

Leave of Absence

Wednesday, September 14, 2016

HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2016

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, the hon. Stuart Young, MP, Member for Port of Spain North/St. Ann's West, has requested leave of absence for the period Tuesday, September 13, 2016 to Friday, September 16, 2016. The leave which the Member seeks is granted.

PAPERS LAID

1. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended June 30, 2016 [*The Minister of Finance (Hon. Colm Imbert)*]

To be referred to the Public Accounts Committee.

2. Errata to the Report of the Commission of Enquiry appointed to enquire into the entire process which led to the construction of the Las Alturas housing towers at Lady Young Gardens, Morvant. [*The Prime Minister (Hon. Dr. Keith Rowley)*]

**Las Alturas Towers
(Commission of Enquiry Errata)**

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, as you would be aware, there was a commission of enquiry which was initiated by statement of this House. That enquiry met and was concluded, a voluminous report was submitted to the President and immediately the President passed that report to me in my capacity as Prime Minister. Within hours I brought that report and laid it before the country in this House. The Commission of Enquiry set out to identify wrong doing on the part of clearly named individuals, and I had the opportunity to describe it at the very beginning as a witch-hunt.

The report was laid here and it made very clear that there was no criminal intent or content and no person could be so held, but the report also identified Noel Garcia as a person who should face civil liability. Mr. Garcia immediately objected because the evidence as contained in the report sought to ascribe to him a presence, an action and supervision for a time when he was not there.

So for a week this went on, and the next thing I knew I received correspondence from His Excellency The President, which indicated that he has passed on to me within hours an errata to the report which indicates that the commission's findings of liability against Mr. Garcia is not as it was in the findings I laid in this House, but as the commission has revised in this way.

I am still in shock, but I am doing my duty. The commission has changed—in fact, I am still confused as to what it is because the President indicates to me that the page that is being rectified is page 180A, but the actual statement of the commission speaks about page 178 paragraph four. But that paragraph reads, as I presented here in the House, with respect to Mr. Garcia—and this is what the commission is acknowledging is in the report. It reads:

Under his stewardship that buildings “H” and “I” were built in an area unsuitable for development and were earmarked to be demolished.

The commission is now seeking to change that to read as follows:

It was under his stewardship that building “H” and “I” were proposed to be built in an area unsuitable for development and were recommended for demolition.

Thank you, Madam Speaker.

PRIME MINISTER'S QUESTIONS

Chairman of UDeCOTT Noel Garcia (Retention of)

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. In the light of the findings of the Las Alturas Commission of Enquiry, would the Prime Minister indicate the basis for retaining Mr. Noel Garcia as Chairman of UDeCOTT?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, having appointed Noel Garcia as Chairman of UDeCOTT, I have seen nothing in any commission report that indicates that I should do otherwise. [*Desk thumping*]

Commission of Enquiry Recommendations (Government's Intention to Implement)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very, very much, Madam Speaker. Can the Prime Minister state whether the Government intends to implement the recommendations of the Report of the Commission of Enquiry appointed to enquire into the entire process which led to the construction of Las Alturas housing towers at Lady Young Gardens, Morvant?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this Government, true to its oath of office, will treat with all persons in all manner of things without fear or favour, malice or ill will. Insofar as there are any recommendations that can contribute to good governance, this country can rest assured that this Government will seek to implement any such recommendation.

The recommendations which this Government is pursuing is one that we had stood by from the very beginning, indicating that in this particular matter where nine buildings were built on a piece of land, seven of which have no problem and are occupied and two of which failed in 2012, a decision was taken that those two buildings, building H and building I could not house people and therefore were not built as fit for purpose, and were built under a contract design/build, where the contractor was liable to deliver buildings that were fit for purpose, that it was the duty of those in office from 2012 when a decision was made that the buildings had to be demolished, it was the duty of those in office to proceed to recover the taxpayers' money from the contractor which was liable.

The board appointed by this Government taking legal advice, got two sets of advice: first, whether they should proceed, whether it has already been statute barred. I understand that before we came into office that advice was given, that it was available to the Government to proceed after the contractor to collect that money. I am also advised that the Attorney General of the day told the HDC to hold your hand and do not proceed and to seek a second opinion. Both legal opinions indicated that the Government could move urgently to proceed. *[Interruption]*

Madam Speaker: Prime Minister, your two minutes have expired.

Dr. Moonilal: Madam Speaker, on a related matter, is the Prime Minister aware that the lands on Las Alturas on which those housing units were built, were sold to UDeCOTT for \$2 million and then resold to the HDC for \$30 million?

Hon. Dr. K. Rowley: Madam Speaker, this particular Member for Oropouche East seems to have permanent difficulty with land and valuation. I am in no position to engage him on that this afternoon, except to say that the value of a piece of land would change depending on any improvements that may have been done to the land. To the extent that I am not a valuer and I am not involved in that project, I have no more to say to him on that.

Dr. Moonilal: Thank you very much, Madam Speaker. Would the Prime Minister agree that whether Mr. Garcia was there when it was built or when it was being proposed under his tenure he still has liability?

Madam Speaker: I will not allow that. That is a matter of opinion.

**Mitsubishi Plant Project
(Renegotiated Terms and Conditions)**

Mr. Ganga Singh (*Chaguanas West*): Can the Prime Minister indicate when a statement would be made in the Parliament with regard to the renegotiated terms and conditions of the Mitsubishi plant project?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I thank the Member for the question, because I seem to recall that at an earlier time I did give this House the assurance that as soon as we have tied up all the loose ends a statement would be made. We are just about able to do that. I expect that the Parliament would prorogue in a few days' time, and I want to give the Member the assurance that very early in the new session, immediately after coming back after the prorogation, we will make a comprehensive statement on this matter.

**Sandals Project in Tobago
(State Concessions for)**

Mr. Barry Padarath (*Princes Town*): Madam Speaker, through you to the hon. Prime Minister: Could the Prime Minister indicate whether any state concessions are being considered for the Sandals project in Tobago as part of the negotiations, and if so, could he list these concessions?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Member for Princes Town is a little bit previous on this matter. We have said very publicly where we are in these discussions. The discussion with respect to the possible construction of a hotel in Tobago with the Sandals brand label is in its embryonic stage, and we are nowhere near the point of talking about negotiations and concessions. However, it is anticipated that concessions would be required and that negotiations will take place. I give you the assurance that the Government of Trinidad and Tobago will negotiate and protect the public interest as we proceed to attract investment of this nature.

**Merger of Security Agencies
(Details of)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. Could the Prime Minister advise whether a merger amongst the Strategic Services Agency (SSA), the National Operations Centre (NOC), the National Security Training Agency (NSTA) and the Security Intelligence Agency (SIA) has been completed and if so, what is the name of the new entity arising from the merger?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I would like to assist my colleagues, but it is very troubling and bothersome, because I think it was right in this very House that we had a lot of debate and toing and froing over the fact that this Government had indicated that all of these limbs and arms under the SSA Act were merged and brought together. And the siloing of the SIA and the NIA and all of those things, we brought them here and we have, in fact, infused these arms, the NOC and all of them under the SSA. So we brought a very extensive thing here which had all the various—there might have been about five or six pieces.

1.45 p.m.

And I seem to recall that the Members aggressively voted it down. It was passed by the Government's majority. So I do not know under what conditions—the Member—probably Rip Van Winkle has just woken up—and is asking me about something that he voted down in the House. There is nothing to answer. We said that the SSA is now the umbrella body which has within it all of these, and to do that we brought it here to the Parliament. So I would advise my colleague to pay attention in the Parliament and read the documents. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Thank you very much, Madam Speaker. Through you, hon. Prime Minister, would the hon. Prime Minister indicate why that very important piece of legislation has not yet been proclaimed, the SSA? [*Desk thumping*]

Hon. Dr. K. Rowley: So one Member does not know it has been done and the other one wants to know why it has not been proclaimed. Madam Speaker, any proclamation that is delayed is as a result of regulations being prepared and as soon we are ready by the undertaking given to the Parliament, the proclamation will be done. This Government is not a Government that will proclaim law before we are ready to create difficulties for the State. It was a previous Government that went ahead and proclaimed the Children Act in such a way as to create multi-million dollar liabilities for the State. And while they are in the Opposition, they who proclaimed the law early, before they were ready, are now in the court suing the State with the same law that they proclaimed before they were ready. This Government will do no such thing before we are ready. [*Desk thumping*]

Mr. Indarsingh: Thank you, Madam Speaker. Just to advise the Prime Minister that we are following what the Government is doing as it relates to— [*Interruption*]

Madam Speaker: Member, Member for Couva South, is it a question?

Mr. Indarsingh: What is the—could the Prime Minister advise this honourable House what are the manpower requirements of the SSA? What—additionally, how many officers have been redeployed from the NOC, the SIA and NSTA and in addition, is the Government adhering to the principle of good industrial relation practices in redeploying these officers or are they being bullied and fired by the Government of Trinidad and Tobago?

Madam Speaker: Member, I advise that you be guided by Standing Order 26(2), I would not allow that question. Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Supplemental question to the Prime Minister. Is the Prime Minister in a position to indicate which branch of the intelligence services requested intelligence gathering equipment to the tune of over \$121 million?

Madam Speaker: Member, I again will not allow that as a supplemental question. Member for Pointe-a-Pierre.

**On the Job Trainee (OJT)
(Increase in Stipends)**

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the Prime Minister: Having listed a 20 per cent increase of the On the Job Trainee (OJT) stipends across the board as an achievement of your administration within the past year, can the Prime Minister confirm whether the trainees have actually received this increased stipend as well as the date it took effect?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Government's intention to give an increase was listed back the budget debate in September of 2015, and we set about then to offer a 20 per cent increase. As a result of the budgetary constraints, we have not been able to exercise that as yet, but it is the Government's intention to have that as we had said then at an earlier time, September 1st was our expectation, and it appears as though that the increase will have to be \$35.5 million as it—\$35.3 million as against the \$62 million that we had anticipated driven largely as a result of extra difficulty in budgetary constraints.

Mr. Lee: Thank you, Madam Speaker, to the Prime Minister. Could you explain why it was listed as an achievement if it has not been put into effect? [*Desk thumping*]

Hon. Dr. K. Rowley: It was covered by good intention and a slight out of step between the budgetary constraints of finance and the good intentions with the Prime Minister's Office. Right?

**Persons Detained in Turkey
(Status of)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Could the Prime Minister provide to this House a status report on the nine citizens who have been detained in Turkey and exactly when are they expected to return?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the only status report that we can provide to the House at this stage is that we have had information from sources which are unofficial and official which indicate that nine persons using Trinidad and Tobago passports appear to be detained under the control of the Turkish authorities. And we have no information with respect to the circumstances of their detention or any intention of the Turks to release them and therefore, we are in no position to indicate when they will come back to Trinidad and Tobago, if in fact the holders of those Trinidad and Tobago passports are in fact bona fide Trinidad and Tobago nationals.

These matters of statements being made about what is happening in the war zones in and around Turkey which borders with Syria and Iraq are statements that require a lot of checking and double checking, and so far we are simply relying on information which has not been very forthcoming from the areas where we are being told that they are detained.

We do not have a Mission in Turkey. We have an honorary consul who has been doing yeoman service in seeking to get information, and we have talked to our colleagues in the international sphere who have more resources than we have, and they too are not very clear as to what the state—what the situation is. And we have not had any request for relief from within our borders with respect to these persons or any such persons who family members might know are in distress in Turkey. So it is a matter which we have to wait to see how it develops and we do not generate the information.

Mr. Charles: Would Prime Minister advise us to whether women or children are included in the nine and how will they be treated, legal and otherwise, upon their return?

Hon. Dr. K. Rowley: We have heard by the same route that one of the persons involved had a child and therefore, that situation plus any other would be governed by the existing Immigration Act of Trinidad and Tobago as to the rights of citizenship. A child born to a national of Trinidad and Tobago is a citizen of Trinidad and Tobago regardless of where that child has been born.

So therefore, if it turns out that there is a child born to a national in Turkey, Iraq or Syria, that child will have a right to citizenship to Trinidad and Tobago

and therefore, also can expect under our Constitution, the protection of Trinidad and Tobago. [*Desk thumping*]

**Honouring Paralympic Javelin Champion
(Akeem Stewart)**

Mr. Barry Padarath (*Princes Town*): Madam Speaker, through you to the hon. Prime Minister. Could the Prime Minister indicate whether the Government intends to honour Paralympic Javelin Champion Akeem Stewart, and if so, in what manner?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this country must, out of gratitude, acknowledge extraordinary efforts of any citizen, whether in the sporting field or otherwise, who have done well. We have had a tradition, particularly in recent times, of compensating in acknowledgment for good work done by our sportsmen and sportswomen on the sporting field.

Specifically to Akeem, we have not taken a decision yet. But what we have done at the level of the Ministry of Sport and Youth Affairs, we have agreed that it is not acceptable that every time we take part in a tournament abroad and things happen, whether it is bronze, silver, new record whatever, that we come back and have a national debate around “what we go get, what we go give him, is a house, is a car, is a piece of land”. We decided that it is not really appropriate to run the business like that.

So, the Ministry of Sport and Youth Affairs has been instructed to conduct the proper arrangements to put in place with the sporting bodies of this country—all of them—new arrangements which involve accountability for public moneys and also, a system for compensating participants who will know what compensation will come to them at the end of their activities at home and abroad. And therefore, we will eliminate the situation where every time somebody does something we have a national debate as to what we are going to give them for what they have achieved.

Very soon we will be in a position to indicate that, but in the meantime we are very grateful for the success that has been had and we all wish the young man well and the other athletes well and the Government will continue to support them, but we are not going to do it in any vaille-que-vaille, give this and give that and give the other. When we get to a point where we can properly put the policy before the sporting bodies, we will, but in the meantime we will find some way in the intervening period to pay appropriate acknowledgment to Akeem’s exploits on the field. [*Desk thumping*]

Mr. Padarath: Madam Speaker, through you to the hon. Prime Minister. Prime Minister, I appreciate your comments, but the honour does not have to be a financial one and therefore, I am asking whether in light of what you have indicated and looking at other alternatives, what sort of timeline can we expect Government to make some sort of announcement.

Hon. Dr. K. Rowley: I would not give you a date, but I am sure that the timeline would be appropriate. [*Desk thumping*]

**Inter-American Development Bank (IDB)
(Financing of Any New Highway Project)**

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you, Madam Speaker. Could the hon. Prime Minister state whether the Inter-American Development Bank (IDB) has agreed to the financing of any new highway project as proposed by the Government, including the highway to Toco, and if so what is the sum of money they, that is the bank, are prepared to finance?

Hon. Dr. K. Rowley: Madam Speaker, I very glad to see that my colleagues on the other side are cognizant of the IDB and the role that they can play in financing road projects. [*Laughter*] We have indicated that we have raised with the IAB the intention to approach the IDB for funding for that particular project of the highway from Valencia to Toco.

We also said, only two nights ago or thereabout on Sunday night, that where we are at in the project that we have engaged a consultant who has just begun to deal with the route layout and the designs, and until that stage has been completed, we will be in no position to put before the IDB a project and therefore, there is no cost applied until the project has reached to that stage. So these questions are a little bit early.

However, I want to give the Member the assurance that now that we are all on the page that we can borrow from the IDB, I trust that when we approach the IDB to borrow for a project that is properly conceptualized and properly executed that we will get the support of our friends on the other side. [*Desk thumping*]

Dr. Rambachan: Madam Speaker, through you. The advertisement on the newspaper indicated that you are looking for a consultant for design and construction, that is what the ad said. Is that correct?—that you are looking for contractors for design and construction? Which means to say, has the IDB been involved in any way in that?

Hon. Dr. K. Rowley: I cannot speak to the advertisement because I am not familiar with it at this stage, but I know that there is no IDB involvement in the

project beyond what I have just said. The IDB was informed about our intention to proceed with this major piece of infrastructure and the IDB responded by saying, they would be willing to receive an application to assist us in carrying it out. I do not know of any other IDB involvement in this project at this stage.

Madam Speaker: Member for Tabaquite, are you foregoing question 10 in the light of that response?

Dr. Rambachan: Yes, Madam Speaker.

Cazabon Exhibition (Number of Visitors)

Mr. Barry Padarath (*Princes Town*): Madam Speaker, again through you to the hon. Prime Minister. Could the Prime Minister state how many visitors were received at the recently held week-long Cazabon Exhibition which was hosted under his patronage?

The Prime Minister (Hon. Dr. Keith Rowley): Approximately 2,000 persons have visited the exhibition [*Desk thumping*] and we expect that between now and—[*Crosstalk*]

Madam Speaker: Member for Couva South, please. Prime Minister.

Hon. Dr. K. Rowley: Yes, Madam Speaker, approximately 2,000 persons have visited and we expect that the number will increase because we expect a number of school children will visit. Arrangements are in place for schools, some schools have indicated that they will visit between now and the day when the exhibition comes down. And under my patronage, Madam Speaker, I am particularly pleased for this to have taken place under my patronage. [*Desk thumping*]

2.00 p.m.

Mr. Padarath: Madam Speaker, through you, to the Prime Minister. Prime Minister, in light of the embarrassingly low numbers revealed, could the Prime Minister say whether he continues to be satisfied that this purchase at this time enriches the lives of the majority of the citizens of this country?

Hon. Dr. K. Rowley: Madam Speaker, I did not coin the phrase of “casting pearls before swine”. But those Cazabons are pearls, and if 2,000 persons came to see them I do not see that as any low number. I think it is a higher number than ever; it was a higher number than ever came out to see the national treasures. [*Desk thumping*]

Madam Speaker: Member for Couva South.

**Ministry of Education New Offices
(Lack of Internet and Other Communication Facilities)**

Mr. Rudranath Indarsingh (*Couva South*): Given recent reports of staff dissatisfaction over the lack of Internet and other communication facilities at the Ministry of Education—[*Interruption*]

Dr. Rowley: Wait, wait, “why yuh eh back tuh sleep?” [*Laughter and crosstalk*]

Madam Speaker: Members! Members! We are at question 15. I called the Member for Couva South. So please proceed at question 15. We will return to questions 12, 13, 14. [*Desk thumping*]

Mr. Indarsingh: The Prime Minister will not bully me.

Hon. Member: Pay attention. [*Crosstalk*]

Madam Speaker: Members, could we have some order please? Please, proceed, Member for Couva South.

Mr. Indarsingh: Given recent reports of staff dissatisfaction over the lack of Internet and other communication facilities at the Ministry of Education's new offices, could the Prime Minister inform this House whether he was aware of the lack of these basic services when he formally opened these new offices?

The Prime Minister (Hon. Dr. Keith Rowley): Well, Madam Speaker, what I was aware of was that where they were, they were in grave danger of dying of leptospirosis, because the Minister of Education was overrun with rats and notwithstanding our best efforts, we could not control the population of rats. I am sure that any dissatisfaction expressed about any services in the new building pales into insignificance as compared to where they came from. And to the extent that there are facilities still to be put into the buildings, we are well ahead of where we were and I am sure that the staff is happier where they are today than where they were before. [*Desk thumping*]

Mr. Indarsingh: Madam Speaker, just on a point of clarification. Does the Ministry of Education's new offices—are the telephone and Internet and other telecommunication facilities functioning? That is all I am seeking.

Madam Speaker: Member, this is for questions and not statements. Therefore, Member for Couva North, I apologize. I now call you; question 12.

Red House Restoration
(Estimated Cost of this Project)

Miss Ramona Ramdial (*Couva North*): Could the Prime Minister state when will restoration works begin on the Red House and the estimated cost of this project?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this project which now falls under the direct supervision of the Office of the Prime Minister has been the subject of rigorous review and UDeCOTT having done the gestation works have issued packages of work for the commencement of the re-restoration of the Red House. The procurement process is ongoing for another 15 packages of work and work is scheduled to begin on October 1st and there is a work programme that has us completing this project sometime in 2018.

But I want to tell you, Madam Speaker, that when the Government came into office, this project was at its place of—on the verge of an award of a contract of \$600 million for this project. This Government did two things: one, we have removed from the project the construction of any brand-new companion building for the Parliament while we acknowledge that the Parliament needs more space than the Red House. And what we have done, we have moved the AG's office out of Cabildo Building and Cabildo Building is to become the companion building to the Parliament. What that would have done—*[Interruption]*—they are evicted into new buildings in the Government Campus. However, what that would do, it would prevent the requirement of any construction of a new building for the Parliament. What that has done, it has reduced—*[Interruption]*—Madam Speaker, why does my friend from Siparia not want to hear what I have to say?

Madam Speaker: Member for Siparia, I am sure if you wish to ask a supplemental you will be given the opportunity. Proceed Prime Minister.

Hon. Dr. K. Rowley: So, the contract price has moved from \$600 million to \$295 million. *[Desk thumping]*

Dr. Moonilal: Supplemental, Madam Speaker. Could the Prime Minister confirm that this project has been moved from the supervision of the Parliament to the Office of the Prime Minister? And could you further confirm whether or not UDeCOTT, under Mr. Noel Garcia, is now involved in this project as well?

Madam Speaker: I will allow the second part of the question.

Hon. Dr. K. Rowley: Yes, I can confirm that.

Dr. Khan: Madam Speaker, thank you very much. Hon. Prime Minister, could you indicate what will happen to the historical artefacts that have been found in the Red House? And what is going to happen to those artefacts that occurred?

Hon. Dr. K. Rowley: All matters of that nature have been properly taken care of by a collaboration between UDeCOTT and the Parliament and there is nothing being handled inappropriately. The first peoples are involved and that matter which had delayed the construction for quite some time, I am not aware that there is any further problem. Anything of value of that nature is being taken up in the scheme and schedule I just mentioned. The programme of work takes that into account.

**Police Officers, Fire Officers and Prison Officers
(Back Pay Owed)**

Miss Ramona Ramdial (Couva North): Could the Prime Minister inform this House as to when police officers, fire officers and prison officers will receive the remainder of the back pay legitimately owed to them?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, back pay owed to these officers as mentioned by my colleague, the Member for Couva North, was addressed on more than one occasion in this House as a liability owed by the Government of Trinidad and Tobago based on contractual arrangements for their pay increase. The Minister of Finance indicated, firstly, that there was no funding to pay approximately \$5 billion in liability.

However, the Minister of Finance in this House undertook and outside of the House to find the funding to pay. He reported back to this House that we were able to find funding to pay 50 per cent in fiscal 2016 and I can tell you now that the balance will be paid in fiscal 2017. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Hon. Prime Minister, are you aware that not all police officers have been paid that first 50 per cent?

Hon. Dr. K. Rowley: I am not aware of that.

Mrs. Persad-Bissessar SC: Through you, Madam, hon. Prime Minister, can you check with your Minister of Finance because I have spoken with police officers and the question is, when would you take steps to ensure those who have not been paid the first 50 per cent are in effect paid?

Hon. Dr. K. Rowley: Madam Speaker, the commitment of the Minister of Finance is that all persons to whom such moneys are owed will get their first

tranche at 50 per cent of liabilities. If there are persons who have not been paid there must be some reason. I do not know those persons and the reasons, but I am sure the Minister of Finance will take note and the Minister of National Security will take note because the commitment is to ensure that persons to whom these moneys are owed will receive 50 per cent of it going forward.

EXTENSION OF QUESTION TIME

Madam Speaker: Hon. Members, the question time has expired. Is it the wish of the House—there are two more questions left—is it the wish of the House that we continue until these two questions are exhausted?

Assent indicated.

PRIME MINISTER'S QUESTIONS

**Payment to Estates of Officers Killed in the Line of Duty
(Details of)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Could the Prime Minister confirm whether he received the draft Cabinet Note from the Leader of the Opposition on the immediate payment of \$1 million to the estates of firemen, soldiers and prison officers killed in the line of duty and could he inform this House as to what action he proposes to take on the draft and when will the families affected actually begin receiving the \$1 million promised?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I did agree to extend the question time because I thought it was predicated on that the question is making sense, because asking me about Cabinet Note from the Opposition Leader, “doh make no sense”. And secondly, the agreement to pay the money was stated in this House. The pathway to pay the money—we did indicate in this House that as was known by the previous Government, because this announcement to pay this money was made in 2014.

Hon. Member: 2012.

Hon. Dr. K. Rowley: Well, it is worse than I thought. The announcement was made publicly by a Prime Minister since God knows when. When we came in we agreed that it will be paid but we stated that there are certain difficulties. We did in fact take steps to overcome those difficulties by bringing in the people involved, getting consensus and there are a number of concerns and a number of laws that had to be taken into account. It was not just a question as was done in the beginning, make an announcement and do nothing. We gave the commitment to pay but we have done what we have to do to pay. We are at the stage now

where the Attorney General is in a position to make the necessary legislative amendments because there are a number of laws that this offer impacts upon, and the Cabinet has agreed that this be done.

However, the Cabinet has agreed in the intervening period that the million dollars would be paid to the estate of all persons who qualify under the policy which has now been established, dating back to 2013. And that is where we are at the moment. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Is the hon. Prime Minister aware that the Cabinet took that decision in or about September 2014 and thereafter it was announced in the budget statement of the then hon. Minister of Finance on September 8th? So it is part of the Cabinet decision.

Hon. Dr. K. Rowley: As my friend William Pierre would have said, what is the point? If it was done in 2014 to have been paid in 2015, it was not done then and I just told you the reason why it was not done then by you, is because the structure to pay it against the current laws was not attended to, we have just attended to it. We are at the stage now where the Attorney General could make the necessary amendments.

This Cabinet had agreed that we will make payments to estates even before the laws are passed in the House, prior to that. But the whole question as to who should be paid, who should not be paid, who should qualify and so on and so on. All of those matters have now been attended to by way of a policy, because what the previous Government did was to make an announcement, *vaille-que-vaille*, with no policy, without any attention to the laws and you are coming to tell me about 2014. [*Desk thumping*]

Mr. Charles: Given repeated promises on that side, an obfuscatory action on this important matter to date, would he tell the families when a date, when they will get the money. [*Desk thumping*]

Madam Speaker: Would who tell?

Mr. Charles: Hon. Prime Minister.

Madam Speaker: Thank you.

Mr. Charles: Yes, hon. Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I am sure that the families are listening. I just spoke in English. For the first time the Government of Trinidad and Tobago is anywhere near paying these people the long-awaited money. [*Desk thumping*]

Mr. Charles: Can the hon. Prime Minister please give the date, give some time frame so they could have comfort, these aggrieved families. [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, the population of the Trinidad and Tobago hearing this Government, giving this commitment, saying that we have done the work, we are about to pay moneys into the accounts of the estates of the various persons. They take comfort in a PNM Government statement. [*Desk thumping*]

La Brea Oil Spill (Measures Implemented and Compensation)

Dr. Lackram Bodoë (*Fyzabad*): Through you, Madam Speaker, to the hon. Prime Minister. In light of reports that oil has again washed ashore on the coastline of La Brea, could the Prime Minister inform this House what measures are being implemented to address this oil spill and compensate residents for any damages suffered consequently?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, there are standing arrangements in place to treat with oil spills. Those arrangements are in fact still in place. The Ministry of Energy and Energy Industries and Petrotrin have investigated this matter and I am not in a position to state at this time that identification of the source of any separate oil spill had been made.

However, in the event that the identification is done and compensation is due, then the process will take its course. In the meantime, the Government has taken steps to provide assistance to persons who are harmed by these physical arrangements because compensation only arises after liabilities have been determined. And therefore, Petrotrin and the Ministry's work are very vital in determining what goes on there, what has gone on there and what is to happen with respect to compensation.

2.15 p.m.

Mrs. Persad-Bissessar SC: Thank you very much. Hon. Prime Minister, would you be able to tell us what steps are being taken to assist the hon. Minister of Energy and Energy Industries to find the lost 2013 report on the oil spill?

Hon. Dr. K. Rowley: I am not aware that any report is lost.

Hon Member: He is lost.

Madam Speaker: Member for Princes Town, please be reminded of the Standing Orders.

URGENT QUESTIONS

**Point Lisas Desalination Plant
(Disruption of Water Supply)**

Mr. Ganga Singh (*Chaguanas West*): Thank you, Madam Speaker. To the Minister of Public Utilities: Can the Minister provide a report on the emergency works currently being carried out on a collapsed pipeline at the Point Lisas Desalination Plant which has disrupted supplies to several areas in central and south Trinidad?

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): Madam Speaker, on Monday, September 12, DESALCOTT advised WASA of a collapsed 48-diameter backwash pipeline which caused the Point Lisas Desalination Plant to go out of operation. The time of emergency repair was an estimated two days beginning on Monday, September 12. This plant shutdown has resulted in an interruption or reduction in supply to customers in central and south Trinidad, including the city of San Fernando as the plant normally produces 40 million gallons of water per day. Repairs are scheduled to be completed by 7.00 p.m. today with the supply being normalized over a 24-to-36-hour period thereafter. Supplies have been diverted from other sources, including the Caroni, Navet and Point Fortin Desalination Water Treatment Plants to minimize the impact of the reduced water availability.

In addition, limited truck-borne water supplies have been provided. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West.

**Water Restrictions
(Tobago)**

Mr. Ganga Singh (*Chaguanas West*): Thank you, Madam Speaker. To the Minister of Public Utilities: Can the Minister explain why a decision was taken to reintroduce water restrictions in Tobago?

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): Water restrictions were reintroduced in Tobago as it became necessary in light of a lack of consistent rainfall required to replenish water sources following the harsh 2016 dry season. According to the meteorological office, rainfall was as follows at two locations in Tobago: At Crown Point, for the month of June, the long-term average is 168.9 inches; actual rainfall was 155.4. In July, average, 185.9; actual rainfall, 99.3. In August, 164.8; actual rainfall, 94.7. In Hillsborough, in June, 244.0; actual, 218.7. July, 233.9; 94.0. In August, 234.1; actual, 124.7.

Despite the declared start of the 2016 wet season in June, the situation continues to negatively impact production at several of the Authority's key water treatment facilities on the island. For example, the Courland Water Treatment Plant, which supplies south-west Tobago, is currently producing 300,000 gallons of water per day as compared to its capacity of two million gallons of water per day, which is only 15 per cent of its capacity. The water restrictions will be effective midnight Friday, September 16, until further notice.

Madam Speaker: Your speaking time has expired. Member for Chaguanas West.

Mr. Singh: Hon. Minister, have you had discussions with the meteorological department as to projections for rainfall in Tobago?

Hon. Brig. Gen. A. Antoine: Yes. The projections for rainfall for Tobago for this period is below average.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: Through you, Madam Speaker, to the hon. Minister. I heard you mention 240-plus inches of rainfall. Is that correct? Because that is equivalent to close to 20 feet of rainfall for a particular area.

Madam Speaker: Member—

Dr. Gopeesingh: Is that correct, what you said, 240-plus inches of rainfall? Check it.

Hon. Brig. Gen. A. Antoine: Crown Point or for Hillsborough?

Dr. Gopeesingh: Different areas you spoke, you gave different answers.

Hon. Brig. Gen. A. Antoine: Two hundred how much?

Dr. Gopeesingh: Forty.

Hon. Brig. Gen. A. Antoine: No, I did not give 240 for any of the areas mentioned.

Dr. Gopeesingh: What you gave then?

Hon. Brig. Gen. A. Antoine: I gave the long-term, 168.9; actual, 155 inches.

WRITTEN ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, the responses to questions 157, 159, 160 and 161 will be circulated—and 174—and we are asking for two weeks for the other questions to be circulated.

Mrs. Persad-Bissessar SC: If I may, the hon. Leader of Government Business is asking for two weeks and we all know the Parliament stands to be prorogued on or before September 22nd. Two weeks will take us outside of that time, and therefore such an agreement cannot be made.

Madam Speaker: Hon. Member for Siparia, I have heard what you have indicated. However, these questions are not questions that have stood over. They really qualified in the recess, and therefore, all I can suggest is that the hon. Leader tries to see whether they can come within the confines of this session. But they are entitled to the two-week adjournment.

**NAMDEVCO Farmers' Market
(Details of)**

157. Mr. Rushton Paray (Mayaro) asked the hon. Minister of Agriculture, Land and Fisheries:

With respect to the NAMDEVCO "farmers' market" held fortnightly at the Queen's Park Savannah, could the Minister state:

- i. the total cost of an individual "farmers' market";
- ii. the total expenditure to date;
- iii. whether NAMDEVCO procured external goods/services;
- iv. if the answer to part (iii) is in the affirmative, the procurement procedure and source of funding;
- v. if the answer to part (iii) is in the affirmative, the name, address and associated costs of each successful bidder;
- vi. the intended duration of the programme; and
- vii. whether the "farmers' markets" will be held at other locations and the proposed dates?

**Former Caroni (1975) Workers and Citizens
(Details of Designation of Land)**

159. Mr. Rushton Paray (Mayaro) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister provide:

- i a list of all former Caroni 1975 workers or designate who were awarded leases of state land for the period September 2015 to present, inclusive of acreage, duration of lease and location; and
- ii. a list of citizens (excluding former Caroni 1975 workers or designates) who were awarded leases of state land for the period September 2015 to present, inclusive of acreage, duration of lease and location?

**Food Imports
(Details of)**

160. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries:

With respect to food imports, could the Minister state:

- i. the national food import bill for the period October 2015 to March 2016;
- ii. the top ten commodities imported for the period October 2015 to March 2016;
- iii. the government policy implemented to address (i) and (ii); and
- iv. the status, composition and recommendations of the committee established to monitor food imports?

**Poultry Imports
(Details of)**

161. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries:

With respect to poultry imports, could the Minister state:

- i. the poultry import bill for the period October 2015 to March 2016;
- ii. the policies implemented to address part (i);
- iii. whether the Government intends to table legislation in the Parliament with respect to the poultry sector; and

- iv. if the answer to part (iii) is in the affirmative, the division of the Ministry responsible for undertaking this and whether external advice was sought and from whom?

**US \$50 Million Agreement with Venezuela
(Operation Details on)**

- 174. Mr. Rodney Charles Naparima** asked the hon. Minister of Finance:
Could the Minister provide operation details on the US\$50 million agreed during the recent visit of the President of Venezuela?

Vide end of sitting for written answers.

STATEMENT BY MINISTER

Budget Date

(Announcement of)

The Minister of Finance (Hon. Colm Imbert): [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I wish to announce that the 2017 Budget will be read on Friday, September 30, 2016.

REMEDIES OF CREDITORS (AMDT.) BILL, 2016

Senate Amendments

The Minister of Finance and the Economy (Hon. Colm Imbert): Thank you very much Madam Speaker. Madam Speaker, I beg to move the following Motion in my name:

Be it resolved that the Senate amendments made to the Remedies of Creditors (Amdt.) Bill, 2016 listed in Appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 2.

Senate amendment read as follows:

Clause 2. A. Insert after the chapeau, the following paragraph:

(a) by inserting after the word '13' the word '(1)'; and

B. renumber paragraphs (a) and (b) as paragraphs (b) and (c) respectively.

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

Remedies of Creditors (Amdt) Bill, 2016
[HON. C. IMBERT]

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Madam Speaker, the amendment which is on the Supplementary Order Paper is a very simple amendment, simply adding a subsection (1) to section 13 of the Remedies of Creditors Act. Madam Speaker, what we have done with respect to this legislation, we have introduced a provision whereby, as is the case with the Supreme Court of Judicature Act, with respect to interest on a judgment debt, the Minister of Finance would be able to vary the rate of interest by order subject to negative resolution.

The Remedies of Creditors (Amdt.) Bill has introduced that now into the Remedies of Creditors Act but in the original Bill before this House there was a typographical error whereby there was a reference to subsection (1). So all this amendment does, it adds a subsection (1) to section 13 of the Remedies of Creditors Act to make the language appropriate. And with those few words, Madam Speaker, I beg to move.

Question proposed.

Mr. Imbert: Madam Speaker, there being no other contributions and this is a very simple amendment, just a typo, I beg to move.

Question put and agreed to.

TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016

[Second Day]

Order read for resuming adjourned debate on question [September 09, 2016]:

That the Bill be now read a second time.

Question again proposed.

Dr. Bhoendradatt Tewarie (*Caroni Central*): [*Desk thumping*] Thank you very much, Madam Speaker. I consider it a privilege to be able to continue the debate which was begun last Friday, and to make my own contribution on behalf of the Opposition Bench. We have no indication in the Parliament but we have heard from the Minister of Finance that the Government has agreed with the proposal of the Leader of the Opposition, carried through in discussions with Members on the other side, that they will take this matter to a joint select committee. Up to today, the Parliament would not know if that is true unless it is actually done here. But I want to take the Government at its word and its commitment given in the public domain and proceed on that basis.

I want to say that the position of the Leader of the Opposition that we go to a joint select committee was not a position taken lightly or simply because of the issues that arose in this Bill.

2.30 p.m.

If you look at our manifesto of 2015, you will see that there is a clear commitment given in the manifesto in the section on the first 100 days that all complex Bills and Bills of a contentious nature would go, if we became the Government, to the Joint Select Committee in order to ensure that such Bills which required contentiousness to be resolved, or which required a special majority, could be hammered out between Government, Independent and Opposition in the Parliament of the country. So the proposal for a joint select committee was very real, and it is a very important aspect of the governance process as it pertains to governance in Parliament.

I want to also say that reading the positions articulated by the Minister of Finance, I want to emphasize that we in the Opposition did not ask the Government to postpone the deadline date, nor did we anticipate that Government would want to do so. We were always prepared, and are prepared even now, to meet the deadline by working constructively with the Government. [*Desk thumping*] And therefore against this background though, I want to say that the world is changing every day and we are aware of that, and I am sure the Government is aware of it.

So, for instance, the issue of correspondent banking relationships, which are at the heart of issue in this particular piece of legislation, is something that has already been overtaken by the realities of financial life in the global system. So that correspondent banking relationships are today being broken by big banks in the world, with several small banks across the world, and with banks in countries peripheral to the global financial system including in the Caribbean, and this notwithstanding the legislation to which this particular piece of legislation responds, which is the FATCA legislation in the United States.

In addition, people like Warren Buffett and Bill Gates have taken initiatives globally that bring together high net worth persons and individuals and corporate entities to form funds that are non-taxable, and that focus on supporting projects that boards of these new entities of private sector interest now govern. So that the issue of tax evasion envisaged in 2010 has now evolved to a point where people are beginning to respond to FATCA in a much more complex and in a much more sophisticated way. [*Desk thumping*]

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I also want to make the point in this changing world that the Caribbean region still finds itself peripheral to any decisions that are made at the level of the G8 or the G20 on financial matters. Now this is very important because even as we establish a relation with the United States and with other entities in the world based on the FATCA legislation and our response to it, the issue of where the Caribbean as a region stands in relation to the global financial system and the global financial architecture is something that we must always be cognizant of. [*Desk thumping*]

The fourth thing I want to raise is a matter which the Minister of Finance raised in the public domain and which I now bring to the Parliament by way of taking this statement into account. He has indicated formally and publicly—the Minister of Finance—that the US has not passed any laws related to this agreement with Trinidad and Tobago, so that we do not know how Trinidad and Tobago's citizens will be affected and how our Government will be required to respond. He stated this publicly. It is in the papers today. Now this raises a serious concern over Executive powers in our law in relation to any laws that might be passed in the United States related to this [*Desk thumping*] because this Bill is meant to be reciprocal in nature and we have no problem with reciprocity. It is in fact reciprocity and acknowledgement of our sovereignty, but we do have concerns about the application of Executive power under the law. [*Desk thumping*]

Now this also, I want to say, has to be taken in context. It cannot be taken simply in the context of this particular Bill on tax information exchange. It has to be taken in a context in which Bills brought before this honourable House such as the SSA Bill, the appointment of the Commissioner of Police Bill, the Bail Bill and the Anti-Gang Bill which were brought here together in a particular form, all of these Bills had to do with the extension of Executive powers.

Now the other issue that was raised by both the Minister of Finance and the Acting Attorney General at the time in this House was the issue of the continuity of the Bill. It was said, for instance, that this agreement was something that we initiated and that there is no change in the IGL between what we proposed and agreed to and what this Government agreed to, and we have no problem with that. In fact, we have no problem with the inter-governmental arrangement agreement at all. The problem that we have is really in the Bill, but if we take this argument of continuity we need to again assess what is the meaning and the implications for us because, again, the Government blows hot and cold on these issues.

They were strong and continuity for instance with the Bail Bill although there was a sunset clause in it, and argued very strenuously that we should support on

that basis. Here again, they come with the idea of continuity that we were in Government before, we agreed on the IGL, it is no different now and we should proceed, ignoring our main argument which is that we are not opposed to the IGL but opposed to specific measures in the Bill itself. [*Desk thumping*] This is an entirely new law which, as we will see, breaches other laws in the country, not to mention the Constitution itself, and we do subscribe to the principle of continuity of Government.

We think that it is essential for a parliamentary democracy to flourish, this concept of continuity. We believe in constitutional government and we feel that there should be respect for constitutional government, and we also feel that it is important to have continuity so that confidence can be assumed by any legitimate entity or legitimate authority in dealing with the Government of Trinidad and Tobago, no matter what are the personnel or the political party that constitutes that Government of Trinidad and Tobago. But again we see the issue of continuity of Government, the principle selectively applied. Why was the issue of continuity of Government, for instance, not applied in the matter of the Mitsubishi/Massy/NGC agreement for instance? Why is it not being applied in the agreement with the cane farmers? Why is it being questioned in the context of selected leases in Chaguaramas? And these are just a few that immediately come to mind. You cannot have it both ways. Either we are constitutional parliamentary democracy which in principle holds dear the principle of continuity of Government, or we are not. [*Desk thumping*]

So I want to move beyond this to say that the Opposition is not asking for the deadline of September 30, 2016 to be extended. We gave the Government the commitment to work with them to complete this by September 21st, but that if that agenda was too tight for the Government to work in the eight-day window between the 22nd and the 30th to make sure that we met the necessary deadline. [*Desk thumping*] Our commitment which remains is to complete within the deadline through a joint select committee process. [*Desk thumping*]

Now we do not on this side have a million amendments. We have many questions. We want clarity on certain issues and we have amendments having to do with Executive overreach, appeal and/or review options available for the aggrieved if there is a sense of justice not being done. We have concerns about parliamentary oversight, but there is need for clarity on other issues to— [*Interruption*]

Madam Speaker: Member! Could the Member whose device has gone on please leave the Chamber. Thank you. Continue.

Dr. B. Tewarie: Thank you very much, Madam Speaker. I repeat that. We want clarifications on some issues. We have amendments having to do with Executive overreach, appeal and/or review options for the aggrieved and parliamentary oversight, but there is need [*Desk thumping*] for clarity on other issues to inform the amendments that we wish to propose. For instance, if we do not get clarity on the role of Trinidad and Tobago's citizens who are residents, on the role of Trinidad and Tobago's citizens who are also US citizens, on the implications for Trinidad and Tobago citizens who may have accounts abroad, then we cannot properly address the issue of the amendments in the areas that we seek.

Now, I want to say something. I have seen the Bankers Association issued some statements, I have heard the Chamber issued some statements. But I want to say this, if the banking sector and the private sector are angry that the deadline has not been met I can understand it, and if they are angry with the Government about this I can understand it, but if they are angry with Opposition well I do not understand it [*Desk thumping*] because when we engaged some of the members of these sectors last week when we were prepared to do the Bill, very few of them had the Bill in their hands. [*Desk thumping*] I want to say that.

The second thing is that we did not bring the Bill to Parliament late. It is they, the Government [*Desk thumping*] that brought the Bill to Parliament late after promising early handover or provision of sight to the Opposition. I can also understand why the US Ambassador does not understand. I have never met him but I assume him to be a reasonable man looking after US interest and I would welcome the opportunity to engage him, but I hope he is not blaming the Opposition or the Parliament. How easy is it for the President of the United States to be able to overwrite Congress and Senate and at what cost in the United States?

2.45 p.m.

Can anyone tell Congress or the Senate in the United States what to do and how to proceed? The only one to blame, if blame to be assigned at all in this matter, is the Minister of Finance and the current Government of Trinidad and Tobago. [*Desk thumping*]

I think it would be reasonable if we ask the US Ambassador to Trinidad and Tobago to respect and understand our parliamentary process, and we do this. We ask him to respect and understand our parliamentary process, with the greatest of respect and with the utmost goodwill and with an openness to engage. [*Desk thumping*]

So let me reiterate the Opposition's position. The Leader of the Opposition has articulated very clearly, since last Friday, the position of the Opposition. We want, on the Opposition side, to pass this Bill. [*Desk thumping*] We want to pass it on time. [*Desk thumping*] We do have some concerns. We are prepared to address those within the prescribed time frame if the Government is prepared to be responsive and we have taken the position that what we want and we would like Parliament to make this possible and that can only be done with the Government's goodwill to appoint a JSC, and it need not necessitate asking for an extension. So we are considering this Bill today. That is our position. And that Bill, as I indicated before, is responding to the US law of 2010, the Foreign Account Tax Compliance Act (FATCA).

Now, the initial target of FATCA was secret Swiss bank accounts and elusive offshore financial institutions. That is why I made the point about Warren Buffett and Bill Gates. They are long past that issue now. They have created and are going to create private institutions that are non-taxable, in which the Government cannot access their money but that they can use the money for purposes that they deem as being valuable. [*Desk thumping*]

The original intent of the law, FATCA, was tax evasion by US citizens and corporations. But who or what are affected by these laws?—FATCA I am talking about. First of all, US individual taxpayers, global financial institutions—that is, institutions around the world including our own banks—and governments are affected and covered by FATCA. The FATCA law is far-reaching.

The Bill before this House, as the Leader of the Opposition mentioned before, is a very bulky Bill. I will not go into the details. But in my documents I got a Bill plus 124 pages in total and there were no regulations with them and I have no idea if there are going to be further regulations. The Bill seems to suggest that further regulations and amendments to regulations will be possible and it does not make reference at all to coming to Parliament either for negative or positive resolution.

Now, the reason why the Leader of the Opposition requested a JSC is because of the short time frame first of all and the problematic issues in the Bill, not because of the IGA. I think she made that clear, the hon. Leader, and also we want to make it clear that we do not have a problem with the IGA, which we were party to.

The Bill addresses serious issues and ushers this country and its financial sector into another stage of globalization of the financial system, and we need to be cognizant of that. This is not an agreement, an easy passage of things that have no further implications.

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So I want to go to *Forbes* magazine and an article by Robert Wood. *Forbes* magazine is a magazine that comes out of the US. It serves very strongly US business and government interests, but dominantly business interests and usually deals with the top businesses in the US and the world system. And basically, it looks at matters from the point of view of the interests of US business interests. *Forbes* magazine had an article by one Robert Wood, terming the law:

“FATCA, America’s Manifest Destiny Law Changing Banking Worldwide”

That was the headline of the *Forbes* article. Mr. Wood writes in the article and I quote from him now:

“What is most amazing”—about this law—“is not its impact on Americans—although that is considerable—but its impact on the world. Yes, the whole world.”

I am quoting him still. The article continues:

“Never before has an American...law attempted such an astounding reach. FATCA requires foreign banks to reveal Americans with accounts over \$50,000. Non-compliant institutions could be frozen out of U.S. markets, so everyone is complying.”

I continue again to quote from him:

“Everyone Around the World is Complying.

More than 80 nations—including virtually every one that matters—have agreed to the law. So far, over 77,000 financial institutions have signed on... Countries must throw their agreement behind the law or face dire repercussions. Even tax havens have joined up. The IRS has a searchable list of financial institutions.

Even Russia and China agreed to FATCA.”

Mr. Wood continues, and I am reading from him from *Forbes* magazine:

“FATCA is America’s Big Stick.

Cleverly, FATCA’s 30% tax and exclusion from US markets would be so catastrophic that everyone has opted to comply. Foreign financial institutions must withhold a 30% tax if the recipient is not providing information about U.S. account holders. The choice is simple, and that is why everyone is complying.”

I would think—this is me now talking—that Trinidad and Tobago would want to consider why nations would sign on and why 100,000 institutions worldwide

would want inclusion. And over 100,000 institutions and over 100 countries have signed on now. But these things have to be considered meaningfully. We certainly do not want to be left out but we also clearly want to know what we are getting into.

“Canadians recently Filed Suit To Block FATCA And Prohibit”— the forwarding—“of U.S. Names To IRS. The suit claims the Inter-Governmental Agreement under which Canada can turn over private bank account information is illegal. The legal claim challenges the constitutionality of the agreement”—which—“the Canadian government struck with the United States.”

This Bill before us has all the big-stick provisions and violates sections 4 and 5 of our Constitution. Parliament can override the Constitution of course. It is provided for in our system. But matters like these need to be considered seriously. Although Parliament actually legislates a Constitution into being, after due process, it must not simply override the Constitution without due and deliberate consideration. [*Desk thumping*]

This Bill, therefore, is not a matter the Government can just drop on us and expect us to support the Bill without careful scrutiny. We note the Government’s authoritarian methodology of calling on the banking sector and the business sector to lobby the Opposition. But the Government has not asked the banks or the private sector what are their views. In fact, many business leaders have not seen the Bill. I do not know if they got it now but certainly last week they did not have it, and they do not know what is in the Bill. The Opposition has the right, I think, in the face of Government’s insensitivity, and in my view arrogance, to ask these citizens what they think. [*Desk thumping*]

Hopefully, the more measured Joint Select Committee approach and hopefully what the Government says in the public they will do, will allow for this; whether they do it in the time frame prescribed or whether they do it later as they are postulating to do.

This Bill does not, in my view, affect only US citizens because it is a reciprocal Bill. [*Desk thumping*] The Government would have to explain to us in joint select committee how this Bill affects citizens with dual citizenship. This Bill does not only affect US citizens with bank accounts here. It does, in my view, affect citizens of Trinidad and Tobago, and the Minister of Finance, in my view, that may be his interpretation and it may be legitimate in his understanding, but the Minister of Finance cannot tell me that this does not affect Trinidad and Tobago citizens. [*Desk thumping*]

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And he cannot also tell me that I am confused, which is what he said in the newspapers; that we are confused. It affects citizens of Trinidad and Tobago who are US residents. Some of these live in the US and some of these live here and go back and forth. They do so frequently between Trinidad and Tobago and the USA. Some citizens are also residents of Canada or dual citizens with Canadian citizenship. After all, this is the 21st Century and we have to take the complexities of life into account.

This Bill also affects TT citizens who have accounts in a United States bank or in financial institutions abroad and these citizens must understand what this law implies, because it is going to affect them. [*Desk thumping*] And I want to say half the business community is in this category. [*Desk thumping*] The agreement is reciprocal and as of now what you will ask the US Government to do, we do not know. We do not know who will do the asking, given what is in this Bill, because the Minister has the power to appoint someone outside of the agency assigned for this purpose. [*Desk thumping*] And we do not know under this Bill, unless we get some clarification and clarity, what in fact can and cannot be done under the Bill.

Now, I mentioned that this Bill violates the fundamental rights and freedoms guaranteed under sections 4 and 5 of the Constitution and that is issue enough to be concerned. In fact, this is the issue that the Canadians are fighting in the court. This is the issue that they are testing in court—the constitutionality of the provision.

Under this Bill sensitive private information can be made available without the account holders' knowledge or consent. This is what is being tested in the Canadian court and this is something we wish to have the time to examine, to scrutinize and to consider. [*Desk thumping*]

This is not the first time we in the Opposition are raising this issue of constitutional violation with regard to Bills brought by the Government in this honourable House over the last year. The issues of privacy and of abridgment of rights guaranteed by the Constitution are fundamental issues which we are not prepared to surrender. [*Desk thumping*] And yet this Bill articulates in various places that the agreement between Trinidad and Tobago and the USA must not violate the laws of other countries. It says so in the agreement.

What about other constitutional rights and guarantees? What are they worth? This Bill, in essence, covering an agreement between two countries, should not breach the laws of either country and should not violate fundamental rights

guaranteed by the law or the Constitution of either country. [*Desk thumping*] Is that not so, hon. Minister of Finance?

On page 13, at the end of section 11(7), it says in the intergovernmental agreement, and I want to quote from it:

“Nothing in the section requires the Board to—carry out administrative measures which conflict with the laws and administrative practices of Trinidad and Tobago;”

And yet in the Bill, we have particular violations. Now, they may be explainable but we want to understand them. [*Desk thumping*] We want to interrogate them.

Madam Speaker: Hon. Member, your 30 minutes have expired. You have 15 minutes if you wish to avail yourself of it.

Dr. B. Tewarie: Thank you, Ma’am.

Madam Speaker: You may proceed.

3.00 p.m.

Dr. B. Tewarie: And this principle is mentioned a second time in the Bill. So why do we have violations of constitutional provisions of privacy right? This is something that the Opposition wishes to examine and to interrogate.

Now, the Bill also alters a number of pieces of legislation. Because the Leader of the Opposition had mentioned these pieces of legislation, I will not mention them, but I do want to mention by way of information that when we met last week Wednesday, I think with ATTIC on another Bill, and we asked them, in passing, about this particular Bill, they had not had sight of the Bill yet. [*Desk thumping*] And I mentioned before that we, through the offices of the Leader of the Opposition, made possible this Bill for other financial institutions that did not have sight of this particular Bill.

Now, the Chambers of Commerce, we have not been able to engage them. They have made their statement on it. They have not—I do not know what their particular position is. I am sure that they will be concerned about trade, credit cards and so on, but they also must be concerned about their privacy as individual businessmen in the country.

So I want to get on with this business. I want to reinforce the point that many people including the Opposition did not have sight of the Bill and that we, in fact, had come into a situation we could not properly engage the Bill seriously. Now, even in the US executive power which is substantial is restrained by congressional

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and senatorial approval. So, it is important for your Government to show some respect for the Parliament and due consideration of its Members. [*Desk thumping*]

One of the requirements of government is that you have to learn governance, and the Opposition should not be intimidated by the fact that you are going to call on the private sector to lobby us and tell us this and tell us that and so on. We have a position, and we have a position based on rationality. So we are not against the Bill as I said. We understand and appreciate the importance of the legislation, the importance of the agreement between Trinidad and Tobago and the United States because of FATCA.

Citizens can be assured whether they are in the banking sector, the financial and business sector, US citizens in TT, Trinidad and Tobago citizens with US residency both here and in the US, TT citizens with dual citizenship and holding US passports, TT citizens with accounts in a US institution, all of these citizens, all of these interests in Trinidad and Tobago can be assured that the Opposition will be responsible and act responsibly. They can also be assured that we have their back, and that we will seek the country's and the citizens' interest but we need time to examine the details. We need careful scrutiny to examine the details of what Trinidad and Tobago is getting into.

This Bill will empower the Minister of Finance to authorize not just Inland Revenue, but any person. I do not know if the Minister looked at this Bill seriously, but the Minister is able to authorize any person to act as the competent authority. You know, we need to have not just clarification, but clarity on how this will work. All right?

Clause 6 will empower the Minister to give direction to any person authorized by him in respect of his—that is to say the Minister's functions under this Act. And as we indicated, there is a lot of Executive power and overreach in this matter. This we need clarity on.

While clause 7 restricts the disclosure of certain information by the board in complying with the request from the US IRS, who will monitor this process? Where does the individual have recourse to appeal or to justice if the provision is violated? Reciprocity means that this will apply also to TT citizens in the reverse.

Clause 13 indicates that a financial institution may process sensitive information in violations of section 6 and 30 of the Data Protection Act. And, again, what is the individual's recourse to a fair hearing and justice? [*Crosstalk*]

Under this Bill, the Board of Inland Revenue—because the Bill covers a mutual agreement based on reciprocity—has equivalent powers to the IRS. They can ask for any information, and according to this Bill any person acting on behalf of the Minister can also do so. What it means is that that person designated by the Minister can call the IRS in the US, can call any institution in the US and begin an investigative process involving an individual in Trinidad and Tobago. I mean these are things that you have to be concerned about.

It provides for the provision of sensitive information without the knowledge of the holder. All of these things require crystal-like precision before we can agree to propose amendments, because the amendments would have to take these things into account.

Clause 25 will empower the Minister to amend Schedule 2 by Order. Now, within my piece of legislation that was handed to me, I do not have Schedule 2 and I am missing some other documents, but what was sent to me as the Tax Information Exchange Agreements Bill, I have an annex to it and we need clarity on some of these issues. Also, will a resolution be brought to Parliament and will this be negative or positive when you come to make regulations? When you make amendments as a Minister, will you notify us and bring it to the Parliament?

While FATCA is the driving force behind this legislation, from our financial sector point of view, our country also has to be mindful of the OECD laws and rules. FATCA and OECD represent the Bim & Bam of regulation and management of the global financial system. An examination of this legislation that is being proposed here should take into account what is happening on the OECD side what they call—[*Interruption*]

Dr. Rowley: Madam Speaker, may I ask where the Member is quoting from?

Madam Speaker: Member, could you refer to your reference, please?

Dr. B. Tewarie: These are my views based on readings of what applies globally financially. Do you want me to give you a reference to it?

Madam Speaker: Well, Member, it appears that your notes are a bit voluminous having regard to the Standing Orders and the debate, so that maybe you can rectify that as you continue. [*Crosstalk*]

Dr. B. Tewarie: You see, is the hon. Prime Minister accusing me of reading? Is that his problem? [*Crosstalk*] When I quoted I said I was quoting. I hope I would be awarded the time that is—[*Interruption*]

Madam Speaker: Member, all I have said is that your notes appear to be voluminous and, therefore, if you could take that, and the Member is correct. The Member said when he was quoting he identified he was quoting.

Dr. B. Tewarie: Yes.

Madam Speaker: All I am saying is as far as your contribution, the notes appear to be voluminous and, therefore, if you could rectify that in the remainder of your debate.

Dr. B. Tewarie: Madam Speaker, every time the Government does not have a response to the arguments on this side, they interrupt the sitting. [*Desk thumping*] It is classic gangster and terrorist tactics in a Parliament. [*Desk thumping and crosstalk*]

Madam Speaker: Member—[*Crosstalk*] I am on my legs please. Member, in terms of the two words you have just used, I think you have sufficient command of the language that you can say it in a much better way. They are unparliamentary. [*Crosstalk*]

Dr. B. Tewarie: Madam Speaker, I do not think that the words gangster and terrorist—[*Desk thumping*]

Madam Speaker: Member. Member. Member, the Chair has determined that the words are unparliamentary and has suggested that you find another way to express your view. I am certain that you can do that.

Dr. B. Tewarie: Madam Speaker, we want to be compliant with the other countries and the other institutions as a country, and we want to operate like other sound countries in the Caribbean including our neighbours Barbados, Jamaica, et cetera. We understand the problem of the correspondent banks issue. We want to make life easier for all TT citizens operating in the global system, and we understand the benefits that we will derive from being part of an inclusive group.

We also want to bring greater transparency to our own banking sector and to contribute to greater transparency worldwide, and we are aware that this is also a way of tracking corrupt money, money laundering and money terrorist financing can also be traced by this process. So we are alert to the positive aspects of the Bill, but there are other things that we must be concerned about.

First of all, will all of these costs which will accrue to the financial institutions be passed on to the customer? Will we develop a banking system in Trinidad and Tobago which is less sensitive to people who are not in the elite group who

operate in the financial sector? [*Desk thumping*] Will these costs passed on to the customer do something with the banking sector in Trinidad and Tobago that we do not anticipate?

We are concerned about the BIR and whether it is prepared for this and whether it has time to be prepared for it and how it will be prepared and who will have oversight over this process. For instance, if someone is aggrieved, will that person be able to take its thing to any independent committee or any parliamentary committee that has oversight over this matter? We are also aware—after all of this is said and done, can Trinidad and Tobago banks and Trinidad and Tobago financial institutions, are they any better off being able to invest in the United States? If we comply with all of these things, how are they better prepared? Will they be more competitive? Will the US market be more accessible for investment in these markets? I think these are things that a Government that is in charge of a country needs to be aware of and needs to be concerned about.

So, our summary position is that we understand the importance of the Tax Information Exchange Agreements Bill and we support its positive intentions. The Bill, given its far-reaching implications for individual financial institutions, our Government and, ultimately, customers of the financial system requires deeper scrutiny and more time. We need more clarity on the ministerial powers, the role of the BIR and its preparedness, the Central Bank, the Security Commission and what would be required of them and we are prepared to support when our concerns are satisfied.

But we are also aware that since the crisis of 2008/2009 there has been an evolution of the financial system globally, and that we are having, as the Caribbean, no say in this process through the G8 and the G20. We are also aware of the evolution of this system, and what it means for peripheral states and peripheral institutions. We need as we go to make our peace with FATCA that we also make our peace with the future of Trinidad and Tobago, and the prospects for a decent life for the people, the citizens of Trinidad and Tobago. [*Desk thumping*]

3.15 p.m.

Madam Speaker: Attorney General. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I rise to join in contribution to this debate. I heard my learned friend say, do not forget to say proportional in this debate, and he is right, there must be proportionality always, after all, it is three-fifths majority legislation we are speaking about.

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Madam Speaker, I have to tell you that I am absolutely and completely flabbergasted and astounded at the contribution given by the Member for Caroni Central, and I want to say why, Madam Speaker. Let me repeat some of what my learned colleague had to say so that I can answer. He says, will the US market become more accessible; he said there are costs to be passed on, is there to be an indigenous banking industry in Trinidad and Tobago. He asked—after he said that Canada had taken up a legal fight against the United States of America, he said that there has been a lack of deliberation here, and then he listed a whole series of countries that have taken on the United States of America effectively over the IGA, the Inter-Governmental Agreement, on this issue. Quite interesting, more time required, we need to consider the position more. Quite interesting.

Let us go back to brass tacks, the facts on the table before the country, through you, Madam Speaker, show that in 2010 the United States of America passed its FATCA legislation. The then Government under the Member for Siparia, the United National Congress, the People's Partnership started a process of engagement with the United States of America and they in fact brought to the attention of their Cabinet, on at least two occasions, Notes to Cabinet which spoke in detail about the requirement to accept the IGA Model 1A.

In that invitation to the Cabinet of which many Members opposite were included, that Cabinet had absolutely no problem whatsoever in signing the IGA, in principle, by initialling the document. They raised not one scintilla of conversation that the hon. Member for Caroni Central now raises. They did not bother to have a conversation with the United States of America on the record, obviously, as to whether the IGA was appropriate for Trinidad and Tobago in the context of indigenous banking, in the context of access to US market share, and the kind of reciprocity that the hon. Member now speaks. All of that, of course, did not happen because Trinidad and Tobago saw—[*Interruption*]

Dr. Tewarie: Would the hon. Minister give way?

Hon. F. Al-Rawi: I will in just a moment. Trinidad and Tobago saw a very interesting situation where the IGA, which is the scheduled item to this 30-clause Bill, and which comprises the several hundred pages essentially that they complain about now, that IGA was accepted, hook, line and sinker by Trinidad and Tobago. Now what is dangerous—[*Interruption*]

Dr. Tewarie: Would the hon.—

Hon. F. Al-Rawi: Go ahead.

Dr. Tewarie: I just want to make it clear, Attorney General, through you, Madam Speaker, that I said over and over again that we have no problem with the IGA, [*Desk thumping*] the problem we have is with elements of the Bill.

Hon. F. Al-Rawi: Madam Speaker, you see I had to start with the IGA because the Member and the Opposition are purposefully presenting themselves before this Parliament, through you and to the nation, as having no problem with the IGA, but each of the comments raised by the hon. Member, coming from his own mouth, now talking about classic “big stick”, as he called it a while ago in relation to the same IGA, which is it? Is it “big stick”?

Is it that Trinidad and Tobago is to take on like the Canadian experience has? [*Crosstalk*]

Madam Speaker: Members, Members, I will not permit this degree of crosstalk. [*Crosstalk*] Member for Caroni Central, please. Member, please, continue.

Hon. F. Al-Rawi: Thank you. You see, it is quite interesting that someone who has spent as much time as the hon. Member has in Parliament all of a sudden forgets the rules of debate, or even the Standing Orders. There are Standing Orders in relation to misrepresentation if you chose to invoke them, but crosstalk will not help you because the confusion and the deliberate confusion to the people of Trinidad and Tobago, and the entreaties on the Parliament floor today that we are to take on the United States of America, look for market share, ask a rhetorical question whether Canada’s experience is the correct one—[*Interruption*]

Mrs. Persad-Bissessar SC: That is not what he said.

Madam Speaker: Members, I would like to hear the contribution. All Members, by the Standing Orders, will be entitled to join the debate in the proper manner. Please, continue, Member for San Fernando West.

Hon. F. Al-Rawi: Thank you. Madam Speaker, I could manage speaking over their grumbling because the fact is quite simple. The Member says one thing, his “gallery”, his reference to—the hon. Member—his reference to material, the positions taken by Canada, the reflections of “big stick” diplomacy at work; all of that must be factored into his contribution.

Now I want to state for the record, the Opposition in its meeting with the Government on Monday, I am told, the House was adjourned on Friday, I was in fact attending the CFATF conference in Miami dealing with another issue that we as a country must face, and that is corresponding banking and de-risking, and the

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sabotage that that can have to micro economies and states, but I paid attention and then I asked my learned colleagues who attended, I said, what submissions did the Opposition come with? Because you heard the hon. Member say a little while ago, their problem is with the Bill, not the IGA. The fact is the Members of the Opposition now complain about the IGA, the nation has paid attention to that through this debate, but in the Bill itself, I am reliably informed and I verily believe, that the Opposition Members came with not a scrap of paper. When asked what are the concerns that you have in relation to the 30 clauses before you, two of which concern title, long title, short title, proclamation and scheduled items, taking 27 clauses rough, they could not produce a single identification of issues.

Now, Madam Speaker, relative to the provisions of the Bill itself, those 30 clauses, it is important to note that the Leader of the Opposition said, in essence, as I understood her debate when I read it, number one, the Executive reference to the Minister should not be there, that is overreaching; number two, they are being asked, we as a country are being asked to validate acts of the Board of Inland Revenue in the period 1989, up until the date of this debate, and when the Bill is actually passed, if it is at all; and, number three, that they have some concerns about the intrusion into rights and the reciprocity issues that Trinidad and Tobago citizens are going to have.

Let me show you why it is dangerous to confuse the IGA with the Bill, because the fact is this, the Bill itself makes reference to residents, green card holders, or citizens of the United States of America having information in relation to those citizens transmitted through the competent authority, which is the Board of Inland Revenue, to the Department of Treasury or the IRS in the United States of America. The inclusion of the reference to Minister is simply because the current exchange of information legislation in fact has the reference to Minister, and the Board of Inland Revenue is the nominated—[*Interruption*—the IGA has the same reference. The IGA, which was signed and initialled by the Opposition when it was in Government, has the same reference and, therefore, in keeping with the continuance of the governmental cycle of what was agreed between the United States of America and Trinidad and Tobago, the Bill was presented in this form.

So, number one, reference to Minister is existing law. This Opposition when in Government had nothing to say about it for the near five and a half years that they were into. They had nothing to say about it when they were negotiating the IGA. They had nothing to say about it when the IGA was initialled by Minister Howai. They had nothing to say up until the issue reaches this Parliament table,

and all of a sudden Trinidad and Tobago is to distinguish itself by fighting the United States of America down on the IGA like Canada is doing. *[Interruption]*

Dr. Rowley: That is what they are asking us to do.

Hon. F. Al-Rawi: That, Madam Speaker, most respectfully—*[Interruption]*

Madam Speaker: Member for San Fernando West.

Hon. F. Al-Rawi: Now, Madam Speaker, let me come to this issue. So that deals with the Leader of the Opposition's point on where does the Minister come from on overreaching; simply put, it was there all the while. It is a repetition of what was included in the previous legislation now to be repealed and replaced. Number three, it was directly incorporated into the IGA and therefore finds itself in this legislation, so do not act surprised or confused by the issue.

Secondly, Madam Speaker, let us talk about the issue of this fearful reciprocity, this intrusion of rights. You know, Madam Speaker, I heard the hon. Member for Caroni Central say, look, the IGA specifically says nothing requires the country of Trinidad and Tobago to breach its laws. You know, what shocked me is the Notes to Cabinet in October, because the two Notes to Cabinet and the Minutes, coming out of a UNC Government, October 31st, 2013, and the one in May 2013, both of them specifically itemized that they will be breaching the Financial Institutions Act, the Data Protection Act, the Unit Trust Corporation of Trinidad and Tobago Act; it is written in black and white. The head of the Cabinet then was the Member for Siparia, Senior Counsel. The Attorney General was Anand Ramlogan, Senior Counsel. The Member for Caroni Central was a senior ranking Member of the Government, and in the own statement written, typed, confirmed, Cabinet Note, F&GP, Cabinet Minute, Cabinet confirmation, because it is not just that it comes up so you know, you have four shots at it.

Four shots of it is the same description of the same laws that they now have a concern about. So what is Trinidad and Tobago to do?—really listen to this Jekyll and Hyde behaviour by an Opposition, when in Government not a peep to say about it, passed by their Cabinet in black and white. *[Crosstalk]* Four times you would have had the cycle, times two, that is eight times. If the Member for Siparia wishes to have her private conversation she could do so, most respectfully, behind the Speaker's Chair, because I wonder why she is perturbed to understand all of this was agreed by her Government. But let me touch the elephant in the room and paint it out, reciprocity, Madam Speaker. *[Interruption]*

Dr. Rowley: Explain it.

Hon. F. Al-Rawi: What is reciprocity? The IGA specifically provides that the United States of America will give disclosure, that the Government of Trinidad and Tobago will be facilitated with disclosure that is given, that Trinidad and Tobago will give disclosure and the United States will be facilitated with that disclosure. Reciprocal exchange of information concerning citizens of their country on a spontaneous and automatic basis from the banking level to the competent authorities, which in the United States are the IRS, Department of Treasury, and in Trinidad and Tobago it is the Board of Inland Revenue. Why is this Opposition so mortified and afraid of information of assets and bank accounts [*Desk thumping*] in the United States of America coming to the attention of the Trinidad and Tobago authorities? Why, “pray tell”? Why?

I cannot, for the life of me, understand the fright that I am seeing in Members opposite as to information being exchanged. And more so, Madam Speaker, let me put it in a different context, today we are talking about the FATCA with the United States of America, but the G20, the OECD, the global forum require us to engage in FATCAs with other countries. We have European countries that will request FATCAs. We have countries in the Middle East, in India, in Asia, wherever it may be. The United States is but one of them, but, Madam Speaker, the FATCA goes right alongside another issue, which is corresponding banking and de-risking as a result of noncompliance, with money laundering and counter financing of terrorism legislation which the Financial Action Task Force and the G20, OECD countries are telling us we need to comply with. And the effect upon the micro economies in the Caribbean is that we lose our corresponding banking, as Belize has had happened to them.

We lose our money for value transfer services, as has happened and it is being threatened in relation to Jamaica and elsewhere, and Trinidad and Tobago has been told in its fourth round mutual evaluation report by CFATF that if we do not put this together, if we do not unmask beneficial ownership, if we do not get a grip of money laundering we are going to be sanctioned by the loss of corresponding banking by the de-risking exercise and FATCA has told this country.

3.30 p.m.

The United States of America FATCA has told this country that the withholding taxes which will be applied to our institutions have serious consequences. I say all of this to tie in the fact that FATCA is not only tax driven, it is directly related to anti-money laundering. It is directly related to forfeiture of assets which are illicitly gained and assets which you cannot explain as wealth

from ill-gotten gains. It is directly related to the crime surge in this country, because we talk about crime. Let me give you some rife examples.

Murder is punishable by death by hanging under the laws of Trinidad and Tobago, so saved by our Republican Constitution and Independence Constitution. The ultimate penalty can be applied. Has it abated anything to deal with in terms of crime and criminality for “donkey years”? But this Government posits a nuclear form of device to be deployed on criminality and crime by saying, “Let us track the wealth. Let us take the profit out of crime.” Let us make sure that the Proceeds of Crime Act, that the forfeiture of assets under POCA, which is a nonsense in Trinidad and Tobago right now, hardly ever delivering the kind of results that need to be given. We say to Trinidad and Tobago, focus on the money and let people who have assets that they cannot explain, lose those assets under civil asset forfeiture provisions.

Therefore, FATCA is directly associated with allowing the United States of America to list out assets, bank accounts, et cetera, held by Trinidad and Tobago citizens, including corporations which are not subject to section 501 of the IRS, and persons in public life and politically exposed persons. Let them have their assets disclosed to the Board of Inland Revenue, and then let Trinidad and Tobago have account for where wealth is sitting.

You see, Madam Speaker, the people of this country have been crying out for delivery of justice. Very often we hear that the law is for the small man only. It is a man with a small joint who is incarcerated, as opposed to somebody with a mall in Holland. It is a man who has an unpaid parking ticket or a maintenance—not that maintenance is not serious—who suffers a jail term, as opposed to people with mansions on small salaries.

I have to ask the question again: why is the Opposition so dead scared against reciprocity which has been signed and agreed to in the IGA by this Government? [*Desk thumping*] That is essentially the crux of the issue, because if we ask the Members of the Opposition for a written statement on the 30 clauses, what is it that you wish to have amended in those clauses, up to now as we sit, having met on Friday in Parliament, Monday in a meeting, today now. Nothing in relation to 30 clauses can be produced by the Members of the Opposition. [*Crosstalk*]

Dr. Gopeesingh: You really want our support?

Madam Speaker: Member for Naparima.

Hon. F. Al-Rawi: Madam Speaker, I am compelled to put the case before the

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people of Trinidad and Tobago [*Desk thumping*]. They ask across the floor, “Is that how you want our support?” Well, if I have to get your support as a Government on the back of a fear to disclose assets, then that is something that has to be explained. [*Crosstalk*] The reciprocity that is a key factor, is a key point to be remembered in this debate. [*Crosstalk*]

Madam Speaker: Members! Members, I will like to remind you of the provisions of Standing Order 53, and while I am on my legs I therefore will ask both the Member for Siparia and the Member for Diego Martin West—

Dr. Rowley: Madam! [*Crosstalk*]

Madam Speaker: I am sorry. Members! Members! Members! Member for Diego Martin West, I apologize. It is most probably that you are sitting in the shadow of the Member for San Fernando West. I cannot understand that. [*Laughter and desk thumping*] Member for Siparia and Member for San Fernando West, I will ask you all please, as both senior Members, to please observe the Standing Orders. Member for Caroni East, despite the fact that you are seated at that end, I can hear you.

Dr. Gopeesingh: My voice is very loud. [*Laughter*]

Madam Speaker: I would ask us for the rest of the session, please, to observe the Standing Orders.

Dr. Gopeesingh: Madam Speaker, I stand on Standing Order 48(6). The Member is imputing improper motives on this side.

Madam Speaker: I overrule. Please continue.

Hon. F. Al-Rawi: Madam Speaker, it is amazing how the pot bubbles over when you put a little fire under it. It is amazing.

That is the issue of Minister, how it arrived. That is the issue of over-reaching executive line. That is the issue of reciprocity. That is reflection upon the IGA, as agreed to by the last government as incorporated into this Bill as scheduled items to the Bill. But I just cannot, for the life of me, as I start to take notes on what the Opposition says, as I read what the Leader of the Opposition had to say, as I followed the press releases that were issued out, I just cannot make sense of what they want to have in terms of specific amendment. They say, “Let’s talk.” [*Crosstalk*] Madam Speaker, I want to explain—[*Interruption*]

Madam Speaker: You have a point to make on the Standing Orders? Please.

Hon. F. Al-Rawi: Madam Speaker, I can handle the crosstalk, because the interruptions lose time. Most respectfully I thank you for your protection.

I want the country to understand this. Madam Speaker, the Bankers Association in 2013 gave a conference at the Chamber of Commerce and spoke in detail to the disadvantages that would be visited upon Trinidad and Tobago in the event that FATCA did not see the light of day. What I find important to bear in mind is that the Chamber of Commerce since 2013, Bankers Association of Trinidad and Tobago, breakfast meeting July 12, 2013, warned of the consequences. This is not the PNM/Keith Rowley Government. This is the Government of the Republic of Trinidad and Tobago treating with a serious issue which has a direct consequence to the banking sector and the lives of every citizen in Trinidad and Tobago. [*Crosstalk*] And hear this, "So says you," the Member for Naparima says. Probably a dial on some wheel that was spun somewhere, and so it comes.

You see, it is easy, Madam Speaker, when you have the advantage of not being able to explain yourself. You agree when you are in government, you disagree when you are in Opposition, but the consequence to the people of Trinidad and Tobago is that the withholding taxes which will be applied, as has been threatened by the Department of Treasury in their rubric of management of this issue, is a serious one. I would like the manufacturing sector of Trinidad and Tobago to ask, when the banks apply on to them a 30 per cent hit, who is going to have the joy of explaining this position? When we lose corresponding banking entirely, who is going to have the benefit of explaining that? When Trinidad and Tobago's economy, wrestling as we are right now with burdensome debts inherited from the last Government, declining revenue because of the situation of oil and gas, with nearly a 50 per cent reduction in oil and gas capacity production, we have to ask ourselves, does the Opposition occupy some degree of luxury which the rest of Trinidad and Tobago does not have?

Mrs. Robinson-Regis: They have a cushion.

Hon. F. Al-Rawi: What is the cushion that they have that is so vastly different from that expressed by the Bankers' Association and the average citizens of Trinidad and Tobago? That is the question to be asked?

This is legislation which is required. The Government is doing its utmost best to procure an extension of time from the United States of America Department of Treasury; but I want to state cautiously on the record right now, there are no guarantees that there will be a facilitation of this position. And in the context of no guarantees, without a scrap of paper for specifics in terms of amendments to the Bill coming from the Opposition, we hold the Opposition squarely and completely responsible for the potential consequences to Trinidad and Tobago.

Hon. Member: Blame game! [*Crosstalk*]

Hon. F. Al-Rawi: I notice today in question time that there was a question about a draft Cabinet Note written by the Leader of the Opposition. I confess I read that draft Cabinet Note which did not make any sense, because it had no correlation to the laws to be amended and the executives and other aspects of how the estates were to be managed, et cetera. [*Crosstalk*] But I wonder, if there is that much time to draft a Cabinet Note, what pray tell could have precluded the Opposition from putting pen to paper, finger to keyboard, to produce even one amendment on this Bill—one amendment.

Madam Speaker, we are playing Russian roulette with the people of Trinidad and Tobago. [*Desk thumping*] We specifically in the Government, have an Opposition playing Russian roulette. We, on inheriting this position, on factoring the global forum and what is going to happen inside of their position to Trinidad and Tobago, from countries beyond the United States of America, in moving to sign the IGA and execute it, when it should have been done since 2013, and was not done in full signature capacity by execution by the last Government, we did everything within our power, including engaged in discussion with the Central Bank, with the Board of Inland Revenue, the Department of Treasury, the IRS, to advance this position. I wish Trinidad and Tobago to know with certainty and clarity that the Opposition appears, as at today's date, to be very insincere in its approach to this legislation. They blow hot and cold.

Mr. Singh: Hon. Attorney General, thank you for giving way. You indicated that you had a series of discussions with respect to the various sectors in the society. But in today's newspaper the Bankers Association President, Anya Shnoor, indicated, and I quote:

“While we have signed the IGA with the US, which marked the first phase of the process, the next step is for the government of T&T to pass the enabling legislation by the end of September. We haven't seen the draft of the enabling legislation.” [*Desk thumping*]

This is the Bankers' Association President, the head of Nova Scotia Bank, she has not seen the enabling legislation.

Hon. F. Al-Rawi: Madam Speaker, I can say with certainty that the previous head of the Bankers Association, Mr. Darryl White of RBC, had direct discussions with me certainly and the Government in relation to this position. I wish to say that the IGA as circulated, was certainly passed to the Bankers Association. I will certainly investigate what the current President has had to say so that I can

anticipate giving an explanation as to where this Bill actually lies.

Madam Speaker, I propose to wind up my contribution now.

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to a further 15 minutes if you wish to avail yourself.

3.45 p.m.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, in accordance with Standing Order 50(3), I beg to move that debate on the Tax Information Exchange Agreements Bill, 2016 be adjourned at this time and, Madam Speaker—[*Interruption*]

Madam Speaker: Hon. Leader of Government Business, I propose to put that question first.

Question put.

The House divided: Ayes 21 Noes 18

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Antoine, Hon. Brig. Gen. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Olivierre, Hon. N.

TIE Agreement Bill, 2016

Wednesday, September, 14, 2016

Cuffie, Hon. M.
Garcia, Hon. A.
Francis, Hon. Dr. L.
Leonce, A.
Jennings-Smith, Mrs. G.
Mc Donald, Miss M.
NOES
Singh, G.
Persad-Bissessar SC, Mrs. K.
Lee, D.
Ramadhar, P.
Karim, F.
Rambachan, Dr. S.
Tewarie, Dr. B.
Newallo-Hosein, Mrs. C.
Gopeesingh, Dr. T.
Gayadeen-Gopeesingh, Mrs. V.
Moonilal, Dr. R.
Indarsingh, R.
Khan, Dr. F.
Charles, R.
Padarath, B.
Bodoe, Dr. L.
Paray, R.
Ramdial, Miss R.
Question agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, before moving the Motion for the Adjournment of the House, I seek the indulgence of the House to deal with an end of session procedural matter pursuant to the new Standing Orders. And in accordance with Standing Order 79(3), I beg to move that the following Bills be restored to the Order Paper in the Second Session of Eleventh Parliament and these are: the Tax Information Exchange Agreements Bill, 2016; the Gambling, Gaming and Betting Bill, 2016; and the Insurance Bill, 2016.

Question put.

The House voted: Ayes 40

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Antoine, Hon. Brig. Gen. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Olivierre, Hon. N.

Cuffie, Hon. M.
Garcia, Hon. A.
Smith, Hon. D.
Francis, Hon. Dr. L.
Leonce, A.
Jennings-Smith, Mrs. G.
Mc Donald, Miss M.
Singh, G.
Persad-Bissessar SC, Mrs. K.
Lee, D.
Ramadhar, P.
Karim, F.
Rambachan, Dr. S.
Tewarie, Dr. B.
Newallo-Hosein, Mrs. C.
Gopeesingh, Dr. T.
Gayadeen-Gopeesingh, Mrs. V.
Moonilal, Dr. R.
Indarsingh, R.
Khan, Dr. F.
Charles, R.
Padarath, B.
Bodoe, Dr. L.
Paray, R.
Ramdial, Miss R.
Question agreed to.

Adjournment

Wednesday, September, 14, 2016

ADJOURNMENT

Motion made and question proposed: That the House do now adjourn sine die.
[*Hon. C. Robinson-Regis*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 3.53 p.m.