whole issue of digital customs procedures; 20 years.

**Mr. Indarsingh:** “And nobody aint say nothing.”

**Hon. S. Cadiz:** Here it is in this People’s Partnership, [*Crosstalk*] not even three years in Government, we have taken all, all that the other side failed miserably to do and brought it right here in front of this Parliament. [*Desk thumping*]

**Mr. Indarsingh:** Oh, yes!

**Dr. Griffith:** The system is up and running, “eh”?

**Hon. S. Cadiz:** The system is very much up and running, Member for Toco/Sangre Grande.

So, Mr. Speaker, this enhanced clearing process renders the experience of bona fide visitors to Trinidad and Tobago all the more improved, productive and pleasurable. Roughly 97 per cent of visitor arrivals and returning nationals to Trinidad and Tobago travel by air. Our largest stake in visitor arrivals falls into the leisure/holiday category, primarily visiting Tobago, whilst Trinidad has the more sustainable share of business and conference arrivals.

Again, Mr. Speaker, that is something that the People’s Partnership Government is pursuing, this whole issue of various meetings and conventions. The Minister of Energy and Energy Affairs holds an extremely successful meeting every year, I believe in January—at least the early part of the year—okay, which is our oil and energy conference and you have hundreds of people that come for that particular conference. We just hosted—the Ministry of Tourism, just hosted its conference on sustainable tourism and we had over 300 delegates coming from the region and international delegates coming into Trinidad for that.

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One of the areas that the Ministry of Tourism is pursuing is promoting Trinidad and Tobago, and in particular Port of Spain, as being the meetings and conventions place for this part of the world. So, Mr. Speaker, when we look at all of this, this Customs (Amdt.) Bill without a doubt is something that we should be fully supporting. Both sides of the House should be fully supporting this Government in its actions of bringing this Customs (Amdt.) Bill to the Parliament. It is going to further change the way in which we do business in Trinidad and Tobago, and therefore, I ask that the support is there from both sides. Therefore, with those very few words, I thank you.

**Mr. Sharma:** “Yeah, man!” Well done. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Point Fortin.

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Thank you, Mr. Speaker, and I certainly rise to participate on this Bill which is a fulfillment of a policy which was actually started by the People’s National Movement administration [*Desk thumping*] then in power and which, of course, I have the honour to serve.

So I really stand to correct you, Minister of Tourism and Member for Chaguanas West—[*Interruption*]

**Hon. Member:** East!

**Mrs. P. Gopee-Scoon:**—that this Bill to amend the Customs Act, Chap. 78:01 is just another element of the plan conceived and introduced by the then PNM administration, [*Crosstalk*] to create a single electronic window that would facilitate and modernize this country’s international trade regime. I needed to correct you on that, [*Crosstalk*] Minister. I am happy that you in fact continued what we in fact started. Thank you for that. [*Crosstalk*]

The hon. Minister of Finance and the Economy was very clear in outlining the benefits of the Bill, again which is just another step in the creation of the single electronic window. So what this Bill seeks to do is formalize the legal requirements in statute for the Customs Border Control System through which those engaging in international trade within this country’s borders will have to operate.

So, Mr. Speaker, if you could allow me to give a little rationale for the system which we are about to formalize into law by the passage of this Bill which is before us today. It is not only just about making trade easier, but it certainly is about making things more efficient. It is about cutting down on the wastage, cutting down on the corruption that is also, unfortunately, a part of our port and other revenue-collection operations.



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The Customs (Amdt.) Bill would have also facilitated the work of the revenue authority which was intended to streamline the work of the Board of Inland Revenue and the customs division as well, so as to ensure that we had a more accurate and predictable collection of Government revenue as we moved further to realizing the 2020 vision of taking this country to developed nation status; that is what it was about.

Mr. Speaker, as I speak about the Vision 2020 which was the overall plan within which this sat, there was a meeting only last week by this country's most respected economists, and I think, I am almost sure, that the Minister of Finance and the Economy was present. I do not think he is one of them. I do not think he is an economist—the current Minister of Finance and the Economy—but I know he was there and it is surprising that there at that meeting the Vision 2020 plan was described, and it was reported in the press, as the finest planning document devised in the history of this country. [*Desk thumping*]

This is our style in the PNM, [*Crosstalk*] and I was on television earlier in the week and I spoke to the fact that this is how we operated—that when we came into office in 1956 we started off with a development plan, between 1956 and 1962, which had to do with infrastructure and—this is just an aside—human development. Then, of course, another plan was introduced 1964 to 1968, and then 1968 to 1973. Then, of course there was the other plan where we sought to remove ourselves from the dependency on petroleum and we moved into gas, and then we moved on again into Vision 2020.

So, Mr. Speaker, I am saying this is the way we have always operated and it has borne us fruit. [*Desk thumping*] I emphasize the importance—as a country that is small and open and vulnerable to the exigencies of the rest of the world—it is important to us to operate by virtue of plans, to always review, [*Crosstalk*] to always be nimble, to be effective and so on as we progress towards developed nation status, Mr. Speaker.

I know that I do not expect the hon. Minister of Finance and the Economy in his winding-up to agree with me that the Vision 2020 plan was in fact the finest document, but that is okay. But it is the document that in fact had given us the single electronic window and the iGovTT which is the electronic backbone for the Customs Border Control System which is actually going to manage what we are talking of today.

I know they have abandoned that Vision 2020 and they have decided to build our country and our economy on pillars of sand, [*Crosstalk*] pillars of sand. I

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think it was in this honourable House that I had said that President Mkapa, former President of Tanzania, he had said that certainly you cannot build an economic mansion on political sand.

So that without linking this Customs Act amendment to the single electronic window and the revenue authority and the reduction of corruption and wastage, you would really fail to see the full benefit to be derived in creating the revenue stream to ensure this country's continued viability.

Again, I wonder when I heard the Central Bank governor at that recent meeting, I wonder again what was in his thinking because he was warning us, only last week, that our prospects for economic growth in this country continue to be weak. [*Crosstalk*] My colleague from Diego Martin Central is saying that perhaps he is muddled, that maybe he is, because one of the statements—if I remember, just as an aside—which he made as well was, he said that the Government cannot expect to diversify the economy. He said it is the job of the private sector. He said that: not the Government, the private sector.

Of course, he has to be wrong because it is that these two entities must work in cohesion. The Government provides the platform, the vision, the direction for economic growth and all of the incentives and then, of course, it is that the private sector falls in. So that there must be some cohesion; the platform by Government and then the kick-off by the private sector.

But, of course, this has not happened in the last three years at all, Mr. Speaker. Right? In that vein you would realize that the creation of the Internet was actually done by a US Government agency, but again it was the private sector that made it into this huge business opportunity which it turned out to be. So that Government will always have a critical role to play. I do not know, maybe the Central Bank governor might be just giving up on this administration—maybe—and so on. Of course, he also said that—[*Crosstalk*]

**Dr. Browne:** He is coming to his senses.

**Mr. P. Gopee-Scoon:**—he is unable to see the injection of the fiscal stimulus needed. He actually made those words. He said that, and all he was alluding to was that the fact that the Government just does not seem to be able to get its projects off; \$150 billion later—very, very little seen.

Mr. Speaker, so that just to move off from that little point, you know, I would say we are yet to return to the kind of economic growth that we enjoyed under the economic management by the PNM. [*Desk thumping*] But again it came back to

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carefully thought-out plans, Mr. Speaker; carefully thought out plans which resulted in the kind of growth that allowed us to coast despite the fact of the collapse of the international financial system. We were able to coast through that because of the plans which we had in place.

So that I am saying the Bill, and I know my colleague from Diego Martin North/East raised a lot concerns; I think that some of them are valid, especially the points about the Data Protection Act. He raised a lot of concerns about that. Then, of course, he spoke to the severity of some of the penalties relative to the infractions and so on. He spoke about drafting concerns [*Crosstalk*] and so on.

So all of those things I hope will be answered, but I still want to say that this Bill is necessary. I would give in to that, I would say that, but I do not expect it to have the full impact because we do not have the wider plan, and the Minister did not—the hon. Minister of Finance and the Economy who introduced—address the wider plan that is necessary so that you can anchor and create all of the synergies that you really do need to create.

So, I am saying that divorced from the Vision 2020 plan and a framework for development, we are not going to see the full mushrooming of all of the goals that were envisaged then.

**4.15 p.m.**

Then I look at the sentences. Admittedly, the legislation carries with it some draconian sentences. I know of 10 and 15 years and of \$100,000 to \$120,000 for failing to provide information and for tampering with information and so on. What that is suggesting [*Crosstalk*] then I do not necessarily disagree with the quantum of fines, although I do want you to look at the \$600,000 fine which the Member for Diego Martin North/East spoke about. But I am saying it is suggesting that the Government is serious about our port security—that is the suggestion we are getting—and the integrity of information that passes through customs, but, you see, those are mere words and, of course, within the Bill those words seem harsh, but I am wondering how serious they are when in fact the Government has been turning a blind eye to some things—[*Interruption*]

**Miss Hospedales:** To many things.

**Mrs. P. Gopee-Scoon:**—many customs infringements involving some of their close associates. [*Desk thumping*]

So, I am saying, yes, there is the Bill; yes, there is severity of the fines, but I am saying I am not sure about the will because the Government has in fact been

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turning away from what is before them in terms of infringements of the Customs Act—[*Interruption*—and my colleague from Diego Martin Central wants me to cite an example perhaps here.

**Dr. Browne:** Green chicken.

**Mrs. P. Gopee-Scoon:** He is talking about chicken; green chicken and so on, but before I go into the chicken, Mr. Speaker, the Court of Arbitration for Sport—

**Dr. Browne:** “Hm-mm”.

**Mrs. P. Gopee-Scoon:**—and this is just a “for instance”. I am going to show you an infringement of the Customs Act. The Court of Arbitration for Sport found recently that a former Cabinet Minister may have facilitated—may have, and I am speaking about the Court of Arbitration for Sport—the importation into this country of more than \$1 million in violation of the customs laws of Trinidad and Tobago.

Under this Act, of course, under this very Act the fine for such an offence would be 15 years or \$100,000. So that I believe that incident was reported extensively and it spoke to the facilitation of some bribes and so on at an international meeting that was held here—

**Dr. Browne:** In the Hyatt.

**Mrs. P. Gopee-Scoon:**—on our soil at the Hyatt. But what concerns me—I am not going to go into further details about it because the public is fully aware. It has been reported extensively.

What concerns me is the response of the Government to these reports. [*Desk thumping*] The response of the Government, because here we have had a major infringement of the Customs Act and then you have the Minister of Finance and the Economy who has come here to ask us to support the Bill. The Minister of Finance and the Economy wants us to support the Customs (Amdt.) Bill and he has not even ordered an investigation into the infraction, into the infringement, and that is of concern, so he too—

**Mr. Speaker:** Member, I think I read somewhere that this matter was referred to the DPP.

**Mrs. P. Gopee-Scoon:** No.

**Mr. Speaker:** I read somewhere.

**Dr. Moonilal:** So keep quiet.

**Mr. Speaker:** You are telling me no, I am telling you I have read it. So I am asking you do not go down a route where a matter is being adjudicated by the DPP at this time to prejudice the outcome by engaging in that particular area. I think you have made your point. Okay?

**Mrs. P. Gopee-Scoon:** Yes, I think I agree with you, Mr. Speaker, from the point that I have made my point. I do not think it is sub judice as yet. It is before the DPP, but I am not going to go down that road. The general point I am making is that there has been no attempt to investigate. [*Desk thumping*] That is my concern, Mr. Speaker.

I am concerned about the silence when, in fact, we have had instances lately from the Attorney General where he has sought to go after pensioners. I have to say they are pensioners now, but he has been filing these billion-dollar civil suits; billion-dollar civil suits on people who have served Trinidad and Tobago honourably. [*Interruption*]

**Mr. Speaker:** Member, you know the sub judice rule. These are matters that are before the courts. You have just said that he has filed—the hon. Attorney General—so let us not go into that and violate and breach 36(3) which deals with the sub judice rule. Please, continue!

**Mrs. P. Gopee-Scoon:** Okay, Mr. Speaker, but I am sure you will agree with me that I am just alarmed by all of this and despite the fact of the ruling of the Court of Arbitration for Sports, the Government then sought to place this former Cabinet Minister as a Minister of National Security. That is a concern for me in terms of the judgment of the Government post, that report being exposed. But that is their track record, Mr. Speaker.

So, it brings me to another example of—because this is not an isolated incident, and I can look at another example where we have had incidents of drugs being found in containers assigned to chairmen of state firms. That is another incident. I am saying that these chairmen probably are innocent. They probably are innocent and they probably have no knowledge of the cargo that was assigned to them. But again, what is disturbing is the absence of follow-up; the absence of follow-up investigations to assure the public that the infringements of the Customs Act are in fact taken seriously; and this is my point. So, I have moved away from the one which you seem to have a concern with and I am there with you on this one. I am saying, in all of the instances, no action taken, no one held for these offences and, as I said before, they are indeed infringements under the Customs Act.

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I move to another incident regarding the customs division as well, which is a major source of revenue for this country, and the fact that I have a view that even the Member for Siparia as Prime Minister, she has been—and this is a matter I spoke about earlier, maybe two months ago. My view is that the Member for Siparia has been treating the customs division with scant courtesy. And I would tell you about the particular incident where I believe that the Public Service Commission was not treated the way it should have been with regard to the appointment of the deputy comptroller of customs, a person who, under this Act, may be called to act as comptroller and undertake major responsibilities that are contemplated by this piece of legislation, because the deputy comptroller is, in fact, just a heartbeat away or “a leave form away” from performing the functions of the comptroller of customs.

So, I raised the matter before and I hope that the hon. Prime Minister, the Member for Siparia, can correct me on it, but I believe that it is a frustration of the Public Service Commission by the Prime Minister because in appointing—

**Mr. Speaker:** Hon. Member, please do not raise the conduct—you are raising the conduct of a Member of Parliament under the veil of a debate. I keep reminding Members, if you want to raise the conduct of any Member, be it Minister or ordinary Member, please file a substantive Motion, but do not use an ordinary debate to raise the conduct of any Member of this honourable House. Please!

**Mrs. P. Gopee-Scoon:** All I am trying to say, Mr. Speaker, is that—

**Mr. Speaker:** “Do not, do not”—just stay away from that and move on!

**Mrs. P. Gopee-Scoon:** In order to move on, Mr. Speaker, I would like to connect. All I am trying to say is that the Office of the Prime Minister and the Government must take the responsibility towards customs and the customs division seriously [*Desk thumping*] and it is just not about presenting a Bill, but there must be a will to treat with this division with the importance it deserves. That is my point about these incidents that I am raising.

So, we want to make sure—yes, we are going to pass these laws, but we want to make sure that the customs officers are treated well; they have a serious responsibility, so it must be a whole cohesive working system. That is the point I am trying to make, Mr. Speaker. So, when I spoke about the deputy comptroller of customs, we must ensure that those positions are filled because those persons have serious responsibility to carry out the Act and what we are passing here today.

So, it is pointless passing it and so on, getting our support, and we would want to support it, we would be so inclined—the genesis of it is with this PNM administration. *[Interruption]* But I am saying, the rest of it must be all pulled together. This is a very, very important agency—if I would say—that deals with border controls and that was highlighted by the Member for Chaguanas East, this whole question of border control, and it is very, very important that more of a holistic approach is developed and we must ensure that there is the will, in fact, to prosecute all of these offences whenever they occur.

It means that we must appoint all of the customs officers in all of their senior positions as well. Otherwise, you would find that they are going to be very hesitant to take action when, in fact, they feel that all of their promotional opportunities and so on may in fact be stymied and that kind of thing. So, we just want to ensure that the customs division is treated the way it should be treated.

Earlier on, I made the point that for this legislation to work it must be part of a larger plan and it cannot stand on its own. So, in Singapore—Singapore was, perhaps, the first country, I think it was, where the first single electronic window facility for customs was developed and, of course, the plan envisaged training for the customs officials and also all of the stakeholders who would be affected, and I believe that the hon. Minister should have spoken to all of these programmes as well. Because, with the single electronic window for customs it will mean a significant shift in the way all of the collective stakeholders will do business, so that training is important and must be offered to facilitate business process management and re-engineering, trade documentation and standards adoption as well.

I am not too sure that the public has been brought into this discussion at all, and the legislation being presented here this afternoon really is devoid of a plan—at least we have not been told about the way forward. I am not sure whether or not there had actually been any public consultations on this piece of legislation, especially with the kinds of fines that are being recommended. We really would have liked that there would have been some sort of consultation and so on, and we would have had some kind of input from those persons who will be affected by the Bill.

Of course, I am minded to say that I will support this Bill from now once the Member for Diego Martin North/East's concerns are in fact met. But the point I was making before is I am not sure that this Government really has the moral authority to effect it, but nevertheless—*[Interruption]*

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The Member for Chaguanas East raised the very, very important point that this Bill is essentially about border control and it sits alongside other Bills to prevent the illegal entry of people and goods. He spoke more about the illegal entry of persons, but it sits side by side, for instance, with the Immigration (Advance Passenger Information) Bill, which we spoke about, to prevent the illegal entry of people and goods, while at the same time facilitating trade and travel.

So, Mr. Speaker, it really had become quite clear to us, a previous PNM administration, given the importance of border control, that there would have been a need for the upgrading of our naval and aviation assets as well. That is all part of it; it does not stand alone. So, the whole question of border control is connected to the upgrading of our naval and aviation assets. So I do recall at the level of Cabinet in 2008—

**Mr. Speaker:** Hon. Member, I think it is a good time for us to take the tea break. This sitting is suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.** *Sitting resumed.*

**Mr. Speaker:** The hon. Member for Point Fortin. [*Desk thumping*]

**Mrs. P. Gopee-Scoon:** Thank you very much, Mr. Speaker. Essentially, I am actually close to finishing, probably just another 10 minutes or so. But as I was on my feet before we broke for tea, we said that this Bill is essentially about border control—and in fact the Member for Chaguanas East had alluded to that and the Minister of Finance and the Economy in his presentation—and that it works alongside other Bills.

I spoke about the Immigration (Advance Passenger Information) Act to prevent the illegal entry of people and goods, while at the same time facilitating trade and travel and indeed the Minister who spoke before me spoke a lot about facilitating travel. So that it had become known to us when we were in office, and I think this may have been around the turn of the millennium, that we needed to upgrade in terms of securing our borders—we needed to upgrade our naval and aviation assets and therefore we sought to put a plan in place.

So, I believe it was as far back as 2003, that the Government, and if I can quote from a Cabinet Note, No. 246 of January 30, 2008. It addressed the whole question of the need for Trinidad and Tobago Coast Guard and the Trinidad and Tobago Air Guard to carry out sustained surveillance in the country's internal



waters, the archipelagic territorial sea and its exclusive economic zone. And it went on to say that this was in keeping with the current task of maritime law enforcement, in particular, in the war on illegal drugs, arms and ammunition, banditry and safety at sea, with specific reference to search and rescue and safety of shipping, rigs and platforms and preservation of the marine environment, including living and non-living resources.

You will realize, Mr. Speaker, I am talking about, as an aside, the responsibility of the defence force. Soldiers do in fact have serious responsibilities and I hasten to point that out and they are not just standing there waiting on war, but they do have a role to play in the security of our borders and in the sovereignty of our country.

So, that following from that decision, the Government had taken a—planned as a matter of fact, planned and taken a decision to upgrade strategically and expand its naval and aviation assets by procuring the offshore patrol vessels, three of them, the six fast-patrol craft, the six interceptor craft, and also the four helicopters. All of the financial arrangements that were necessary were put in place. All of the necessary contracts were done in terms of the shipbuilding contracts as well, the maritime services contracts, training services contracts as well, and of course when this Government came into office they did in fact take receipt of the fast-patrol craft and the four helicopters as well. Again, proper planning by us, signed, sealed and delivered as we planned, but this Government benefited when they came into office.

Mr. Speaker, all within the interest of securing our borders. We had a problem with the OPVs. I do not want to rehash that to any great extent, but the problem of course was with the first vessel, with the firing system, it was not working automatically, and I felt that the Government, perhaps, could have taken the second two, but they did not, but we had again, put all the arrangements in place for financing, training, maintenance and so on, but the contract was severed.

As we speak about that, we know that arbitration proceedings were entered into, and it is our understanding, the Attorney General spoke about the fact that the arbitration proceedings were in fact concluded. But you know what, we never really got and certainly the public never really got the financial details. So that we are yet to find out post-legal fees, et cetera. Did we find ourselves truly in a loss position with regard to these OPVs?

Today, here we are, very exposed borders; we are talking about border controls. Here we are, very, very, very exposed borders, no OPVs, perhaps a loss

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position financially and that is the position we find ourselves in on account of this Government and their decision to scrap the contract. I understand that they are looking again—they finally decided that we need to improve border controls in this country and they have decided to source some Colombian vessels and of course I am sure they realize by now that they are not available on any shelf, and that perhaps by the time they are ordered, manufactured and delivered—sorry—  
[*Interruption*]

**Mr. Speaker:** You are coming very close to breaching 36(1), very, very close—and if you could connect your points. This “eh” have nothing to do with OPVs. This is about advance passenger information on cargo and passengers. It has nothing to do with the air guard or coast guard or OPVs, but I am allowing some elasticity, but you are stretching it a bit thin. So if you could connect, make reference to the Bill, connect your points. Continue, hon. Member.

**Mrs. P. Gopee-Scoon:** Thank you, Mr. Speaker. I am saying I was just speaking to one aspect of border control because this is what this Bill is essentially about—[*Interruption*]

**Mr. Speaker:** Yes, but it is not wide; border control is not wide; it is confined to customs and advance passenger—

**Mrs. P. Gopee-Scoon:** Yes, but, Mr. Speaker, I will not argue with you, but both previous speakers on the other side did in fact address this as well. But again, all I am trying to say is that we would want to ensure that all of the mechanisms are in place, in fact, to deal with controlling our borders, all of the mechanisms. I am saying that we have always got it right because of proper planning.

I spoke about the related Act to this, which was the Immigration (Advance Passenger Information) Act, which is to advance information. In this Bill, we are talking about advancing cargo information and I am also speaking—I am saying that there was a related Bill introduced by us in 2009. Of course, the first one was introduced before that for the Cricket World Cup. But again, with the sunset clause we came back in 2009 and we introduced that, to provide advance information on persons entering Trinidad and Tobago, again, with the whole intention, the very same intention of this Bill, the intention of tracking persons—terrorists, illegal persons, unwanted persons—again securing our borders and this is what this Bill is about as well, keeping out illegal goods; one about persons, one about goods. So, it is about securing our borders, protecting, preserving our sovereignty, the sovereignty of Trinidad and Tobago as required by the Constitution certainly, and as delivered by successive People’s National Movement governments.

The ASYCUDA World which we spoke of, which we said was introduced I believe since in the 1990s, was actually launched in Trinidad and Tobago, that is, at the next level, the ASYCUDA World was launched under us again, the last People's National Movement administration, with the Customs and Excise Division allowing them to take that quantum leap into the world of technology. It is about technology as well—with the training of officers we expect and the various stakeholders.

So that we have always worked diligently, and the previous speaker spoke about that, as a region, as a country as well, in terms of protecting our sovereignty and of acting responsibly, as well as ensuring that there is a multipronged architecture to deal with this whole aspect of security and border control. We have been serious players in Caricom, especially having the lead head responsibility for Caricom for security as well.

So that the electronification of customs and so on, I think it is a good move. The move towards stricter border controls as well is welcomed. Certainly, proper border control systems are absolutely necessary as we move forward, but of course my colleague who spoke before me outlined some of the concerns and they are very, very serious concerns and he drew attention to the Data Protection Act, so we need that settled.

He spoke as well about the penalties, about the variances in fines to suit the infractions; some of the custodial sentences he raised concerns about. I believe that drafting concerns were also raised; the whole question of the system of appeals I think must be addressed. So all of these assurances we would need to have from the hon. Minister of Finance and the Economy in his winding-up, Mr. Speaker, if it is that we are really to lend our support to the integrity of the system which is proposed here today. So I am saying, good intent, but there are a number of answers and a number of questions which need to be answered.

So with those few words, I wish to thank you.

**Mr. Speaker:** The hon. Member for Couva South and Minister in the Ministry of Finance. [*Desk thumping*]

**The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh):** Thank you very much, Mr. Speaker. As I have listened to the contributions of those on the other side, from the Member for Diego Martin North/East and also the Member for Point Fortin, sometimes I am really taken aback by the positions which have been adopted by those on the other side. [*Interruption*] Yes, Member for Port of Spain South, you were part and parcel of

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the administration that led to the downward slide of Trinidad and Tobago under the People's National Movement.

**Hon. Member:** Yes, yes, yes, she was part of that.

**Hon. R. Indarsingh:** When I have heard such quotations, and I want to reflect correctly what was said by the Member for Point Fortin, when she said that the current administration was not taking into consideration the words of the current Governor of the Central Bank, Governor Rambarran. I wonder if the Member for Point Fortin could have recollected or remembered if, when they were in the Government of Trinidad and Tobago, did they heed the advice that was given by the then Governor of the Central Bank, Governor Williams.

Governor Williams at that point in time would have warned the Government about pursuing projects and spending that was taking the country down on a slippery slope and one of overheating the economy of Trinidad and Tobago, and what was the position at that point in time in terms of what was emanating out of the office of the Governor of the Central Bank.

The Member for Point Fortin indicated, too, that the Vision 2020 plan was the finest plan in the history of Governments of Trinidad and Tobago and [*Desk thumping*] also the Member alluded to a number of projects. If I could recall correctly, I was not born in 1956, but I would have read the history, the political—I am very au courant with the political history of Trinidad and Tobago. It was this administration that promised to build the Point Fortin highway, I think it was in 1956. Today it is the People's Partnership administration under the leadership of the hon. Kamla Persad-Bissessar that is delivering on something that was promised since 1956, also the Moruga deep-water harbour was promised by the PNM. [*Interruption*]

**Mr. Imbert:** Mr. Speaker, Mr. Speaker, Mr. Speaker, point of order, 36(1), Moruga Harbour, Point Fortin Highway, has nothing to do with customs. [*Crosstalk*]

**Hon. Member:** Sit down “nah”.

**Mr. Speaker:** I am going to allow him to—I am going to follow you very closely to see where you are heading Member for Couva South. Continue.

**Hon. R. Indarsingh:** Mr. Speaker, I am merely responding to some points that were raised by the Member for Point Fortin during her contribution as it relates to where the Government is in terms of its economic policies and

positions. You see, the PNM has a history of trying to skew the facts and attempt to mislead the population as it relates to what is happening within the economy of Trinidad and Tobago and I think it is incumbent upon me to set the record straight in light of what has been put before this House by the Member for Point Fortin.

**5.15 p.m.**

The Member for Diego Martin North/East, in his contribution, too, was very dramatic, as he has consistently been in terms of responding to progressive pieces of legislation which have been brought into this House. He has always been consistent in trying to present a picture of doom and gloom in terms of what this Government is doing, which is contrary to how the programmes and policies of this administration are viewed by the people of Trinidad and Tobago.

So, in that regard, from an economic point of view, we have actually steadied the ship, and now we are realizing growth, incrementally, as it relates to—in Trinidad and Tobago the economy has grown. [*Interruption*] Mr. Speaker, the Member for Point Fortin seems to want to hold the floor at this point in time. [*Laughter*]

**Hon. Member:** A nuisance. They are a nuisance.

**Mr. Speaker:** Continue, please.

**Mr. Sharma:** “She doh have a house.”

**Mrs. Gopee-Scoon:** You better believe I have a house.

**Hon. R. Indarsingh:** Thank you, Mr. Speaker. And as I was saying, in the context of incremental, economic growth occurring in Trinidad and Tobago in the vicinity of 1.2 per cent occurring—

**Miss Mc Donald:** “Nah!”

**Mr. Speaker:** Member for Port of Spain South, please, you will get a chance.

**Hon. R. Indarsingh:** Member for Port of Spain South, if you are challenging the economic data which is coming out of the Central Bank and so on, you are free to do so, and you will have the opportune moment to underscore what is your position in terms of what I am saying. But what is important to understand, that within the last two quarters we have seen growth taking place in the construction sector and the agricultural sector towards the end of 2012. This is a sector that you all failed to pay any heed to, any attention to, and it declined continuously under the PNM as it relates to the agricultural sector in Trinidad and Tobago.

The Member for Point Fortin also indicated just a couple moments ago that the soldiers of Trinidad and Tobago have a very important and a very serious responsibility in the context of protecting our borders and the sovereignty of

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Trinidad and Tobago, and I simply want to take the opportunity here, this evening, to remind them, that serious responsibility and protecting the borders of Trinidad and Tobago also encompasses fighting crime, and this particular piece of legislation takes into consideration our Government's responsibility, too, in the context of national security. And I wish, at that point in time when the Defence (Amdt.) Bill—the soldier Bill—was being debated, you all would have understood the importance of the responsibility of the soldiers to Trinidad and Tobago in the context of protecting our borders and also in the context of looking after the sovereignty of Trinidad and Tobago.

Mr. Speaker, the presentation of this particular piece of legislation by the Minister of Finance and the Economy must be seen in the context of what I would term to be a continuation of the progressive pieces of legislation that this People's Partnership Government continues to bring to this august Chamber in the context of the continued economic development of Trinidad and Tobago. When this particular administration came to power in May of 2010, we indicated to the population of Trinidad and Tobago that we would continue to ensure that the manifesto of this administration would be successfully followed through in terms of fulfilling that sense of contract, or that relationship, that we had with the people of Trinidad and Tobago.

The Member for Point Fortin alluded to this piece of legislation being part of the administration's overarching policy, of one being built on a pillar of sand, and I want to take the opportunity here, this evening, to indicate to the Member that this particular piece of legislation has its genesis in a number of pillars of the overall official policy now of the Government of Trinidad and Tobago; in terms of pillar 3, which focuses on "National and Personal Security"; pillar 4 being one of, "Information and Communication Technologies - Connecting T&T and Building the New Economy"; pillar 5, which focuses on "A More Diversified, Knowledge Intensive Economy - Building on the Native Genius of Our People"; and pillar 7, which focuses on "Foreign Policy - Securing Our Place in the"—global environment.

Also, we have to look at the last budget presentation of the Minister of Finance and the Economy, and in his budget presentation of 2013, which had the theme of "Stimulating Growth and Generating Prosperity"—in his presentation the Minister focused on creating the environment for growth and strengthening the competitiveness of the economy, and this particular piece of legislation is simply following through on what was broadly enunciated as it relates to strengthening the competitiveness of the economy of Trinidad and Tobago.

I want to reiterate and read into the record here, this evening, Mr. Speaker, and I quote from the Minister of Finance and the Economy's presentation when he said, and I quote:

"Mr. Speaker, the ability of the economy to generate sustainable wealth rests on its productivity and international competitiveness. Trinidad and Tobago currently stands at 68<sup>th</sup> position out of the 183 countries globally in the World Bank's 2012 ease of doing business rankings, an improvement of 13 places from when this Government took office. However, this is nowhere near where we should be if we are to attract further investment and accelerate the transformation of the economy. A World Bank report covers nine areas where Trinidad and Tobago has underperformed in the area of business facilitation. These include such areas as starting a business, through registering property, getting credit, dealing with construction permits,"—

**Miss Mc Donald:** Mr. Speaker, I rise on 36(1), please.

**Mr. Speaker:** I want to sustain that 36(1). Member, if you could make reference to the clauses in the Bill, connect your points, otherwise you are breaching 36(1), please.

**Hon. R. Indarsingh:** Thank you, Mr. Speaker, I will be guided but I was coming to the point of the creation of the single electronic window and so on, in relation to the relevance of the Bill and what was stated in the budget presentation, Mr. Speaker. It further went on to say:

"The Ministry of Trade, Industry and Investment is collaborating with various agencies to address these areas as we position ourselves to compete in the global economy and restore investor confidence. In this regard the single electronic window for trade and business facilitation under the Ministry of Trade, Industry and Investment was commissioned..."

And it goes on to focus on the ASYCUDA World system managed by the Customs and Excise Division of the Ministry of Finance and the Economy. This is the relevance in terms of looking at this particular piece of legislation, placing it in the context of how it has been brought to the House this evening, and in relation to linking it with the pillars of development which is now the official government policy, having been laid in this particular House.

Mr. Speaker, the vision of the Government of Trinidad and Tobago for customs and customs officers in customs administration is one of ensuring that we deliver quality service to all stakeholders. I would say quality service in the context of our own community—that is, the people of Trinidad and Tobago—the business community or industry and commerce at all of the ports that fall within

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the geography of Trinidad and Tobago, and taking into consideration what is demarcated as our maritime borders, and that will take into consideration land, sea and air.

It has been established here, this evening, by all speakers on both sides, that a modern customs requires, what we would term to be a modern legal framework for us to operate in, and in this regard we must also remember that there have been a number of stakeholders in our community, namely entities such as the Trinidad and Tobago Chamber of Commerce, the Trinidad and Tobago Manufacturers' Association and also, for example, the greater Chaguanas Chamber of Commerce, the Couva/Point Lisas Chamber of Commerce and so on. They have been clamouring, and clamouring very vociferously for the overhaul of customs administration in Trinidad and Tobago.

Mr. Speaker, I could recollect during my trade union days at the All Trinidad Sugar and General Workers Trade Union when the union represented the workers at KC Confectionary Limited, and when we were actively engaged in what I would term to be the collective bargaining process. In negotiating with the company and attempting to get the best compensation package for the employees of that company and the members of the union, the management of the company would have always placed on the table that one of the factors which impacted heavily on the cost of production, and the final cost of what was being produced by this entity, was what was occurring at customs and the clearing of containers and so on, and how it was impacting upon the overall economic viability of Trinidad and Tobago.

I say this in the context of, as I said, the whole cry from the public and the private and so on, interests within our country which have spoken, which have called for the Customs and Excise Division to zero in on what we would term continued transformation and development.

**5.30 p.m.**

And, of course, Mr. Speaker, the role of our customs officers in Trinidad and Tobago must be valued not only in the context of service to Trinidad and Tobago and protecting our borders and so on, the role of our customs officers must be seen in terms of their value to the economy of Trinidad and Tobago and not only in the context of Trinidad and Tobago, but when vessels and aircraft and so on come to Trinidad and Tobago, in terms of how they facilitate the whole economic development of world trade within the region and outside of the region, in the



context of the turnaround time for vessels and airline carriers and so on with cargo.

I heard too, in her contribution, the Member for Point Fortin alluding to the importance and the significance of customs officers in Trinidad and Tobago. It is a pity that during their tenure, in terms of the formation of the Trinidad and Tobago Revenue Authority—which was conceptualized under their administration—they did not understand the worth and the value of customs officers in terms of ensuring that they would have been properly compensated for their years of service, and the principles of collective bargaining and good industrial relations practices, and so on, would have formed part of what we would term the Trinidad and Tobago Revenue Authority. That is the hypocrisy of the PNM.

**Mr. De Couteau:** “They doh care. They doh care.” [*Desk thumping*]

**Hon. R. Indarsingh:** That is the track record of the PNM in terms of valuing labour and valuing the importance of workers to the economy of Trinidad and Tobago. And that is one of the reasons when you fail to listen to, and take into consideration the value of workers and the importance of workers in the country—

**Miss Mc Donald:** Mr. Speaker, I rise again, on 36(1). Tie it back to the Bill.

**Dr. Gopeesingh:** He is talking about the workers in the ASYCUDA system.

**Mr. Speaker:** Yes, all right. Member, Minister, could you again connect your points as you proceed please.

**Hon. R. Indarsingh:** Yes, Mr. Speaker, I would so be guided in the context of your ruling, but I was just making a passing reference—

**Hon. Members:** En passant.

**Hon. R. Indarsingh:**—en passant, in relation to the pronouncements of the Member for Point Fortin during her contribution. I was attempting to underscore the importance of the customs officers to Trinidad and Tobago in the context of facilitating trade, the turnaround time, and so on, to efficiently collect customs revenues which—once as we get, it is an important tenet of taxation in Trinidad and Tobago when applied, Mr. Speaker, and of course, this will certainly help the Minister of Finance and the Economy in terms of enhanced revenue collection as he strives to realize a balanced budget for Trinidad and Tobago. Also, in terms of the importance in this whole scenario is to ensure that specific industry schemes

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and trade measures are applied.

Therefore, Mr. Speaker, one can understand, as I said, the overarching importance of the Customs and Excise Division to our economy and, in the context, as I said, of the global economy, and more so, in relation to assisting the Government in implementing national and also international policy.

It has been established, Mr. Speaker, that the customs officers and by extension the customs border and security controls will assist the country in combating fraud and the illegal trafficking of prohibited and restricted goods. It is also important in the data that would come via this advance passenger and cargo information, which will be submitted electronically to the comptroller of customs, the statistical information in terms of foreign trade transaction would be very important to the Ministry of Trade, Industry and Investment and also the Ministry of Planning and Sustainable Development in relation to continued planning in terms of policies which are to be rolled out by the Government of Trinidad and Tobago.

So, Mr. Speaker, it is a known point, at this point in time, that the submission—the current Customs Act, in terms of its form, does not cater for the submission electronically of declarations and what we would term post-auditing and risk management, which are all recommendations of the World Customs Organization to enable customs to find that appropriate balance, or to achieve that right balance between facilitation—trade facilitation and border control.

And whilst we would understand the importance of this particular piece of legislation, in the local context, and what it means to Trinidad and Tobago, we have to understand that Trinidad and Tobago operates within the global economic environment and belongs to what we would call the League of Nations which falls under the ambit of the United Nations.

It is this Government which continues to display the political will that is needed to bring a sense of people-centred development and to improve the quality of life and standard of living of all its citizens. Because, both Members on the other side would have indicated of this particular piece of legislation which is being debated today having its genesis under the PNM, and I think indicating that it was the work of the PNM. But again, we see that this particular administration has the political will to follow through, to understand the dynamics of Government, in terms of what is needed in the context of the local environment, the regional and the global economic environment and in that regard, this measure must be seen in the context as it relates to the World Trade Organization.

Mr. Speaker, customs modernization through the automation based on the use of information technology, IT, goes to the core of Article V which focuses—Article V specifically deals with freedom of transit. Article VIII focuses on fees and formalities connected with importation and exportation, and Article X—publication and administration of trade regulation of the General Agreement on Tariffs and Trade popularly known by the acronym GATT—all currently undergoing clarification and improvement in the context of the World Trade Organization’s negotiations on trade facilitation to which Trinidad and Tobago belongs.

Mr. Speaker, the level of efficiency of customs administration has an important impact on transition transaction costs, as it relates to international trade, and transaction costs generated by customs procedures have become significant barriers of trade—as I indicated a couple moments earlier of what was the concern of the management or the owners of KC Confectionery Limited in the context of how it impacted on their end product—and the streamlining and simplifying of customs procedures will reduce transaction costs, and of course, once there is a reduction in transaction costs, ultimately this will be of tremendous benefit to exporters in terms of the profitability of the exports, and, in addition, to the profitability of their exports of course, it would increase once the cost of production will allow for goods and services to be purchased by persons outside of the country of origin.

Secondly, the profitability of imports also increases and the whole issue of the trade and investment climate increases in terms of the ease of doing business. The importance of this particular piece of legislation is further underlined and underscored by the comptroller of customs, and I want to read from an article dated Thursday, February 02, 2012 written by Miranda La Rose in the *Newsday* newspaper. That article which was written by Miranda La Rose says, and I quote:

“The absence of legislation is contributing to the high cost of the processing of customs data entry, and hindering the full implementation of the Automated System for Customs Data”— popularly known by the acronym—“(ASYCUDA)...

Comptroller of Customs Fitzroy John...told members of the Trinidad and Tobago Manufacturing Association at the TTMA head office in Barataria that the documentation of data to process customs declaration was still slowing down the way business is done. John made his remarks during a presentation on ‘The Customs and Excise Division, Border Control and ASYCUDA World.’”—system.

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And it goes on to say:

“Once custom efficiency is improved through ASYCUDA which is being introduced to process customs data entry, John said, it means that the cost to clear goods from customs and to pay for it would be less.”

The comptroller of customs went on to indicate in his address, Mr. Speaker, that:

“...the documentation process has improved from last year when it took between three to seven days to document customs data entry, John said it has...”

—now been reduced to one day or two, in terms of the importance and significance and strides that have been made in addressing this particular issue.

**5.45 p.m.**

So, Mr. Speaker, also from the point of view of the global community, as I focused on, the benefits as it relates to the United Nations Centre for Trade Facilitation and Electronic Business focuses, in relation to Recommendation 33, describes the general benefits which can accrue to Government and private sector this way: the implementation of a single window can be highly beneficial for both Government and trade. For Government, it can bring better risk management, improve levels of security and increase your revenue yield within enhanced trader compliance.

In this regard, Mr. Speaker, this piece of legislation must be seen in that context, in relation to the overall economy of Trinidad and Tobago in terms of revenue yields and what it would mean for—as I made the point—economic planning and data information and so on. Of course, advance cargo information is also of tremendous importance to the health and safety and well-being of the citizens of Trinidad and Tobago.

I make this statement in the context of—God forbid—if cargo is emanating out of China and so on—within recent times we have been hearing of deaths that are occurring in relation to the latest strain of the bird flu and its impact upon human beings in terms of the mortality rate and so on and it is always good to have that sense of advance information in relation to becoming proactive as it relates to security, public health and in relation to the importance to Trinidad and Tobago.

So, this particular piece of legislation must be seen in this wider context and I know that the Member for Point Fortin attempted to use her contribution to score some, what we would call, some very cheap political points this evening by not

really focusing on the importance and the relevance of the Bill and how it would impact from a positive point of view on the continued economic growth of Trinidad and Tobago under this particular piece of legislation. But I think that as a society and as legislators in this House, we need to see the importance of it to Trinidad and Tobago.

As I wind up, as I come to an end in terms of my contribution here this evening, Mr. Speaker, the importance to Trinidad and Tobago is of paramount importance, from an economic point of view and also fulfilling our role and responsibility in the context of the global economic space and in the global village that we continue to exist in. We need to have an environment that promotes business competitiveness, responding, in particular, to the manufacturing and export sectors, in improving the logistics and the performance of our supply chain to reflect a better rank in business competitiveness.

Without this Bill, without the legal framework to mandate vessels and air carriers to declare their cargo and passenger manifest in advance, a major part of the targeted benefit of the customs border security programme and in terms of its effectiveness would be lost. Advance cargo and passenger notification will facilitate the performance, as I said, of Trinidad and Tobago's supply chain which is of critical importance to an open economy such as ours.

This information will enable customs to utilize the risk profiles—will allow customs to utilize the risk profiles of importers and exporters to automate the cargo examination selection process. I want to reiterate and underscore that particular point: this information will allow customs to utilize the risk profile of importers and exporters to automate the cargo examination selection process. Clearance time also will be reduced as it relates to inspection bottlenecks where this is eliminated and supplemented by post-clearance audits.

So, if for some reason, the track record of an importer or exporter comes into question, it is red-flagged, the post, what we would call, clearance audits process can be utilized in the context of examining the risk profile of this particular importer or exporter. Of course, Mr. Speaker, the very fact that we are incorporating it within the legal framework continues to send a very strong message, a very strong message, that this Government is very serious about national security issues, the fight against crime and we are prepared to put very tough legislation into the statute books or the law books of Trinidad and Tobago. Because, I could recollect the Member for Diego Martin North/East indicating to the House this evening that he was confused about the stiff penalties and he was concerned about the stiff penalties.

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Mr. Speaker, if my memory could—I could recollect very clearly, when the securities industry Bill was being debated in this House, the said Member attacked, launched a verbal attack on the Minister of Finance and the Economy and said that that piece of legislation did not have, what he termed at that point in time, tough fines, and he called for tough fines to be put into the statute books of Trinidad and Tobago, so that offenders, white-collar offenders or offenders of white-collar and perpetrators of white-collar crime would feel the full brunt of the law. Today, it is a reverse position in terms of calling now for—and he is concerned about the stiff fines and penalties which would be imposed under this piece of legislation.

So, again, it reflects the political hypocrisy, the flip-flopping position of the PNM as it relates to progressive legislation which continues to be piloted by this particular Government.

**Miss Mc Donald:** Mr. Speaker, come! come! Mr. Speaker, 36 (5), “yuh imputing improper motives”. Come on!

**Mr. Sharma:** About who?

**Miss Mc Donald:** The PNM. [*Crosstalk*]

**Mr. Speaker:** Overruled, continue please.

**Hon. R. Indarsingh:** Thank you, Mr. Speaker. I was just showing the two sides or the two tongues of the PNM in terms of their position and their political hypocrisy, [*Desk thumping*] something that is very consistent since 1956 and it is a ploy, it is a tactic that you continue to use in painting a picture of prophet and doom and gloom and a picture of attempting to intimidate a sense of fear into the population of Trinidad and Tobago when this Government is simply concerned about improving the quality of life and standard of living and people-centred development in terms of the legislation which it brings to the Parliament of Trinidad and Tobago. I thank you, Mr. Speaker. [*Desk thumping*]

**Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann’s West*): Thank you, Mr. Speaker, for the opportunity to make a contribution to the Bill under review in this honourable House this afternoon, an Act to amend the Customs Act, Chap. 78:01, to enhance border control by providing for advance passenger and cargo information to be submitted electronically to the comptroller of customs and excise and for related matters.

Mr. Speaker, I am not going to belittle anyone or try to belittle anyone like the Member for Couva South did.

**Miss Mc Donald:** That is not our style.

**Mrs. P. Mc Intosh:** That is not my style.

**Miss Mc Donald:** Exactly. [*Crosstalk*]

**Mrs. P. Mc Intosh:** Mr. Speaker, I am going to say from the onset that the intent of this Bill is indeed a good one, and I am not going to particularly argue against the Bill, but what I am going to do is to make some observations and recommendations and, indeed, identify the areas with which we on this side have issue, as did my colleague from Diego Martin North/East.

Mr. Speaker, I feel that this is our responsibility as an Opposition—a responsible Opposition, to look at a Bill to say where it is good and to offer suggestions for improvement. But, you see, the Members opposite like to browbeat us and rush us into agreeing with Bills and voting with them despite the fact that we see areas, grey areas, that we would like clarified.

I would like to begin by giving a very brief history of the passage of this Act—[*Interruption*]

**Mr. Sharma:** Your former did that.

**Mrs. P. Mc Intosh:**—the Customs Act 1938. Over the years, especially between 1951 and 1976, the Act was amended. A Bill—the Customs (Amdt.) Bill, 2006 was brought to Parliament and it was intended to amend this Customs Act, 78:01, to improve the management provisions in the Customs Act by enhancing the operational effectiveness of the Customs and Excise Division.

The proposed amendments were intended to provide for increasing the existing penalties for violation of customs laws contained in the Act. It also sought to provide for trial on indictment for violation of such provisions. This Bill, Mr. Speaker, lapsed upon the dissolution of the Eighth Parliament on September 28, 2007.

Mr. Speaker, the Customs (Amdt.) Bill of 2011 was also intended to amend the Customs Act, Chap. 78:01, and purported to achieve the very same objectives as the Bill before this honourable House this evening. It is the exact objectives as I read—I identified in the Explanatory Note. So this is the very same Bill that was presented in the House in 2011 and lapsed.

Mr. Speaker, this Bill seeks to reform and modernize the operations of the Customs and Excise Division in an effort to align these operations to the current global demands. We have no problem with that. We need that. I understand what

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you were saying, Member for Couva South, we do need to upgrade and reform our Customs and Excise Division. This will help us increase our country's global competitiveness in the international arena.

Mr. Speaker, I heard the Member for Couva South mention statements made by Mr. Fitzroy John, comptroller of customs, and I am also going to quote from his statements. What the Member failed to say was that Mr. John was speaking in the wake of poor ratings in The Global Competitiveness Report 2012/2013. I sat here and I heard the Member for Chaguanas East and the Member for Couva South, particularly, talk about our increasing competitiveness globally.

**Mr. Sharma:** It is increasing!

**Mrs. P. Mc Intosh:** The report is saying—The Global Competitiveness Report is saying exactly the opposite. Mr. Speaker, I have it here with me. While last year we were slipping in this regard—while last year, we were at 81 out of 142 countries, this year, 2012/2013, we are at 84 out of 144 countries, so our competitiveness globally is slipping.

**6.00 p.m.**

I would have imagined they would have been truthful and they would have used that information to argue and debate why we need to increase the effectiveness and efficiency of our Customs and Excise Division. Instead, they spoke about that we are so competitive. If we are so competitive, we do not need any improvement. If we are improving, what improvement are we talking about? What I am saying is that our competitiveness, by The Global Competitiveness Index, shows—and I have a part of the document—that we are indeed slipping competitively and, therefore, I agree that we do need to improve how we do business, how goods and cargo are imported and exported and improve the expedition of business transactions from our ports.

Mr. Speaker, Mr. John said:

“Customs and Excise, a critical element in improving T&T's competitiveness, is working on modernising its processes,...”

—and that is good. That is good for him to say that because many countries are doing the same. He said:

“‘There would be no more handholding from Customs. The declarant has to compute and discharge liabilities for himself using the Customs border control systems to calculate tax liability.’...”



‘The old procedure has contributed to the delays in the document processing stage, which would drive up cost and affect our competitiveness.’”

He also said, before:

“‘If you filed a document with us, you do not get back an approval under three to five days.’ Sometimes as many “as seven days or, in some instances,” and sometimes the “documents” are “lost...because of share volume” and this will “contribute to the inefficiencies.’”

Of course, he spoke about the Automated System for Customs Data (ASYCUDA), the software platform that was being used to expedite matters and I am sure the business community would be very happy. I know that they have been clamouring for more effective customs and excise operations.

Mr. Speaker, I have no problem with ASYCUDA. I have done my research on it. I know a bit about the system and it is indeed a highly regarded computerized customs management system which covers most foreign trade procedures. The system handles manifest and customs declarations, accounting procedures, transit and suspense procedures.

The ASYCUDA software was developed in Geneva by the United Nations Conference on Trade and Development and can be configured—which is important to me—to suit national characteristics of individual customs regimes, national tariff and legislation. That means it could be customized or tailored to suit our needs in Trinidad and Tobago and this is very important to me because you might be importing the use of a system that cannot really work for us, but the ASYCUDA system can do the job. I have confidence in it. So I am glad that system is being used.

Mr. Speaker, Mr. John, however, lamented the fact that—or he mentioned:

“‘Apart from the Customs Amendment Bill,...the Data Protection Act 2011 and Electronic Transactions Act 2011 are the two important legislations for main reform in the system.’”

We are doing things piecemeal here. We are talking about amending the Customs Act to improve operations and we are talking about computerization and the injection of technology in customs operations; all that is good. But how is that going to work in tandem with the Data Protection Act, 2011 and the Electronic Transactions Act, 2011? Both these Bills were passed in this honourable House. We debated them. I was present here in 2011 and they were proclaimed in 2012.

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As to what aspects or areas of these Acts are enforced, that is another matter and Mr. John did comment on that.

“John explained that only some sections under the Data Protection Act have been triggered. ‘The parts of it that is now up and running is the provision that would allow for the employment of a data commissioner and all his staff to regulate the exchange of data across the electronic platforms in this country.’”

That is very important; that you have the required staff to do that. But it is not really functional and it is part and parcel of what is needed to effect efficient operations on the port, in the customs.

So that when we are talking about computerization of the operations of customs and excise, a data-driven operation, and we are talking of the use of IT systems like ASYCUDA to manage the sensitive data that could be used as evidence in judicial proceedings, when we are talking about data tampering—because we have to talk about that because data tampering is a downside of technology that the world has to deal with. What we are saying here is that the Data Protection Act is not ready. It is not yet fully enforced. So, you see, we could stand here and we could talk and we could talk and in reality, we could paint a very pretty picture, but in reality, things are not how they are supposed to be.

Mr. Speaker, the main strategies outlined in the Bill to achieve its objectives are increased penalties and punitive measures for persons found in breach of existing laws, the introduction of new offences for criminal activity which are otherwise not addressed by existing laws, the introduction of new technology to enhance efficiency, creation of a legislative framework for the use of the said technology, admission of data as evidence in judicial proceedings, the establishment of new administrative policies and procedural standards and criteria for operations within customs. I do not have a problem with all these, very lofty objectives. But how are we going to—as strategies to achieve the objectives; the objectives are very lofty ones—implement the strategies? We have them there. It is the implementation I am having a problem with.

**Miss Mc Donald:** He missed the synergy with the data protection.

**Mrs. P. Mc Intosh:** Mr. Speaker, I agree that an efficient and effective customs administration is essential to the welfare of any country. It benefits the national economy by the collection of revenue and it assists the Government in implementing national and international policy and protects the country by combating fraud and illegal trafficking of prohibited and restricted goods.

The point is customs administrations in many countries, not only in Trinidad and Tobago, fall short of being efficient and effective in the implementation of their strategies to achieve these goals. As I said, I am not arguing against this Bill. It has a lot of grey areas, a lot of nuances that do not meet with the approval of the Members on this side and therein lies the problem, not the intent of the Bill.

My research showed that the Nigeria Customs Service, 2012 is seeking to repeal the Customs and Excise Management Act to establish the Nigeria Customs Service to reform the administration and management of customs and excise in Nigeria and that Bill also contains provisions to support the use of modern information technology such as the use of electronic document signatures and electronic payments as well as application of risk management and a host of other IT-related issues that are applicable to modern customs.

Mr. Speaker, the Bill is necessary to improve and modernize and reform our customs and excise operations. Not only in Nigeria, but all the countries in the world are heading in this direction. So, we need to seek this improvement to meet the demands of the current global reality. We have to follow suit if we want to be competitive, but we are not competitive. We are slipping.

The Members on the other side must bring the truth. Very often, I find I stand here or I sit here and I listen to Members speaking and sometimes what they are saying is not the reality, is not the reality, and we need the reality. How can we go forward and work on any Bill with you all if we do not have the reality?

Mr. Speaker, we would like to support this Bill if the issues which we are pointing out and which my colleague, the Member for Diego Martin North/East identified, if they are addressed. Because it is an important reform with implications for trade, for the economy and most importantly for border control and security of our borders and national security and this Bill ought not to be taken lightly. The hon. Minister of Finance and the Economy said it is a simple Bill. It might be simple in its extent but it is not simple in its intent. [*Desk thumping*] It is not simple in its intent. [*Desk thumping*]

**Mr. Sharma:** “Who write that fuh yuh? Marlene?”

**Miss Mc Donald:** Hello!

**Mrs. P. Mc Intosh:** Mr. Speaker—[*Interruption*]

**Mr. Speaker:** Please.

**Mrs. P. Mc Intosh:**—I would like to bring my own personal concerns. Having read the Bill, I would like to bring to this honourable House my own personal concerns. The comptroller is responsible for overseeing the operations of

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the Customs Border Control System (CBCS). This is all the computerized system. He is responsible for receiving all cargo information, forfeiture of goods not reported, refusing to grant clearance of a ship or aircraft until the necessary information is provided, approving and refusing applications for registration as users of the CBCS, registering of persons as users of the CBCS, granting of identifiers to registered users. He has a very onerous task.

I would like to refer to the Bill and I am concerned when I see—and I would like to quote clause 5, section 75(2):

“Goods not duly reported to the Comptroller under section 72 are liable to forfeiture, unless the failure or omission is explained by the master, his agent or the cargo reporter, to the satisfaction of the Comptroller.”

When I look at clause 6, section 79, I see again:

“...a penalty of one hundred thousand dollars and any goods in respect of which the offence has been committed on board the aircraft or ship are liable to forfeiture, unless the act, inaccuracy or omission, as the case may be, is explained to the satisfaction of the Comptroller.”

Mr. Speaker, these words disturb me because I have to ask: what safeguards would be put in place to ensure that these processes, that the judgment given out is fair and transparent; the process of making these judgments is fair and transparent, that there is no collusion or subterfuge or interference, especially political interference, because this Government is known for their political interference—[*Desk thumping*]*—*that everything is conducted above board?

Mr. Speaker, may I suggest that a committee is provided to assist the commissioner to provide some sort of check and balance? I would like to know if, or if not, would all these decisions be left entirely to the discretion of the comptroller? That has me a little worried because there is a lot of corruption—throughout the world—when you speak about customs and excise and I feel we need more oversight than giving one man unfettered discretion in making judgments that could be influenced, and therein I have a problem in this area.

**6.15 p.m.**

Mr. Speaker, the Member for Diego Martin North/East spoke about the severity of the penalties, and I myself have a problem when I look at how severe, especially the one he spoke about, it was increased from \$4,000 to \$600,000. That is an increase of almost 14,999 per cent, almost 15,000 per cent. I do not know when last I have seen an increase of 15,000 per cent; that is what it works out to.

**Mr. Sharma:** Blame PNM!

**Mrs. P. Mc Intosh:** Mr. Speaker, I want to ask about the—well, the hon. Minister gave us an explanation which I did not find very plausible, but I would like to ask or question the practicality of such astronomical increases as purported in this Bill, especially with respect to small businesses—oh, big businesses might be able to pay that, but small businesses might find themselves very much exposed in terms of this increased liability, and they will have to—their risk profile will be terribly increased, and they will have to seek the assistance of their professional indemnity and business insurances to ensure that they receive proper coverage because now their exposure will be much greater. Whether they are going to default or not, that is not the point, but the exposure will be much greater.

I am wondering if they can withstand the increased premiums that they will have to pay to insurers, Mr. Speaker. When they have to pay these increased premiums, this cost is necessarily going to be passed on to the consumer and the clients. It is the taxpayers who will have to bear the brunt of these astronomical increases in the very final analysis.

**Mr. Sharma:** “In everything dat happens.”

**Mrs. P. Mc Intosh:** I do not know that this will push prices up. It will cause inflation to rise and I do not know that this would be good for our economy. It will affect small businesses; some of them might have to shut down, those who cannot afford to pay for, you know, the increased coverage, and they might have to shut down.

**Mr. Sharma:** Oh, oh!

**Mrs. P. Mc Intosh:** We have to look at all avenues. I find those increases are a little too high. Mr. Speaker—

**Mr. Sharma:** Yes.

**Mrs. P. Mc Intosh:**—this discourse or debate, however, must necessarily embrace broader issues of border control. We mentioned border control in the explanatory note, the explanation, the title, the Bill refers to border control, but really I do not know how we could discuss border control and not discuss it in a holistic manner. We are talking about border control through ports, airports [*Interruption*] and harbours, et cetera, right, sea ports, but these amount to 1 per cent of our borders in our entire country. We have the rest of the country exposed and it is a question of national security.

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I would like to address this issue of border control on a very comprehensive basis by proffering to this honourable House an analysis between the local reality and what occurs in the developed world. I should like to first look at the US approach to the whole issue of border control and border security. I visited the website of the US Customs and Border Protection: [www.cbp.gov/xp/cgov/about/us](http://www.cbp.gov/xp/cgov/about/us).

Mr. Speaker, US Customs and Border Protection (CBP) is a federal law enforcement agency of the United States Department of Homeland Security, charged with regulating and facilitating international trade. This is what we are talking about here, international trade, collecting import duties and enforcing US regulations including trade, customs and immigration. CBP is the largest law enforcement agency in the United States. Mr. Speaker, do you see where they have put customs?

**Mr. Sharma:** No.

**Mrs. P. Mc Intosh:** Customs is in the Department of Homeland Security. We have our customs in the department of finance. I will go on to show what happens in various countries. CBP, this is the Customs and Border Protection became an official agency of the United States Department of Homeland Security in March 2003, combining employees from the Animal and Plant Health Inspection Service, especially the plant protection quarantine inspectors, incorporating the United States Immigration and Naturalization Service, particularly the immigration inspectors of the United States, border patrol, and the United States customs services. They took the customs services, Mr. Speaker, and they put it into national security—their Homeland Security is equivalent to our national security—because of the need to ensure greater security.

**Hon. Member:** That is what they decided to do.

**Mrs. P. Mc Intosh:** These CBP officers, they defend the country against drug trafficking, human trafficking, child pornography, the movement of people, weapon trafficking and money laundering. They prevent illegal entry of individuals and the smuggling of prohibited goods and other customs and immigration violations, yes, this is what they decided to do. I am showing what is done in other areas. So rather than sit there, Member for Chaguanas East, and comment negatively, this is what they decided to do. We are looking at what the world is doing—

**Hon. Member:** “Dats right.”

**Mrs. P. Mc Intosh:**—and I think it is a wonderful thing to be able to look at best practice—

**Hon. Member:** Exactly.

**Mrs. P. Mc Intosh:**—from developed countries and to take something from it, [*Desk thumping*] but to sit there and say that is what they are doing. You know, that is why, Member, we are always many years behind—

**Mrs. Gopee-Scoon:** Behind!

**Mrs. P. Mc Intosh:**—many, many years behind.

**Mr. Sharma:** “Talk to yuh self. Talk to yuh self.”

**Mrs. P. Mc Intosh:** I would like to look—[*Interruption*]—because of you, you see what you just said, “yuh” hear your statement?

**Mr. Sharma:** He is correct.

**Mrs. P. Mc Intosh:** Australia, the same thing happened. I looked at the official Australian Government website: [www.customs.gov.au](http://www.customs.gov.au), and the Australian Customs and Border Protection Service is the Australian federal government agency, again, under a federal government agency responsible for managing the security and integrity of the Australian border. It facilitates the movement of legitimate international travellers and goods—people and goods—whilst protecting the safety, security and commercial interests of Australia. The Minister responsible for this is the Minister of Home Affairs and the Home Affairs portfolio is part of the Attorney General’s Department.

**Mr. Sharma:** “Go to de Bill.”

**Mrs. P. Mc Intosh:** Mr. Speaker, we are seeing that in these developed countries, they are putting customs in law enforcement departments and in national security departments.

**Mr. Sharma:** Right. “Yuh say dat ah ready.”

**Mrs. P. Mc Intosh:** Canada Border Services Agency (CBSA) is also a federal law enforcement agency that is responsible for border enforcement, immigration enforcement and customs services.

**Mr. Sharma:** “Oh God, yuh geh dat”—[*Inaudible*]

**Mrs. P. Mc Intosh:** The Canada Customs and Revenue Agency was dismantled, Mr. Speaker. They got rid of it and the Canada Border Services

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Agency was instituted in December 2003, amalgamating Canada customs with border and enforcement personnel from the Department of Citizenship and Immigration and Canadian Food Inspection. Developed countries seem to be very, very careful about what is coming into their country in terms of people, in terms of cargo, in terms of agricultural produce; they are very concerned about what is coming into their country, and they have taken steps to do this.

Now, let us compare the local reality. Mr. Speaker, you know what troubles me—I am not taking them on, but you know what troubles me with Members opposite? I started off, I agreed, I said the intent of the Bill was good. I agreed with many parts. I agreed that we need to improve the services, but when I begin to show a different slant, which is our job—we were not put here to just sit and say: “Yes, Sir. No, Sir, three bags full, Sir.” [*Crosstalk*] We are showing, to help them to improve the legislation because I have sat here and I have been part and parcel of the passage of the most terrible legislation in this country, which will do this country very, very bad. [*Desk thumping*] We have had to sit here and be bullied into voting with them—

**Mr. Sharma:** Nonsense!

**Mrs. P. Mc Intosh:**—and if we do not vote with them, they say we are against them. [*Crosstalk*]

**Mr. Speaker:** Member for Port of Spain North/St. Ann’s West, could you take your seat. I do not think the language—I think you are more capable of elegant language. I do not think “bully” or “bullied” is an expression that I would like to encourage Members to use. I know it was used earlier, but I think I will have to rule that that is not permissible in this honourable House, and we cannot accuse Members on either side of that kind of behaviour, please. So refrain from using that word in the future, please.

**Hon. Member:** Very good.

**Mrs. P. Mc Intosh:** Yes, Mr. Speaker, I thank you for your guidance and I will replace it by “coerced”. We were “coerced” into voting for Bills which were very well not good law.

**Hon Member:** Coerced! Coerced!

**Mrs. P. Mc Intosh:** I would like to compare the local reality to what is happening in the outer world. In the USA, customs and border protection is under the jurisdiction of the Department of Homeland Security and it is equivalent to our national security Ministry. In Australia, customs and border control protection



falls under the jurisdiction of the office of the Attorney General. In Canada it is the federal law enforcement agency that has jurisdiction over border control protection.

Mr. Speaker, in developed countries, customs and border control protection is a function of national security and federal law enforcement departments. In Trinidad and Tobago, the Customs and Excise Division is a division of the Ministry or comes under the jurisdiction of the Ministry of Finance and the Economy.

I know that some will argue that because of the collection of a large bit of revenue in respect of import and export taxes, this is where finance comes in, but we have to look at the growing need to pay attention to border control in the larger context of national security. We have to, the world is doing it, and we are lapsing. You see, this is a sort of pre-9/11 attitude because we have to realize that 9/11 could happen here too.

**Hon. Member:** That is right.

**Mrs. P. Mc Intosh:** Anything could happen anywhere, and we have to be very aware.

**Hon. Member:** “PNM blight!”

**Mrs. P. Mc Intosh:** So, Mr. Speaker—

**Mr. Sharma:** “Yuh run out ah tings to say.”

**Mrs. P. Mc Intosh:**—when you look at the customs and exercise division website which I visited—

**Mr. Cadiz:** Excise. Excise.

**Mrs. P. Mc Intosh:**—excise, sorry, excise website which I visited in preparation for this debate—

**Mr. Sharma:** Which website?

**Mrs. P. Mc Intosh:**—[www.customs.gov.tt/about-us](http://www.customs.gov.tt/about-us)—

**Hon. Member:** “Yuh cyar read everything yuh know.”

**Mrs. P. Mc Intosh:** Mr. Speaker—

**Mr. Speaker:** Members, could you allow the hon. Member for Port of Spain North/St. Ann’s West to speak in silence. I am being disturbed myself, so I appeal to Members. I do not want to point out any Member, but you know who you are.

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Please, allow the Member to speak in silence. I am interested in hearing the hon. Member. Continue, hon. Member.

**Mrs. P. Mc Intosh:** Thank you, Mr. Speaker. When I visited the Customs and Excise Division website and I look at the role, I see that there is an emphasis on the collection of revenue and protection of revenue—not that they should not be interested or given to doing this, but revenue collection, the correct application of trade policy, very important. Then we come to the protection of our physical borders, society and the environment. Then we go back to the collection and dissemination of accurate trade-related information and statistics, but national security takes just one small part.

**6.30 p.m.**

I would like to know, what does this really mean for the people of Trinidad and Tobago? Mr. Speaker, as I said before, we are dealing particularly here with what comes in and out of our ports—our seaports and airports—and I do not know how one could just sit and debate, in this very restricted manner, seaports and airports, because we are concerned—we are expressing concern—about illegal goods being brought in, about cargo being brought in.

**Mr. Speaker:** Member, I have allowed you a lot of space, right? You cannot import into discussions here matters that you believe are relevant. You have gone Australia, Canada and, I think, some other country. I have allowed that; now, you are saying that you do not believe that we should confine ourselves to what is before this honourable House, we should expand the debate. That might be your view, which I respect, but I want to respectfully submit to you that we are dealing with the provisions in the Bill that is before us and we should confine ourselves to that.

This is not about any other arm of security. It is about customs in terms of information gathering, passenger, cargo; so could you kindly try to confine your contribution as far as possible to what is in the Bill. That is what I am concerned about. Thank you very much.

**Mrs. P. Mc Intosh:** Thank you very much, Mr. Speaker. Certainly, I will take your guidance, Mr. Speaker, and you will guide me further as I go along and I shall take your guidance as you do so.

Mr. Speaker, I would like to speak about goods entering our ports. Am I allowed to speak about that, Mr. Speaker?

**Mr. Speaker:** Yes, yes you can do so.

**Mrs. P. Mc Intosh:** Oh thank you! About goods entering our ports, Mr. Speaker, since this Government took office in May 2010, we have had situations of goods entering into our ports carrying illegal drugs and up to now no one has been apprehended—into the same ports; the same ports we are talking about.

In September 2011, we had ganja worth \$18 million found in a container on the port. On September 16, 2011, we had ganja among frozen chickens at Point Lisas. Those are goods, Mr. Speaker, coming into the port. Then way back in September 2010, we had Chaguaramas, that is another port, Mr. Speaker, being named in a \$830 million drug bust off Spain.

Mr. Speaker, I am going to particularly—I am not going to read all the reports—

**Hon. Member:** Thank God!

**Mrs. P. Mc Intosh:** —but no, but they are relevant. They are very relevant; but I am going to read one in particular because it concerns the customs that we are speaking about here and it brings back to my point the holistic approach to customs and excise, Mr. Speaker, and the collaborative effort between the law enforcement and customs, which should be viewed holistically and brought under one body of national security. I am going to read this report. I will leave the other two because I would not like if you have to guide me again, Mr. Speaker.

So the second incident, which was \$18 million found in a container of ganja. I am taking this from the *Trinidad Express* on March 10, 2011:

“Police recovered over \$18 million worth of compressed marijuana concealed in a 40-foot shipping container at the port of Point Lisas on Wednesday.

And they are now trying to find the people responsible for bringing in the container and its contents.”

We are talking about this in this Bill, Mr. Speaker, bringing in goods.

“However, officers complained about a lack of co-operation from Customs and Excise officers at the port saying they were forced to wait close to five hours before the container was opened.

Police said the original seal on the container had been replaced with a Trinidad and Tobago Customs and Excise seal and they were told by Customs officers that the container had been tampered with.”

Mr. Speaker, the article goes on:

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“It was only after the intervention of Deputy Police Commissioners Stephen Williams and”—Deputy Commissioner—“Raymond Craig that senior Customs officers sent a team from the Customs Marine Interdiction Unit...to the port and the container was opened.

A total of ten large luggage bags were found containing 118 packets of the illegal drug, which weighed close to 300 kilogrammes.

The original seal of the container was found in a black plastic bag tied to one of the bags containing the drugs, police said.

Police said the container arrived at the port of Port of Spain on March 1, on board cargo ship...which came from Jamaica. The container was then transferred to the Point Lisas port on March 4.

Officers said they have not been furnished—even though they made repeated requests to Customs officers—with any documentation regarding the importer. Apart from the marijuana, the shipment consisted of power washers and hoses.”

Mr. Speaker, I am not going to read the other two. One was about the marijuana with the chicken. Up to now, no one has been apprehended. It does not augur well for our country, and when we see Bills like this being brought to the House and being debated, hotly debated, and, you know, we are being restricted, especially, Mr. Speaker, you know we—

**Mr. Speaker:** Please! Could you take your seat! You are treading on very dangerous grounds. You cannot say that you are being restricted because you are implying, that you are being restricted. By whom? I do not think it is Members, so you are reflecting on the Chair. I want to warn you, if you want to discontinue your speech immediately, withdraw that statement and apologize to this House! Please!

**Mrs. P. Mc Intosh:** But, Mr. Speaker, I did not—

**Mr. Speaker:** I said withdraw the statement. Take your seat, please! Take your seat! Withdraw your statement! You could not be implying that any Member of this House is trying to restrict you. I am here to protect you. So the only implication I can draw from that is that you are reflecting on the Chair and I am saying that is dangerous. So I am asking you to withdraw that statement and do not go there and do not qualify it. Just withdraw and let us go!

**Mrs. P. Mc Intosh:** I withdraw the statement, Mr. Speaker.

The Bill confines us, Mr. Speaker—the Bill, the intent of the Bill, the wording

of the title—restricts us. Mr. Speaker, I do have to take some time to swallow—to swallow—and to think of the pupils that I taught and whom I lectured on justice and injustice. The confines of the Bill restrict us, Mr. Speaker. No one spoke about any other restriction but the confines of the Bill. Injustice I do not welcome. [Laughter]

Mr. Speaker, unless we are willing—[Desk thumping]

**Miss Cox:** [Inaudible]

**Mrs. P. Mc Intosh:** No, no, no. Unless we are willing to regard customs and border security from a holistic and comprehensive approach, we will simply be guilty of only show and tell, lip service and smoke and mirrors—exactly what we are doing here. [Desk thumping]

Mr. Speaker, as we approach this whole issue of constitutional reform, we have a real opportunity—

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

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [Miss M. Mc Donald]

*Question put and agreed to.*

**Mrs. P. McIntosh:** Yes, Mr. Speaker, I was about to wind up. Mr. Speaker, I will repeat again: until and unless we are willing to regard customs and border security from a holistic and comprehensive standpoint, we will be guilty of simply show and tell, lip service and smoke and mirrors.

Mr. Speaker, as we approach the whole issue of constitutional reform, we have a real opportunity and a serious responsibility to consider and envision the future role, the critical role of customs and excise in our country, especially in its broader context of national security and crime prevention. Mr. Speaker, I thank you. [Desk thumping]

**Miss Alicia Hospedales (Arouca North):** Mr. Speaker, I want to say thanks for the opportunity to contribute to this debate on a Bill to amend the Customs Act, Chap.78:01 to enhance border control by providing for advance passenger and cargo information to be submitted electronically to the comptroller of customs and excise and for related matters.

Mr. Speaker, I would just like to say I support and endorse everything that was said by my colleague, the Member for Port of Spain North/St. Ann's West and I would like to agree with her that there are parts of the Bill that are restrictive and in such instances you really need to stand up for the things that are just.

Mr. Speaker, I would just like to talk a little about what advance passenger information is all about and it really refers to specific information or details that are required prior to travelling and some of the following information that is needed: for instance, a passport number; the name of the country that would have issued the passport; the passport expiry date; the first and last names of the individual, according to how it is written on the passport; the gender; date of birth; and nationality. In some countries, they may ask for more specific information, but this is the basic information that is required when you are talking about advance passenger information.

Mr. Speaker, according to the Bill, the information must be provided prior to arrival in Trinidad and Tobago or departure from Trinidad and Tobago, and failing to comply with this instruction results in an offence and a fine of \$100,000. The new section 72 at clause 5 of the Bill, says:

“Subject to section 265, the master of every aircraft or ship, whether laden or in ballast, or his agent and every cargo reporter shall, prior to arrival in or departure from Trinidad and Tobago, provide to the Comptroller advance passenger and cargo information on the prescribed form or by means of a data message in the prescribed manner.”

And as I indicated, Mr. Speaker, there is a fine attached once the person fails to provide the information.

Mr. Speaker, additionally, advance cargo information really refers to the trader providing customs authority with information on goods in transit to be trans-shipped or to remain on board for other ports in Trinidad and Tobago. It also—in providing this information, what they have indicated is that it increases the level of accountability for all cargo that is discharged from the aircrafts or ships. And, again, the Bill indicates that failing to comply with the instruction to provide the advance cargo information or providing false information results in an offence, and a fine of \$600,000 is issued to the offender.

**6.45 p.m.**

Mr. Speaker, there has been a lot of discourse in the debate this evening with reference to the fines, and the fact that no rationale had been provided for the increase in the fines from a very small sum of money—in one instance from \$4,000 to \$600,000. So there had been, you know, no rationale provided with respect to these fines. We hope that in winding up the Minister of Finance and the Economy will provide a little more insight as to why the fines went from such a small sum of money to a large exorbitant sum of money.

Mr. Speaker, earlier on I sat here and I was listening to the Minister of Finance and the Economy talk about the various aspects of the Bill, but one thing I was really, really, taken aback on is the fact that he never told us that there were new sections. He did not tell us what those sections were about; why they were inserted into the Bill. He did not indicate that. Mr. Speaker, the proposed sections that he did not tell us about were sections 268 to 281, and these sections specifically deal with the Customs Border Control System as indicated previously, which can pose what experts call an IT risk with a business perspective, because of the probability of the customers' data being exposed due to the penetration of the electronic databases.

What the Minister of Finance and the Economy did not tell us is exactly how they plan to provide a secure electronic database system. So in winding up, I hope that he would be able to share some of his insight with us—exactly how the information, the data that is collected, will be secured and would not be penetrated. Mr. Speaker, the Minister needs to indicate whether this new convenience will eventually result in the compromise of data or the strengthening and security.

Mr. Speaker, the other thing that was noted was that in the new section 271 (3) (b) at clause 11 of the Bill, we are told that a person who applies to be registered as a user of the Customs Border Control System may be refused, but then there is no opportunity for the person to appeal. We are told that he applies and the comptroller would decide whether the application is received or rejected. In the case of the rejection, the comptroller will write to the individual indicating all the reasons why the application was rejected, but he or she is not provided with the opportunity for an appeal process, and that is something that the Minister probably needs to explain to us: why there is no appeal process for the rejection of applications.

The other thing I would like to talk about is with respect to something that was mentioned by my colleague earlier—my colleague for Point Fortin—where is the will of the Government to secure our borders? When we look at the research that has been done either by the US or other international organizations, many of them agree that the borders of Trinidad and Tobago are porous. What has happened is that it is even more exposed because of the dismantling of the security systems in Trinidad and Tobago. What has happened is that our borders have become so porous in that there is even more potential for illegal entry of people and goods.

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When we talk about the illegal entry of people, we look at the issue of advance passenger information in relation to the trafficking of people. There are some people who are stowaways on ships and they enter into our country and live among us, work among us and there is no one to track or to even determine that these individuals are illegal and are living among us and need to go back to their country of origin.

Mr. Speaker, the US Department of State in 2012 indicated that the Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking, and because of the failure of some vessels to provide accurate information with respect to advance passenger information, what we have found happening is that people are able to enter into the country unknown.

The US State Department expressed the concern that the Government did not prosecute any traffic offenders; the Government identified few victims of trafficking, and its procedures for the proactive identification of trafficking victims among vulnerable groups such as foreign women in prostitution, migrant workers, homeless children, et cetera were insufficient; and they felt that the Government needed to do some more work in those particular areas.

Mr. Speaker, even the previous Minister of National Security, John Sandy, indicated that there was a problem with the issue of human trafficking in Trinidad and Tobago. He said human trafficking in Trinidad and Tobago is alive; it is a reality. He indicated that the incidence of human trafficking here is really for the purpose of sexual and labour exploitation and domestic servitude. Mr. Speaker, this is an area that has to be dealt with and looked at critically by the customs and immigration departments.

The other thing, more recently, there was an article in the newspapers about a police officer who was held because he kept three—well, he was involved in human trafficking and he kept three Colombian women hostage. So we see it is happening not just—and, you know, it is happening all around us.

The other thing I want to talk about is the fact that in 2012 it is recorded that 750 Guyanese illegally, who were living here, were deported. The issue that I am raising here is that if proper systems are not in place for advance passenger information, we can end up having more and more persons living in the country illegally.

We already have a lot of them living here and we need to put systems in place to deal with that properly. If we continue to cause our borders to remain porous,



and we do not have proper systems in place for monitoring who comes in and who goes out, we will end up in a very, very, bad position where our resources are unable to meet the demand of the social, economic, educational needs of all these illegal immigrants that are coming in.

Mr. Speaker, the other thing I want to highlight is the fact that—I would not stay very long on this because it was mentioned—the issue of the illegal entry of goods and drugs. You know, the Member for Port of Spain North/St. Ann's West did highlight a number of the cases that I also have with respect to the issue in relation to drugs being detected on particular ships. So I would not go back and I would not highlight that again.

I want to talk a little about a man who was recently charged—no, in 2012 he was charged with the hiding of over US \$660,000. He failed to declare his money, and he was—you know, I have found it to be strange that this—well not so strange—but that this individual would be held to account for something that he did, and then we have a more senior person in our society who was not held to account for what he would have contributed to in terms of the bringing, or aiding in bringing, large sums of US dollars into the country, Mr. Speaker.

It is very important for us to—as indicated by the Member for Point Fortin, the Bill is necessary, but what we need to do is ensure that the areas—or the Government needs to go back and look at the areas that are in the Bill that are weak, strengthen it, return with it ensuring that we have a proper system for the advance passenger information as well as advance cargo information, and ensuring as well that the penalties or the fines attached to persons who fail to provide the information that those penalties are enforced.

What we will find happening is that, indeed, there will be a reduction in the number of persons who are coming into the country illegally or the number of vessels that have drugs being found on them, et cetera. So, Mr. Speaker, I do not want, you know, to keep you all too long. I just want to say thanks. [*Desk thumping*]

**Hon. Member:** Well said!

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Thank you, Mr. Speaker. I would also like to thank the other side for the very many valuable comments, suggestions and recommendations that were made during the course of the debate. I have to say that we have taken those comments very seriously, and we have spent quite a considerable amount of time during the

course of this debate revisiting some of the issues that have been raised with a view to identifying how we can make this Bill an even better Bill for the benefit of Trinidad and Tobago as a whole.

A number of issues have been raised. I think it is very important for us to, of course, locate the changes that have been made in the context of the fact that this is a much wider Bill, it is a much larger Bill and, in fact, there are other clauses within the larger Bill which capture some of the issues and concerns that may have been raised or that had been raised.

The comments which have been raised can be divided in two sections; two distinct parts: one being substantive issues and the other being operational issues. Substantive issues being those that go to the legislation itself and then there are some operational issues which have been raised: issues such as ensuring that there is proper training for the use of the system and to ensure that we eliminate all the teething problems quite early on in the implementation of the system.

There have been issues around the robustness of the system, the firewalls that we may have, and I want to certainly give the honourable House and, in fact, I know Members on the other side are fairly familiar with the system and are aware that there are very stringent controls within the system itself and very strong firewalls that have been built to ensure that the system, as far as one can humanly provide, is protected against things like hacking and other unauthorized attempts to get into the system.

UNCTAD, the United Nations Conference on Trade and Development—this is a system which UNCTAD has played a role in developing and ensuring that it is implemented, and they have played a part in assisting us in ensuring that the firewalls that we have in place are robust, and we do have ongoing systems to check for that.

Of course, I want to emphasize that there is no system that is absolutely foolproof. You have to continually work on it to ensure that it is able to achieve the objective you have which is to ensure its robustness, that it has strong built-in redundancy and is able to be available 24/7.

**7.00 p.m.**

Mr. Speaker, there were a number of other operational issues raised, for example, things like frequently asked questions, how do we roll this out to the public, to the nation as a whole as well as all of those who would be using the system. Certainly those are issues that will be addressed during the course of the implementation of the system, and as we move forward from here, I expect that

the issue of putting in place the necessary support infrastructure and mechanisms to ensure that the users can get answers to the questions they have and are able to easily use the system, that these things will be addressed.

There were some very positive comments and very helpful recommendations raised by the Member for Diego Martin North/East. We have used the opportunity to revisit some of the issues that have been raised by the hon. Member. There are some areas though where, of course, one has to give the comptroller some degree of flexibility, some level of discretion in implementing the system. If we try to close every single little loophole, the legislation will be so complex and so vast that it would be almost practically useless.

So there have been issues raised. Certainly the question of, for example, pirogues and fishermen who go outside of the territorial limits, how do we deal with those, and to some extent there is some level of discretion for the comptroller in dealing with some of these issues. Certainly we expect those issues to come up in the minority of cases, not the majority of cases. Most fishermen stay within the 12-mile limit that we have, and I expect therefore that we should not have any significant difficulty.

I expect that certainly the comptroller would not put someone in jail for 10 years because they did not declare “two carite” that they were supposed to bring in, and two salmon or whatever, that were on the boat, and it was not declared to the customs beforehand. [*Laughter*] I expect that the comptroller will exercise a level of discretion that one would expect. Certainly the courts are always there to hold—all of the administrative complex that we have in place for the management of the country is there to ensure that we act fairly and equitably in all the circumstances.

The issue of the yachts was also considered, and yes we understand that there will be certain instances where people need to come in. The Minister of Tourism, the hon. Member for Chaguanas East, was asking what happens if some of these yachts need to come in on an emergency basis. Certainly there are suitable arrangements made where there is a sick person on board; if there is a hurricane and people need to seek safe shelter in a short period of time, there are arrangements in place to ensure that they could radio ahead, and some of these issues can be managed and dealt with. The comptroller has arrangements in place for ensuring that these issues can be dealt with. So some of these operational issues we are in the process of addressing, and during the course of time I expect most of these issues will be dealt with by customs as we move along with the implementation of the system.

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There were some issues which were raised that certainly we thought that it was important for us to take on board. One of the points which the Member for Diego Martin North/East raised was the question of a receipt with the provision of advance passenger and cargo information. I want to say that we will make an amendment to that section of the Bill this evening to take account of the recommendation and the suggestion which was made by the hon. Member.

We have made a change to the drafting of the legislation. I have to admit, I was told that yes, you would have a receipt, but it did not occur to me at the time that the receipt is really what you had actually put into the system and you just print out a receipt of what you did. In fact, the real intention was to ensure that the main system, customs itself, verified and validated the information that you received. Therefore we are going to make an amendment to ensure that there is a return data message from the comptroller, which will verify and which will be the receipt which the provider of the information to the customs—that they have that in hand—so that is their evidence that they have in fact filed the correct information that they needed to file with the comptroller.

In clauses 8 and 9, a question was raised by the hon. Member concerning the imprisonment and the term of imprisonment. We have taken those on board, and after some further discussion we have decided to make appropriate amendments to address the particular issues which have been raised.

An issue has been raised in respect of the Data Protection Act and I have given that some consideration. In reading section 279, it says:

“Notwithstanding any written law, the Comptroller shall share the data set specified in the Ninth Schedule in respect of an entry made under section 268.”

On looking at that, it seems clear that having said “notwithstanding any...law”, it deals with the issue of the concerns raised regarding the Data Protection Act and the role of the data commissioner in providing information. This legislation being passed with a three-fifths majority, my advice is that this will take precedence over the issues raised in the Data Protection Act, therefore we see no reason to make any further adjustments to reflect that particular concern.

Mr. Speaker, as you can see, certainly where we are open to be persuaded where that is necessary, where that is logical and where it makes sense. It does show that we listen, and we have listened to the hon. Member. We have heard his comments; we have spent a lot of time reflecting on the comments which have been made. We have made changes where we feel those changes are necessary

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and we feel that those changes should be made. We certainly would like to thank the hon. Member for having made those comments, which helps to make the law, certainly better law, for the people of Trinidad and Tobago.

In general I have tried to deal with the comments which have been made. A number of other comments were made and perhaps these could be dealt with offline, but certainly the major issues which have been raised we have addressed them. With that, Mr. Speaker, I think we have done what needs to be done as far as this Bill is concerned, and I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 5 be amended as follows:

A. Renumber the new section 72 as section 72(1) and insert thereafter the following subsection:

“(2) Where the master of an aircraft or ship, or his agent, or a cargo reporter provides advanced passenger and cargo information under subsection (1) by means of a data message, the Comptroller shall ensure that a data message confirming the receipt of such information is automatically generated and transmitted to the master, agent or cargo reporter, as the case may be.”

B. In the new section 75, insert after the words “section 72” wherever they occur, the words “(1)”.

*Question put and agreed to.*

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

*Clauses 6 and 7 ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed:* That clause 8 stand part of the Bill.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 8 be amended as follows:

Delete the words “and to imprisonment for a term of ten years”.

*Question put and agreed to.*

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

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, I beg to move that clause 9 be amended as follows:

Delete the words “and to imprisonment for a term of ten years”.

*Question put and agreed to.*

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

**7.15 p.m.**

*Clauses 10 to 12 ordered to stand part of the Bill.*

*Preamble.*

*Question proposed:* That the Preamble be approved.

**Mrs. Persad-Bissessar SC:** Mr. Chairman, before we take the Preamble, may I kindly ask you to revisit clause 5.

**Mr. Chairman:** Clause 5, Members. All right. We will revisit clause 5, Members.

**Mrs. Persad-Bissessar SC:** Yes. Mr. Chairman—[*Interruption*]

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar SC:** We had caused clause 5 to be amended as circulated.

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar SC:** We now ask that clause 5 be amended as circulated as set out in the list of amendments at (A), but with respect to (B) that it should read “In the new section, section 73 and 75”. In other words, we need to insert in part (B) of—[*Interruption*]

**Mr. Chairman:** So instead of 75 it is 73?

**Mrs. Persad-Bissessar SC:** 73 and 75.

**Dr. Moonilal:** Both 73 and 75.

**Mr. Chairman:** 73 and 75. Okay. Insert after—and everything remains the same.

**Mrs. Persad-Bissessar SC:** Remains the same. Yes, Sir.

**Mr. Chairman:** All right. Just for safety—[*Interruption*]

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

**Mr. Chairman:**—we will just—I will put the question again. Right? The question is that clause 5, as amended—[*Interruption*]

*Question proposed.*

**Mrs. Persad-Bissessar SC:** Mr. Chairman, may I respectfully suggest—[*Interruption*]

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar SC:**—that the question we put be that clause 5—[*Interruption*]

**Mr. Chairman:** Uh-hmm.

**Mrs. Persad-Bissessar SC:**—be revisited, and when we approve it being revisited, then we seek—[*Interruption*]

**Mr. Chairman:** Okay.

**Mrs. Persad-Bissessar SC:**—the amendment.

**Mr. Chairman:** Members, let us put the question that clause 5 be revisited. Are Members in favour of clause 5 being revisited?

**Dr. Moonilal:** Yes.

*Clause 5 recommitted.*

*Question again proposed:* That clause 5 stand part of the Bill.

**Mr. Chairman:** All right. Further, we have an inclusion, an amendment rather, to clause 5 and to the amendment—[*Interruption*]

**Mrs. Persad-Bissessar SC:** Mr. Chairman, may I respectfully beg to move—[*Interruption*]

**Mr. Chairman:** Yes.

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**Mrs. Persad-Bissessar SC:**—that clause 5 as now revisited—[*Interruption*]

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar SC:**—read as set out in the list of amendments as at part (A), and further reads as in part (B)—[*Interruption*]

**Mr. Chairman:** Yes.

**Mrs. Persad-Bissessar SC:**—“In the new section, section 73 and 75”, insert after the words “section 72” wherever they occur the words, “(1)”.

**Mr. Chairman:** Right. So we are including, so it will read: “In the new section 73 and 75”—[*Interruption*]

**Mrs. Persad-Bissessar SC:** 75.

**Mr. Chairman:**—right.

**Mrs. Persad-Bissessar SC:** Uh-hmm.

**Mr. Chairman:** Insert after the words “section 72” wherever they occur” the words, “(1)”. Is that it?

**Dr. Moonilal:** Yes.

**Hon. Member:** That is right.

**Mrs. Persad-Bissessar SC:** I so beg to move, Mr. Chairman.

**Mr. Chairman:** The question is that clause 5 be amended as circulated and further amended.

*Question put and agreed to.*

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

**Mr. Chairman:** [*Discussions with Secretary*] No. We have the Preamble. Yes. Let us go.

*Preamble approved.*

**Mr. Chairman:** The Schedule is part of a clause. All right. So the Schedule is taken on board.

*Question put and agreed to:* That the Bill be reported to the House.

*House resumed.*



*Bill reported, with amendment.*

**Mr. Speaker:** This Bill requires a special majority. A division will be taken.

*Question put:* That the Bill be now read the third time.

The House divided: Ayes 26

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

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.

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.

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Ramdial, Hon R.

Alleyne-Toppin, Hon. V.

Seemungal, Hon. J.

Partap, Mr. C.

The following Members abstained:

Miss M. Mc Donald

Miss D. Cox

N. Hypolite

Mrs. P. Mc Intosh

C. Imbert

F. Jeffrey

Miss A. Hospedales

Mrs. P. Gopee-Scoon

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Housing, Land and Marine Affairs (Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, May 17, 2013 and to serve notice that on that day it is the intention of the Government to debate Bill No. 2 on the Order Paper “An Act to validate actions done pursuant to section 4 of the Sugar Industry Control Board (Repeal) Act, 1995”. Time permitting, we would also begin debate on Bills No. 6 and No. 7.

Mr. Speaker, could I further advise that it is the intention of the Government to convene on Monday, May 20, 2013, on which date a Motion filed, Motion No. 4, will—on that date the Motion qualifies for debate and on that very day it qualifies, the Parliament would meet to debate Motion No. 4 on the Order Paper.

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

**Dr. R. Moonilal:** At 1.30 p.m. Next week Friday 17, 1.30 p.m.; and on Monday 20, 1.30 p.m. Mr. Speaker, I beg to move.

**Mother's Day Greetings**

**Mr. Speaker:** Before putting the question for the adjournment, as we all know Sunday is Mother's Day, a very important and historic and auspicious day for the women of our nation. This is an appropriate time, and I will first of all call on the hon. Prime Minister to bring greetings to the tens of thousands of mothers in our great country. [*Desk thumping*]

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you very much, Mr. Speaker. Whilst we celebrate mothers on Sunday, I just want to pause for one moment to celebrate a father who, today despite being unwell, came to this honourable Chamber to pilot this Bill—the hon. Minister of Finance and the Economy. [*Desk thumping*] I want to thank him very much.

We celebrate also our daughters: today is the birthday of the Member for Couva North, MP Ramona Ramdial, [*Desk thumping*] [*Crosstalk*] who is also here on her birthday in service to the Government and people of our country.

Mr. Speaker, I thank you and welcome this opportunity to honour the immense contributions made by mothers everywhere, not only for nurturing and sustenance of their children and other young charges in their care, and they do this overtime sometimes, but we also want to thank them for the guidance, for the protection, for the unconditional love they possess and this has positively impacted the collective consciousness of our youth who in time will engender the qualities necessary to ensuring a positive, a productive, sustainable future for the citizens of this very blessed republic.

Sunday May 12 has been internationally accepted as a day in which most citizens observe the rituals that recognize and appreciate the great and almost supernatural attributes of that special person who is mother.

There is a Jewish proverb, Mr. Speaker, which says and I quote: "God could not be everywhere and therefore he made mothers. God could not be everywhere and therefore he made mothers."

There is another statement that could be very appropriate when we consider the attributes of mothers, and it says that "A mother's love is the fuel that enables a normal human being to do the impossible".

Mr. Speaker, we have only to ponder on our individual pasts to recall vividly the many wonders, sometimes even miracles, which might be credited to our mothers in any given situation. They seem to comprise supernatural powers of persuasion, wisdom, insight and skill, just as they display grace, beauty, truth and love with the same incredible intensity.

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[HON. K. PERSAD-BISSESSAR SC]

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**7.30 p.m.**

Mothers play the leading role in giving birth to other souls and then with loving hands and gentle hearts they mould and shape our future with tremendous understanding. We cannot quantify this all-encompassing contribution to nation building and development. Mr. Speaker, as a mother I know how challenging this role can be, especially in today's fast-paced environment where mothers are a vital part of the workplace and must combine family life with the demands of their job, it is no easy task.

So, Mr. Speaker, as a Government we continue to look at progressive ways to support women in the workplace so that family life is not threatened. And this was one of the considerations when we brought to this honourable Chamber, amendments to the Maternity Protection Act and Masters and Servants Ordinance through our hon. Minister of Labour and Small and Micro Enterprise Development, and when we did that in 2012, it was to increase the mandatory leave entitlement of 13 weeks to 14 weeks' leave. [*Desk thumping*]

Mr. Speaker, it may be ironic when we consider that in 1905, moved by the death of her own mother, that Anna Jarvis who never had children of her own and who herself died penniless in a sanitarium, she was the driving force before the first Mother's Day observances in 1908.

So, before the brunches, before the gifts, the greeting cards, the lunches, the short visits to the old folks homes, text messages across the miles, Mother's Day is also a time to mourn women, to remember fallen soldiers and to work for peace. So, this Mother's Day I say let us embrace the opportunity to show our genuine appreciation and gratitude to our mothers and other female exemplars with a kind gesture of love and recognition for their selfless devotion to our personal development.

One does not need a lot of money to do this, and so we can be creative in our efforts to show them how much we care and honour their contribution to our successes as conscious human beings and good citizens. Let us bless them with praises and good deeds for they are very special women. Most of all, Mr. Speaker, I know we should all cherish the times we experience and for those of us who have lost our mother, we will never forget those moments of time that we spent and cherished with them.

Today, on behalf of my Government and all the citizens of our twin island Republic of Trinidad and Tobago, I salute the mothers of the world, of our land,

and thank them all sincerely for being their best selves, for being there for us and for giving their life contributions and energy to the holistic development of our nation. And as I salute the mothers, Mr. Speaker, let us remember that without our fathers there will be no mothers and so we salute mothers and fathers on this very special day, Sunday, May 12, Mother's Day.

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

**Mr. Speaker:** The hon. Member for Port of Spain South.

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, I rise to place on record the Opposition's greetings to all mothers of Trinidad and Tobago on this occasion Mother's Day which will be celebrated on Sunday, May 12, 2013.

Mr. Speaker, as I look at Mother's Day, I look back and the earliest history of Mother's Day dates back to the ancient annual spring festival of the Greeks dedicated to maternal goddesses, and more recent times, recent history of Mother's Day dates back to the 1600s in the United Kingdom, and here there was Mothering Sunday, not a Mother's Day but Mothering Sunday, which was celebrated annually on the fourth Sunday of Lent to honour all mothers.

Today, Mr. Speaker, Mother's Day is celebrated worldwide, several countries, and even here in Trinidad and Tobago. Mother's Day for me means much more than giving flowers, holding lunches, giving gifts, chocolates, et cetera. It means saying thanks for everything that a mother has done for you, and I want to endorse what the hon. Prime Minister has said. And my grandmother had a saying, she used to say, "a mother's work is never done", but we only have one chance each year—I would say it—but some of us, to say thank you mother and that is on Mother's Day.

So, Mr. Speaker, we the Opposition join with the Government, and certainly we will join with you in wishing all mothers, whether you are a biological mother or not; I am not a biological mother, but I feel as if I mother a lot of people, so I want to—[*Interruption*]

**Hon. Member:** Not yet. Not yet. [*Laughter and desk thumping*]

**Miss M. Mc Donald:** So I want to grasp this opportunity to wish all mothers a peaceful and happy Mother's Day, knowing that you are the backbone and the strength of our nation. It is the mother who carries on this nation and I will say why—because it is the mother who is responsible for bringing the children into this world and, of course, with the help of some men. [*Laughter*]

Finally, may God richly bless you, all mothers, protect you and continue to guide you.

I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, the celebration of Mother's Day on Sunday, May 12, 2013 provides an especially important occasion to highlight the particular role that many women play in our society as mothers.

I have been told that the journey towards motherhood is one of the most rewarding experiences a woman can have. I believe that mothers, both within and outside of this honourable Parliament, would agree that although their role is at times faced with trials and struggles, it remains their most satisfying job. When I think of the word "mother", I think of words such as, "strength", "sacrifice", "patience" and most of all "love".

On Mother's Day we celebrate the extraordinary importance of mothers in our lives and we show our gratitude to the many women who care for us, guide us, protect us and shape our values and those of our great nation.

I, therefore, join with the hon. Prime Minister and the hon. Member for Port of Spain South to wish each and every mother throughout Trinidad and Tobago a happy Mother's Day.

Thank you. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.38 p.m.*