

**HOUSE OF REPRESENTATIVES**

*Thursday, February 23, 2017*

The House met at 2.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Mr. Rodney Charles MP, Member for Naparima, has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Annual Audited Financial Statements of MIC-Institute of Technology formerly Metal Industries Company Limited for the financial year ended September 30, 2015. [*The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2008. [*Hon. C. Imbert*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2009. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2010. [*Hon. C. Imbert*]

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5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2011. [*Hon. C. Imbert*]
  6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2012. [*Hon. C. Imbert*]
  7. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2008. [*Hon. C. Imbert*]
  8. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2009. [*Hon. C. Imbert*]
  9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Library and Information System Authority for the year ended September 30, 2010. [*Hon. C. Imbert*]
  10. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro Civic Centre for the year ended September 30, 2011. [*Hon. C. Imbert*]
  11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro Civic Centre for the year ended September 30, 2012. [*Hon. C. Imbert*]
- Papers 2 to 11 to be referred to the Public Accounts Committee.*
12. 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 December 31, 2016. [*Hon. C. Imbert*]

13. Annual Report of the First Citizens Bank Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
14. Annual Report of the First Citizens Investment Services Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
15. Administrative Report of the Accreditation Council of Trinidad and Tobago for the period October 1, 2014 to September 30, 2015. [*The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis)*]
16. Delegation Report on the 41<sup>st</sup> Meeting of the Board of Directors of ParlAmericas and the 13<sup>th</sup> Plenary Assembly of ParlAmericas held in Mexico City, Mexico from December 06 to 07, 2016. [*Mr. Rushton Paray*]
17. Annual Report of the Police Service Commission for the period January 01, 2014 to December 31, 2014. [*The Deputy Speaker (Mr. Esmond Forde)*]
18. Response of the Personnel Department to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
19. Response of the Tax Appeal Board to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
20. Response of the Tobago House of Assembly to the First Report of the Public Administration and Appropriations Committee on an Examination into the

- Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
21. Ministerial Response of the Ministry of Public Administration and Communications to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
  22. Ministerial Response of the Ministry of Sport and Youth Affairs to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
  23. Ministerial Response of the Ministry of Health to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
  24. Ministerial Response of the Ministry of Energy and Energy Industries to the First Report of the Joint Select Committee on State Enterprises on an Inquiry into the Administration and Operations of the Petroleum Company of Trinidad and Tobago Limited. [*Hon. C. Robinson-Regis*]

25. Ministerial Response of the Ministry of Energy and Energy Industries to the First Report of the Joint Select Committee on Energy Affairs on an Inquiry into the Strategies and Incentives to Promote New Production in the Energy Industry with Specific Focus on the Ministry of Energy and Energy Industries. [*Hon. C. Robinson-Regis*]
26. Response of the Trinidad and Tobago Police Service to the First Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Support Programmes and Services for Children Whose Parent or Guardian Was the Perpetrator or Victim of a Violent Offence. [*Hon. C. Robinson-Regis*]
27. Annual Report of the Trinidad and Tobago Civil Aviation Authority for the financial year ended September 30, 2016. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]

### **JOINT SELECT COMMITTEE REPORT**

#### **TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016 (Presentation)**

**The Minister of Finance and the Acting Minister of Energy and Energy Industries (Hon. Colm Imbert):** Madam Speaker, I wish to present the following report:

Report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016

### **URGENT QUESTIONS**

#### **Annual Fires at Forres Park Landfill (Urgent Measures to Eradicate)**

**Mr. David Lee (Pointe-a-Pierre):** Thank you, Madam Speaker. To the Minister of Public Utilities: Given the annual fires at the Forres Park landfill which adversely and negatively impact on the health of the residents of Claxton Bay and

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its environs, as well as the premature closure of schools, could the Minister state what urgent measures are in place to eradicate these fires?

**The Minister of Public Utilities (Hon. Fitzgerald Hinds):** Thank you, Madam Speaker. If, as the question posits, these fires are annual, and therefore, well known and expected, I cannot easily understand the concept of urgent response to it. So I might advise my friend on the other side, and this Parliament, that SWMCOL has in place an existing fire management plan which dictates its response to fires at the landfill sites under its purview. In addition to the fire management plan, SWMCOL has changed the location of the tipping area where waste is received and located this tipping area within a more accessible area closer to the centre of the site. This allows them to cover the waste on a more regular basis and have a smaller more controlled tipping area.

This strategy, Madam Speaker, significantly reduces the risk of fires on the site.

Secondly, SWMCOL has also increased its stockpile of cover material on site to be used in the event of a fire. A third fire-prevention mitigation strategy adopted by SWMCOL is the creation of an emergency access on the Cedar Hill Road that will allow trucks and firefighting appliances to more quickly serve the landfilled area should there be a fire. This will reduce the response time in such an event.

Finally, Madam Speaker, SWMCOL has also met with the community in the Cedar Hill area and environs, and sought to address their concerns as it relates to the landfill operations and have updated its fire management plan based on the contributions and the concerns raised by the residents.

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

**Dr. Rambachan:** Madam Speaker, through you, is the Minister aware that the Forres Park landfill is situated at a higher level than the villages and no matter where they place the tipping point the wind will take the fumes right down into the

villages?

**Hon. F. Hinds:** That perhaps is so, Madam Speaker, but it has always been so, and therefore, the strategies that I have outlined are the best strategies in all the circumstances including the ones identified by my friend on the other side. [*Desk thumping*]

**Imminent Deportation of Trinidad and Tobago Nationals  
(Steps to Monitor)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. To the Minister of National Security: What steps are being taken to monitor the imminent deportation of a large number of Trinidad and Tobago nationals from the United States?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, I am not aware of any official notice about the deportation of a large number of Trinidad and Tobago nationals from the United States. And, Madam Speaker, it is customary that whenever the United States deports nationals of Trinidad and Tobago that advanced notice and information is provided to the Government of Trinidad and Tobago. Based on that information, they are placed in various categories and, as such, the agencies of the Ministry of National Security stand prepared to treat with that accordingly. [*Desk thumping*]

**Dr. Gopeesingh:** Supplemental, through you, Madam Speaker. Would the hon. Minister be able to indicate, in support of your answer that you have given, from the past, let us say one or two years previously, how many people have been deported? It is in the context of this question as well, if you would be kind enough to answer.

**Madam Speaker:** Member, I would not allow that question. It is not a

supplemental question.

**Property Defaced at Carnival  
(Imposed Fines)**

**Dr. Tim Gopeesingh** (*Caroni East*): To the Minister of Community Development, Culture and the Arts: Given that Carnival is only days away, could the Minister advise whether the National Carnival Commission intends to impose fines on bandleaders whose members deface property during the two days of Carnival; and if so, under what law or authority?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)**: Thank you, Madam Speaker. Madam Speaker, the NCC Chairman has informed that at a meeting held with bandleaders and homeowners in January, there was general acknowledgment of the problem of property being defaced during the masquerades of Carnival Monday and possibly Tuesday. Homeowners presented actual pictures of acts of defacement which may constitute an offence under the Litter Act of 1973, Chapter, 30:52, section 3(1)(a) and (b), and these attract a fine of \$4,000.

At the meeting, the NCC gained general agreement that if bandleaders are presented with pictorial or other clear evidence of defacement by their band members, they would take steps to assist the affected homeowners. The NCC is operating on the premise that this gentleman's agreement will stand and is appealing to members of the public to be responsible in their enjoyment of the Carnival masquerade. [*Desk thumping*]

**Dr. Gopeesingh**: Is there any official authority other than the bandleaders, should these pictorial representations be sent to, whether it is arm of the state, the police arm, national security, in addition to the bandleaders; or is it you only have to submit it to the bandleaders alone as you mentioned?



**Hon. Dr. N. Gadsby-Dolly:** At this point, the NCC is being the broker between the bandleaders and the homeowners, and will try to make the best effort to ensure that whatever evidence is presented is being dealt with in the agreement. [*Desk thumping*]

**Dr. Gopeesingh:** If as you said, hon. Minister, that this comes under the Litter Act, the authority for it, should that be submitted then to the corporations as such, the various corporations like, example, the Port of Spain City Corporation which is responsible for the Litter Act implementation?

**Madam Speaker:** Member, I will not allow that as a supplemental question.

**Baby Matthew Rambarack  
(Medical Assistance)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Health: What urgent assistance, if any, is being rendered to baby Matthew Rambarack who is in need of urgent medical assistance at an overseas medical facility at an estimated cost of some US \$1 million?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. Baby Matthew Rambarack was born on May 24, 2016 with complex congenital heart disease. As of 2.15 p.m. this afternoon, the information from the Children's Life fund is that no application was made on behalf of this baby to the Children's Life Fund either on, after, or as 2.15 p.m. to date. So the Children's Life Fund is there to be accessed. It was the parent's decision, it would seem, to pay for and access medical care for this baby on their own.

From 2015 to now, I as Minister of Health, on behalf of the Government of Trinidad and Tobago, have approved 40 applications before the CLF and the CLF to date is well funded to the tune of \$55 million. So that anyone who qualifies—TT \$55 million—can apply to the Children's Life Fund to have that type of relief.

It is unfortunate that the parents of this child did not approach the Children's Life Fund as of 2.15 p.m. today.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, as the Minister in charge, what are you planning to do to fast-track that application for this baby?

**Hon. T. Deyalsingh:** Madam Speaker—*[Interruption]*

**Madam Speaker:** Member, I will not allow that as a question because it does not arise out.

### ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Madam Speaker, we will be answering all questions on the Order Paper. With regard to the written questions, we are asking for on the next occasion to answer—*[Interruption]*

**Madam Speaker:** Leader of the House.

**Hon. C. Robinson-Regis:** Thank you very kindly again, Madam Speaker. Madam Speaker, we will be answering all questions for oral answer. With regard to the written questions, question No. 18, we are asking to answer on the next sitting of the Parliament. We know that we have asked for a deferral on this question, but as I have indicated previously there is quite a substantial amount of information to be collated and we will be ready at the next sitting of the Parliament. Thank you very kindly, Ma'am.

### WRITTEN ANSWERS TO QUESTIONS

*The following questions stood on the Order Paper in the name of Mr. Barry Padarath (Princes Town):*

**Family and Children Division  
(Update on the Establishment of)**

**41.** Could the hon. Attorney General give an update on the establishment of the Family and Children Division of the High Court further to the passage of the Family and Children Division Act, 2016?

**Carnival Industry  
(Long-Term Plan Outline)**

**42.** Could the hon. Minister of Community Development, Culture and the Arts outline her long-term plan for the Carnival industry and indicate whether any strategic plan has been developed?

*Vide end of sitting for written answers.*

**ORAL ANSWERS TO QUESTIONS**

**Temporary Rise in Oil Price  
(Impact of)**

**46. Dr. Bhoendradatt Tewarie** (*Caroni Central*) asked the hon. Minister of Finance and Acting Minister of Energy and Energy Industries:

- (a) Could the Minister indicate whether the temporary rise in the oil price will affect Government's fiscal strategy?
- (b) How will increased oil prices impact the 2016/2017 budget deficit and borrowing plans?

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**  
Madam Speaker, my colleague is requesting to answer that later within the question time because he is getting the information which is on his laptop. So can we move to the next question, please?

**Completion of Warrenville Box Drain and Pavement  
(Re-commencement date)**

**47. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Works and Transport:

Could the Minister provide the proposed re-commencement date for the completion of 100 metres of box drain and pavement which was started in 2016 along the Southern Main Road, Warrenville?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):**

Thank you, Madam Speaker. Madam Speaker, the scope of work for this project was the construction of 330 metres of open box drain to be constructed along the Southern Main Road, from Munroe Road Junction to the mosque.

The first phase of this project commenced on October 31, 2016 and was successfully completed by the 2<sup>nd</sup> December, 2016. This phase 1 started at Ali Trace where 30 metres of outfall drain was constructed and continued for 100 metres along the Southern Main Road in a southerly direction.

A section of approximately 100 metres in length was omitted because this area required covered box drains with cast iron and manhole covers and frames, and the intention is to make the undertaking covered box drain to be part of a separate contract. Phase 1 continued with the construction of 200 metres of open box drain.

Phase 2 of the 100-metre is planned for commencement by April 2017. This will include construction of covered box drain together with commercial driveways, each not less than six metres wide along the Southern Main Road, between Maharaj Trace and Emmanuel Trace. Thank you.

**Hiking Trails in Trinidad and Tobago  
(Lack of Proper Maintenance)**

**48. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister provide the reasons for the lack of proper maintenance of hiking trails in Trinidad and Tobago?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam Speaker, the Forestry Division of the Ministry of Agriculture, Land and Fisheries is only responsible for the maintenance of nature trails in areas designated as national parks or recreational areas. These include the Cleaver Woods Recreation Park, Matura National Park, Aripo Savannah and Quinam Recreation Park. The nature trails within these areas have been regularly and properly maintained by staff of the national park section of Forestry Division. Thank you.

**Mr. Karim:** Madam Speaker, through you, if the hon. Minister would be kind enough to indicate who has the responsibility for hiking trails?

**Sen. The Hon. C. Rambharat:** Madam Speaker, I have outlined the responsibility for trails which are regarded as nature trails in the Ministry. The responsibility rests with the Forestry Division, and I have identified the four areas in which those trails exist. Thank you.

**Trinidad and Tobago Police Service  
(Height Requirement)**

**49. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of National Security:

Could the Minister provide the rationale for the height requirement for entry into the Trinidad and Tobago Police Service?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Madam Speaker, the height requirement for entry into the Trinidad and Tobago Police Service was established since colonial times, and this requirement has continued to present day. Following a review of its records, the Trinidad and Tobago Police Service was unable to locate the rationale for imposing the height requirement on recruits. However, at present the qualification

for trainees are being reviewed and this criterion will form part of that deliberation.

**Mr. Karim:** Thank you, Madam Speaker. Might the hon. Minister indicate when is this review expected to be completed and the recommendations thereof implemented?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, I do not have the timeline as to when it will be completed, but I know for a fact that it is being deliberated right now with a review of the height requirements, in addition to other criteria.

**Mr. Karim:** Madam Speaker, may I, through you, make a request to the hon. Minister that when such is decided I may be able to have a written copy of that decision?

**Hon. Maj. Gen. E. Dillon:** Will so provide, Madam Speaker.

**Madam Speaker:** Member for Caroni Central, we now revert to No. 46.

**Temporary Rise in Oil Price  
(Impact of)**

**46. Dr. Bhoendradatt Tewarie** (*Caroni Central*) asked the hon. Minister of Finance and Acting Minister of Energy and Energy Industries:

- (a) Could the Minister indicate whether the temporary rise in the oil price will affect Government's fiscal strategy?
- (b) How will increased oil prices impact the 2016/2017 budget deficit and borrowing plans?

**The Minister of Finance and Acting Minister of Energy and Energy Industries**

**(Hon. Colm Imbert):** Thank you, Madam Speaker. The Government's fiscal strategy is based on its medium-term outlook of revenue and expenditure streams. This outlook is premised on the assumed trajectory for several factors including but not limited to the forecast for energy prices, energy production, consumer prices, domestic and global economic growth, the level of investment, trade, among other things. These forecasts are longterm in nature and provide a stable

base for the medium-term fiscal outlook. As a result, temporary shifts in any one factor, such as oil prices, may have little or no influence on Government's medium-term strategy.

The Government's medium-term fiscal strategy, since inception, has been one of stability consolidation, debt sustainability, tax reform and diversification of revenue and expenditure. There is therefore a commitment to continue to exercise fiscal and economic prudence along the path to achieving sound public financial management despite temporary rises in oil prices. Generally speaking, higher than budgeted oil prices would result in a lower fiscal deficit provided that there is no commensurate or greater increase in expenditure and no further curtailments in local oil and gas production. These higher prices would have to occur over a long period of time to have any impact. I want to repeat that. Higher prices would have to occur over a longer period of time to have any impact.

However, with only four months of actual price data and two months of actual energy production data available, it is still too early to determine the impact of higher oil prices on the 2017 budget. Further, given the historical volatility of oil prices, there is still a great deal of uncertainty about the sustainability of current price levels. Even with the daily price of West Texas Intermediate averaging just over US \$52 per barrel and Europe Brent averaging US \$55 per barrel, in January 2017, the IMF in its World Economic Outlook update for January 2017 projects oil prices at US \$51.20 per barrel in 2017 and US \$53.10 per barrel in 2018.

These are small increases, a 2 per cent increase and a 1.2 per cent decrease, from the October 2016 World Economic Outlook projection. These projections are on a calendar basis and could be lower when translated to a fiscal period. Therefore, it would be premature at this stage to assume a higher than budgeted oil price. Consequently, it would be premature for the Government to make

adjustments to the 2017 budget and borrowing strategy at this point in time.

**Dr. Tewarie:** Is Juniper coming on stream in the third quarter of this year a factor in your thinking as you go forward?

**Hon. C. Imbert:** Thank you, Madam Speaker. Of course, Juniper coming on stream is important in terms of recovering some of the lost gas production that we have, but there are several other projects such as Angelin, for example, and a number of other projects that are required to put oil and gas production at the levels that we have projected. So the short answer is, yes, all of the projects that are on the horizon have been factored into our research.

**Dr. Tewarie:** Supplemental, Madam Speaker. Are negotiations completed on Angelin and the other projects ahead of us?

**Hon. C. Imbert:** Not yet.

**DEFINITE URGENT MATTER  
(LEAVE)**

**Poisoning of National Water Supply  
(Failure of Government to Act)**

**Dr. Tim Gopeesingh** (*Caroni East*): Madam Speaker, I hereby seek your leave to move the adjournment of the House today under Standing Order 17 for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to take swift and decisive action on the poisoning of the national water supply through dangerous lead from various public landfills.

**3.00 p.m.**

This matter is definite because it pertains to the official disclosure that the national water supply faces contamination through pollution of watercourses with lead from the Guanapo and other landfills.

This matter is urgent because there is a risk that the health of consumers could be adversely affected by the consumption of water with lead.

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The matter is of public importance because the contaminated watercourses impact a vast number of members of the national public; and because of the failure of the Government to deal with this problem, the health and safety of our citizens could be in jeopardy.

**Madam Speaker:** Member for Caroni East, hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursues this matter under Standing Order 16.

**BAIL (ACCESS TO BAIL) (AMDT.) BILL, 2017**

Bill to amend the Bail Act, Chap. 4:60 [*The Attorney General*]; read the first time.

**INTERNATIONAL FINANCIAL ORGANISATIONS  
(CORPORACIÓN ANDINA DE FOMENTO) BILL, 2017**

Bill to provide for the membership of Trinidad and Tobago in the Corporación Andina de Fomento (also known as “the Andean Development Corporation”) and for the raising of loans from the Corporación Andina de Fomento (Andean Development Corporation) by the Government of Trinidad and Tobago for the purposes of financing development projects in Trinidad and Tobago and for matters incidental thereto [*The Minister of Finance*]; read the first time.

**INDICTABLE OFFENCES  
(PRE-TRIAL PROCEDURE) BILL, 2017**

Bill to abolish preliminary enquiries and to provide for the pre-trial procedure in respect of indictable offences and for ancillary matters [*The Attorney General*]; read the first time.

**CRIMINAL PROCEDURE (PLEA DISCUSSION AND  
PLEA AGREEMENT) BILL, 2017**

Bill to establish a system of plea discussions and plea agreements and for matters incidental thereto [*The Attorney General*]; read the first time.

**JOINT SELECT COMMITTEE REPORT  
TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016  
(ADOPTION)**

**The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert):** Madam Speaker, I beg to move the following Motion standing in my name:

*Be it resolved* that this House adopt the Report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016.

Madam Speaker, on a previous occasion—[*Interruption*]

**Mr. Lee:** Madam Speaker, Standing Order 36(c).

**Madam Speaker:** I believe the resolution was that the report would be reported on today.

**Mr. Lee:** Madam Speaker, the last resolution was not about adopting the report. Let me just read the Motion from the Prime Minister, No. 4, the Member for Diego Martin West.

**Madam Speaker:** It would be the resolution of the House. Yes?

**Mrs. Robinson-Regis:** Madam Speaker, if I may intervene at this point. Madam Speaker, you would recall that when we ended business on the last sitting, I made the clear resolution of the House that we would come back today to do the business of the FATCA and we would go to a vote. We said that, Madam Speaker. We were very clear when we asked for the House to be adjourned, and I did indicate what the business would be today, Madam Speaker. [*Desk thumping*]

**Mr. Lee:** Thank you, Madam Speaker. At the last sitting, the Member for Tabaquite, there was nowhere between the Member for Tabaquite and the Member

for Diego Martin West talk about adoption of a report.

**Madam Speaker:** Member, I now rule, I do not uphold your objection under Standing Order 36(c). Minister of Finance, please proceed. [*Desk thumping*]

**Hon. C. Imbert:** Madam Speaker, I think it was well established on the last occasion that we would be returning to this Parliament on Thursday, the 23<sup>rd</sup> of February, 2017, at which time the final report of the committee would be laid and debated. I think that is clear. I do not think there is any dispute about that. So that if there is some misunderstanding on the other side or some confusion, I am sorry. I cannot assist you.

I think everybody knows. The whole of Trinidad and Tobago knows. The whole world knows. The whole Caribbean knows that we were coming today to adopt the final report of the Joint Select Committee. In the report you will see that the verbatim notes of the proceedings of the final meeting, which we held on Friday, the 17<sup>th</sup> of February, at the conclusion of that we stated that we will be submitting a final report to the Parliament on the 23<sup>rd</sup> of February and we will be debating it and taking the vote, Madam Speaker. So, whatever misunderstanding or misconstruction there is on the other side, I cannot assist that. I cannot assist that.

So let us now move on with the business of the day. In addition, Madam Speaker, they submitted a minority report and the minority report does not complain about that. It simply asked for resolution of the final outstanding proposal from the Opposition. So, there is no query in that minority report that we have a problem or we should not be here today to debate the final report. They have submitted a minority report, a two-pager, I understand, that simply asks for consideration of the final amendment that we were not able to reach agreement on

previously. So, shall I go straight into that, Madam Speaker?

At the last meeting, acting on a document submitted by Sen. Ramdeen, which I received at approximately 7.00 p.m. on the night of Wednesday, the 15<sup>th</sup> of February, acting on that document, the Government immediately looked at the comments made, the requests made, the recommendations made by the Opposition and dealt with each one of them in a very systematic, comprehensive and professional manner. I would summarize four amendments. Now, for the first time, the Government was presented with actual draft amendments in writing by the Opposition, for the first time, since September of 2016, and four proposed amendments, proposed by Sen. Ramdeen on behalf of the Opposition Members of the Joint Select Committee, were as follows:

The first proposal was to make any order of the Minister, which relates to clause 29 of the Bill, which relates to any amendment to the agreement. Clause 29 of the Bill deals with any amendments to the Inter-Governmental Agreement that might be made by the parties, by the United States of America and the Republic of Trinidad and Tobago at some future date, the request was that any such amendments to the Inter-Governmental Agreement be subject to a resolution of Parliament, and the committee met and the committee agreed to insert after clause 29(1), the following new subclause:

That:

“An Order under subsection (1)”—which is the order making amendments to the Inter-Governmental Agreement—“shall be subject to negative resolution of Parliament.”

—and we had unanimous agreement on that. So, of the first four amendments, we dealt with it and we reached agreement as a committee. As a tri—if there is such a

word as “tri-partisan” committee—we, Independent, Opposition and Government, agreed to this. So we sorted out the first draft amendment coming from the Opposition.

The second one was to amend the Bill to include a new clause 17(3) stating as follows:

That before a reporting financial institution forwards sensitive personal information on an account holder in respect of a reportable account to the Competent Authority, the reporting financial institution shall give 28 days’ notice to the account holder that their sensitive, personal information is being forwarded to the Competent Authority pursuant to the provisions of this Act.

At the meeting of the committee held on Friday the 17<sup>th</sup> of February, last Friday, it was agreed that the Government would consider this proposal from the Opposition.

Subsequently, the Treasury Solicitor informed that:

- (a) the proposal by the Opposition would have the effect of introducing a step prior to the automatic exchange of information, such that there is a positive obligation in the financial institution to specifically inform persons, subject to disclosure under the IGA, of the intended disclosure.
  2. Allow for legal argument with respect to the adequacy of any such notice.
- (b) The Intergovernmental Agreement contemplates automatic disclosure without consent.
- (c) The Bill specifically provides for the elimination of consent to facilitate the obligations of the parties.

(d) The effect of seeking consent runs contrary to the grain of the IGA.

So, at that time no amendment was proposed.

In addition, the Trinidad and Tobago Law Association gave an opinion in its written publication to the committee dated the 20<sup>th</sup> of February 2017, under the hand of Mr. Raphael Ajodhia at page 25, to wit:

“The preponderance of ‘tax haven’ countries has resulted in a drain of State capital which could, if collected, be funnelled through to development projects for the benefit of the general citizenry...

If one accepts that the aim and/or object of the TIEA Bill is, in a general and broad sense, to assist in the combating against tax evasion – then the measure“—which is that there is automatic transmission without consent—“makes perfect rational and proportionate sense.

The only way to determine whether: ...taxes ought to be paid; ...taxes are being paid; and...the amount of...taxes which are due, is to have reference to the details of the account in question including the account balance...cash value equivalents. Equally, the only plausible way to pursue a person who may have been guilty of tax evasion is to have reference of his/her personal details.

The question of whether the forfeiture of consent is legitimately required is again an exercise of common sense.”

I want to repeat that.

“The question as to whether the forfeiture”—or denial—“of consent is legitimately required is again an exercise of common sense. It goes without saying that if an account holder is guilty of tax evasion, he/she will not willingly sanction the release of his/her sensitive...information to the

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authority which will then be in a position to press charges for the said tax evasion...

The only method by which the right to private and family life could not be limited by the...Bill is to allow for the notification and/or consent of the account holder prior to reporting, which would frustrate the aim...or object of the Bill as explained..."

These are not our words, Madam Speaker. This is the response of the Law Association of Trinidad and Tobago to the request that prior notice be given to persons before personal information is sent. So I say it again.

"The only method by which the right to private and family life could not be limited by the...Bill is to allow for the notification and/or consent of the account holder prior to reporting, which would frustrate the aim...or object of the Bill as explained..."

There does not appear to be, in my view, any other method by which the purpose of the TIEA Bill could be achieved other than to limit the Section 4...fundamental right."

Those are the words of Mr. Ajodhia, the consultant or the legal representative or the representative of the Law Association of Trinidad and Tobago. So what the Law Association said is that if we give this notification, it would frustrate the aim and object of the Bill as explained.

Having regard to the concerns expressed by the Treasury Solicitor and the opinion of the Law Association, it was not recommended at that time for the provision. Well, certainly not for the provision of prior notice in the TIEA Bill. So that was the second point. So we agreed to give further consideration to that at the committee on Friday.

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(c) Clause 18 of the Bill be amended to include a new subclause which would require the Competent Authority—this is a recommendation coming from the Opposition—agreements to be laid in Parliament.

We agreed to have consideration of this proposal at the committee meeting on the 17<sup>th</sup> of February.

The BIR responded by saying that:

Clause 8 of the Competent Authority agreement already provides for the publication of the arrangement by each contracting state within 30 days from the last date of signature of the arrangement. Therefore, it will be made publicly available under this clause.

So, the amendment that we have agreed to is:

“Where an Agreement under subsection (1)...”

—so there is a new subsection (2) to clause 18—

“provides for its publication, it shall be laid in Parliament within two months after the date of signature of the Agreement by both parties.”

And the fourth, I want to repeat, this is the first time we received draft written amendments from the Opposition was when we got it last week from Sen. Ramdeen. The fourth draft amendment proposed by the Opposition was inclusion of a new clause 35 as follows:

The Minister shall cause to be laid in the Parliament an annual report on the operations of the Competent Authority within one month after the date for the automatic transmission of information under the provisions of this Act of Parliament or if Parliament is not then in Session within one month after the commencement of the next Session.

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We settled this matter by agreeing to an amendment that reads as follows:

“The Minister shall cause to be laid in Parliament an annual report on the operations of the competent authority within three months after the date of the automatic transmission of information under the provisions of this Act or, if Parliament is not in session, within one month after the commencement of the next session.”

So the Opposition made four proposed draft written amendments, for the first time last week, and Madam Speaker, we were able to, I would say up to yesterday, satisfactorily address three of the four. So there was only one issue left, only one issue left to be dealt with and that is the notification provision, Madam Speaker.

Madam Speaker, as I was saying before I was interrupted by the Member for Pointe-a-Pierre, I do not propose to go through what I went through on the last occasion, where I went through every single amendment to the Bill. I do not think it would serve any practical purpose to simply repeat what I said on the last occasion. I think what I should do now is to just deal with has happened since the last occasion.

But there is some background information I think is very important for persons to be aware of. The FATCA 2010 Act is a United States federal law requiring, among other things, that all non-US foreign financial institutions search their records for US persons, and I stress US persons, for the purpose of reporting on their assets and identities to the US Treasury. FATCA imposes a 30 per cent withholding tax on payments of US source income made to non-US foreign financial institutions.

The United States of America, following FATCA, created various model

Inter-Governmental Agreements for countries around the world to execute in order to comply with FATCA. Trinidad and Tobago had to look at the models that were available and decide which model they would enter into. Madam Speaker, it is a matter of record and it is history that a decision was made by the former administration several years ago to enter into the Model 1 IGA Agreement with the United States of America. It is history that my predecessor, the former Minister of Finance, initialled the Model 1A IGA Agreement and transmitted same to the United States Treasury.

It is history that on submission of that initialled agreement to the United States, Trinidad and Tobago was declared, at that time, to be FATCA compliant pending on the actual execution of the agreement and the incorporation of the agreement into domestic law. It is also history that the Model 1 IGA that was agreed to and initialled by the former Government was signed by this Government in August of 2016.

Madam Speaker, it is very important that people understand the effect of FATCA on Trinidad and Tobago. Much has been made of the effect with respect to loss of correspondent banking, withholding of 30 per cent tax on transactions, and so on. But, Madam Speaker, the agreement excludes financial institutions with a local client base. These requirements include that the financial institutions are licensed and regulated as a financial institution under the laws of Trinidad and Tobago. I am told that at least 98 per cent of the financial accounts by value maintained by financial institutions in Trinidad and Tobago must be held by residents of Trinidad and Tobago. Madam Speaker, in other words, 98 per cent of accounts in Trinidad and Tobago must be held by residents of Trinidad and Tobago. And, therefore, it is only 2 per cent, a potential 2 per cent, of accounts in

Trinidad and Tobago that could be affected.

Madam Speaker, in addition, the exchange of information, and this has nothing to do with Trinidadians, is key to dealing with the pernicious effects of transfer pricing. Because if we are able to gather information on US entities and US persons operating in Trinidad and Tobago, we will begin to be able to deal comprehensively with, as I said, the pernicious effects of transfer pricing and improve the revenue collection base of this country considerably. I thought those facts needed to be known.

There is another fact, Madam Speaker, that I think people in Trinidad need to know. There was a reference some time ago to correspondence from the Leader of the Opposition to the new President of the United States, with respect to FATCA and whether the new President or his administration intended to repeal FATCA. But little is it known, Madam Speaker, an attempt was made in 2015 to repeal FATCA, and the Foreign Tax Account Compliance Act, Budget Amendment SA621, to repeal FATCA, failed to reach the Senate floor.

Madam Speaker, for those who are talking about the Obama Administration, I need to put into the record, because we need to deal with truth. In 2015, Madam Speaker, when the Senate refused to even treat with the attempt to repeal FATCA and rejected it out-of-hand, it did not even reach the floor for debate and consideration; they did not even allow it to come for consideration by the United States Congress; this was the composition of the United States Senate at that point in time, 54 Republicans, 44 Democrats. So Republicans controlled the Senate at the time when they rejected an attempt to bring an Act to repeal FATCA. So the United States has already dealt with this matter.

And, in fact, when you look at the commentary on it, when you read the

commentary on that attempt to repeal FATCA the commentators say that efforts to repeal America's global disclosure law are dead because it was a Republican-controlled Senate that refused to even entertain the notion of considering and debating the repeal of FATCA, and I think it is necessary that the facts be put into the public domain and the Senate is now a Republican Senate. It is the same people, more or less, that are in the Senate at this time. They had 54 Republicans before. Now they have 52. It is the same people that rejected, the same Republicans that rejected that attempt to repeal the FATCA law. I just thought that is a very important piece of information that persons need to know, Madam Speaker.

Now, let me move with what happened in the committee. Let us move with what happened in the committee. As we have heard today, an amendment to the Motion to adopt the report of the committee on the last occasion was moved that it be treated as an interim report and that the JSC would continue its work and report to the House. The hon. Prime Minister and Member for Diego Martin West moved an additional amendment by Thursday, February 23, 2017.

The Joint Select Committee met for the sixth time on Friday the 17<sup>th</sup>, and, Madam Speaker, this is the report, which indicates the amount of work we did in that committee. Look at the size of this report, hundreds of pages and it does not have everything in it.

So, Madam Speaker, at the sixth meeting, the members of the committee received another minority report, dated February 14<sup>th</sup>, from Sen. Ramdeen on behalf of Opposition Members requesting that certain documents and information be provided, as well as suggesting certain additional amendments to the Bill, which I have dealt with already. Among the documents requested were the following:

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Copies of correspondence dated 27<sup>th</sup> September, 2017 from the Ministry of Finance to the United States Treasury.

These documents were provided on that same day.

Copies of all correspondence from the Government of Trinidad and Tobago to the US Treasury on the issue of implementation of FATCA.

Copies of this correspondence were provided to all members on that same day.

Copies of any documentation from the US Treasury which discloses or identifies a deadline date or dates for Trinidad and Tobago.

Some of these documents had already been submitted to members of the committee such as the email from Ms. Elena Virgadamo of the US Treasury Department.

Nevertheless, all additional documents in this category were provided to all members at the Sixth Meeting of the Joint Select Committee, including an additional copy of Treasury and IRS Notice 2016-27, advising of the requisite deadlines, which had previously been provided to all members of the committee. And that is to deal with this notion that the deadlines have been somehow set by us on this side and me in particular. I want to repeat that all additional documents were provided to members, including an additional copy of Treasury and IRS Notice 2016-27 advising of the requisite deadlines, which had previously been provided to all members of the JSC. So this is not our deadline. Certainly not my deadline. These are deadlines of the United States Government.

Madam Speaker, I also want to explain the plan, now for the second time I wish to explain the plan, that we submitted to the US Treasury. On the website, the United States IRS website, there was an announcement that provided that each jurisdiction with an Inter-Governmental Agreement that is not yet enforced and

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who wish to be treated as if it had an IGA in effect, must provide to the US Treasury, by December 31, 2016, a detailed explanation of why the jurisdiction has not yet brought the IGA into force and a step-by-step plan that the jurisdiction intended to follow, in order to sign the IGA, and if not signed, bring the IGA into force.

Based on this statement on the IRS website, Trinidad and Tobago provided the explanation of the plan which, again, has been misconstrued as our deadline. We were required to provide by December 31, 2016, a step-by-step plan to the United States Government to show that we were going to meet all of the deadlines for implementation of FATCA, and we did so.

Madam Speaker, we also were asked to provide all correspondence received by the Secretary to the committee in response to requests for public comments. These have been circulated to members. Copies of correspondence written by ANSA Merchant Bank, Unit Trust, ATTIC; these letters written by the committee to ANSA Merchant Bank, et cetera. These letters were provided.

We were also asked to provide any submission from the Law Association. This was provided to members of the committee. We were asked to—and it came after the last meeting of this House—provide a copy of the advice of the Chief Parliamentary Counsel, with respect to the issue of the existence of a double taxation treaty and the Bill. This was provided to all members.

We were asked to provide information from the BIR, with respect to the exchange of information between the BIR and the United States since 1989. This has been provided to members. We were asked to provide a copy of the communication plan expected to be used by the Ministry of Finance upon passage of the Bill. This has been provided.

We were asked to provide a list of existing practices used by the Board of Inland Revenue for the exchange of information used with the US. This has been provided. We were asked to provide correspondence containing submissions from the Credit Union Society. This has been provided.

We were asked to provide a copy of the advice of the Treasury Solicitor referred to by the Attorney General in the sitting of the House of Representatives. The Attorney General clarified in the committee meeting that he did not refer to advice from the Treasury Solicitor other than a reference to a proposed amendment to section 117 of the Income Tax Act. We were asked to provide information with respect to the effect of the legislation on section 117 of the Income Tax Act. This has been done.

So, Madam Speaker, we in the committee have provided every single piece of information that has been requested by the Opposition. [*Desk thumping*] We have provided it and we have re-provided it. And we have re-provided it. Every single piece of information they have asked for, they have been given it. With respect to the Board of Inland Revenue, with respect to correspondence between the Government of Trinidad and Tobago and the US Treasury and vice versa, with respect to submissions from stakeholders, every single piece of information has been provided. [*Desk thumping*]

Now, Madam Speaker, I was very surprised when we began this session to experience a complaint about lack of notice and inference that, look, we should not be here debating this, and if that had prevailed that would have been the end of this sitting and we go into the Carnival period and we would have had yet another delay.

I just want to give some more examples of the information we gave to the

Opposition. We were asked to provide a brief on the intended changes to the Central Bank Act and Securities Act. This was provided on the 26<sup>th</sup> of January. We provided a brief on the proportionality of the suggestion to increase the fine to \$250,000 and five years' imprisonment, circulated on the 26<sup>th</sup> of January. We were asked to examine clause 10. We looked at it and our response was circulated on the 26<sup>th</sup> of January. We were asked to look at the effect of clauses 10 to 13, circulated on the 26<sup>th</sup> of January.

We were asked to prepare a brief to distinguish information that would be automatically transmitted, versus information that will require consent. That brief was circulated on the 26<sup>th</sup> of January. We were asked to prepare a brief to consider the effect of guidelines being approved by negative resolution. That brief was circulated on the 26<sup>th</sup> of January. We were asked to consider the effect of a negative resolution procedure for clause 27 as modified. That was circulated to members on the 26<sup>th</sup> of January, 2017, and all before the last sitting.

Madam Speaker, I just want to say, I have been in this Parliament for 25 years. I have sat on many Joint Select Committees. I have chaired many and I have never seen a Government respond in the way this Government has responded to the multitude of requests received from Opposition Members for amendments, clarification, information, undertakings. I have never seen a Government, any Government, and I have sat on JSCs in Opposition and in Government for 25 years, and I have never seen a Government—and I have to congratulate the Attorney General. [*Desk thumping*]

Sometimes I would get a request in the dead of night. Sometimes I would get a request in the dead of night and they want information the next morning and I would feel a little tired and say: “Oh Lord, again?” And the Attorney General



would rise to the occasion and within 12 hours I would get a comprehensive response to every single thing. “He wuking.” I have to compliment him. And I also must compliment the staff of the Chief Parliamentary Counsel office, [*Desk thumping*] the staff of the Legal Unit in the Ministry of Finance. Sometimes I would terrorize them at 11.00 p.m. at night and the next morning I get a response which we would circulate to the members of the Opposition. I have not seen public servants, for quite a while, rise to such heights of excellence and I want to compliment all of the public servants for their work on this matter. [*Desk thumping*]

Madam Speaker, I now come to the final issue, the last remaining issue that should, unless the goalposts move again, because these goalposts have been moving and moving and moving and moving. So I now come to the last issue, which should, if what have I have been told is correct, end this matter.

This morning I received a telephone call from the person in the Opposition who has been authorized to communicate with me on behalf of the Opposition, with respect to a suggestion, with respect to how do we deal with the final remaining amendment, which is the whole question of notice, and this would be Sen. Ramdeen.

He drew my attention to legislation in the United Kingdom, and it deals with various agreements that the Government of the United Kingdom has with other countries, with respect to the sharing of tax information, and in it there is a provision that deals with notification to reportable persons. And in that provision, in the UK legislation, it states that a reporting financial institution must notify each individual reportable person or individual specified US person that information related to that person, which is required to be reported under Regulation 6, that is

of their FATCA laws, will be reported to Her Majesty's revenue and customs and may be transferred to the Government of another territory, in accordance with the relevant agreement; and two, the notification must be made by 31<sup>st</sup> January in the calendar year, following the first year, in which the account held by the individual is a reportable account maintained by the reportable financial institution. So my attention was drawn to this provision in UK law by Sen. Ramdeen, and I wish to announce, Madam Speaker, that the Government has crafted an amendment that reads as follows, and this is an amendment to clause 17(3):

Insert after subclause (2), the following new subclauses:

- (3) a reporting financial institution shall notify an account holder in respect of a reportable account that sensitive personal information relating to that person, which is required to be reported under this section, will be reported to the Competent Authority and may be transferred to the Secretary to the United States Treasury in accordance with the Inter-Governmental Agreement;
- (4) the notification under subsection (1) shall be made by 31<sup>st</sup> January in the calendar year following the first year in which the account held by the individual is a reportable account maintained by the reporting financial institution; and
- (5) the notification shall be in the form prescribed by the Minister by Order.

And so, Madam Speaker, as far as I am concerned, although this has been a moving target, we have met every single request of the Opposition, [*Desk thumping*] every single request. We have provided every single piece of paper they wanted from us. We have played this match on every football field, “doh

mind the goalposts kept moving”. [*Interruption*] Rugby you say? The goalposts kept moving from one end to the other. Every document, every clarification, every communication, every submission and every single amendment proposed by the Opposition has been satisfactorily addressed, Madam Speaker, and I hope that now that we have done that, that we will get the required support of Members opposite. I beg to move, Madam Speaker. [*Desk thumping*]

*Question proposed.*

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): Thank you very much, Madam Speaker. On a very light note, if you were to pass along one of the Ministry of Finance buildings, there is sign which says “Strickly no parking”. It says “Strickly no parking” and I wondered, because it says S-T-R-I-C-K-L-Y. And wondered, was there a tender put out for that sign? And when you did the tender, did someone design the sign? And then when you put the sign up, did you pay someone to put up that sign? And then all the staff walking and driving through, do they see that sign every day? And then when I am hearing the Member for Diego Martin West, Madam, I cannot lift a photograph but I do have the photograph. For the Member for Diego Martin North/East, I would kindly ask you to please check out this “Strickly no parking” sign.

I am reminded of it because when I hear your contribution today, I am taken back to day one when we began this debate on the Tax Information Exchange Agreements Bill, the TIEA, 2016. I am taken back to the 9<sup>th</sup> of September 2016, when we began this debate and I am reminded, from then to now, we have been along a long road. We have been along a bumpy, rough road. We have been along a road that has been riddled with distortions, riddled with half-truths, some would say, well alternative facts, yes. Some even dubbed them, Madam Speaker,

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“Imbertian facts”. And we have been on this tortuous pathway to reach where we are here today. [*Desk thumping*]

On the first day, Madam Speaker, when I spoke on the 9<sup>th</sup>, and we would want to recall on that same day the Bill was laid, on the 9<sup>th</sup> of September in this honourable House, that was the same day that the debate began, the very said day, on a Bill I remember we talked about the number of clauses, the number of pages, and so on. And, okay we spoke and we left the Chamber and a meeting was scheduled to be held on the Monday thereafter and at that meeting Members of the Government, Members of the Opposition met and came out of that meeting and big headlines, “Joint Select Committee would be established”. And since then we have gone around this rough and bumpy road, Madam Speaker. And along it we have been subjected, this Opposition has been subjected to abuse, verbal abuse, has been badgered, some would say intimidated.

Up to today the Opposition, Madam Speaker, because of the stand we took and we took that stand for a reason, because of the stand we took, we have been vilified inside this House and outside of this House. [*Desk thumping*] And in all of that, we remained strong. [*Desk thumping*] We were strong. We are strong. And we did it, Madam Speaker, because we were forever mindful of the oath that we took under the Constitution of the Republic of Trinidad and Tobago as an elected Member of Parliament.

And so we took an oath here that we:

“will bear true faith and allegiance to Trinidad and Tobago, we will uphold the Constitution and the law and will conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago upon which”—for myself—“I am about to enter.”

And every Member took this oath and forever on this journey, this FATCA journey, this experience, we have remained mindful of that oath. And in spite of all the abuse, verbally, we kept strong and we kept firm in our resolve that we would want to pass a good Bill and have good law. [*Desk thumping*] We gave the commitment that we would support the FATCA legislation. The journey began. In fact, when our Minister of Finance in the then Government had initialled the IGA, the journey began and we continued.

Madam Speaker, I want to make it very clear today that this Opposition and for myself, that they could jump high; they could jump low; they could drink this; they could drink “dat”; some could bark like dogs but I will never give my consent to bad law. [*Desk thumping*] We would never forgive ourselves for bad law. [*Desk thumping*]

So when the Minister of Finance stands up today to hold up this report and to talk about—a report with 560 pages, dropped on this desk by way of a Supplemental Order Paper that I received at 2.22 p.m. We were to begin at 2.30. At 2.22, whilst we were in caucus, we received this Supplemental Order Paper, Madam Speaker, and on it, under Committee Business, Adoption of a Report. I will not go back into that because the *Hansard* records will clearly show what was the resolution adopted by this House on the last occasion.

And so, the hon. Minister of Finance is happy to tell us the amount of work that was done, the amount of documents that were sent and shared with the members of the committee, and so on. And when were they shared? They were shared with us in this House at 2.30, when I arrived this was on my desk. I have not been able to go through.

And so it is, you know, there is a joint select committee and the Minister is

very proud of all the things that were asked and all the things that we shared with that Joint Select Committee. But it is two members of our House. The other 16 Members on the Opposition Benches, that was not shared with them until 2.30 today. Everything in there was not shared until 2.30. Are you then saying, two members of the Joint Select Committee who, according to the Standing Orders, cannot disclose what takes place in that Joint Select Committee until the report is laid in this House, cannot disclose until it is laid, Madam Speaker. And so we come and we are asked to adopt a report of 560 pages placed before this House. And yes, I am hearing we asked for it. Yes, we asked for it. And I am very happy we asked for it [*Desk thumping*] because today we have a Bill that has substantially changed from the one that was laid here on the 9<sup>th</sup> of September. [*Desk thumping*]

We were able to remove the long reach of the Minister or of a politician in the workings of this. [*Desk thumping*] We were able to achieve in those amendments oversight by the Parliament for any changes made. We were able to achieve from those amendments made in the Joint Select Committee, several other changes and amendments, in terms of notice, in terms of transparency, accountability, and I will go through those in a moment, but I just want to make another few points. So I am saying we were vilified. We were scolded by some. You would believe we were in school as an Opposition. And then some who should have no moral authority to talk about the interest of the citizens of Trinidad and Tobago want to tell us what to do and not to do. They want to tell us what to do and not to do. [*Desk thumping*]

And then we come to talk about the issue of the costs of compliance, and the hon. Member for Caroni Central sent a letter asking about the costs of compliance, and the hon. Prime Minister, in one of his statements talked about costs and said:

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“So what does it matter about the costs? We have to pay it. We have to pay it. We have to do it.” But I will ask the question today whether the costs of these bankers will be passed on to the consumer and to the small man. [*Desk thumping*] And I ask it because these are the people. These are the big elites recording profits—\$1.1 billion, recorded profits for Republic Bank, yearend profit reported 5<sup>th</sup> of the 11<sup>th</sup> in the newspaper; \$790 million for First Citizens; \$566.1 million for Scotiabank.

And we look at those and we look at it against what is happening with the bank charges, the increase in the bank charges and, therefore, we have to ask: now that work has to be done by these banks, whether that charge is going to be passed on to the person using the bank? And when the question was asked by the Member for Caroni Central, Dr. Tewarie, he sent an email to the bankers and their response came back that they did not quantify it and these costs will have to be borne. So we do not know what they are.

But I want to be reminded and I would wish to remind those who are listening to us, the ANSA Merchant Bank recorded \$297 million profit as well. We see several banks, Royal, Republic lead in monthly banking fees, *Express* of the 2<sup>nd</sup> of October, 2016. We see several articles over the last several weeks of increases in bank fees. And I know that the hon. Minister of Finance said that he would look after this. Since last year he said he would look about these bank fees. And instead we come out this year with the Governor of the Central Bank telling us: “Well, look, there is nothing we can do. There is nothing that the bank can do or the Government can do.” But, of course, there is always something you can do. In the same way that you would say you cannot share a person’s banking information, here we are passing law to share banking information. I recall, when

a particular Minister had information from a bank leaked out and the comments that came then, Madam Speaker, which goes to the point of how important and how confidential banking information is. How important.

And so we had newspaper articles carried, published March 01, 2016 and to quote from the newspaper:

I see today as a dark day, given what I have experienced with the bank. Since this is not the first time I have had to endure such blatant acts of maltreatment from FCB. I cannot continue to be a client because I fear there may be a repetition of a breach in confidentiality. I fear there may be a repetition of a breach in confidentiality. I trust that citizens would not be subjected to such unsavoury acts by the bank.

But it was not only that person who went on to talk about it. It was followed by the brains behind the FATCA legislation, the hon. Minister of Finance, who in the March 03, 2016 *Trinidad Guardian* says, and I quote:

“Imbert seeks info on bank compliance rules”

—and—“called on state-owned bank, First Citizens, to provide him with information on...systems in place at the bank to ensure there is compliance with financial obligations regulations...”

‘It is unfortunate that an employee of First Citizens...sought to breach the confidentiality agreement to which they are bound...’

Next stop was the hon. Prime Minister himself, who indicated that he was going to be closing his FCB credit card account so that he could buy items for his wife. He also believed there was a breach of confidentiality. The *Trinidad Express* published March 03, 2016 headlined “Rowley worried”:

Clearly there was a breach of confidentiality and the transactions, whatever



you might think—[*Interruption*]

**Mr. Young:** Madam Speaker, Standing Order 48(1), relevance.

**Madam Speaker:** Member for Siparia, please continue.

**Mrs. K. Persad-Bissessar SC:** I thank you, Madam. I thank you. There was a breach of confidentiality, and this is important because here we are giving the banks and the BIR cause to prepare all our banking information and transmit it and here we have issues about breaches of confidentiality. So the Prime Minister says:

...there was a breach of confidentiality and the transaction, whatever you might think of the transaction, the bank has a duty to preserve confidence.

I quote again from the article:

“I have a credit card in FCB and suppose I go and buy some underwear for my wife and I didn't deliver it to her on time and somebody tells the press.’ Rowley was at the time responding to questions from reporters at the post-Cab..”

Even the youth group from Arouca/Maloney issued this statement and this led to the bank defending themselves.

And so, here we are, we are talking about how important banking information is. We can see all these articles going way back. Well, I cannot display them but there is a whole pile of articles dealing with this matter of breach of confidentiality by the bank. And do you know what we have done? Again, in the amendments, we caused in the JSC, through our members, to increase the penalties for breaches of confidentiality of the banking information. [*Desk thumping*] It may not be enough, but it is there.

And so, as we move along, many people have called us, sent emails and texts and so on; they say: “Look we do not really know what this FATCA is

about”. I have read so much of it, as many others have. There is so much about it. How do we put it over and get people to understand? I remembered when I was in school, there was a nice way teachers would tell us, you know, when you have information it is a good thing to start with the five questions: the who, the what, the why, the how, the when.

And so, I think one way to better understand what it is we are seeking to allow to happen, is to first of all look at the what. What it is that we are seeking to have done? And that what can be found in the Bill, Schedule to the Bill, which is the IGA Agreement and the Schedule II of that IGA Agreement, which is referred to in clauses 4, 9 and 28 of the Bill. So this is a direct annex to the Bill and it tells us the what, what is to be done. In Article II of this document, we are told what it is that we have to disclose—and if you give me one moment, Madam.

Article II: Obligation to obtain and exchange information with respect to reportable accounts. So what it is, is your sensitive personal information: your name, your address, and so on. And in addition, your bank account, the account numbers, the name and identifying number of the reporting financial institution, account balance, cash value, insurance contract, annuity contract, cash value, surrender value as at the end of the calendar year, and so on. So all this information with the bankers in Trinidad and Tobago, with your bank.

And then who, who. Who is a US person? The law is very clear, the IGA and then the Bill. It is not US citizens. It does not use the word US citizen, and we have been told here by none other than the Minister of Finance, this is for US citizens only and I have the *Hansard* reference, “it is for US citizens only what you all worried ’bout?” And so they sing which way. Today we are being told it is 2 per cent. It is not for US citizens only. Let us get that very clear. Minister Young

took it a little, to make it a little clearer, when he said, well that is why I am not saying US citizens. I am saying it is US citizens and those liable to pay US taxes. All well and fine, sounds great. So those who have to pay US taxes, you are caught. Well my friend here does not like me to use the word “caught” but you fall within the provisions of the Bill. Yes?

But when we look at the who, Madam Speaker, it is how do you determine who will be the one that you report on? Who is the person who determines that you or me or anyone will be reported upon? Who? It is the bank. So someone in the bank somewhere sits down and decides that Minister Colm Imbert is the person whose accounts should be reported. And how do they decide? And that has been missing when we talk, it is US persons, do not worry because the IGA says a US person is a US citizen, is a US resident—the green card holders—is someone in a partnership and for certain trust arrangements. So, therefore, these are the only ones who fall within the Bill.

But it is not as simple as that, you see. When you look at how a bank is going to determine which person’s accounts should be reported, should be considered a US person, but then again the Annex I to the Schedule 2 tells us clearly what they will do.

They will have to look at certain indicia that have been set out in the IGA and therefore incorporated into the Bill. And so they are asked to look at and this is where I think people do not understand when they think, oh, it is only US citizens, I am saying that is not true. Accidental US citizens will fall in this. So if you happen to be born whenever long, long ago, then you would fall in, a dual citizen, you will be caught into this.

**4.00 p.m.**

But in addition, how do they determine that you are a US person. One way is the self-reporting. You go out there and you say, “Yes, I am a US citizen, I am a US person”. But other than that, the banker has to sit in the bank and they have to make a determination whether Minister Imbert or Minister Young or MP Tewarie or Moonilal or whoever, are—is this the person, and this is very important because we come back to breaches of confidentiality and leakage of information, and especially persons in public life where your business ends up, like it happened with a Minister by breach of confidentiality into the front pages and so on.

What do they have to look at and this is where, when you think it is not you, it could be anyone and if you are doing nothing wrong—one of my colleagues say, “Well I am not doing anything wrong, they could take it”, I will come to that in a minute. So what do they look for? What is the banker or the person in the bank—bank clerk, I do not know; bank manager, I do not know; somebody hired on contract, I do not know who will be in that bank will be determining which one of you, us or any citizen of this country or any person should be reported. And what they have to do then, the article in Annex I tells us in section B, it says this:

“Review Procedures for...Individual Accounts With a...”—cash—  
 “Balance...of...\$50,000...”

So that is the first criteria, the 50,000 US dollars. This is how they determine.

“The Reporting Trinidad and Tobago Financial Institution must review electronically searchable data maintained by the...Institution for any of the following...indicia:”

Listen to what they are looking for:

“Identification of the...Holder as a U.S. citizen or resident;”

Fair enough.

“Unambiguous indication of a U.S. place of birth;”

Fair enough. Listen to this one:

“Current U.S. mailing or residence address (including a U.S. post office box);

Madam Speaker, how many people in this country may have a box there? A SkyBox. This is one of the indicia that a man sitting down in a bank could say I am going to choose you to send your accounts up and “yuh say well yuh doing nothing wrong, nothing wrong”, I will come to that in a minute.

“Current U.S. telephone number;”

There are people with US telephone numbers. There are some of these phones, you could have three numbers. You have a US phone number on it, you have a Trinidad phone number on it, yes, you could have multiple numbers on the one phone.

“Standing instructions to transfer funds to an account maintained in the United States;”

How many people here have children studying aboard and therefore have standing instructions to do what? To send money every month to son or daughter studying aboard. These are some of the indicia that could be used by a banker to say let us report you.

“An “in-care-of” or “hold mail” address...”

So you ask, you may know someone for something, “he post it care of Mary Brown”, that is also another one of the indicators. So you look at all of this.

All fair, you do nothing wrong, they report you, but then what happens when you send that information. What happens when that information is reported? We

think it is going to the IRS. Yes, that is true but it is also sent to something known as the Financial Crimes Enforcement Network, FinCEN it is called. I have it in the article here. And having been sent there, what happens? Okay, so FinCEN is with IRS, they do something called cross-checking and when they cross-check now, should they have sent Minister Imbert's name and his account up and he did not file as he should have filed as a US person—something with the IRS and something with the financial crimes unit—then you see the reportable matter goes. *[Interruption]* And that is exactly the point. He is saying he is not a US person and that is exactly the point I want to make.

And so when they cross-check, they say hey, but wait, here is the bank from Trinidad and Tobago sending this report and saying this person is a US person because, perhaps, they have a post box or maybe they send money for their children and so on, and at that point now, you are caught in a whole tangled web of having to prove or disprove a lie if you are not indeed a US person and that is why we insisted on the notice requirement. That is why. *[Desk thumping]*

In fact, when the Minister says he gets calls at all hours of the night, I may want to remind him I did call him, and I said that this notice requirement was very vital, not just for due process and so on but it allows a person that if it is they are notified that you are going to send the bank accounts, you can go into your banker and say, here, listen why? Even though I may have a SkyBox or a post office box or something, that is okay, but I am not. “Look, I am a Trinidad and Tobago citizen, I have nothing that makes me into a US person” and that could end there. But if you are not notified, then, as I say, you are caught in tangled web of trying to get yourself out. And listen, you see the US tax man, Uncle Sam, they may look for you for every other crime but when it comes to their taxes, they are not letting

you go. Remember the famous Al Capone? They could not get him on all the gun crimes. What did they get him on? Tax evasion, tax evasion. And when your name gets into that lobby and that system—so you see, with that amendment, I think we have reached a major milestone with this legislation. [*Desk thumping*]

And today, I want to thank—Minister thanked all the staff and whoever and yes, we will thank them, but I want to thank the Members of the Opposition who served on the Joint Select Committee, [*Desk thumping*] who remained strong, who remained firm to make the changes that are in this Bill today. And when the Minister talks about, you know, all of this work, how much work was done and so on and all the hours and nights and days, yes, that is true, but you know why? It is because the Minister constrained himself and this Parliament into a tight, tight, tight time frame.

**Dr. Rambachan:** Diligent Opposition.

**Mrs. K. Persad-Bissessar SC:** Yes, very tight. And if you read, the Minister talked about the correspondence with the US Treasury back and forward, you know I cannot believe when I read that eventually, the first one that was received from Elena from the US Treasury, Virgadamo—if I am not pronouncing the poor lady's name right—you know, you read it there, and through the JSC, we kept asking what was it you sent to that person for her to give this reply. What did you send? And you know what we discovered? In correspondence sent since September from this Government to the US Treasury, you know what they were saying? We will have to set up the Joint Select Committee, we will set it up by mid-November and we will report back by February and they set their own deadline. [*Desk thumping*] So much so, so much so that Elena said there is no need for an extension because if you read it carefully, if you read the IGA, it also

tells you the when. It tells you when and that is where the deadline comes.

The hon. Minister talked about shifting goal post and shifting sands, we were subjected in this Parliament to shifting goal post, shifting deadlines, shifting sands. [*Desk thumping*] Minister came here and told us September 30<sup>th</sup> deadline but September 30<sup>th</sup> came and went. Came back and said when? December 30<sup>th</sup> and then now tells us it is February 17<sup>th</sup>. So what do we believe? I believe what is in the black and white out of the US and what it tells us very clearly, it tells us the when, when it will take place.

In the same Schedule in Article 3 “Time and Manner of Exchange of Information” and Article 3(9) tells us when, the when. So all these deadlines back and forward, Minister and others boasting about extension, Ms. Elena very clearly said, well, no extension is necessary because it is there. It is there in the IGA, in the agreement signed, which tells us:

“The obligations of the Parties to obtain and exchange information under Article 2 of this Agreement shall take effect on the date of the later of the written notifications described in paragraph 8 of this Article.”

And paragraph 8 says:

“Following entry into force of this Agreement, each...Authority shall provide written notification to the other Competent Authority when it is satisfied that the jurisdiction of the other...Authority has in place (i) appropriate safeguards to ensure that the information received pursuant to this Agreement shall remain confidential and be used solely for tax purposes, and (ii) the infrastructure for an effective exchange relationship (including established processes for ensuring timely, accurate, and confidential information exchanges...”



And so on. So the obligation of the parties, the when, only arises when you have done what is required by Article 3(8) and Article 3(8) tells us two things must happen. The competent authority shall provide written notification to the other one; that is the US then, when it is satisfied that the jurisdiction, meaning ours, has the appropriate safeguards and the appropriate infrastructure and so on. So that we will trigger this, Madam Speaker.

**Madam Speaker:** Member for Siparia, your original 30 minutes have expired, you are entitled to 15 more minutes. You may avail yourself of it.

**Mrs. K. Persad-Bissessar SC:** Thank you very much, Madam Speaker, for the extra 15 minutes. So these are some of the issues that we wanted to address today. And the fear mongering, that fearmongering began on the 9th of September which continued unabated every time this House met, whether we were here or whether we were out. That the economy will crash, everything will collapse; everything will be gone. Credit cards, transfers—everything is gone, even the price of flour and potatoes will go up if we do not pass FATCA. Everything imaginable that was horrible would happen. And so that fearmongering began from the first day and continued up to today when I opened the newspapers.

And what is interesting is the very bankers, they are saying, well, listen, if you do not pass it—on the eve, they held a press conference and said, if you do not pass it, you know what, it is okay, we have a way. We will send the information, we will ask the client or the customer to consent and if you do not consent, we will close your bank account. Why they did not say that since when? Because that is what they would have probably been doing along whilst pressing and pushing, kicking and screaming, we had to take this Government to a Joint Select Committee. [*Desk thumping*] They were ably aided and abetted by others outside

the House because if since September we had set up this Joint Select Committee, there would be no need for all these long hours in a scramble of one week to finish this. It would have been finished long ago rather than from January to now. So the Government kept moving along, pushing along, set its own agendas contained in Elena's letter, the letter to the US and then broke their own deadlines in it.

So, I was saying, in these final minutes that are left to us, that we look at the amendments that have been made. We look at the amendments. Before I go there, I just want to remind—I mentioned about what happens with the information when it goes up to the US, and just to put the correct name of the crime agency, it is:

“FATCA is used by government personnel to detect indicia of US persons and their assets and to enable cross-checking where assets have been self-reported by individuals. ...data is used to cross-check a US person's...location and regardless of dual citizenships, are required to have self-reported their non-US assets to FinCEN...”

And FinCEN is the Financial Crimes Enforcement Network of the US. So it goes to these two agencies, FinCEN and to the IRS.

Now, a lot is being made about whether Mr. Trump will repeal FATCA. The hon. Minister told us—you know, I never told Trump that he must repeal FATCA, no one here said that. No one on this side said we will not pass the law because Trump is going to repeal it. I made an enquiry as to whether there was an intention, we have not received any response to that by the way and perhaps, the hon. Prime Minister will be good enough to tell us, you know, in his conversations, if he raised this most pressing issue. Because remember if we do not pass it, the country and the economy will collapse so perhaps he will enlighten us as to whether he raised this most pressing issue.

But you see every time, this Government comes to speak, every time the Government comes to us on various issues, you know, about deadlines and about—we have seen that happened here. There is an issue that is—two issues of such grave importance. The Government came to us and they told us we must pass this SSA Bill—you all remember that? [*Interruption*] Pass the SSA Bill since when? Since when? That Bill was introduced in this House since last year. That Bill was introduced here and up to today, has not been proclaimed.

But when the hon. Attorney General stood in this House, when the hon. Minister of National Security, they talked about international agreements and we had to do this and we had to do it and we had to do it because of the threat to terrorism. Today, the whole terrorist issue is up in the air. A Bill that we passed in this House, or this House passed, and in the Senate, up to today, almost a year later, not proclaimed. So when you come to threaten us about deadlines and international agreements, remember your source. So you brought this Bill, that SSA Bill, introduced in the House on the 11<sup>th</sup> of March, 2016, it will soon be one year later.

The Bill dealing with children, the Family and Children Division Bill, introduced in this House, passed, so from last year, still not proclaimed and we see our women and our children brutalized and murdered [*Desk thumping*] and you will not proclaim it. And when the hon. AG came to this House, he said we have to pass it, we have a deadline, we have to get it done by June, we have to implement it. Today, we are when? End of February 2017, two major pieces of legislation still not proclaimed.

And that is why I am very concerned that the Government has placed an amendment in this Bill, the tax Bill, saying that this Act shall come into force on a

date to be proclaimed. After all the deadlines, after all the work, after all the warnings, why are saying on a date to be proclaimed? There is a no date. We have seen two passed a year ago still not proclaimed and therefore, I am very concerned that you are not putting a date for proclamation. When you say we must pass it, we must pass it but you cannot give us a date and therefore, I think that is another way this Government will force this Parliament to passing, rush us through a joint select in one week or two, saying we have to get it done, we have to get it done and it remains unproclaimed a year later. We might be still standing here saying it is unproclaimed.

I want to take a moment to really thank the staff of the Parliament, Madam Speaker, [*Desk thumping*] I really, really want to do that. The Members who were on the Joint Select Committee, I am sure, will share their own thanks. But after on the 3<sup>rd</sup> when the report was laid here—sorry. On the last day when the first interim report was laid, there were a couple of days, yes, and I had cause and others to request from the Parliament staff, Keiba Jacob in particular and Candice [*Desk thumping*] and every time we would send the emails. Through emails, we would send them to the hon. Clerk of the House and copy to Keiba and to Candice, we would get those responses, I really want to thank them. And I mean those persons here must have spent a lot of time to put this together. In fact, when it landed on the desk, MP Lee told me it was still warm. At 2.30 p.m., it was still—hot off the press. So I want to thank them for their very, very hard work in getting this work done.

So what I would say now? I would like to move an amendment to the Motion. The Motion that is before the House and let us bring this closure to this FATCA fast, once and for all. And the amendment I would like to propose is as

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follows—and Madam Speaker. I would like to move that the Motion which is before the House:

“Be it resolved that this House adopt the Report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016.”

I would like to add after the word “2016” as follows:

subject to the recommittal of the Bill in respect of the following new clause.

A new clause 17(3):

- (a) A reporting financial institution must notify each individual reportable person or individual specified U.S. person that information relating to that person which is required to be reported under this Act and will be transferred to the Secretary of the Treasury of the United States of America.

The notification requirement and (b) of 17(3):

- (b) The notification must be made by 31st January in the calendar year following the first year in which the account held by the individual is a reportable account maintained by the reporting financial institution.

Madam Speaker, this must be done, it must be recommitted. We cannot just stand in the House and say we are going to move it. It must go back to committee of the whole and therefore, I beg to move this amendment to the Motion standing.

I want to thank Sen. Ramdeen [*Desk thumping*] who was able to assist us with the statutory instrument from the United Kingdom from which we took almost their identical words and which was placed in the minority report from Dr. Tim Gopeesingh and from Sen. Ramdeen in their minority report which I now move for this House.

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Madam Speaker, I will say this, we have been through a long journey, long hard, rocky journey as I said and therefore—[*Interruption*] I move this amendment and I want to say something. Okay. Monday, the reign of the merry monarch begins. I wish everyone a very safe and a very enjoyable Carnival as we go into festivities. I say let us go into the Committee of the whole, let us make this amendment. We can stop this debate now, we can pass the FATCA Bill and you all could go back, [*Desk thumping*] the Minister of Health could go and re-join his “conga line” and the others can go out, play mas and continue with the jamming. I thank you very much, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** A text has been circulated to me so I am giving you the opportunity.

**Mrs. K. Persad-Bissessar SC:** I thank you very much. And further to recommit the Bill to the Committee of the whole to consider also a new clause 34:

The Minister may by Order make regulations subject to the affirmative resolution of Parliament to give effect to this Act.

I believe the last clause in the amended Bill, [*Crosstalk*] this was the last one I saw.

**Mr. Imbert:** “What yuh have with 34?”

**Mrs. K. Persad-Bissessar SC:** A very interesting number.

**Mr. Imbert:** Section 34.

**Mrs. K. Persad-Bissessar SC:** Remember it was repealed. But I do believe—I have not had a chance to see this but the amended Bill, I believe the last one is 33 and therefore a new clause, that the Minister be given the authority to make regulations.

Now I know the Minister has—and in the Bill, you have put in to put guidelines. The Joint Select Committee has been advised, and I know this, that

that does not have the force of law. I have seen in the United Kingdom that giving effect to the Act really is done through the regulations and therefore, I think instead of having to come back to amend to give the Minister this power, we may as well do it now and give the Minister the power to make regulations, by Order, subject to resolution of the Parliament, negative or affirmative. I thank you, Madam Speaker.

*[Desk thumping]*

**Dr. Gopeesingh:** Madam Speaker, I rise to second the Motion moved by the Member for Siparia and reserve the right to speak.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. I rise to join in this—

**Madam Speaker:** Just one minute then. I thought there was something else you wanted to say with respect to the particular amendment. All right. So that hon. Members, I shall now propose the amendment moved by the Member for Siparia and seconded by the Member for Caroni East.

*Question, on amendment, [Mrs. K. Persad-Bissessar SC] proposed.*

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. I rise to contribute to the substantive Motion before us and to address the matters arising out of the contribution of the hon. Member for Siparia. I listened with great intent to what the position of the Opposition would be today, largely because the country has not been told what the position would be, and today is the day for Trinidad and Tobago to witness its parliamentarians cast vote upon this particular measure of the amendment of our tax information exchange Act.

The Motion before us for adoption of the final report of the Joint Select Committee is essentially to cause a substantial amendment of the nature of a repeal and replace, if one can put the two side by side, for the Tax Information Exchange

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Agreements Act, Chap. 76:51. And I listened to the hon. Member for Siparia speak about Government being taken, kicking and screaming, that essentially the intent of the Opposition was to protect from abuse, tyranny, rogue, that there would be no vote for any bad law. We heard the hon. Member for Siparia speak to, a rather curious statement, an allegation, that the report which came before us today was a report, hot off the press, seen by her, the hon. Member, at 2.30 p.m. today when this matter started. I wish to start off by reminding hon. Members that today represents the eighth day that we, as a Parliament, are considering the tax information exchange Act, specifically the 9<sup>th</sup> of September 2016, the 14<sup>th</sup> of September 2016, the 23<sup>rd</sup> September 2016, the 9<sup>th</sup> of December 2016, the 12<sup>th</sup> of December 2016, the 6<sup>th</sup> of January 2017, the 13<sup>th</sup> of February 2017 and today, the 23<sup>rd</sup> of February 2017.

What is quite interesting about the allegations put forward by the Member for Siparia that matters have come almost as if there has been no opportunity for Members to consider this position of the Report of the Joint Select Committee with adequacy, with space to consider the report. The hon. Member claimed that it was 500 pages long. The hon. Member complained that there was no space. The Chief Whip for the Opposition stood up today to ask for consideration under the Standing Orders that there was not adequate notice for this debate to commence today.

But what was astounding about the contribution of the Member for Siparia was the fact that the 500-page report is the same report almost as it relates to everything except the first few pages and the last Minutes of the last meeting, the inclusion of two pages of a minority report which was written by the hon. Member's team. And therefore, Madam Speaker, when we look to the actual report before us, what is there to complain about? Is the hon. Member saying that

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the Opposition did not know what the minority report was going to be even though they authored it? Is the hon. Member saying that the Minutes of the meeting were not discussed in the caucus which the Opposition announced it was going to have on this Bill?

**4.30 p.m.**

You see, Madam Speaker, the fact is this Bill could easily have been debated in a whole committee of the Parliament on the floor of the Parliament. There were 27 clauses only in the original Bill. But, Madam Speaker, the request for a Joint Select Committee which the hon. Member complained only allowed two Members of the House of Representatives in the Opposition to participate in, saying that there was not room enough to consider the report of 500 pages today at 2.30 p.m., when the hon. Member for Siparia says she first saw the report belies the fact that the request for the Joint Select Committee was made by the Opposition.

The introduction of Members, the nomination of Members was made by the Opposition. The work in the committee was made by the Opposition. But instead of sitting in the Parliament in a committee of the whole of the Parliament, the record will show there was debate on the 9<sup>th</sup> of September; on the 14<sup>th</sup> of September there was a walkout; on the 23<sup>rd</sup> of September there was a walkout; on the 9<sup>th</sup> of December there was a no show by the Opposition—they were allegedly watching TV upstairs as the camera showed—and on the 12<sup>th</sup> of December when we eventually came to this House and a Joint Select Committee was established in January 2017, the hon. Members have to tell the country that the truth of the time frame of this Joint Select Committee was not a rushed one. It was one where the work could easily have been done on the floor of the Parliament.

Secondly, Madam Speaker, that work could easily have resulted in the

amendments before us, because the record will also show that of the several occasions of debate, the contributions of the Members of the Opposition, in positive statements of actual amendments, only came on the 14<sup>th</sup> by a letter dated 14<sup>th</sup> February, 2017, at page 3 of a letter submitted under the hand of one Gerald Ramdeen, Sen. Ramdeen. At page 3—[*Crosstalk*] It is a little hard to concentrate in all the chatter, Madam Speaker, so I ask your protection.

**Madam Speaker:** Members, please observe Standing Order 53 with respect to Members listening in silence. Please continue.

**Hon. F. Al-Rawi:** Thank you. Yes, Madam speaker, when we look to the record, we would note that the Opposition's first written contribution—if one could call it that—to this Bill came by way of a press release in the newspapers paid for by the Parliament dated the 23<sup>rd</sup> of September, 2016—[*Interruption and Crosstalk*] Madam Speaker, if I may, there is a running commentary. [*Crosstalk*]

**Madam Speaker:** Please continue, Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, the fact is that Trinidad and Tobago first saw any commentary on this Bill first on the 23<sup>rd</sup> of September 2016. They were not put on the floor of the Parliament. The record will show that the Government took immediate steps to address the concerns raised by the Opposition. We caused amendments to be proposed and discussed them. Regrettably, the Opposition walked out on two occasions and did not turn up on the third.

The next set of supposed submissions came by way of a written letter to the Bankers Association where the Members of the Opposition made contributions to them but did not provide it to Government or to the Parliament. We nonetheless took notice of those suggestions and made further amendments in a committee of

the whole of this Parliament.

But I want to put onto the record, Madam Speaker, of the 31 clauses which now stand in this Bill, in the amended version of the Bill, the only four proposals for amendment in the Bill have come about by way of a submission received on the 16<sup>th</sup> of February and all four of these proposals stand as proposals which the Government has accepted, but I would deal with them carefully. None of the serious amendments or reflections in this Bill originate from the Opposition.

[*Crosstalk*]

**Mr. Singh:** “Yuh lie”. [*Crosstalk*]

**Hon. F. Al-Rawi:** None of them.

**Mrs. Persad-Bissessar SC:** That is not true. [*Crosstalk*]

**Madam Speaker:** Member for Chaguanas West.

**Mr. Singh:** My apologies.

**Hon. F. Al-Rawi:** Madam Speaker, and the reason why I say “none” is that when you traverse the verbatim notes you will note, Madam Speaker, that it is suggestions coming from the Bankers Association, from the Central Bank, from the Board of Inland Revenue and from the Securities and Exchange Commission, all of which the Government looked and included that resulted in this. If one were to categorize the four amendments brought by Sen. Ramdeen on the 16<sup>th</sup> of February, you could perhaps fairly add one more amendment, and that one amendment is the removal of the Minister and the replacement instead with the Competent Authority being the Board of Inland Revenue.

Madam Speaker, the architecture of this original piece of law, the 1989 law, was amended because the law no longer allows for a vehicle of parent law which can accept multiple agreements. As a result of newspapers publications and letters

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written by the Opposition, none of which have come to the floor of Parliament, officially, we had cause to change the architecture of the Bill to separate out the 1989 TIEA from the 2016 IGA and build it so that this law only reflects the United States of America.

The substantial amendments proposed, therefore, really and truly safe for removal of Minister, which took us nowhere in light of the language of the IGA, took us really into a different form of architecture which is, in fact, going to be quite complicated when Trinidad and Tobago comes in a matter of two months to deal with the proposals for the Global Forum, which is the mechanisms which we must adopt of the European Union and other countries.

Now, Madam Speaker, the Leader of the Opposition raised a very startling point in suggesting that the Opposition acted with propriety in protecting the citizens of Trinidad and Tobago by insisting upon a period of notice for the disclosure of sensitive information, two arguments fell. The first argument was that innocent persons, persons who could not be properly caught by the legislation may, in fact, be caught. The hon. Member for Siparia went through a few examples, but I wondered if the hon. Member for Siparia rooted her argument in a reflection of the law itself. I say so because what is to be disclosed is sensitive personal information, both under the 1989 IGA, 1990 IGA and under the 2016 IGA. "Sensitive personal information" is strictly defined in this Bill as:

"(a) the name, address and US TIN of a Specified United States Person that is an account holder;"

The "US TIN" is specifically defined in the law to mean:

"U.S. federal taxpayer identifying number."

Let me translate that in simple terms.

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You are disclosing sensitive personal information, you must, to fit the category of persons to be disclosed, have a US TIN number. The US TIN number is a United States federal tax paying identifying number, and if you do not have a U.S TIN number you cannot be subject to the law. That is further proved by clause 16 of the Bill, which says where you do not have a US TIN number you may report. However, it then flows from that that only if you have a US TIN number can you be caught in the basket of persons affected as the bankers tell us, in the 2 per cent category in Trinidad and Tobago? So it was rather incredible for the Leader of the Opposition to stand in this Parliament, senior counsel as she is, to tell us that somebody with a P.O. Box in the United States could find themselves—some Trinidadian citizen—because they have a P.O. Box in the United States, the subject of this law. You see, there is a weeding out down to the ground as to whether you have a US TIN number and if you do not have that as defined—which is a United States Federal Taxpayer Identification Number—then you do not qualify.

**Hon. F. Al-Rawi:** Now, Madam Speaker, there is—[*Interruption*]

**Dr. Rowley:** Why would she say that here today?

**Hon. F. Al-Rawi:** Good question. I am being asked sotto voce: why would the Leader of the Opposition be asking or suggesting as she has that somebody with a P.O. Box number, et cetera could be caught? It is incredible when you apply the law set out in the Bill that that situation is rather incredible.

Now, Madam Speaker, the hon. Leader of the Opposition on the second limb of the proposal of “Halleluiah, praise God, the Opposition has raised the period of notice” is not being factually correct in relation to the minority report contained at Appendix 11 of this report. The minority report written and set out in just two

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simple pages says that there is a proposal set out, and the first time it came was today when we also saw it for the first time at 2.30, today, that a reporting institution should essentially report ex post facto. Let me explain that.

There is a difference between providing notice that you have been reported on after the fact of exchange, as opposed to before the fact of exchange. I want to put onto the record that the letter written by Sen. Ramdeen on the 16<sup>th</sup> of February when it was received by the Joint Select Committee, specifically suggests in written text that the notice must occur 28 days prior to being reported. That is a very different issue from the reporting and notification coming after the reporting. You see, had the Opposition suggested that we look ex post facto, it is a completely different construct.

What we did as a responsible Government sitting in the Joint Select Committee is, we said we can agree to items one, three and four of your proposals. Items one, three and four are rather innocuous suggestions from the Opposition, specifically, they only deal with the aspect of laying a report in the Parliament—no problem—of publishing a Competent Authority agreement, laying a published Competent Authority agreement in the Parliament—there is no big deal in that, because it is in the public domain already and also of providing a negative resolution. When we deal with that those are three innocuous do not take us far provisions.

But, Madam Speaker, in the submission by Sen. Ramdeen on behalf of the Opposition, the submission specifically at page 3 says that the Bill to be amended by including a new clause 17(3) is that before a reporting financial institution forward sensitive personnel information on an account holder that it shall 28 days prior to the submission, give notice. Now that, Madam Speaker, in essence, is to

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ruin the very construct of catching tax evaders. The 2016 IGA is very simply set out in the purpose of the IGA in the FATCA, et cetera, to deal with US tax evaders.

**Mrs. Persad-Bissessar SC:** In the verbatim.

**Hon. F. Al-Rawi:** The fact—[*Crosstalk*] Madam Speaker, could you control the Member for Siparia for me please, most respectfully?

**Madam Speaker:** Members, Members, I know we are at a time of extreme energy, but let us please exercise the restraint we would like the public to exercise also. Members, please be guided by Standing Order 53. Continue, Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, I sat quietly while the Member for Siparia contributed, you know. The fact is that the submission now that we give an ex post facto notification is completely different from the submission that you give prior notification, because the prior notification would have allowed for a step in law to be available to a reporting person—a person upon whom a report has been generated—which could have frustrated the entire process by allowing one to apply to the court for some form of written relief including injunctive relief to stop that, and that could have gone all the way to the Privy Council and back, and that would run entirely contrary to the grain of the IGA executed by both Opposition and Government in substantial and financial points.

The question is: why on earth would a suggestion of that type come from the Opposition? It was almost, Madam Speaker, when we saw this at the Joint Select Committee as if there was a desperate attempt to put the final dagger in the heart of the Bill, because the verbatim notes will also show that that was identified as the

deal breaker. The verbatim notes will show that the Opposition's position in the Joint Select Committee was if this prior notice is not agreed to, it is going to result in a deal breaker. The Government said that we would look at it as best as we could, provide a response in relation to the rationale for either accepting or not accepting, and we did exactly that and were compelled to reject the submission for prior notification. This morning, we received, as the hon. Minister of Finance put on the record, a suggestion for ex post facto notification. We have looked at that notification and we respectfully can agree to that notification.

So, Madam Speaker, if we summarized the position of proposed amendments by the Opposition from September to now, six months in the running: remove Minister; do not allow the IGA to be done by Order. Secondly, please put in the negative resolution; lay the reports in Parliament and now ex post facto notice. That is if you stretched it. Six issues. If you stretch it, six issues. That, most respectfully, could have been done right here on the floor of the Parliament since September last year, Madam Speaker. There is no explanation yet for walkout twice or do not show a third time or for goalpost shifting. [*Crosstalk*] It is important as much as the Opposition grumbles right now in the Parliament to set the record straight. [*Desk thumping*] That is what this is for.

**Dr. Rambachan:** Continue the abuse.

**Hon. F. Al-Rawi:** Continue the abuse. The abuse to the people of Trinidad and Tobago on the vagaries of—[*Interruption*]

**Madam Speaker:** I would like us to adopt a particular kind of tenor. As I said, I know it is heightened energy, but please Members, please try to be parliamentary. Continue.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, the fact is we



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heard the hon. Leader of the Opposition speak to suggestions of breach of disclosure, breach of confidentiality. The hon. Leader then spoke about thrown away costs in relation to this. The hon. Leader spoke specifically to the fact that the Opposition would not support bad law. I did notice a rather charming smile on the Leader of the Opposition's face when section 34 was mentioned in crosstalk and I wondered if that was the same person who proclaimed section 34 [*Crosstalk*] in passing and operationalizing law that way. [*Crosstalk*] Madam Speaker, we heard the hon. Leader of the Opposition ask—[*Crosstalk*]

**Dr. Rowley:** You think you are doing all of us a favour?

**Madam Speaker:** Members, Members, Members. [*Crosstalk*]

**Dr. Rowley:** You are not doing us no favour, you know. [*Crosstalk*]

**Madam Speaker:** Members, Members. [*Crosstalk*] Member for Diego Martin West. [*Crosstalk*]

**Dr. Rowley:** I am being referred to as “all yuh”.

**Madam Speaker:** Members?

**Dr. Rowley:** I am nobody's “all yuh”. [*Crosstalk*]

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. You see, Madam Speaker, I did not raise these issues, you know. I am responding to issues raised by the Leader of the Opposition and I am so entitled. Madam Speaker, we heard the hon. Leader of the Opposition speak about costs and costs thrown away. This is the same hon. Leader of the Opposition who saw Trinidad and Tobago throw away hundreds of millions of dollars, be they on training into OPV vessels; be they on projects which went astray. [*Crosstalk*] Madam Speaker, in responding to the issue of costs—[*Crosstalk*] Sorry, I did not hear a Standing Order.

**Hon. Member:** 48(6).

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**Hon. F. Al-Rawi:** Who is raising a Standing Order? They do not want me to respond to the points the leader made. [*Crosstalk*]

**Madam Speaker:** Member. [*Crosstalk*] I would like to ask all Members to try and restrain themselves. [*Crosstalk*] Member for San Fernando West, please be careful with respect to your contribution. Continue.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. In responding to the Leader of the Opposition, as I continue, the Leader of the Opposition raised issues about bad law further and I wonder if it could have been a bad statement of law to suggest that Trinidad and Tobago could have a limited state of emergency. I wonder if it could have been a bad statement of law to suggest that Trinidad and Tobago could actually have—[*Crosstalk*] I am responding to your submission.

**Madam Speaker:** Please continue, Attorney General.

**Hon. F. Al-Rawi:** Thank you. I wonder if it was bad law to suggest that one could go to the CCJ in a partial move to the CCJ when the Treaty of Chaguaramas was never qualified at its inception. You see, I say those things so that Trinidad and Tobago could be very wary and conscious of the kind of legal advice that the Leader of the Opposition gives to Trinidad and Tobago, because the references that I just gave—[*Crosstalk*]

**Madam Speaker:** Attorney General, please come back to the matter before us.

**Hon. F. Al-Rawi:** I think Trinidad and Tobago understands well. I am guided by you as to the quality of advice that we can receive from the Opposition, and I would just encourage the country to be very, very careful about that.

Speaking about advice, Madam Speaker, I wish to put on record a thank you to the Law Association of Trinidad and Tobago for an excellent opinion on the constitutionality of the Tax Information Exchange Agreements Bill, 2016. In this

particular publication which finds itself in the report before us, it is noteworthy that the Law Association has taken time to set out a specific answer to the issues which arise in law in relation to this Bill. In looking at the issues of law, Madam Speaker, it is very important to note that it was built upon a construction of the factual matrix which brought us to where we are. The Law Association has noted at page 2 of its opinion that the deadline dates suggested by the Minister of Finance were as a result of publications and in treaties on the websites of the United States of America Inland Revenue Department, Department of Treasury indicating that if steps were not taken to provide detailed explanations, time frames and timetables that the country would be at risk, falling into that category of non-compliance with the IGA.

The Law Association also went on to comprehensively analyze that the breach of the section 4 right to private life was perhaps the only real issue. They discounted the due process argument; they discounted the rule of law argument, but in dealing with the right to privacy argument, the Law Association was very, very clear to point out as is trite law that there is no absolute right to privacy. They went into a very useful exposition on the law and discussion, which I commend to all Members and certainly members of the listening public who would have access to this report on the Parliament website.

In looking as well at the issue of the need for this kind of law and the proportionality of this legitimate aim intruding upon the section 4(c) right, the Law Association had a very interesting discussion on the fact that it is a very legitimate and proper aim to prevent tax evasion and it is a very proper aim that the disclosure of information without consent be attached to the provision of sensitive personal information—[*Interruption*]

**Madam Speaker:** Hon. Member for San Fernando West, your 30 minutes have expired. You are entitled to a 15 minutes extension.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker.

**Madam Speaker:** Please proceed.

**Hon. F. Al-Rawi:** That the disclosure of information without consent be a critical position and feature of this Bill, because there was no logical or rationale way to otherwise operationalize the legitimate aim of providing information for tax evasion, but it is directly associated to the very argument addressed in my contribution so far and by that of the Minister of Finance that prior notice or indication of the need for consent would ruin the construct of the Bill. So, I just wanted to tag this into the Law Association's position.

Madam Speaker, the Leader of the Opposition on a previous occasion and in the public domain has raised the issue of Trinidad and Tobago trading off its sovereignty. I was quite pleased to see the Leader of the Opposition's issue of sovereignty being dealt with at page 27 of the opinion of the Law Association. Specifically as the fifth issue looked at, the Law Association's opinion is contrary to the views expressed by the Opposition as to the trade-off of sovereignty and I thought it interesting to see a third party have similar reflections to the arguments put forward by the Government on the issue of trade-off of sovereignty.

Madam Speaker, relative to the proposal of the hon. Leader of the Opposition that the Motion be amended in the fashion suggested, I wish to indicate that, I too, had proposed that we have a modification of the Motion. I would not have gone as far as the hon. Leader of the Opposition. I had proposed instead that clause 17 be simply recommitted to a committee of the whole and that the text for the suggestion of clause 17 be not included in the amended Motion. I say so because it

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was the Minister of Finance who provided the text of the amendment to the Opposition as a proposal to deal with ex post facto notification. In those circumstances, I wonder if the Leader of the Opposition would reconsider the wording of the Motion put so that we just simply put the—[*Crosstalk*] I am sorry?

**Mrs. Persad-Bissessar SC:** We will vote for it.

**Hon. F. Al-Rawi:** What did you—Madam Speaker, I am receiving some harsh comments from the Leader of the Opposition. [*Crosstalk*] Thank you, Madam Speaker. I did not think that such unparliamentary language would be allowed. Madam Speaker, the position which the Leader of the Opposition now finds funny is that the amendment of clause 17 is one to be carefully considered. I do not think that the Motion itself needs to be amended to put the text of the work of the committee of the whole.

Madam Speaker, in relation to the proposal that we allow for regulations to be issued by the Minister, I wish to point out to the Leader of the Opposition that nowhere in the Bill is the Minister required to do anything which allows for regulations. The operationality of this Bill is built upon simply, guidelines from the Central Bank, guidelines from the Securities and Exchange Commission and guidelines from the financial institutions legislation and that that is how that is to be regulated.

**5.00 p.m.**

The introduction of regulations, per se, unless the Leader of the Opposition can point me to something that specifically speaks to the need for regulations, respectfully, does not make sense. But perhaps the argument can be clarified by the contribution of some other Member of the Opposition which could point to the base for that submission.

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Madam Speaker, as I wrap up I just wish to say this work could have been completed a very long time ago. It could have been done in a committee of the whole of the House. [*Desk thumping*] The 27 clauses, now reworked into 31 clauses, come from a work product which, most respectfully, does not originate or spring from any serious enterprise on the part of the Opposition. It is something which could have been dealt with in the whole of the committee of this House, and in those circumstances—[*Interruption*] Thank you, Madam Speaker. You see, the grumbles come when the truth hurts you, you know.

The fact is for the goalposts being shifted for the umpteenth time, we do hope that at long last the Opposition would be in a position to actually give its consent to this Bill. I would like to express my profound gratitude to Miss Keiba Jacobs who acted as the Secretary to the committee; to the CPC's department, to the AG's secretariat, to the Ministry of Finance's team for a job well done, and certainly to all of those persons who have given contributions to this Bill, they are to be congratulated for making the urgings and contributions that they have.

I thank you, Madam Speaker.

**Madam Speaker:** Members, at the end of the debate, the question I had put would be subject to the recommittal of the Bill to consider an amended clause 17 and a new clause 34.

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. I will strive to be non-contentious, as I normally strive to do. Today, the Prime Minister is reported in the newspaper as making a statement which, on this most rare occasion, I believe it is the only statement I have ever been driven to agree with the Prime Minister on. When the Prime Minister is reported to have said in the newspaper today that the future of this country is in the hands of the

Opposition. [*Desk thumping*] I want to assure the Member for Diego Martin West that the future of this country is not in the hands of the Government. [*Desk thumping*]

Madam Speaker, having heard the last speaker, what came to my mind was really a commentary by former Minister of Foreign Affairs Mr. Ralph Maharaj, who described the Attorney General of this country as an undergraduate Attorney General. The next day Mr. Michael Harris described the Attorney General as a freshman politician. This Government today, they appear to be trying to kick down a door that does not have a lock, and by instinct they are kicking on the door, brutalizing the door, mashing down the door with an axe, a hammer, when the door may not even have a lock on it. You could simply open the door and go in. [*Desk thumping*] But it is their instinct.

You would have thought that having heard the Leader of the Opposition, the Member for Siparia, that the Government would have instructed itself and said, “Look, we have arrived at some consensus here, let us quickly get to the Committee of the whole and organize our business”; and this being an important time in our national calendar—it is Shivratri; it is Carnival as well—we could all have been out of town early.

But up jumps the Attorney General, unmolested so far, and then begins this attack on the Opposition, the Leader of the Opposition, as if in default mode he cannot understand that it may well be that you get the support. Why do you undermine your own opportunity? [*Desk thumping*] Why do you undermine your own chance of getting support that you were begging and craving for, that you come to the House and continue this abuse that we spoke about?

Madam Speaker, I personally and my colleagues were after a particular

letter; I kept asking at every point. There is a person by the name of Carla Carter, and in the letter of Miss Elena Virgadamo there is a reference to a Trinidad and Tobago official named Carla Carter, and I kept asking, “Could we have a copy of this letter? Could we have a copy of this letter?” Today, I have in my hand a copy which I got during the proceedings. During the proceedings I got a copy of this letter. Miss Carla Carter—I am sure a hard-working professional public servant—Treasury Solicitor, writing on behalf of the Ministry of Finance—so this must be a letter in possession of the Minister and Ministry officials and the Government.

Miss Carter is telling the person from United States Department of the Treasury that—greetings and so on:

I write in connection with the subject of bringing into force the agreement—we know the IGA, and so on.

The Treasury Solicitor is telling the United States Government that the Government of Trinidad and Tobago has no choice but to proceed with a joint select committee if this Bill has to be passed. This is a letter dated September 14, 2016. On September 14, 2016, the Treasury Solicitor in a letter is telling the United States Treasury Department that in light of the commitment of the Opposition and the need for a JSC, the timeline for the Act is as follows:

Relaying and debating the Bill. Establishment of a Joint Select Committee of Parliament by mid-November 2016. The JSC will need at least two months to consider the work, complete its job and lay a report in January 2017. The debate on the Bill subsequently, it will continue and it will take place in February 2017.

Now, what is the effect of this? There is a very serious effect of this. The Government knew that they needed a joint select committee. They told the United



States of America we will have a joint select committee in November—in November. Why did they not institute a joint select committee in November as they promised the United States Treasury? [*Desk thumping*]

They made their own deadline of February. But to the United States they said, “We will do a JSC. It will take two months.” You know what they—I cannot use unparliamentary language, although I am tempted to. Mr. Fete M will allow me to do that. But why did they not honour their agreement with the United States of America? We have accused you of treating with us in bad faith, but you mean you treat with the United States of America in bad faith? I want to alert the Government that the new game in town is “trump and follow suit”.

You tell the United States Government you will put a joint select committee in November. You deliberately and wilfully frustrated that effort in your own Parliament up to December, January. We agreed to a joint select committee on January 6<sup>th</sup>, when you promised in November. Why do you do that?—to frustrate the work of the Parliament. And it raises the question, was this Government ever serious about passing FATCA legislation? They were trying to blame us. This is why we were asking for this letter by Miss Carter for weeks and weeks and weeks. It was being promised week upon week upon week. It came on our desks today.

And a fantastic contradiction—the Minister of Finance stands up, he lifts up this big thick document, he says, “We have worked hard. They called me day and night. We work, and we work”, and he thanked everybody alive for helping. “De Attorney General geh up, he say, ‘Wha allyuh complaining for, this is de same document we had two weeks ago?’ [*Laughter*] He say, ‘Wha allyuh complaining, allyuh have no time to read it. This is essentially the same thing we had on Monday, February 13.’” This is after his Minister of Finance praised the world.

We were pounding the table, thanking anybody. We thanked the tea lady who brings tea in the Joint Select Committee. And he gets up and says, “Dis is de same ting. What yuh complaining for?”

But I want to say that I am in disagreement with something here. It may not be a fundamental disagreement, but I do not ever believe in making law by “extempoing”. I never believe in making law this way. Today we got, at 2.26 p.m., I got on my phone this report—on my phone, this phone—[*Displays cell phone*]*]*—500-odd pages to read. So at 2.26 we have to consider a report to debate and pass at 2.30. This is not the best way to approach matters, and I hope that this is a lesson for the Government. I do hope it is a lesson for the Government that you cannot approach matters like that.

With all the best brains in the House today, with all the parliamentary experience we have, we could be making critical mistakes when you approach matters like this. In six months you have to come to an amendment, and bring amendments back in the House, because you met like this. The Joint Select Committee met, 2.26 this report came. This other piece I got it on my desk. We have not had time to study the report. We have not had time to look at the new material supplied, because members of a joint select committee cannot divulge information. They wanted to hang the Member for Couva North some time ago, who was on a joint select committee re the THA in Tobago, and gave some information. They said she could not be doing that and raising matters. So the only time 16 Members of this Opposition could have had sight of this report is at 2.26. Then we come to pass it, and we argue over a few matters, and who knows, at the end of the day it might be passed, but it is not the best approach to use.

Particularly where you promised the United States Government that in

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November you would trigger a joint select committee, get it out in two months, what were you scared of? What were you frightened about that you could not let a joint select committee meet for two months? What other matters would arise, other information would have been needed?

Madam Speaker, they called for public comment, and members of the public brought in comments. I want to tell the national community there is a former Prime Minister—a President and Prime Minister I guess—who had this famous saying about streams running into rivers, and rivers running into oceans—you must be very careful with tiny steps towards dictatorship. Members of the public submitted their submissions to the Joint Select Committee, as they were advised to do by invitation. I am told that persons submitted their comments and the Secretary of this committee, acting on the instructions of the Chairman, asked them to submit a photo. A photograph of themselves. What were you compiling—an album? You were making an album of everybody? I think members of the Joint Select Committee do not know that as well.

If you want members of the public to write the Government on any matter of public policy, the subject of a select or joint select committee, you must first go and “geh your photo take out”. Go by whatever shop and take these 10 for \$10 and bring it in so that the Government would see your picture. So when you get the picture, what are you doing with it? How do you verify that that is actually the person? Next thing you would want their ID card. So if somebody writes a comment that is critical of government policy—I write a comment that is critical of the position of the Government, although you ask on a joint select committee, what you will do, victimize, discriminate against a citizen of Trinidad and Tobago? You know what he or she looks like. This is where we have reached in this society. To

instil fear in citizens that you have to get your picture taken to submit for driver's licence, ID card and joint select committee. "That is where we reach", and that is frightening. I want to tell the Government you should desist from that.

So if someone writes and use another name—okay, they use another name, it is not their name—the issue is the substance of what they are saying. It is not whether their name is John Smith or John Brown, deal with the issue. There are many people who write letters and they use different names, but the issue is they want to get a point across. But there are people who are ghost writers for books that they go and peddle and sell in malls. There are ghost writers of books that people go "in mall" and sit down and peddle, when they should be working for the citizens and taxpayers of Trinidad and Tobago? They are ghost writers.

So few people are aware that this request for pictures came from the Chairman of a joint select committee, and that is why they did not want this Joint Select Committee to have too much time. Their position was, "You want one meeting, take one meeting. We done. Come back and sign." While we are talking about members of the committee receiving their report at 9.00 a.m. and so on, Members of Parliament received their report at 2.26 p.m.—[*Interruption*]*—*3.17 p.m.? You got yours at 3.17. And, you are asked to study the report, take note of these recommendations and vote one time. What is it? You want to vote before Fantastic Friday? Is something connected?

Madam Speaker, on the last occasion we were here as well, and the AG stands today and rehashes all that we knew before, saying we should have gone to the committee of the whole and not a joint select committee. Then he praised the Law Association for making all their submissions and so on. What they would have made the submissions to, the committee of the whole? The committee of a

whole cannot ask anybody to make a submission; that is a committee of all Members of Parliament sitting here. So the Attorney General in another contradiction praised the Law Association for writing and telling us about all the legal technicalities, and then he said we did not need a JSC, “we coulda do dat in de committee of de whole”.

The Attorney General stands, and the other Minister as well, the Minister of Finance, and again berating the Opposition to say, only a few days ago four items came from the Opposition. Only a few days ago, first time ever, four items came, and then in the same breath they said last year when we did an ad they worked all morning to deal with the suggestions of the Opposition. [*Desk thumping*] They said last year an ad was produced and all morning “dey reading dis to deal with our suggestions”, and then said we only produced amendments last week. The removing the role of the Minister came months ago, “early o’clock”. So they come again with these contradictions.

When leadership was required, and I come to a governance issue on this, because this matter will arise again, in the conduct of business you will always have need for joint select committees. And you know, I now understand today why this Attorney General is saying he wants to change all the Bills so they do not need special majority. You do not need this, so you do not need special majority because you do not have the political skill, the guile, to build consensus. [*Desk thumping*]

When we were in office, I also chaired joint select committees. The Member for Diego Martin North East attended them, and notwithstanding his wily self and, you know, his ability to manoeuvre, we would take his suggestions, we would build consensus. Probably one of the most difficult pieces of legislation on

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the SIA, the Interception of Communication, we chaired that with the Opposition and in one week, two weeks, we came to consensus. The Member for Port of Spain South was there too, and we built consensus.

The answer to your problem is not to do away with legislation that needs a special majority, then you are surrendering. You are saying we are not going to pass anything important. They are tired; 18 months in office and they are tired; 18 months in office and they surrender. The first Bill I think the court overturned it. The matter requires consensus building, working with an Opposition.

This is a country where Eric Williams sat down with Basdeo Panday. Patrick Manning worked with Basdeo Panday. You will tell me leaders today have a difficulty working with this Opposition? Those Oppositions were terrifying in those days. They were a terrifying group of men—generally men, I think one woman joined later in the 1990s. And you cannot build consensus today? How will you manage this country? How?

**Madam Speaker:** Member, I have allowed you some leeway, please get back to the matter at hand.

**Dr. R. Moonilal:** Sure. Madam Speaker, to ignore the procedure of a joint select committee and the outcomes of a joint select committee, and the work that has finally been done and the headway we made could never have been done in a committee of the whole. It could never have been done in a committee of the whole, and the Government knew that because on September 14<sup>th</sup> they told the United States Government that we are going to a joint select committee. That is why they made a commitment to the US. So the United States Government cannot trust you on the FATCA matter.

We have heard in the Joint Select Committee—the report is before us now,

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this report here—they heard from the CPC, the BIR, and the Treasury Solicitor. Those people could not have come to a committee of a whole. The Law Association, who you are boasting about sending this great report, could not have come there. Instead of coming early to a joint select committee the Government chose to build a narrative in this country to blame the Opposition. [*Desk thumping*] So everything is falling; the sky is falling. The future of the country is in the hands of the Opposition. Tomorrow we will collapse, and I do not want to go off again on these bankers. The last time “I do dat” somebody I think took objection to me. [*Laughter*]

Madam Speaker, I want to say, on the last occasion they took up the approach that Members in the Opposition “have cocoa in de sun” so that is why we do not want to pass it. We are here today with all the amendments, if we did not want to pass this Bill we would not have even afforded the amendments. Why do you give amendments and you do not want to support?

**Dr. Gopeesingh:** They have five pieces of legislation to get information about. [*Desk thumping*]

**Dr. R. Moonilal:** And they draw that so the population feel—today I am coming to Parliament and somebody outside with an umbrella. “Ah say, ‘But it not raining. De man have on de umbrella ‘vote for FATCA; pass de Bill today’. I asked de fella, ‘Tell meh something, what FATCA mean?’ He say, ‘Doh tie meh up, doh tie meh up’. Ah say, ‘What does FATCA mean?’ He say, ‘Doh try to tie meh up, doh try to tie meh up, just vote.’ I say, ‘Okay, good.’” This is what they were doing. I do not want to talk about intimidation, because it is very difficult to intimidate me, but you cannot do that. You cannot conduct your business this way. You cannot conduct business this way.

We come to sensitive personal information, a matter that is before us now because it is the subject of an amendment and so on. The Government has legal advice on the matter. The issue is really pre- or post-. We have brought the arguments, we asked for what we would want, the Government has a view. But even on that matter where they appear to have some consensus, the Attorney General takes the position of beating up on the Opposition. Just trying to beat up, when we have consensus that sensitive personal information should be passed along to the person. And there are Members in Government who when they were accused of corruption, they got away. Not because they were innocent, but because due process was not observed, they did not have prior notification that they were the subject of some investigation. They were not told; not whether they were innocent or guilty. They of all people should be sensitive to banking information. We heard of Ministers with some of these challenges—let us put it that way.

The Attorney General in a newspaper report this month, February 12<sup>th</sup>, the *Express* page 3, I read it and I memorized it. The Attorney General did not yet tell us that it is untrue that he called and spoke to someone in Republic Bank concerning information of a Minister of Government. [*Desk thumping*]

**Madam Speaker:** Member, please again, come back to the matter; please continue. The point about sensitive information has been dealt with. Let us proceed.

**Dr. R. Moonilal:** I will leave the Republic Bank matter. [*Interruption*] Did you call Republic Bank? Did you speak to anyone at Republic Bank concerning a Minister's account and her business?

**Mr. Al-Rawi:** Will you give way?



**Dr. R. Moonilal:** No, you will answer later.

**Madam Speaker:** Please, please, proceed.

**Dr. R. Moonilal:** Madam Speaker, thank you. I will ignore him as you suggest.

Sensitive personal information—we know there are legal challenges that will come, but, you know, legal challenges will come before, it will come after, not during. Legal challenges will come anywhere. If you decide that, look, you are more comfortable with the British model, we look at it. There is a process to go through, which we can go through and we can look at it. If you decide that you are not comfortable with that and you want another option, you can bring that. There is another recommendation.

We have asked as well on the freedom of information matter. That came to the committee in the reports and so on, it was raised. Published information through the freedom of information, so citizens can get it. Today we are hearing now of recommendations being adopted to provide the information to Parliament, and we have, of course, an amendment to that effect that the information will come to Parliament so that we will get a report. I think it is a report on the business of the FATCA. An annual report will come to the Parliament, three months after or I think one month into a new Parliament session, the Parliament will get the information.

Madam Speaker, what is the purpose of that? The purpose is when Parliament gets this information in the form of a report, that report can be the subject of a Motion and we can have further debate on the operation of the FATCA. That is why it is important. Why did you wait four months before agreeing to something like that? Once you get the report, any Member of Parliament can file a private Motion to debate that report. So we can return to the

FATCA, we can analyze what is happening, we can discuss it.

On the last occasion, the Prime Minister entered the Chamber and gave a response on that evening when we were debating. It was February 13th, I believe. I sat here in awe with my mouth agape, staring incomprehensibly that the Member for Diego Martin West came to the Parliament—and I have his speech in my hand, Madam Speaker, if you want to call it a speech, of 13, 2<sup>nd</sup>, 2017. And the Prime Minister in this matter—well, first he told us he was off to a Caricom meeting, the Wednesday, and I think that meeting did take place. As to whether we have some type of report from that in the Parliament—there was a process when we were in office that after foreign trips and so on, the Minister of Foreign Affairs, Prime Minister or another relevant Minister would make a statement in Parliament on a meeting of Caricom, OAS, UN and so on, and update the Parliament as a matter of public record. Nothing like that I think has happened in 18 months, if I am not mistaken, so no problem.

They met at Caricom to discuss FATCA and other matters. We do not have a comprehensive report on what was the business of FATCA—and I am on the FATCA—but we are hearing that the Government of Trinidad and Tobago agreed to pay TT \$1 million, more or less, to lobbying firms to lobby the United States on FATCA. Lobbying what? To achieve what? Lobbying who? The Leader of the Opposition sent a letter to the American administration, I think it must have cost stamp money \$10 or \$15 to post it by stamp, you are going to spend \$1 million to lobby in the United States on FATCA. The citizens of this country were not told today by anyone, which lobbying group is that? How were they chosen? Who chose them? How much are we going to pay? What are we paying them for? But we are told that the Caricom and Trinidad and Tobago agreed to a lobbying for—is

this the same lobbying firm that we read in the newspaper today that lobbied to get a call from the President of the United States to the Prime Minister? That is what a report was, that there was a lobbyist paid so that a call could be generated.

**Madam Speaker:** Member, come back to the Motion.

**Dr. R. Moonilal:** Madam Speaker, I thank you for allowing me the 10 seconds to go into that area. I come back to the FATCA. We would like to ask the terms of reference of the lobbying firm. We would like to ask the amount of money to be paid to lobby. We would like to ask, did the Government and did the Cabinet agree to spend taxpayers' money to lobby in the United States on FATCA? Because all you could do is take the *Hansard* of all the Members of the Parliament and send it to the United States Government. Those are the issues we are concerned with as it relates to FATCA. You do not have to hire expensive lobbyists in the United States to tell the American Government what we have been saying here all the time, and what we took licks for. When we raised issues of FATCA, issues dealing with trade, issues dealing with rights we took licks, we took a beating in this country by persons who were not even citizens of this country. The Member for Caroni Central, the Member for Naparima had cause to condemn persons who were not citizens of this country for putting their mouth in our business—the Member for Tabaquite as well, a former Foreign Affairs Minister of Trinidad and Tobago.

So, Madam Speaker, I again would like to warn the Government that this is not a matter they should treat lightly. They should not seek to condemn the Opposition at every turn, simply because you cannot build consensus and you cannot work with persons. This matter of the 2 per cent that we hear about today—today is a 2 per cent day, and a zero per cent Minister told us about the 2

per cent. The Minister told us that only 2 per cent affected, but when you look at the US persons that cannot be 2 per cent. It cannot be 2 per cent. [*Interruption*] Well, anyway, leave the Member for Laventille West alone. Madam Speaker, could you please—I tried my best before I got in trouble—could you please deal with the Member for Laventille West?

**Madam Speaker:** Therefore, I ask if you direct your contribution this way, I am sure you will stay out of trouble.

**Dr. R. Moonilal:** Thank you very much, Madam Speaker.

So today I also, like Members of the Opposition and the national community—[*Interruption*]

**Madam Speaker:** Hon. Member, are you winding up now?

**Dr. R. Moonilal:** No.

**Madam Speaker:** Okay, so might I suggest that we take the suspension now as agreed between the both sides.

**5.30 p.m.:** *Sitting suspended.*

**6.00 p.m.:** *Sitting resumed.*

**Madam Speaker:** Member for Oropouche East, you have one minute of your original speaking time left.

**Dr. R. Moonilal:** Thank you. [*Desk thumping*] Thank you very much, Madam Speaker. So, to continue on the matter before us, the matter to adopt the report of the Joint Select Committee, and for ease of reference, the second report of the Joint Select Committee. The first report came to the House on February 13<sup>th</sup>, and the House then by resolution asked the Joint Select Committee to continue its work and report today on this day.

Madam Speaker, during the interval, of course, I did get a few minutes to

look through the report of the Joint Select Committee on some of the issues raised and so on, and I would just take a couple minutes to comment on that, on some of those matters. But, before we took the break I was making reference to another contribution in this debate, and it was on the 13<sup>th</sup> of February 2017 when the Member for Diego Martin West came to the House and contributed on this matter—

**Madam Speaker:** Hon. Member for Oropouche East, your one minute is up, you are entitled to 15 more minutes of speaking time, if you intend to avail yourself.

**Dr. R. Moonilal:** Yes, Ma'am.

**Madam Speaker:** Please proceed.

**Dr. R. Moonilal:** And, Madam Speaker, no lesser person than the Prime Minister addressed the House on this matter at 9.51 in the evening, and I was taken aback by the content of that contribution, and the Member for Diego Martin West is a Member with considerable experience in Parliament and in public life, and I was taken aback by the contribution on several grounds.

One, that an argument in the debate has always been the argument linked to self-determination and controlling our own economic policy and our own future, notwithstanding the interconnection and interconnectedness of the world, and certainly the financial sector. And the Member for Diego Martin West began by telling us that, well, NBC carries American athletes and not Caribbean athletes and so on, because that is not their concern. And that is true, that is most true, NBC, CBS and so on will just as the BBC will carry the coverage of British athletes and not athletes from elsewhere. But, to me that is not any type of convincing argument to use to dismiss an argument that goes much deeper in this FATCA matter.

And, Madam Speaker, I just want to put on record a point here, notwithstanding the final vote and however we may vote, and notwithstanding the goodness that may come out today. However, I am not sure yet. I have not been convinced by the Minister of Finance, maybe in his winding up. But, Madam Speaker, you know, there was a particular thesis I was reading on FATCA, and the thesis in the FATCA repealed argument, and part of it addresses the issue of new forms of colonialism. And it dawned upon me that there was a relevant argument there in light of the Member for Diego Martin West issues with NBC covering American athletes and so on.

Madam Speaker, Caribbean islands historically—and I would just take two minutes to make the point, because I want to put in on record—have been built on sugar, cocoa, banana, coffee and so on. When those economies collapsed as part of the new international global order, changing international economic conditions, free trade came into the mix, and sugar went, cocoa went, for some of the smaller islands, banana went. Many of these islands, many Caribbean intellectuals looked at that as some sort of oppression from developed countries.

And the Member for Barataria/San Juan, an intellectual in his own right, would understand the point that the cocoa/sugar industry collapsed as a result of the international economic order. And then many of these islands and territories went into offshore banking, financial sector, and created very vibrant sectors that contributed to their domestic economy, and in some cases saved those islands, and you can think now of St. Lucia, you can think of Barbados, you can think of the Cayman Islands, you can think of Bahamas.

It is also the vision of this country under both governments incidentally, it is the vision of this country to go into the service sector, the banking and financial

sector and so on, because we all say that as diversifying the economy away from sugar, cocoa, oil in this case, and so on.

**Dr. Khan:** Plantation.

**Dr. R. Moonilal:** Yes, to move from the plantation economy in that sense. What happens now is that there are questions being asked as to whether FATCA and other policies, not just FATCA, are also geared at eroding these new form of economic growth poles that have emerged in the Caribbean, that can take the Caribbean further as a developmental zone. And I thought that is a pertinent question to be asked, because the implication of FATCA, and other policies, have impact upon banking. Today the banks are saying if people do not comply and they do not allow us to send their information literally we throw you out as a customer. That has implications.

Invader's Bay in Trinidad was earmarked, Madam Speaker, to actually contribute 10 per cent to our gross domestic product by service sector, banking finance. Both governments have attracted Chinese investors, banks and so on, and when FATCA is implemented, I say when because we are always positive, that has implications on these banks having customers and doing business, not only in Trinidad, but the Caribbean, when information has to go to Washington on every single US person, and those people are interested in investment and trade in Trinidad, in Barbados, in Grenada. I leave that right there. That is just a point I—an economic historian—like the Member for Moruga/Tableland may not understand that.

Madam Speaker, the Prime Minister then came to a junction and took a turn, and offload some licks on one Mr. Jatras. Until then I was not sure who this gentleman was, but apparently he was the author of an article in the *Wall Street*

*Journal* that dealt with FATCA. And there is an international lobby, a growing lobby at that, of persons who are critical of this policy of the United States, and that is normal. In fact there is a pro and con of every international issue, so, not surprisingly there will be in FATCA. But, no lesser person than the Prime Minister chose the Parliament, to come into the Parliament and launched what really is an attack on an American citizen, a writer, by indicating to us, because some of us did not know this man, by saying, and I quote from the Prime Minister's *Hansard* record:

“Mr. Jatras is commercial business for hire. If you want to be seen as the emperor of Babylon, he is for hire to promote you in that way. So we are unimpressed by what Mr. Jatras has to say.

As a matter of fact, if you see...Mr. Jatras' clients..., I would advise my colleague...”—from—“Siparia, to stay far from him.”

He continued:

“Those who believe”—his—“advice is useful...

Mr. Jatras' firm is notorious for publicly defending or contracting himself to work on behalf of odious international figures, and I could name many of them, but I do not want to upset my colleagues...I want to maintain some quiet.”

Now, the Prime Minister came in a debate, unprovoked, and launched this attack on Mr. Jatras—until then I did not know of this gentleman—and used the Parliament to do that. Now, whether it is right for a Prime Minister to be attacking a citizen of another country in this way, that is another thing, everybody has their own way of conducting their business, so I would not comment on that. But, Madam Speaker, in today's newspaper, and I look at the *Guardian*, February 23<sup>rd</sup>,



today eh, page 6 news:

“US lobbyists accuses”—and I have to say the headline—“Rowley of defamation”, and in a story—

who is “steuping”, San Fernando East? [*Laughter*] Sorry, it came from elsewhere.

Madam Speaker, the American James Jatras who is a FATCA repealed lobbyist has accused Prime Minister, Dr. Keith Rowley, of seeking to defame him and affect his reputation when the Prime Minister spoke about him in Parliament on the debate on FATCA. This gentleman is the head of Global Strategic Communications Group, has called on Parliament to allow his response to the Prime Minister's remarks to be made public and so on. And he says:

“Dr. Rowley made his comments with the clear purpose of adversely affecting my reputation and inflicting injury to me in my occupation.

I ask that”—my—“response be incorporated...” —He—“has chosen to defame me rather than to refute the points I have made should be taken as confirmation that my arguments are sound and that no such refutation is forthcoming. I hereby accept”—the Prime Minister’s—concession of all points in dispute.”

And, Madam Speaker, I am responding to this, because this really is at the heart of this FATCA evolution. Madam Speaker, I am having difficulty with the Member for Diego Martin North/East.

[*Madam Speaker rises*]

**Dr. R. Moonilal:** Madam Speaker, I am saying that, because the Attorney General came and he began his contribution by saying, “this journey started on September 9<sup>th</sup>.” We know that. Today we came here, we had a delivery by the

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Member for Siparia, which I felt was very conciliatory [*Desk thumping*] and gave the Government some hope that they may get their business done with. There was some hope. When we give you no hope they stop the debate, when we give you hope they continue the debate forever. Now, if we are going to the vote, let us get this thing finished and get to the vote, there is no need to continue here. [*Desk thumping*]

The Member for Diego Martin North/East could get up and wind up his debate and let us go to the vote, when the time come for vote they do not want to vote, when we do not have a vote they hustling for a vote. It is the same thing happened in this business, when we are not in the Parliament they debate, when we came back in the Parliament they end the debate. So, let us get to the point, and this journey that the Attorney General pointed out has been a journey full of deception, of winding road, of dark characters, of manoeuvring, and part of it involved the lack of acceptance and the intolerance of somebody else's view. [*Desk thumping*]

And there are persons here who believe that if we do not share your view we are hypocrites, if we do not share your view we are not telling the truth, if we do not share your view, we do not love Trinidad and Tobago. That to me is not what statesmanship and governance is made of. [*Desk thumping*] It is not. And I do not believe—I do not know this gentleman personally, I cannot defend him because I do not know him, but I know that we ought not to be making statements about people unless we have some clear evidence to support that and then share it with us.

**Mr. Hinds:** “Waw, waw.”

**Dr. R. Moonilal:** Who are his odious international clients? I do not know. Which

Government is it?

**Mr. Hinds:** “Waw, waw, waw”.

**Dr. R. Moonilal:** Is the Member for Laventille West a client of his, then I could understand the deep concern we have with the lobbyist?

**Madam Speaker:** Member!

**Dr. R. Moonilal:** Madam, he is disturbing me.

**Madam Speaker:** Member! Member, that really is unacceptable, so please retract that and continue.

**Dr. R. Moonilal:** Madam Speaker, I retract that.

**Madam Speaker:** Thank you.

**Dr. R. Moonilal:** But Madam Speaker, could you please indicate to the Member for Laventille West, he is disturbing me.

**Madam Speaker:** When I rule I do not really want people to “but”. Please continue.

**Dr. R. Moonilal:** So, Madam Speaker, I will continue. The Prime Minister on the occasion also spoke and said, and I quote:

“If any country refuses to comply, it will be hit with crippling penalties to its financial sector and that will tank its economy.”

Now, if the Prime Minister believes this, that is fine. If he really believes it, it is fine. But I believe as a Government, when you are in Government you should not accept lock, stock, and barrel, every single thing that external powers and forces tell you. Then you will do any and everything that they want you to do, which may not always be in the best interest of your own economy, and your national interest. I am sure the United States has their national interest at heart in this matter, because we are after all, fundamentally, trying to help Washington

collect money, M-O-N-E-Y, they want our help, so this is in their national interest. A government of an independent country should say, “What is in our national interest?” Meet and treat with that, even if it means signing on and supporting FATCA.

So, Madam Speaker, the Prime Minister went on, on that occasion, of course, to speak about other countries; Canada, Britain, Switzerland, Germany, and so on, that had already—to use his term—bowed on their knees signing agreements and enacting domestic legislation. But, of course, on that evening we did not know then that Britain had put into their legislation checks and balances, which today incidentally we are trying to copy. The British example of checks and balances, I think is what we have before us. But when they told us that Britain bowed to all of this we did not know that Britain also put checks and balances, which we should have been doing. [*Desk thumping*]

Imagine it was left to the Opposition to bring the British legislation and show the Government that is in office. Could you imagine with all the resources, the power, the personnel, the professional, a government should have come to us with the British experience. We brought the British experience to them, and today we have a major amendment on the table because the Opposition did some work, did the research. [*Desk thumping*] It is not the Government. The UNC members on the Joint Select Committee did the work, the Attorney General did not find Britain. [*Desk thumping*] He did not find the British law to look at that notification. It came from the Opposition, and had some problems whether—telling the committee, I read, whether there was a double taxation treaty, because they were not sure of that, 18 months into office.

So, Madam Speaker, today I am hoping that we will not be coming back to

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this matter again in the near future, but to indicate in winding up now that the Opposition's position has always been, from day one to day last, that we are committed to making good law. [*Desk thumping*] We are committed to defending the interest of citizens of Trinidad and Tobago, we are committed to protecting Trinidad and Tobago's public institutions. [*Desk thumping*] That has been our position then; that is our position today. We are extremely pleased with the work of our committee members, and all members, but Member for Caroni Central, the Member for Caroni East, and the Senator from the other place, Sen. Ramdeen, we want to thank them for their work. I believe had it not been for their work, they could never have had this report today. [*Desk thumping*] So, we want to thank them. We stand with the Government to give support, if they really want support, they are minded to have our support, and we will ask, Madam Speaker, that the Government use the opportunity now to stop beating around the bush and get down to the matter. [*Desk thumping*]

**The Prime Minister (Hon. Dr. Keith Rowley):** [*Desk thumping*] Madam Speaker, it was not my intention to join this debate today, because I spoke last week after weeks and months of this matter playing out in full public view. So, I did not intend to take any further part in this debate dealing with the recent addition of the one-week extension, because I do not need anybody on the other side to explain to me or to explain for me what went on in this country since September.

So, all the explanations, and the chest beating, and self-praising that is going on, I was not going to be interested in it. But, my colleague, the Member for Oropouche East has invited me into this debate to set the record straight. He is very talented, I think he has missed his calling, and he would have done well

elsewhere. But he has a penchant for missing the point, either deliberately, unwittingly, or otherwise, and it is important that the record is kept clear. You see, he ended his contribution on the lofty steed of good law, and they would only take part in good law, and they do not care what happens as long as good law prevails. Now, I know they are very thin-skinned this evening, so I do not want to bruise anybody, but I must say that having been here for so long and hearing the same voice talking about good law, I am tempted to ask, is that of the same progeny as section 34, and as the Anti-Gang Bill that we supported that they created, that worked in five years in their Government and the minute they were out and in the Opposition is was no longer good law; the Bail (Amendment) Bill, that they created, which we supported, and the minute they were out of Government it was no longer good law? And, of course, there were numerous examples, other examples I could give, but not—I would not get any further into that except to say that this thing about they would not vote for the Bill because it was not good law; that is not changing the fact of the Opposition. Up to now nobody on the Opposition side could have said, or could say even now, 6.19 p.m., 23<sup>rd</sup> of February, to say that we will support this measure.

As a matter of fact, if I am to take what has been said on the other side, it is that it is no big thing, and if it is not supported the sky would not fall in. But those who know the dangers that we face are not saying that. The only people saying that is the Opposition in Trinidad and Tobago, and of course they want to pass good law. And, of course, the Member for Oropouche East deliberately misrepresented a position which I have to correct. He said here this evening that the Government of Trinidad and Tobago has hired a lobbyist and is taking a million dollars of tax payers' money of Trinidad and Tobago—

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**Mr. Imbert:** A million US.

**Hon. Dr. K. Rowley:** Is US he said?

**Mr. Imbert:** Yeah.

**Hon. Dr. K. Rowley:**—to pay a lobbyist to lobby Donald Trump about FATCA. Madam Speaker, if I leave that unchallenged, there are people in this country who would believe that that is true, because it was said to them by the Member for Oropouche East in a serious debate in the Parliament of Trinidad and Tobago.

Where did he ever get that from, that the Government of Trinidad and Tobago hired a lobbyist for a million dollars to lobby Donald Trump, or the US Government? That is a deliberate misrepresentation and an untruth. In the debate last time we were here I told this Parliament about Caricom's concern about the risk faced by Caribbean territories and their relationships with international banks, and it is on the agenda at the Caricom Heads of Government meeting, and I am going to Guyana during the week, on Wednesday last, and that matter is going to come up. I said that standing up right here in this place, in front of my colleague, the Member for Oropouche East. I then went to Guyana, took part in those proceedings, came back to Trinidad and had a press conference in front the full media core, and I reported that at the Heads of Government meeting, on this matter of Caribbean Caricom States and their concern about the relationships with the banks, local and international corresponding banks, that Caricom, Caricom took a decision that the Secretariat would provide the funding to hire a lobbyist to proceed to lobby in Washington and other metropolitan areas so as to ensure that our concerns and our relationships between Caricom banks and international banking communities, we are not hurt by accident.

And a strange thing happened, I spoke at that press conference until there

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were no more questions, and I had to say in the end, “if there are no more questions that is the end of the press conference”. Not a soul in the press conference asked me about FATCA, and I never mentioned FATCA. I spoke specifically about de-risking and corresponding banking relationship. And in case my friends on the other side think that they are synonymous, while de-risking and the loss of corresponding banking relationships is an outcome if this Bill is not passed this evening, they are not entirely one and the same. International banks, even without reference to FATCA and legislation and compliance, are already taking action against some Caribbean banks. There are Caribbean banks which have lost their corresponding relationships which had nothing to do with the compliance of their country. So even if we proceed to pass this this evening we are not out of the woods, because there are banks which we may want to do business with which may not want to do business with us, because of the risks that they perceive for themselves against the benefits of what they call “our small business”. In other words, what they are saying to us, and it has come to us, small business for big risk, and therefore they could tell you thanks very much but we do not need your business.

As a matter of fact, this matter of a lobbyist at Caricom did not arise from Trinidad and Tobago, as misrepresented by my colleague, the Member for Oropouche East this evening. It arose from the last meeting in Guyana where the Prime Minister of Antigua was detailed by Caricom to pursue this matter to ensure that our voices and our positions were made known to the banks. And I mentioned in this very House, the president of Chile who Caricom recruited to assist us to use Chile’s prestige in Washington in the political and the commercial arena to speak for Caricom as a big sister. It is against that background that I am invited to Chile

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to pay a state visit to Chile, because the President of Chile has offered herself and her Government to assist Caricom in protecting ourselves from accidental developments of this nature.

So, when a Member, a senior Member of the Parliament comes in here this evening, unprepared but want to speak for 45 minutes, and deliberately misrepresent the situation for the benefit of the children of this country, I must say that he should be ashamed of himself. [*Continuous desk thumping*] Listen, this is a serious matter, our country is facing a serious situation, and if Members on the other side do not want to vote for the country's interest, it is their business. One Member is telling me this evening that "we are not going to vote for all yuh". Who is the "all yuh"? We represent all the people. All of us in this House represent all the people. [*Desk thumping*] And this is not about us, it is about the people who would be hurt if we do not do our jobs, so you are not doing me any favour.

**Hon. Member:** Well said. [*Continuous desk thumping*]

**Hon. Dr. K. Rowley:** You are doing me no personal favour. You are required to do your duty to protect the people of Trinidad and Tobago. [*Desk thumping*]

And when I said last week that it comes to a vote this evening, Thursday. Today is Thursday, it comes to a vote this evening, and you are free not to vote for it if you wish, because you have been elected to protect the people of Tabaquite, of Chaguanas East, Caroni Central, Oropouche, and Tobago. [*Desk thumping*] The whole of Tobago, all of us. So, this is no favour to me personally. So, to come here and misrepresent the facts and put lies on the record about the Government of Trinidad and Tobago paying a million dollars for a lobbyist. Yes, we have a lobbyist. Government has a lobbyist. I spent nine month trying to get the Central Tenders Board to hire a lobbyist, because we need a lobbyist. You know why?

Because our interest need to be projected, and we need people to speak for us and push and open doors in the correct place, so we are not harmed by accident.

Even before this came before us. Because, you see, Trinidad and Tobago is making world news today not for the best reasons. We are not now making news because of our Olympic gold medal, we are not now making news because of BWIA that we ran for years safely, we are not making news because we have outstanding students. We are making news for wrong reason today, and therefore we need to have a lobbyist in the right place so that persons will know who we are, and know what we are, and do not get judged for the minority player. [*Desk thumping*]

We saw a presidential candidate in America last year in the election, a man running for president of the United States, a national election, and before a national television audience he was asked, what is his view on Aleppo on the day when there was genocide in Aleppo, and running for the job of the president of the United States, he asked, “what is Aleppo”, and you think he knows about Trinidad and Tobago? And then somebody comes and tells him the wrong thing about us and we get hurt by accident. So, when we hire a lobbyist, whether it cost a million dollars, a half “ah” million dollars, is to protect the interest of Trinidad and Tobago. [*Desk thumping*] And to come here and misrepresent a lobbyist role and misrepresent Caricom’s role, and confuse bank de-risking and correspondent bank—[*Interruption*] I will not be shouted at by my colleague, the Member for Oropouche East, Madam speaker. I seek your protection. I seek your protection.

**Madam Speaker:** Members, please conduct yourselves in a proper decorum. Member for Oropouche East you had your opportunity to speak, and everybody who wants to join this debate will have an opportunity to speak. I will ask

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Members to desist from crosstalk. Continue, Member for Diego Martin West.

[*Desk thumping*]

**Hon. Dr. K. Rowley:** You know, misrepresentation—somebody paid \$3 million to ask for conversation from Donald Trump.

**6.30 p.m.**

Madam Speaker, these are—I do not think it is funny, but it is not funny, and then there are demands that I tell you what the conversation is with Donald Trump. Madam Speaker, I was home on a weekend when I was informed that the President of the United States would like to speak to me. It had nothing to do with our lobbyist and it did not cost Trinidad and Tobago a cent. But the President of the United States understands that Trinidad and Tobago is a country that United States holds very dearly, for good reason. The US is our major trading partner and we are a leader in Caricom. And if they were surprised that the President wants to—we need a lobbyist to ensure that correct information about Trinidad and Tobago is transmitted to the decision making. [*Desk thumping*] That is why we need a lobbyist. We want to make sure that what is said about us, what is portrayed about us is correct. [*Crosstalk*]

You see, Madam Speaker, they make these statements and people will believe that because they have said it, they assume that they are responsible. I do not believe that they are. And they could jump high, they could jump low, what has played between September and this evening, is an Opposition that looks for every opportunity not to vote for this Bill. [*Desk thumping*] They could say whatever they want.

You know, I have been monitoring what has been happening and when I heard that the last major point, the last movement of the goalpost, last week when

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they said, one more week, one more meeting, then I come here and I find out that they sent in writing a note that—this good law they want to pass, you know, they are the good law specialists now, right, they want to pass good law otherwise nobody could make us and they are quoting from the Oath of Office, which is very good because I am glad that they understand the words “Oath of Office” and it exists. I am glad to hear that Members of the Opposition now acknowledge the presence of the content of the Oath of Office, because when they were in Government for five years they paid no attention to that. [*Desk thumping*] But, it came to us, this afternoon, that the big point that had to be dealt with, or otherwise they would not vote for the Bill, is that if a person’s tax details are to be reported to their home country, not to the Government of Trinidad and Tobago, eh, American citizens reporting in their tax situation to their home country, and as the AG pointed out, they have to be an American taxpayer with a tax paying number under federal law. And if their Government had passed a law in Washington and they now have to comply, my colleagues are saying to us that we here in Trinidad and Tobago must decide to give such a person, 30 days’ notice—

**Mr. Al-Rawi:** Twenty-eight days’ notice in advance.

**Hon. Dr. K. Rowley:** One month’s notice in advance that we intend to comply with the request of their Government to transmit information.

Now, what is the purpose of this law? Who are the people who will be jeopardized by this law? What is the jeopardy of this law? If you are not doing anything illegal, if you are not breaking any law, what is the jeopardy? But the minute we agree to what they proposed to us, they claim ownership of all kinds of things. This is their last hurrah, because it came after the one week extension and the one more meeting, 28 days’ notice before you can comply with the law. But I

am no lawyer, but I heard it said that the Government's lawyer in Trinidad and Tobago told the Government that that is unacceptable and cannot be accepted. But even without the lawyer saying that to us, causing us to reject it, look at the scenario.

The minute you tell somebody that you have one month before we comply with that law, what do you expect to happen? Off to the court they gone and somewhere in there is likely that the Attorney General would find himself, on behalf of the taxpayers, in court trying to contest some person who decide that they are not going to comply and they will go to the court and the State now has to go to the court to defend. And next thing now it goes, High Court, Appeal Court, Privy Council, millions of taxpayers' dollars in the courthouse fattening lawyers and then at the end of all of that, if the case is won by the American authorities who is making the request, what is the benefit to Trinidad and Tobago? What is the benefit? Nothing, because we are not interested. It is not for us to deal with an American citizen who is not paying taxes or breaking the tax law, but if we are allowed to put a clause in the law, as requested by them, so that we now have to go to the court to spend millions and maybe every person who finds himself or herself in that situation may decide to go to the court and then the AG's office and the Trinidad and Tobago taxpayer run to the court fattening lawyers, day in, day out, tying up the court, we are not agreeing to that.

**Mr. Al-Rawi:** And that was what they proposed.

**Hon. Dr. K. Rowley:** That was the proposal. It was no brainwave of the British law, it was when that was raised and rejected, because under no circumstances could we agree to that. It will undermine the Bill. It will create possibilities for cost for the taxpayer for no benefit, because we are not the ones offering to

transmit anybody's information abroad. And when you end that case after millions of expenses to the Privy Council, back and forth, what we accomplish, nothing. So there is no way we could agree to that.

Do not take it personal. It is not abuse, it is just normal commonsense. We representing people, I represent Westmoorings, Carenage, Covigne, there is no way I am agreeing to that expense on their back, to that kind of clause. It is then that it was okay, let us inform them three months after. Well, okay that is easy to agree to.

**Mr. Al-Rawi:** That is not what her text says, eh. Her text is in the future.

**Hon. Dr. K. Rowley:** No, no, we not agreeing to any prior notice because that has consequences for the taxpayers of Trinidad and Tobago for no benefit. But, of course, we have no difficulty, if after it has been done and it is set on a particular time, you report to all who—that is not going to cost taxpayers anything. We have no horse in this race. This is a matter between the Americans and the citizens, so we not incurring that cost. But you know, the interesting thing about it, the alternative position which we could agree to, which is the clause in the British law, this is interesting, because when the discussion on sovereignty came up, I think it was my colleague, the Member for Caroni Central who first raised it.

When this matter was first debated in this House before they did the series of walk out, it was very clear from the Member for Caroni Central that there was an argument to be made that we have to challenge this thing on the grounds of American heavy-handedness. That is what it was about. And he is free to take that position and I mean, there is a long argument that can be made about that. People speak about the American overreach and so on and so on—that is a part of the debate—but it was the Member for Caroni Central speaking, I think he was the

opening speaker for the Government I think he was, and that is where they were at that time—

**Dr. Rambachan:** For the Opposition.

**Hon. Dr. K. Rowley:** For the Opposition, sorry. That was where the goalpost was at the time, that this matter was an American heavy-handedness which we ought not to subscribe to. As a matter of fact, one of our colleagues wrote a very scathing attack on me and my Government for surrendering the country's sovereignty to the Americans on this matter and my reference to the Olympics was simply that "nobody ent send and call you". If you want to do business with the American banks, it is voluntary. And if they lay down conditions that you cannot change you are free to not comply. We are free to not to comply. Nobody is forcing us. But if we chose not to comply and I come back to Caricom, the advice from Caricom to all of us is to make our countries compliant so as not to let our region be seen to be an area that is not compliant with what is required from those who would lay down these conditions which we cannot change.

And I come back to the argument of Caribbean Airlines. We cannot decide the terms and conditions under which we fly into Boston or into New York. It is civil aviation. If we happened to go into American ports with our airline, we have to comply with what they have laid down and if we do not comply, whether it is in maintenance, in training, in fuel consumption, if we do not comply you cannot go in there. So is that not a matter of sovereignty too or is it a matter of facing up to the international realisms? And then, of course, you know, we have to decide what we do and what price we pay.

What is the price that we are going to pay if we do not make our country compliant? As a matter of fact, one of the reasons for delay and possibly not

voting for the Bill is because of UWI did not get a chance to—they had to consult UWI and hear what they have to say. And then you wait on UWI. And my alma mater, our alma mater and the comment, and they discovered they comment on the wrong law.

**Mr. Al-Rawi:** The first Bill, the wrong Bill.

**Hon. Dr. K. Rowley:** So embarrassed. I have three UWI degrees, comment on the wrong law and we are being told, you cannot pass the law because UWI did not comment yet. These were all red herrings, because nothing has come up which really change the state of play.

And the last point I want to make before I take my seat, all this argument about surrendering to American sovereignty and American imperialism and colonialism and what not, where was that when you signed the IGA? [*Desk thumping*] Since when you, you want this big anti—you signed the Inter-Governmental Agreement, that was the time to argue. You signed it in 2013 and when I met with the Opposition Leader at the Prime Minister's Office in early September and I mentioned that this matter is coming up in Parliament, I had no idea that the Opposition would have behaved like this, because it was a continuation of follow-on and something that you created.

So all your argument about sovereignty and American this and American that is all hooey because you were the start of this. [*Desk thumping*] Forty-five minutes, it sound good for those who do not know, but for those of us who are involved, this was a simple straightforward matter, a simple straightforward matter and all Bills that come to the Parliament there are opportunities to tweak here, make an adjustment here, have a debate here and a new point comes in there, so there was nothing special about this. But the fundamental objections which you all



tried to raise after six months, all comes to nought because there was never any real basis or any real chance of us deciding that the thing to do is not to go here.

And as for the point that you do not know Mr. Jatras, ignorance is never a standpoint from which to launch an attack. The fact that you do not know does not mean that it does not exist and known to others. I know of him if you do not know. And therefore I am free to describe him as a gun for hire, because it is a company for hire, anything you want said about your image you can hire him and you can do it and that is what he does for a living. So when you come and try to advise my country that Jatras say, I warn my country do not listen to Jatras. The last man he was advising was Milosevic and the one before was Ivanovic and all the characters of that nature, for hire. And it makes me wonder, maybe you spent your money in Siparia to get him, I do not know. I did not say that, but I am saying do not come and tell me what to say in my Parliament and Jatras say I defamed him. I have freedom to speak in here on behalf of the people of Trinidad and Tobago—[*Desk thumping*] and you and Jatras could put that in your pipe and smoke it. So when Jatras' point of view is what is being told—[*Interruption*] Madam Speaker. When Jatras' point of view is what is being told to us to influence the national population, I have to tell them dismiss Jatras' point of view. Jatras is making a good living for whoever will pay him and so far, and if I say do not be in Milosevic's company, I am giving you good advice.

Madam Speaker, it is now 6.45 p.m., the time has come, this thing should end. I take my seat. [*Desk thumping*]

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, if we spend our time as we have spent some time speaking about the last few weeks that involved the evolution of this

Bill and then ending up with the JSC and this report or if we go even further back to 2013 as the hon. Prime Minister did, we would find that we would have interminable debates, because there would be contentious views on all sides. There would be different points of view and I think it is reasonable to claim that the Government approach this whole thing wrong from the beginning. I am not going to go into it in any detail, but I think they approached it very wrong and because of that they also went to the JSC hurriedly and then we had very little time. Even the letter from Ms. Carter to the US authorities indicated that two months would have been the normal time for a JSC and we did not have that. So that, let us say that some mistakes have been made along the way, that the Government must take responsibility for some of the mistakes but we are here now and look how much we have really achieved, because of the JSC having met.

If we go back to section 34 and the anti-gang and bail amendment, it would be toing and froing again. That will be another interminable debate, because over the last 18 months I could find a lot of things to talk about and I am sure in the last five years, in the five years before 2015 you could find a lot to talk about. But the point is that we are here now, 18 months later you are the Government of Trinidad and Tobago. This FATCA Bill is before the House and I thought the Opposition Leader basically created the conditions for the Bill to be passed. She basically said that she wanted an amendment and once this amendment was acceded to, she would be prepared to go to committee and have the Bill passed. And I thought that the Minister of Finance, in fact, conceded the amendment so that there was no quarrel, there was no issue and we could have been way, way ahead of where we are today. And the question really is, do we want to pass this Bill today? Do we want to get it behind us and move on?

I do take the Prime Minister's point about correspondent banking and de-risking and that is true. One of the problems that we have here is that in the Government's rolling out of their strategy, they spent too much time on looking at the banking sector and the banking issues and the financial issues and too little time looking at the privacy issues, the protection of the individual issues and those things that have to do with constitutional protection. And because of that, the rolling out of the position by the Government made it impossible for the Opposition to do anything else but to focus solely on the privacy issues. Because that had to be the issue which became the point of counter balance which the Government was not seeing. Because you could not bring legislation to this country that would do well for the banks and would do well for business and do well for the financial sector and not take into account that there are citizens involved, there are interests involved, there are constitutional protections that are guaranteed, there are issues that are involved that need to be protected.

I think things went awry when we had the debate evolved in that manner and the Opposition found itself in a situation in which it really had to build a garrison in order to deal with the onslaught of the Government who was basically rallying all the resources and forces in the society to make the Opposition seem as irresponsible, and on that basis we were able to go to the JSC and make some changes.

The Prime Minister in his contribution talked about hiring a lobbyist for correcting misinformation and for protecting Trinidad and Tobago's interest, but I want to say, you know, I mean I used to teach for many years in the Arthur Lok Jack School, a course on communications. And one of the things that I learnt in a seminal book that was written many years ago, in the 1980s was that, you have to

distinguish between image, which is a projection of what you want to present; you have to distinguish between that and telling your story, which is building a factual basis of telling a story about your organization or institution so that it has authenticity and credibility and the third thing is that if you are able to do that, project an image based on authentic storytelling and making the storytelling real and substantial, then you find that over time you build a reputation for your institution.

It is no different for a country. And if we want to project the image of Trinidad and Tobago, we must address the issue, for instance, and I am not going on any excursion here, Madam Speaker, I am just mentioning it, we have to deal with the issue of the projection of the country in terms of things; murders, in terms of things like terrorism, and so on and it is not just the image, it is not just the storytelling, it is not just the building of a reputation, it is solving the problem at home so that you can tell an authentic story of things achieved, things done, progress made and therefore on that basis, you can begin to rebuild a positive reputation for the country.

So I want to say to the hon. Prime Minister, through you, Madam Speaker, that this is not a simple task, this communication issue. This is not about public relations. Public relations do not work in this kind of situation. You have got to have a very complex approach to the management of these kinds of things and I wish him well. I saw the story in Trinidad and Tobago which appeared in one of the foreign newspapers in which they talked about the discussion between President Trump and the hon. Prime Minister, Dr. Rowley, and in which the nature of the discussion was on terrorism and Trinidad and Tobago as a supply state of terrorists abroad. When you have those kinds of stories coming out and when you

have those things happening on TV, when it is authenticated by the number of people who leave your shores, it becomes a real issue.

So the problem has to be dealt with as a national security issue at home, as an international collaboration issue with other people so that you bring it under control and then the management of the situation outside while you roll out your public relations issues. It cannot be done simply by public relations because no amount of public relations is going to negate what the truth is. [*Desk thumping*]

So this is important and I think that in a way the Government made a mistake in relation to this, they made a mistake in trying to please the US authorities too quickly, because you know you can run the risk of trying to please the IMF; you can run the risk of pleasing multi-lateral institutions; you can run the risk of pleasing a US Government or some other entity as you negotiate as you engage them. But what you really have to do is please and secure the national interest of Trinidad and Tobago and its citizens. That is the main thing that you have to secure.

So there are two parts of this equation. One, is protecting the financial sector and second one, is protecting the privacy of citizens and I think the Opposition have been very strong on the second, the Government with other institutions in the society have been very strong on the other and the truth is both have to be protected and that is why we went to the JSC and that is why we ended up with the Bill that we had. I do not think it is right to say that, I think the Prime Minister said it, the Attorney General said it, there were very few things of substance in the Bill. That is not true. There are 31 clauses in this Bill, Madam Speaker, [*Desk thumping*] and if you look at the Bill, and I have a sheaf paper version of the Bill here on which I wrote and which you have the corrections of the

CPC's office and so on, and if you look at that Bill on every page, in every clause you begin to see that every clause had substantial amendments.

Some of them were big and substantial like the powers of the Minister, some of them were simple, like typos or deleting this in order to replace it with that and so on, but all of 31 clauses had amendments in this particular Bill. But the JSC was important because given the belligerence that took place in the contention over this Bill, the JSC was able to harness belligerence you might say, bring it into a single room and create the conditions in which you could do battle on issues. It was able to contain excessive partisanship. Yes, we fought for the issues that the UNC was interested in and you fought for the issues that you felt were important to the Government, but I think it contains excessive partisanship. But when you look at the Bill at the beginning and you look at the Bill now with all the changes that have been made, including the four that have now been acknowledged in the last submission from the Opposition, you begin to see, Madam Speaker, that the Bill that we have before us today is very much a UNC version of this FACTA Bill. *[Desk thumping]* Because the issues that we have raised and by their own admission by the Minister of Finance, are issues that they made concessions to because they felt it was reasonable.

We were not unreasonable about the issues. We focused on privacy right issues, we focused on things that would not give the banks too much power that would not give the institutions too much power that would ring-fence the BIR and that would create the conditions in which information could not be exchanged between one government agency and another. We did all of those things. And the reason we did that is because those were the issues that were of concern to us.

I think that in the JSC it forced both Government and Opposition to think

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harder and deeper about the Bill. I think it forced us both to think about justification for the Bill, why was this Bill really necessary and when the Leader of the Opposition spoke, she said, perhaps I should take it simply as they do in primary school and say, who, what, where, why, et cetera, and so that you begin to interrogate the Bill in a simple way in order to dissect the things that are really important in the Bill.

The Bill handles the issue of powers in the Bill. It handles the issue of rights of the individual and the amendments that have come which give parliamentary scrutiny, the four amendments and which really the notification clause gives the individual an opportunity to know that his information is being shared with someone and I think the Prime Minister was wrong on that because the movement of the information from the bank is straight to the BIR. It is the BIR that then sends it forward to whatever agency that they send it to the Secretary to the Treasury in the United States.

So my own feeling is that given the work of the JSC; given how far we have come; given the fact that there have been many, many, mistakes on the Government side; given the fact that the Opposition has really crafted, now, in engagement with the Government a Bill that is acceptable to the Opposition, I think the Government will do well to bring this matter before the House so that we can move forward, the political leader and the Leader of the Opposition has indicated that she would like an amendment. I think the Minister of Finance has conceded and my own feeling is that we are at the point now where we can do something finally on this Bill that Trinidad and Tobago will be happy about. Thank you very much. [*Desk thumping*]

**7.00 p.m.**

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**The Minister of Finance and Acting Minister of Energy and Energy Industries**

**(Hon. Colm Imbert):** Thank you, Madam Speaker. Madam Speaker, there are a few matters that I need to address before we wrap up. I was quite astonished during this debate to hear the Member for Oropouche East declare that there is nothing wrong with people sending in comments to a joint select committee of Parliament using a fake name. Now, Madam Speaker, I made the point, and it is in the verbatim record, that we consider the work of a joint select committee of Parliament to be very serious, very, very serious, and when I heard the Member for Oropouche East talk about using different names and pen names and what is wrong with anybody sending in a comment without identification, it drove me to look at the Cybercrime Bill which was introduced into this Parliament by the UNC Government in 2015.

**Mr. Young:** Twice.

**Hon. C. Imbert:** Yes, they also introduced it in 2014. I looked at some clauses in the Cybercrime Bill which was the policy of the People's Partnership Government at the time, and in clause 14 of that Bill they sought to create the offence of computer-related forgery which would make it unlawful to input computer data, resulting in inauthentic data. This would carry a fine of \$300,000 and three years' imprisonment, or \$500,000 and five years' imprisonment on conviction on indictment.

Clause 15 of their Bill sought to create the offence of the computer-related fraud and would have carried a fine of \$1 million and five years' imprisonment on summary conviction, or a fine of \$2 million and 10 years' imprisonment on conviction on indictment. Clause 16, which is precisely what the Member for Oropouche East was promoting in this House, sought to create the offence of



identity theft through the use of a computer system which would carry a fine of \$300,000 and three years' imprisonment.

Madam Speaker, I think it is reprehensible for a Member of this House to complain where a joint select committee has solicited comments from the public, the Trinidad and Tobago public, about a law to be enacted in the Trinidad and Tobago Parliament and has used the electronic media, Facebook, email and whatever to solicit these comments, and then when we get the comments and I put it on the record at least half of them were fake. You could see at least half of them were fake.

I asked the Parliament to validate the names, and of the 25 comments that had come in by the time the deadline had elapsed, of those 25 almost half of them were determined to be persons who were either completely fake or were not citizens of Trinidad and Tobago, were living in some other country, were citizens of some other country, who were commenting on the Bill as if they were real people and citizens of Trinidad and Tobago. And I made the point that if we wanted to—but God forbid that anyone of us would ever want to do this, someone could have contrived a thousand faked comments, using fake profiles, fake identities and sent it in as public comments to this Joint Select Committee.

It is a serious matter, Madam Speaker. [*Desk thumping*] A very serious matter, and I cannot believe that a Government that brought a Bill to outlaw identity theft, forgery and computer fraud, and the use of fake profiles and fake identities to create mischief would now be promoting something like that and complaining that as Chairman of the Joint Select Committee I asked the Parliament to validate and determine whether these comments were real or fake. It is reprehensible, Madam Speaker. [*Desk thumping*] I hope when that matter is dealt

with, that we do not hear the Member for Oropouche East saying, “Oh, I changed my mind. Nothing wrong with people using fake identifies and impersonating and so on.”

Madam Speaker, how else can you establish that someone is a citizen of Trinidad and Tobago? You have to use a government-issued photo identification. The same account that they are crying about, requires in order to open a bank account in Trinidad and Tobago—as a matter of fact, so many things we have to do in Trinidad and Tobago today, require two forms of government-issued photo identification. It is standard and, as I say, it is reprehensible for a Member of this Parliament to promote identity theft, impersonation, fake messaging, fake profiles, essentially cybercrime, but let us move on.

Madam Speaker, I would like to spend a little time on Mr. Jatras, who the Member for Oropouche East would like us to listen to—Mr. Jatras. Mr. Jatras was a defence witness for a gentleman by the name of Slobodan Milosevic. Milosevic was indicted—and I heard sotto voce across the floor from the Member for Oropouche East, who is Milosevic? He asked, “What is he? He is an actor?” He is pretending he did not know who Slobodan Milosevic is. Milosevic was indicted in May 1999 during the Kosovo war by the United Nations International Criminal Tribunal for the former Yugoslavia for crimes against humanity in Kosovo. These were the crimes he was indicted for: genocide; complicity in genocide; murder; persecutions on political, racial and religious grounds; inhumane acts; extermination; imprisonment; torture; wilful killing; unlawful confinement; suffering; unlawful deportation; destruction and appropriation of property; cruel treatment; plunder of public and private property; attacks on civilians; destruction to historic monuments and destructions of institutions dedicated to education and

religion; unlawful attacks on civilian objects. That is Slobodan Milosevic.

Mr. Jatras is famous—[*Interruption*]—Madam Speaker, I do not know what it is with the Member for Oropouche East. I seek your protection.

**Madam Speaker:** Member? Members, please observe Standing Order 53. Member for Diego Martin North/East, please continue.

**Hon. C. Imbert:** Thank you, Madam Speaker. You know, every time I debunk the things, the inaccuracies, that the Member for Oropouche East puts on record, a running commentary, a grumble and a mumble coming from that side of the Chamber because he does not want the people to hear the truth. And I will read now from an article in 2004, “U.S. analyst testifies on Bosnian war as Milosevic defence witness”. Do you know who that was? James Jatras. The same James Jatras was a defence witness for a man indicted for genocide, murder, destruction, et cetera, et cetera, but that was not all. He not only was a defence witness for Mr. Milosevic, he was also working for a fella called Ivanovic and I read from the *Balkan Transitional Justice* newspaper, 21<sup>st</sup> of January, 2016, “Kosovo Serb Leader Ivanovic Jailed for War Crimes”.

**Dr. Gopeesingh:** Madam Speaker, 48(1). How does Milosevic come into this debate? [*Crosstalk*]

**Madam Speaker:** Member, please continue.

**Hon. C. Imbert:** Madam Speaker, the Member for Oropouche East read out some articles somewhere—[*Interruption*]

**Madam Speaker:** Member, continue please.

**Hon. C. Imbert:** Thank you, Madam—in his contribution saying that Mr. Jatras wanted to sue the Prime Minister for defamation because the Prime Minister had indicated that the Leader of the Opposition would do well to stay far from Mr.

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Jatras in terms of his contribution to matters relating to this debate in this House. So you need to know who he is. He also was a consultant to Ivanovic who was jailed for nine years for war crimes including the murder of ethnic Albanians in Mitrovica. He was also an aide to somebody call Larry Craig. Do you know who Larry Craig is?

Larry Craig was a Republican United States Senator from Idaho who was arrested for lewd conduct in a restroom in Minneapolis, St. Paul International Airport. He was an aide. Mr. Jatras was an aide to Larry Craig, and let me give you a statement from 1999, *The Washington Post*.

“A Senator Republican aide came under fire this week for what members of the Muslim community called his bigoted remarks...

James George Jatras...said Islam has a ‘fraudulent self-depiction as a pacific creed,’ arises from ‘the darkness of heathen Araby’...”

That is who you want to associate with?—a fella who say a man—[*Interruption*]—look. Grief. Now, let us move on, Madam Speaker.

Madam Speaker, in thanking the persons who assisted us with this committee work, I omitted to thank the procedural clerks and the staff of the Parliament. I must say that the procedural clerk who supported the committee went way beyond and above the call of duty [*Desk thumping*] and I want to commend and congratulate her for the work she did for the—[*Interruption*]

**Mrs. Persad-Bissessar SC:** What is her name?

**Hon. C. Imbert:** She is sitting right there, Keiba Jacob. She is sitting right there. [*Desk thumping*] I just wanted to compliment her and thank her for all the work that she did—[*Interruption*]

**Hon. Member:** Both sides, eh.

**Hon. C. Imbert:** Yes—under a lot of pressure. Now, Madam Speaker, I said in my introduction that we would be introducing an amendment to clause 17, modelled along the lines of UK regulation dealing with notification. I realized that shortly after that, the Prime Minister also—[*Interruption*]

**Mr. Al-Rawi:** The Leader of the Opposition.

**Hon. C. Imbert:** Sorry, the former Prime Minister—the Leader of the Opposition also proposed more or less an identical amendment. So that I do not think we will have any trouble in the committee except we have to make some adjustments.

**Mrs. Persad-Bissessar SC:** Can I just for clarification?

**Hon. C. Imbert:** Sure, Sure, sure.

**Mrs. Persad-Bissessar SC:** Thank you for giving way, hon. Minister, and since you are giving the praises every round, I really want to from reading the verbatim, you really handled the belligerence as MP Tewarie said it. He really handled it in the Committee to get the work done. So I think we should say the same you are saying about others about your good self.

I just want to ask you please, given that we got this at whatever time this evening, if you would kindly confirm what was clause 19 originally and spoke about it was not necessary for a financial institution to give the US TIN if they did not have it in their records. I think it may be clause 16. Can you confirm if that is so? It not necessary in reporting for a financial institution to give the US TIN where it is not in their records. Can you confirm? I think it may be the new clause 16.

**Hon. C. Imbert:** I will deal with that in a short while, but I want to be clear on the amendment that we proposed. We on this side proposed in my introduction to the debate today, I want to read it again:

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Clause 17 as renumbered, we are proposing:

Insert after subclause (2) the following new subclauses:

- (3) A reporting financial institution shall notify an account holder in respect of a reportable account that sensitive personal information relating to that person which is required to be reported under this section has been reported to the competent authority and will be transferred to the Secretary to the United States Treasury in accordance with the IGA.
- (4) The Notification under subsection (3) shall be made by 31st January in the calendar year following the first years in which the account held by the individual became a reportable account maintained by the reporting financial institution and was forwarded under subsection (1).
- (5) A Notification under subsection (3) shall be in the form prescribed by the Minister by Order.

And, Madam Speaker, the fifth subsection that we are seeking to introduce is to make sure there is no argument, and there is no dispute about the type of notification that goes from the financial institution to the reportable person with respect to the transmission of their information. We felt we need to make that tight so that the Minister by Order will prescribe the form and details in this notification so that each bank would not be making up their own thing when they are notifying the person that their information has been sent to the US Treasury.

**Dr. Gopeesingh:** Would that come to Parliament, your Order?

**Hon. C. Imbert:** When we reach committee stage we could deal with that. So I just want to recap. We have agreed that we are in agreement; provides for its publication; it shall be laid in Parliament within two months after the date of

signature by both parties; any Order amending the terms of the agreement shall be subject to negative resolution of Parliament; and that the annual report will be laid within three months after the date for automatic transmission of information under the provisions of this Act, or if Parliament within is not in session within one month after the commencement of the next session. So I think we have covered everything.

As I said, we had to modify the UK provision to make it compatible with our IGA, and as I said, we have added this thing about the notice so that it will all be in a standard form. Madam Speaker, you know I heard the Member for Caroni Central speak about whose Bill this is, and it is a UNC Bill and so on. This debate is not a competition about whose bill it is. It is not a competition. This is a very, very serious matter; very serious matter. I expect all Members of Opposition to support this legislation.

I beg to move. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I will first put the question on the proposed amendment.

*Question, on amendment, [Mrs. Persad-Bissessar SC] put and agreed to.*

**Madam Speaker:** I will now then put the question. Hon. Members, I shall now put the question on the original Motion as amended.

*Question, on amended Motion, put and agreed to.*

*Resolved:*

That this House adopt the Report of the Joint Select Committee appointed to consider and report on the Tax Information Exchange Agreements Bill, 2016 subject to the recommittal of the Bill to the Committee of the whole to consider proposals to amend clause 17 and to include a proposed new clause 34.

**Madam Speaker:** This House will now go into Committee of the whole to consider the proposed amendments to clause 17 and the inclusion of the proposed new clause 34,

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

*House in committee.*

*Clause 17.*

*Question proposed:* That clause 17 stand part of the Bill.

Insert after subclause (2) the following new subclauses:

- (3) A reporting financial institution shall notify an account holder in respect of a reportable account that sensitive personal information relating to that person which is required to be reported under this section has been reported to the competent authority and will be transferred to the Secretary to the United States Treasury in accordance with the IGA.
- (4) The Notification under subsection (3) shall be made by 31st January in the calendar year following the first years in which the account held by the individual became a reportable account maintained by the reporting financial institution and was forwarded under subsection (1).
- (5) A Notification under subsection (3) shall be in the form prescribed by the Minister by Order.

**Mrs. Persad-Bissessar SC:** Madam Chairman, may I move that clause 17, as renumbered perhaps, be amended, as circulated.

**Mr. Al-Rawi:** Madam Chair, I just want to clarify so that we get this right. The hon. Leader of the Opposition had proposed a particular wording which spoke prospectively. I have taken the liberty of circulating—it should be circulating now—an amendment which is not in similar terms to that spoken out by the Leader



of the Opposition—

**Mrs. Persad-Bissessar SC:** I have already agreed.

**Mr. Al-Rawi:**—where we speak in parts.

**Mrs. Persad-Bissessar SC:** I have moved it.

**Mr. Al-Rawi:** I just wanted to make sure the one that—

**Mrs. Persad-Bissessar SC:** I move as circulated, Sir, which is exactly here.

**Mr. Al-Rawi:** As circulated by the Government?

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

**Mr. Al-Rawi:** Okay. Thanks.

**Madam Chairman:** So that for clarification, what the Member for Siparia has moved will be clause 17 as amended, and renumbered, to have 17(3), 17(4) and 17(5).

**Dr. Gopeesingh:** Madam Chairman—

**Madam Chairman:** I am at the stage of putting the question. We left it for discussion, nobody said anything.

**Dr. Gopeesingh:** Yeah. I just want to raise, the Minister when he was making the presentation a while ago—

**Mr. Al-Rawi:** Sorry. Madam Chair, the document that I have just gotten in my hand does not bear the correct wording and I just want to put the correct wording on the record. What should be circulated is the one that says in the new subclause (3):

“A reporting financial institution shall notify an account holder in respect of a reportable account that has that sensitive personal information relating to that person which is required to be reported under this section has been reported...”—hold on.

**Mrs. Persad-Bissessar SC:** Past tense.

**Mr. Al-Rawi:** Okay. I just want to continue just to make sure we have it right—  
“to the competent authority and will be transferred to the Secretary to the  
United States...”—of America.

Minister Young is making the point that he has something else different. So I just  
want to be sure we all have the same page. Is that the one you have?

**Mr. Young:** Yes.

**Mr. Al-Rawi:** Okay. Good. So long that is the version, then that is the one we  
are going with.

**Madam Chairman:** Member for Siparia—

**Mrs. Persad-Bissessar SC:** Yes, Madam.

**Madam Chairman:**—this is the version.

**Mrs. Persad-Bissessar SC:** Yes, Ma’am.

**Madam Chairman:** Okay. But this is the version that I have.

**Mrs. Persad-Bissessar SC:** I have no other version.

*Question put.*

**Dr. Gopeesingh:** Madam Chair, I thought you would take the whole of 17(5).  
“the Minister by Order” subject to whether affirmative or negative resolution, that  
is the normal thing in parliamentary practice. [*Crosstalk*]

**Mrs. Persad-Bissessar SC:** With due respect we have been insisting on  
affirmative or negative, but if it is just for the notification, Minister can go by  
Order.

**Dr. Gopeesingh:** All right. Okay.

**Mrs. Persad-Bissessar SC:** I mean, we do not need to—sometimes we ask for it,  
like in another one coming up. Just for the notification.

**Mr. Imbert:** There is no need.

**Mrs. Persad-Bissessar SC:** He is correct. In this case, we can waive it.

**Mr. Imbert:** Thank you.

**Madam Chairman:** Okay. So just to ensure that we are all on the same page, I will do it again, please.

*Question put and agreed to.*

*Clause 17, as amended, ordered to stand part of the Bill.*

*New clause 34.*

The Minister may by Order make regulations to the affirmative resolution of Parliament to give effect to this Act.

*New clause 34 read the first time.*

*Question proposed:* That the new clause 34 be read a second time.

**Mrs. Persad-Bissessar SC:** This was the one that the hon. Attorney General in his usual factious manner—so I smile about it—with a 33.

**Mr. Imbert:** Excuse me, may I intervene a second here? I think it has to be 34.

**Mrs. Persad-Bissessar SC:** That is what I thought too, so I put 34.

**Mr. Imbert:** No, because look here it says as clauses 32 and 34.

**Madam Chairman:** Could I ask Members to seek the advice of the CPC, please?

**Mr. Imbert:** No, we are renumbering 31 and 32 as 32 and 33.

**Mrs. Persad-Bissessar SC:** Minister, if I may assist you? The last clause on the amended Bill has been renumbered as 33. It reads:

“The former Act is repealed.”

It may well be for our stylistic drafting reasons that you put the repealed as the last clause. So that one then will now become 34, and the clause I wish to insert may now be 33. So I think if you—

**Mr. Imbert:** The CPC has told me that—

**Mr. Young:** We have in the—

**Mr. Imbert:** No, no. The CPC has advised me that after renumbering, the last

clause in the Bill would be clause 33, and therefore, if we put in a new one it would be 34. But the CPC has also advised me that we should make it a 32 and that renumber 32 to be 33, and 33 to be 34 because the last clause should be the repeal.

**7.30 p.m.**

**Mrs. Persad-Bissessar SC:** The new clause that I beg to move said:

The Minister may by Order make regulations subject to the affirmative resolution of Parliament to give effect to this Act.

This is in the event that there is anything, the Minister has the power and we do not have to come back here to insert such an amendment. Now, I think the issue now is whether we call it 32, 31, 33. We will take the CPC's advice on the numbering.

**Mr. Imbert:** Madam Chairman, I would like to deal with this sequentially.

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

**Mr. Imbert:** We will deal with the numbering after we deal with the substance if you do not mind. So can we deal with the substance of the clause? Attorney General, could you deal with the substance of the proposed new clause?

**Mr. Al-Rawi:** Sure. Madam Chairman, the clause proposes an introduction of regulations. It is usual in legislation that one introduces regulations where the substantive law provides for things which result in regulations, usually described by way of prescription where it is not subject to order, et cetera. So there is no—if I could use this word, there is no springboard to cause the issuance of regulations and therefore the clause is otiose. That is the problem that I have with it. So there is nothing from which we can spring to a regulation because the one thing that we are seeing ought to be prescribed, we are doing by way of order which is the form for notice that we have just introduced in clause 17(3), (4) and (5). Nothing else in the Bill is done prescriptively such as one would need the cause for regulations and

therefore, the clause finds no springboard.

**Mrs. Persad-Bissessar SC:** Well, it may otiose, if I may respond. It may well be. It is my respectful view that this residual power be left for the Minister. It does not say the Minister shall make regulations, “The Minister may make regulations by Order” subject to the parliamentary approval. I do not see there is any harm or any danger and there is a great benefit because I have looked at legislation elsewhere and I have seen where they have utilized regulations for certain things. Given the hon. Attorney General is saying there is no springboard, I beg to differ and I leave it in the hands of the CPC and the Government.

**Mr. Al-Rawi:** Perhaps you could assist me this way. In the Bill as we have before us, would you be able to assist me by pointing to anything in the Bill itself which says that there ought to be guidance by regulations?

**Mrs. Persad-Bissessar SC:** Hon. AG, right now, I am tired. I will go with what the Minister of Finance and the CPC wants to do.

**Mr. Al-Rawi:** Right. Let us—

**Mrs. Persad-Bissessar SC:** I believe this residual power to lie in the hon. Minister has no danger, there is no harm and could be a benefit as we go down the road. This is new law, new developments and I have seen other legislation. What is the harm? Who will it hurt?

**Hon. Member:** “Because the AG doh want to lose.”

**Mrs. Persad-Bissessar SC:** Except the AG wants to have good—he is the only one makes good law. If the CPC advises no, we will take it out. What is wrong with it?

**Mr. Imbert:** The CPC has come up with a form of words to cover all of the points made, both by hon. Leader of the Opposition and the learned Attorney General. So could you give me the form of words please.

**Mrs. Persad-Bissessar SC:** I want to think the AG does not want to pass this law.

**Mr. Imbert:** The wording that the CPC has advised me would be appropriate to take account of all points made is:

The Minister may make regulations for the purpose of giving effect to anything required to be done under this Act.

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

**Mr. Al-Rawi:** I would concur that that is a proper springboard because without it, you cannot do it. [*Laughter and crosstalk*] It is a materially different suggestion from what has been put forward by way of points.

**Dr. Rowley:** No problem, it is okay, let us move on.

**Mr. Imbert:** It solves all problems. [*Laughter*] Yeah, it solves everything.

**Mrs. Persad-Bissessar SC:** All I suggest, with your semantics, it means exactly the same thing and if it makes your AG happy—[*Interruption*]

**Mr. Imbert:** Now, I would like to move on and I would like to just close this. Leader of the Opposition, you have said in your speech that it could be affirmative or negative so I would like to say—

**Mrs. Persad-Bissessar SC:** Negative, of course.

**Mr. Imbert:** Negative. Right? So we would just say subject to negative resolution. All right?

**Mrs. Persad-Bissessar SC:** We will go with that.

**Mr. Imbert:** So I will read it out again:

The Minister may make regulations for the purpose of giving effect to anything required to be done under this Act subject to negative resolution of—

Hold on, the CPC is—[*Discussion with the CPC*] Okay, this is the final form of words, Chairman:

The Minister may make regulations for the purpose of giving effect to anything required to be done under this Act which shall be subject to negative resolution of Parliament.

**Mrs. Persad-Bissessar SC:** Wait, wait, “which shall be subject”.

**Mr. Imbert:** Which shall be subject to negative—

**Mrs. Persad-Bissessar SC:** What is the “which” now referring to? Is it the order or is it to give effect?

**Mr. Imbert:** The regulations.

**Mrs. Persad-Bissessar SC:** Yeah, but the way you word it, the “which” is in the wrong place.

**Mr. Imbert:** No problem, no problem.

**Hon. Member:** It “take away” the springboard.

**Mrs. Persad-Bissessar SC:** Yes, it “take away” the springboard. [*Laughter*]

**Mr. Imbert:** Okay, now, we reach the end. Subsection (1) of the new clause shall read:

The Minister may make regulations for the purpose of giving—

[*Interruption*] Subsection (1) of the new clause. We have to number it so I cannot say, at this time—[*Interruption*] No, well, I am going to (2). Subsection (1):

The Minister may make regulations for the purpose of giving effect to anything required to be done under this Act.

And then subsection (2):

Regulations made under subsection (1) shall be subject to negative resolution of Parliament.

Okay? All right. Now the CPC has also advised me that this new clause should be numbered 32, so you will renumber—the other clauses will be consequentially amended. Okay? So that 31 will become 33 and 33 shall become 34. Okay? And

that is it.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 32 added to the Bill.*

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

**Mrs. Persad-Bissessar SC:** If I may, Madam, through you. Hon. Minister, what about the new 31 or whatever, all that is gone? On your circulated—

**Mr. Imbert:** That is already in the report.

**Mrs. Persad-Bissessar SC:** Okay, thank you. Sure. In the amended?

**Mr. Imbert:** Yeah, but we are adopting the report. All right?

*House resumed.*

**Hon. C. Imbert:** Madam Speaker, I wish to report that clause 17 and new clause 32 of a Bill entitled “An Act to repeal the Tax Information Exchange Agreements Act and replace it with a new Tax Information Exchange Agreements Act which would make provision for the implementation of agreements between Trinidad and Tobago and the United States of America providing for the exchange of information for the purposes of taxation, the validation of the sharing of personal information held by the Board of Inland Revenue or financial institutions and for related purposes”, was considered in a Committee of the whole and approved with amendments. I now beg to move that the House agree with the Committee’s report.

*Bill reported, with amendment.*

**Hon. C. Imbert:** Thank you, Madam Speaker. I finally beg to move [*Laughter*]—after how many months, about five months—that a Bill entitled “An



Tax Information Exchange  
 Agreement Bill, 2016 (Adoption)  
 Hon. C. Imbert (cont'd)

Act to replace the Tax Information Exchange Agreements Act and replace it with a new Tax Information Exchange Agreements Act which would make provision for the implementation of agreements between Trinidad and Tobago and the United States of America providing for the exchange of information for the purposes of taxation, the validation of the sharing of personal information held by the Board of Inland Revenue or financial institutions and for related purposes”, be forthwith read a third time and pass.

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

*The House voted:* Ayes 39

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

**UNREVISED**

Tax Information Exchange  
Agreement Bill, 2016 (Adoption)  
Hon. C. Imbert (cont'd)

Cuffie, Hon. M.

Smith, Hon. D.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Leonce, A.

Antoine, Hon. Brig. Gen. A.

Olivierre, Miss N.

Mc Donald, Miss M.

Lee, D.

Persad-Bissessar SC, Mrs. K.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Ramadhar, P.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Miss R.

*Question agreed to.*

**UNREVISED**

*Bill accordingly read the third time and passed.*

**ADJOURNMENT**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to Friday the 3<sup>rd</sup> day of March 2017, at which time, we will do Bills Nos. 7 and 9 on the Order Paper, that is to say a Bill entitled an Act to amend the Marriage Act and a Bill entitled an Act to amend the Public Procurement and Disposal of Public Property Act, and we will be sitting at 1.30 p.m.

**Mrs. Persad-Bissessar SC:** May I please move a motion? Through you, our Standing Orders provide for a Private Members' Day being the fourth Friday, which is tomorrow and I can understand we sat today. Would, through you, the Leader of Government Business give us an idea of when February's Private Members' Day may be, if at all, not being today or tomorrow?

**Hon. C. Robinson-Regis:** Thank you very much, Madam Speaker. I did discuss with the Member for Pointe-a-Pierre, who is the Chief Whip on the other side, that in March, there will be a Private Members' Day for March. There will be no Private Members' Day in February because the fourth Friday is falling on Carnival Friday and we will not be having a sitting.

**Mrs. Persad-Bissessar SC:** You have taken away the one per month that the Opposition gets.

**Hon. C. Robinson-Regis:** Would you like to sit tomorrow?

**Mrs. Persad-Bissessar SC:** Yes, I have no problem.

**Dr. Rowley:** "Well yuh will come by yourself."

**Hon. C. Robinson-Regis:** Well, you can come. [*Laughter*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.51 p.m.*