

HOUSE OF REPRESENTATIVES

Monday, December 17, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, the hon. Shamfa Cudjoe, MP, Member for Tobago West, has requested leave of absence from sittings of the House from December 14, 2018 to January 01, 2019. And Mr. Prakash Ramadhar, MP, Member for St. Augustine, has requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Sessional Report of the Third Session (2017/2018), Eleventh Parliament of the Republic of Trinidad and Tobago. [*The Deputy Speaker (Mr. Esmond Forde)*]
2. Ninth Report of the Judicial and Legal Service Commission for the year 2017. [*Mr. E. Forde*]
3. Financial Obligations (Amendment) Regulations, 2018. [*The Minister of Finance (Hon. Colm Imbert)*]
4. Ministerial Response of the Ministry of Finance to the Tenth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Internal Control Systems and Corporate Social Responsibility Policies of the National Lotteries Control Board. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

5. Annual Report of the Telecommunications Authority of Trinidad and Tobago for the period October 2016 to September 2017. [*The Minister of Public Administration (Hon. Marlene Mc Donald)*]

**PUBLIC ACCOUNTS COMMITTEE REPORTS
(Presentation)**

Dr. Bhoendradatt Tewarie (*Caroni Central*): Madam Speaker, I have the honour to present the following reports:

Chaguanas Borough Corporation

Nineteenth Report of the Public Accounts Committee into the Examination of the Audited Financial Statements of the Chaguanas Borough Corporation for the financial years 2008 to 2011.

Chaguaramas Development Authority

Twenty-First Report of the Public Accounts Committee into the Examination of the Audited Financial Statements of the Chaguaramas Development Authority for the financial years 2008 to 2014.

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

Foreign Affairs

Regional Integration and the Strengthening of Caricom

The Minister of Public Administration (Hon. Marlene Mc Donald): Madam Speaker, I have the honour to present:

Second Report of the Joint Select Committee on Foreign Affairs on an Inquiry into Regional Integration and the Strengthening of the CARICOM Institution.

**Public Administration and Appropriations
Administration of Disaster Relief in Trinidad and Tobago**

Dr. Lackram Bodoie (*Fyzabad*): Madam Speaker, I have the honour to present:

Twelfth Report of the Public Administration and Appropriations Committee on Examination into the Administration of Disaster Relief in Trinidad and Tobago.

Constitution (Amdt.) (Tobago Self-Government) Bill, 2018

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

Thank you very kindly, Madam Speaker. Madam Speaker, I have the honour to present:

Interim Report of the Joint Select Committee appointed to consider and report on the Constitution (Amendment) (Tobago Self-Government) Bill, 2018 in the Fourth Session of the Eleventh Parliament.

URGENT QUESTIONS

**Andean Development Bank
(Purpose of Recent Loan)**

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of Finance. Could the Minister indicate the purpose for which the recent loan of US \$600 million from the Andean Development Bank was taken?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. In the first place, Madam Speaker, it is not a recent loan of \$600 million. The financing from the Andean Development Bank of Latin America, also known as CAF, comprises two loans. The first loan of US \$300 million was executed in July 2017, over a year ago, and disbursed in full in August 2017. The second loan of US \$300 million was executed in April 2018 and August 2018 and disbursed as follows: firstly, US \$180 million in August 2018, and US \$120 million in November 2018.

Both loans are policy loans designed to support the Government's fiscal programme, including the fiscal measures and the Public Sector Investment Programme, as well as general budgetary support, such as the payment of salaries

of Members of Parliament. The Government's borrowing programme is clearly outlined in the Annual Estimates of Revenue and approved by Parliament.

Further, as the Member for Oropouche East will know, he having been a Member of the Government that agreed to join the Andean Development Bank, the loan agreements were also submitted as required to the Parliament, as required by legislation, in October 2018. I cannot help if the Member does not pay attention, Madam Speaker.

Dr. Moonilal: Thank you very much for the kind response as the Minister.

Hon. C. Imbert: You are welcome.

Dr. Moonilal: Would the Minister confirm that this money from the bank represents \$12 million per day over a one-year period for budgetary support, excluding any infrastructure development project? [*Desk thumping*]

Hon. C. Imbert: Madam Speaker, as I indicated, the CAF loan agreements were sent to the Parliament on October 18, 2018, two months ago. All of the details regarding the loans, the purpose, the reason, the disbursement, et cetera, were sent to Members of Parliament including the Member for Oropouche East. [*Desk thumping*]

**NCB Global Finance Ltd and Sagicor Life Inc.
(Loan Taken by UDeCOTT)**

Dr. Roodal Moonilal (Oropouche East): Thank you very much. Madam Speaker, question No. 2. to the Prime Minister. Could the Prime Minister indicate whether UDeCOTT borrowed \$180,300,000 from NCB Global Finance Ltd and Sagicor Life Inc. in November 2018 and for what purpose?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the answer to the question is, yes. Pursuant to a mandate received from the Ministry of Finance dated the 5th of October, 2018, UDeCOTT proceeded to enter into the loan agreement with NCB Global Finance Ltd and Sagicor Life Inc. for the repayment

of an existing short-term facility in respect of phase two of the project for the design, construction and completion of the adaptation of the Chancery Lane Office as an extension of the San Fernando General Hospital which was commonly called at the time San Fernando Teaching Hospital, and this agreement was executed on the 15th of November, 2018.

Dr. Moonilal: Could I ask the Prime Minister if the Prime Minister is aware that any relative of a Minister of the Cabinet is involved in this negotiation and deals with NCB Global Finance Ltd?

Dr. K. Rowley: That is not what I am aware of. What I am aware of is that the loan that he is querying is a loan that he as a member of the Cabinet incurred. And what I just told this Parliament, that the question to me, is asking why the loan was borrowed. It was borrowed to pay a debt that he incurred in the Cabinet. And as to “who sleep with who and who is cousin to who”, I do not know anything about that. [*Desk thumping*]

Madam Speaker: Member for Oropouche West.

**Port of Port of Spain
(Functioning of Scanners)**

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): To the Minister of Works and Transport: In light of recent reports which indicated that a shipment containing large quantities of marijuana were cleared at the port, could the Minister inform the House whether the scanners at the Port of Port of Spain are functioning?

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

Madam Speaker, thank you very kindly. On behalf of the Minister of Works and Transport, the fixed scanners at the port are fully operational. Based on procedures, the Customs and Excise Division is the agency with the sole responsibility to decide which scanners are scanned or required to undergo any type of examination. The port does not have such authority. May I also indicate,

Madam Speaker, that some items that come into the port are taken off and are investigated off site and not on the port. The seal is therefore broken after they go to the site where the examination takes place. So this is what occurred in this instance. Thank you very much.

Madam Speaker: Supplemental, Member for Oropouche West?

Mrs. Gayadeen-Gopeesingh: Are you saying, Minister, that the scanners are fully functional yet it was not detected? Is that what you are saying? They are working but yet this drug was not detected?

Madam Speaker: I think the question was whether the scanners are fully functional and that was answered. Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: So if they are working, how is it that this drug was not detected?

Madam Speaker: Member for Arouca/Maloney.

Mrs. C. Robinson-Regis: Thank you very kindly, Madam Speaker. Madam Speaker, as we know very clearly, the scanners, as I said, are fully functional. As we also know, not every single item or container is scanned by the scanners. It is the same on every single port; not just the Port of Port of Spain, but the ports all over the world. And may I reiterate that these were not scanned on the port, which is what I said when I first answered the question. They were examined off site and, as I said, the seal was broken off site and the marijuana was found at that time—found at that time.

ANSWERS TO QUESTIONS

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

Thank you very kindly, Madam Speaker. Madam Speaker, there are three questions for oral answer. We will be answering all three questions. As seems to be the norm, there are no questions for written response. Thank you very kindly.

ORAL ANSWERS TO QUESTIONS**Persons Affected by October Floods
(Details of)**

15. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*) asked the hon. Minister of Social Development and Family Services:

With regard to the assessment of persons affected by the floods during the period October 19 to 21, 2018, could the Minister state:

- a) whether the assessments revealed that vulnerable groups such as senior citizens, infirmed persons and persons with disabilities lost medical equipment and supplies; and
- b) if the answer to (a) is yes, provide the number of persons in each vulnerable group who received the medical grant, the dietary and the pharmaceutical grant respectfully?

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. Madam Speaker, the assessments did not determine whether particular groups, such as those identified in the question, lost medical equipment and supplies. The primary aim of the flood relief was to assist with the provision of grants for household appliances, furniture, clothing and school supplies, and as such, the data that was gathered related to those items.

A response to part (b) of the question, therefore, is not applicable. However, all households affected by the floodwaters were assessed for eligibility for receipt of the appropriate grants. This included the groups identified in the question. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Could you, hon. Minister, give an indication of the total amount of citizens who were assessed and how many have been paid? [*Interruption*] It is related to the question.

Madam Speaker: Somehow I believe this question has been asked and answered. I get that impression that that particular question was asked and answered very recently. Next question—supplemental.

Dr. Gopeesingh: I am not aware of the—I have been in Parliament, Madam Speaker, and if the Member could draw our attention to the answer for that, we will be very grateful.

Hon. Member: What!

Madam Speaker: Hon. Members, please. There is a particular Standing Order—as you say, Member for Caroni East, you have been in Parliament—that does not allow questions—the responses, information of which are in the public domain and the same question being asked in the same session. So that I am certain that question was asked. Next supplemental question.

**Assistance to Senior Citizens
(Plumbing and Electrical Damage to Homes)**

16. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*) asked the hon. Minister of Social Development and Family Services:

Could the Minister state what assistance is available to senior citizens who were affected by the floods for internal plumbing and electrical wiring of their homes?

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. All persons, whether senior citizens or otherwise whose internal plumbing and electrical wiring were adversely affected by the flooding which occurred during the period October 19, 2018 to

October 21, 2018, are entitled to apply for the appropriate grants in accordance with existing policy. Persons deemed eligible after the application of the standard means test may qualify for the following: One, sanitary plumbing grant, which will be for the purchase of materials up to a maximum of \$15,000 payable directly to the supplier or hardware; two, house-wiring grant up to a maximum of \$25,000 for materials and labour or up to a maximum of \$15,000 for the purchase of materials only, payable directly to the supplier or hardware.

However, it should be noted that in the case of HDC developments affected by the October 2018 flooding, the HDC assumed responsibility for the repair of all affected internal plumbing and electrical wiring. As such, residents of those HDC developments are not eligible for grants for sanitary plumbing and house wiring. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Excluding those that you just last spoke about, would you be kind enough to indicate how many applications for these areas have been before the Ministry and how many have been satisfied—to what value?

Madam Speaker: Member for Caroni East, if you could just specify. I am not sure if these areas—if you are talking about Greenvale, meaning geographic areas, or if you are talking about the nature of the type of repairs.

Dr. Gopeesingh: At a national level, all areas that have experienced flooding.

Madam Speaker: I am not going to allow that as a supplemental question coming out of what was answered by the Minister. Member for Cumuto/Manzanilla.

Sewer/Cesspit Cleaning (Details of)

17. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

With regard to the floods during the period October 19 to 21, 2018, could the Minister state:

- a) the number of homes and schools that received sewer/cesspit cleaning; and
- b) whether the cleaning in part (a) is still ongoing and the expected completion date?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, the information requested relates to works carried out by the various regional and municipal corporations. This information, therefore, is not readily available in the Ministry of Health. Because of the nature of the answer to part (a), part (b) is therefore not applicable. Thank you very much, Madam Speaker.

STATEMENT BY MINISTER

Former Petrotrin Employees

(Housing Assistance for)

Madam Speaker: Hon. Members, I have been advised that there is agreement that the Prime Minister shall speak until the completion of his statement. Prime Minister. [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Madam Speaker. Madam Speaker, on the 1st of September, 2018, I addressed the nation on two very important matters, each of which has serious far-reaching consequences for all the people of Trinidad and Tobago. The first was the conclusion of the negotiations between our country and Venezuela on natural gas pricing and supply. The second was the conclusion of the negotiations between our country and—the second was the—Madam Speaker, “ah cyah hear meh ears for all this mumbling in the Chamber”. Could you assist?

Madam Speaker: Hon. Members, you know, there is a spirit of joy in the Chamber today and I could understand why, but I will ask all Members to just remember where we are and to sort of comply with the Standing Orders, particularly Standing Order 53 for Members who are not speaking. Prime Minister.

Hon. Dr. K. Rowley: Thank you very much, Madam Speaker. [*Desk thumping*] The second was the closure of the Petrotrin refinery as part of the restructuring of the State's involvement in the oil business. Having addressed the Petrotrin issue in some depth that evening, I closed with an appeal for the understanding and support of all contractors and employees: permanent; temporary and casual, at this critical time in the company's history. Today, Madam Speaker, I continue to make that appeal as we work towards providing a future for those directly or indirectly affected by the ongoing restructuring of the company. I cautioned then that unnecessary work stoppages and other contrived industrial actions were not in the nation's best interest. I said that this will only obstruct the already beleaguered company and delay the irreversible and unavoidable process geared towards converting a money-losing company into a profitable enterprise for the benefit of the entire nation.

Madam Speaker, whilst some hiccups occurred here and there, but given the complexity of the overall assignment, I want to thank those former Petrotrin employees and other persons associated with Petrotrin for the manner in which the closure of the refinery operations was handled so far. [*Desk thumping*] There are still some significant matters that are outstanding but the work continues with confidence. We have not given up on refining to be done by others but we have to wait and see what offers are thrown up at the end of the invitation process for the

Request for Proposal (RFP), for the refinery. Throughout the entire process, Madam Speaker, the nation's best interest is always put first.

Madam Speaker, in that address to the nation, I also gave the assurance that the same resolve that took us to make the difficult decision to close the refinery is the same strength of character which will see this Government put personal anxiety ahead of any other consideration. I said we will undertake to allocate resources so that calm and prosperity will soon return to Petrotrin's former employees, their families and their neighbourhoods.

Madam Speaker, on September 12, 2018, at a public meeting in Marabella, I deepened that assurance first, by highlighting the packages, including retirement packages offered to separated Petrotrin employees and, second, by indicating that the Government will enter into housing programmes in favour of those persons whose interest it is in getting a house, building a house or finding a piece of land. I said we were going to make sure that some of the Petrotrin land is available around the southland for those persons who were associated with the company so that they can have and access land for housing. Madam Speaker, today I am here to deal with those opportunities in a bit more detail.

Madam Speaker, we all know that Petrotrin's footprint is particularly significant in the communities around the Pointe-a-Pierre refinery and the land and offshore operations in south-west Trinidad. Many of Petrotrin's refinery employees are from: San Fernando, Marabella, Pointe-a-Pierre, Gasparillo, Claxton Bay, Cocoyea, Ste. Madeleine and as far as Princes Town. The south-west operations in exploration and production are supported by employees largely from Fyzabad, Quarry, Siparia, Los Bajos, Palo Seco, Santa Flora, Buenos Ayres, Rancho Quemado, Sobo, Cochrane, Point Fortin, Vessigny and La Brea.

It is against that background of information that the Government intends to make available the following opportunities.

The first is the opportunity to own a serviced housing lot. [*Desk thumping*] Madam Speaker, in 2017 the Government launched the Aided Self-Help Housing Programme. This is an affordable and high-quality housing initiative which allows citizens to benefit from high quality housing via access to fully developed lots subsidized and supported by interest rate mortgage loans from the Trinidad and Tobago Mortgage Finance Company (TTMF) as well as pre-approved house plans, technical assistance and oversight for the construction of affordable houses. Madam Speaker, there are already substantially developed housing lots available under the Aided Self-Help Housing Programme in La Romaine, Picton, Cedar Hill, Couva, Carapichaima, California and Chaguanas. Within this Aided Self-Help Housing Programme, the Government will provide priority access for former Petrotrin workers who require state support to own a house, with initial emphasis on those who are to be first-time homeowners. [*Desk thumping*]

Madam Speaker, second, the Government has identified excellent residential sites for the development of more housing lots in: Usine Ste Madeleine, La Romaine, Pointe-a-Pierre, Claxton Bay, California, Waterloo, Jerningham Junction, and Chaguanas. These sites would be added to the Aided Self-Help Housing Programme and made available on a priority basis to former Petrotrin workers.

Third, the Government has identified excellent residential sites for the development of housing lots in Warden Road, Point Fortin; Sudama Village and Standard Village in Fyzabad; in the area known as Sand Pit in Fyzabad; in Sobo Extension Road; and at the old Antilles Camp in Vance River; also at Cashew

Patch, Guapo Road, Quarry Village, Santa Flora, Los Bajos, Palo Seco, Rancho Quemado,

Buenos Ayres, Los Charos and Los Iros. Madam Speaker, through one or more of our State agencies, these sites would be developed and the lots added to the Aided Self-Help Housing Programme and made available on a priority basis to former Petrotrin workers. [*Desk thumping*]

Fourth, Madam Speaker, the Government has identified suitable agricultural land for former Petrotrin workers who are either already in agriculture and wish to expand, or those who have an interest, some experience or a business plan for agribusiness. [*Desk thumping*] These lands are in Chatham in particular, and others in Felicity, Basta Hall, Windsor Park, Quarry, Los Iros, La Brea, Point Fortin, Barrackpore and Guayaguayare. [*Desk thumping*]

Madam Speaker, these lands are currently owned by Petrotrin, Trintopoc, Trintoc, PSAEL or the State. This and similar programmes of land identification, preparation and distribution are to be a well-organized and managed programme and is not a licence or encouragement to squatting. Even as these programmes are under way the competent authorities will rigorously protect state land from unauthorized access as the law requires. While some lots may be available for early distribution, the execution of the comprehensive programme will involve site delineation and detailed surveys and infrastructure construction, et cetera. So once again, I ask for patience in the face of a beneficial policy that needs time to be properly executed. Madam Speaker, I had said in September 2018, in Marabella, that we are going to make sure the Petrotrin land is available around the southland for those persons who can access land for housing. We are doing much more than that. [*Desk thumping*]

Madam Speaker, our fifth assurance is that for those who meet the requirements of the ADB, the Government will support ADB in the provision of a special financial support package of up to \$500,000 for former Petrotrin workers to be disbursed in accordance with the bank's typical lending model but on such criteria, terms and conditions as the Government will advise the bank. [*Desk thumping*]

And finally Madam Speaker, for those former Petrotrin workers who currently reside on, or carry on agriculture or other activity on state land or land owned by a state entity, the Government of Trinidad and Tobago, through PSAEL and the Land Settlement Agency, will give priority attention to assessing each situation, and where it does not infringe on exploration and production activities or other planning strictures or ownership interests, the Government will deal expeditiously with the issue of regularization where such occupancy can be shown to have been in existence before December 01, 2018. [*Desk thumping*]

Madam Speaker, even as difficult as the Petrotrin issues have been to deal with, the Government's approach and attitude are that it must give the former Petrotrin workers an opportunity for success beyond the financial packages offered. [*Desk thumping*] The opportunity to own a housing lot and access land and funding for agro-business will provide stability for those who access these six opportunities announced today. The Government of Trinidad and Tobago believes this is the right direction and we believe that this is what we, as a country, must do.

The wealth distribution and the widespread economic activities that will flow from these initiatives over time will benefit families in all the areas mentioned and the wider national community as a whole. [*Desk thumping*] Madam Speaker, from the outset the Government signalled an intention to deal decisively with the problems facing Petrotrin and to reshape that company so that the contribution it

makes to the national effort can be sustained without putting the country to severe financial risk and possibly, ruin.

That work is well under way, Madam Speaker. New doors will be opened. At this time, Madam Speaker, less than a month since the closure and the initiation of the new activities, hiring and rehiring of employees to staff the new efforts are already well under way and will continue expeditiously as the Petrotrin subsidiaries ramp up to new work programmes.

The six opportunities announced will strengthen our former Petrotrin workers as they make the required transition to a more secured future. We are here to support their families and their communities, all the way. Even as I made this commitment in Marabella in September, I heard some disappointed sceptics say, quite mischievously, that the Government's word means nothing because the same was said to the Caroni workers and the workers have not received their land. Let me, for one more time, put that perpetual falsehood to bed. The record will show that subsequent to the closure of Caroni (1975) Limited, 6,800 two-acre parcels of land have been distributed to former Caroni workers, much of it being currently traded or has already been traded in the national land market. Additionally, Madam Speaker, 4,400 residential plots have been distributed to the former Caroni workers, for a total of 11,200 units in all. [*Desk thumping*] Yet, Madam Speaker, you will hear voices familiar to us, talking about Caroni workers not being given land.

Madam Speaker, permit me to draw from an anonymous quotation which accompanied me very early as I took over the daunting task of leadership of the PNM in 2010, the party that today forms the Government of Trinidad and Tobago, in a period of great difficulty fraught with many challenges and dangers, and it goes like this, and I quote:

Those who fear controversy do not succeed in making change.

And there is no change without conflict.

I kept these words, Madam Speaker, on display in my office at Balisier House for the last seven years, and if there are places where there are changes to be made, as an imperative, the party headquarters is such a place, and there is no place where there is potential for conflict to breed, like the political environment.

Madam Speaker, we succeeded there because we managed change and conflict at the party level and we as a Government will do so now with confidence at the national level and in the end, Trinidad and Tobago will succeed.

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

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. Madam Speaker, pursuant to Standing Order 24(4), could I ask the Prime Minister—maybe we missed it, but—what would be the price—the approach of the Government in terms of the cost, or the price of these lands that will be made available to Petrotrin workers presumably driven by the Ministry of Housing in this matter, because I did not hear anything about the price or the cost to the worker?

Madam Speaker: Prime Minister.

Dr. K. Rowley: Madam Speaker, the member for Oropouche East obviously would know that the Aided Self-Help Programme is a matter that is in the public domain and the reference to the Aided Self-Help Programme would give any genuinely interested person an idea of the price. And as for the additional developments that we may do, clearly, Madam Speaker, that is not available to us now because the work has not been done. I have simply indicated the locations where land is available and such land will be used for housing. Such mischief we pass on today. [*Desk thumping*]

JOINT SELECT COMMITTEE REPORT
Constitution (Amendment) (Tobago Self-Government) Bill, 2018
(Extension of Time)

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

Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Constitution (Amendment) (Tobago Self-Government) Bill, 2018, I beg to move that the committee be allowed an extension of five months in order to complete its work and submit a final report by May 27, 2019. Thank you very much, Madam Speaker.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (PROCEEDS OF CRIME, ANTI-TERRORISM AND FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO) BILL, 2018

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move that a Bill to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01, be now read a second time.

Madam Speaker, this Bill before us is a continuation of the Government's exercise in ensuring that Trinidad and Tobago meets with two particular obligations that we must achieve. On the first hand, of course, is the fact that our country is one which has demonstrated features of corruption, criminality, money laundering, terrorism by way of threat in terms of people associating themselves with it, and generally, the issue of crime—bundling all of that together. That is on the first hand, the local situation.

On the second hand, we also have international obligations as a country where we have found ourselves participants in the United Nations Security Council

Resolutions, members of the operational functionalities of other international organizations, specifically, the Financial Action Task Force, the Global Forum, the associative bilateral relationships with countries, including the United States of America and many other countries. In that second grouping, the international grouping, the world has come together and Trinidad and Tobago has committed itself for many years, beginning with the Financial Action Task Force in 1989 when the Caribbean Financial Action Task Force was formed, in saying that we will participate in applying international standards to our local situation.

2.10 p.m.

Madam Speaker, the Bill before us, which seeks to amend three Acts of Parliament, really forms three inter-articulating pieces of law. They are, of course, the hallmark milestones of our fight against terrorism, money laundering, corruption in the pinpointed Acts of the Proceeds of Crime Act, the Financial Intelligence Unit Act of Trinidad and Tobago, and the Anti-Terrorism Act. These three laws which are on the books of Trinidad and Tobago join together in particular with regulations in the form of Financial Obligation Regulations, which are a subset of the Proceeds of Crime Act, and that forms the backbone of Trinidad and Tobago's compliance mechanisms in particular with the Financial Action Task Force.

This country operates these three laws in conjunction with a number of other entities. Obviously, there are line Ministers involved in this equation. The Attorney General has the responsibility together with the Director of Public Prosecutions for the Anti-Terrorism Act, the Minister of the National Security has the obligation for the Proceeds of Crime Act, and the Minister of Finance has the

obligation for the Financial Intelligence Unit of Trinidad and Tobago Act.

There are subset entities which are, in fact, supervisory authorities which manage the system of Trinidad and Tobago, and there are the Central Bank of Trinidad and Tobago, the Securities Exchange—in particular there is a subset of the stock exchange—and then, of course, we have the Supervisor of Insurances in the insurance and regulatory regime there. There are the credit unions which are in part managed in a bifurcated sort of system as well. The banking sector obviously has its supervision done by a mixture of remedies, but the Central Bank stands out, and then we have the Board of Inland Revenue operating there. So there is this matrix and network of entities. Some are operatives, some are supervisors and they all have committed themselves to improving the laws of Trinidad and Tobago. Madam Speaker, the three Acts, which we seek to amend in this relatively speaking simple Bill of four clauses, the three Acts have history, the Proceeds of Crime Act, of course, is an Act of Parliament, Act No. 55 of the year 2000. It has been amended five times by Acts No. 10 of 2009, No. 17 of 2012, No. 15 of 2014, No. 2 of 2015 and by Act No. 2 of 2018 just recently. We have the Anti-Terrorism Act which is Chap. 12:07. That is an Act of Parliament born in the year 2005 by Act No. 26 of 2005. It has been amended five times itself by Act No. 2 of 2010, No. 16 of 2011, 14 of 2012, 15 of 2014, 13 of 2018. Lastly we have the FIU legislation which is an Act of Parliament, No. 11 of 2009. That has been amended four times: Act No. 3 of 2011, 8 of 2011, 14 of 2012 and No. 2 of 2018.

These laws, Madam Speaker, fall into sharp focus because Trinidad and Tobago committed itself in its international obligations to observing the Financial Action Task Force 40 Recommendations and 11 mediate outcomes. The Financial Action

Task Force says to countries that are being assessed by their peers that countries are to be assessed in mutual evaluations. Trinidad and Tobago has undergone four mutual evaluations. We had the first round, second round, then we merged our third and fourth round evaluations, and in January 2015 our country was assessed by the Caribbean Financial Action Task Force in conjunction with a team representing the FATF.

In January 2015, we were bound to this form of analysis because the UNC Government volunteered Trinidad and Tobago as the first country in the Caribbean Financial Action Task Force to undergo fourth round mutual evaluation. That was notwithstanding the fact that this country was not ready for that form of assessment, and it was risky to go into the fourth round evaluation because we had not completed our third round mutual evaluation.

Madam Speaker: All through the contribution I am hearing a very heavy droning sound. It is coming to me. I would like the Member or Members who are having difficulty controlling their volumes to be aware of it, and if it is so important they can always go outside, complete their conversation and they certainly will be welcome back in once they abide by the rules. Attorney General.

Hon. F. Al-Rawi: Thank you, Madam Speaker. So in January 2015 an expert team came to Trinidad and Tobago, sat down and rated Trinidad and Tobago across the 40 recommendations and 11 mediate outcomes, looked at two particular points of focus:

- (1) Do you have the technical laws on your books to treat with the phenomenon of terrorist financing and to be an anti-terrorism effective focal point?

- (2) Do you have laws to treat with corruption, money laundering, and the scourge of criminality?

Technical compliance.

The second limb was your effectiveness. What do you have to show in respect of your work product; how effective are your laws being applied?

In 2015, January, that mutual evaluation having been performed, Trinidad and Tobago had a Fourth Round Mutual Evaluation Report produced, and that Fourth Round Mutual Evaluation Report effectively demonstrated that Trinidad and Tobago had done very poorly in its performance. The FATF, through the CFATF, observed that there were 12 recommendations out of the 40 that we were compliant in, there were 13 recommendations that we were largely compliant in, there were 13 recommendations that we were partially complaint in, and two that we were completely noncompliant in. They recognized that our risk level was moderate and low, and then they put us into two forms of supervision.

They had us put into something called the International Cooperation Review Group Exercise, which is an entity which FATF sets up—they meet three times a year to look at the process of your country—and they also put us into something called enhanced follow-up in the Caribbean Financial Task Force. The FATF importantly produces certain publications. On the first hand they produce something called the FATF Public Statement where they identify countries with serious strategic deficiencies and they publish us in that regard.

They also produce a compliance document called Improving Global AML/CFT Compliance On-going Process, and the short version of that is they have looked at Trinidad and Tobago as the first country coming into the ICRG methodology at

FATF and they have said to us, “No. 1, give us your high-level political commitment, Trinidad and Tobago, and tell us that your commitment will be applied against an action plan to cure the deficiencies which you have demonstrated in your fourth round mutual evaluation”. Trinidad and Tobago geared that commitment, Madam Speaker. I myself attending the Plenary on behalf of Government, by the instruction of the Cabinet, geared the high-level commitment for Trinidad and Tobago and we established a road map plan to amend our laws and to take us into compliance and, very importantly, to make our laws effective by operationalizing them.

Madam Speaker, in keeping with our commitments to meet a deadline as a country by November 30, 2018, one of the particular reporting items which has now passed, which we were able to comply with, notwithstanding the UNC’s position in not supporting it, was in relation to the Income Tax (Amdt.) Bill, which has now passed through both Houses of Parliament, but that November 30th deadline was for us to seek re-ratings in accordance with our high-level commitment and our country’s action plan, and we asked for re-ratings on 22 of our recommendations which were observed to be in need of improvement.

We are very pleased to say that the direct result of that work—that continuing progress that we have made and which we have had public commendation from, from the Financial Action Task Force, in particular, and the cooperating and supporting nations that operate there including Canada, the United States of America, Spain and Mexico, who have been helping Trinidad and Tobago in their process—that work product and that positive review has resulted in us treating with this law today. So let us dive directly into the Bill having understood the

context within which this Bill proposes amendments.

Madam Speaker, we have clause 1 which is the short title; we have clause 2 which seeks an amendment to the Proceeds of Crime Act. In that clause 2 we are proposing effectively nine amendments which really can be probably stretched into 10 depending upon how you look the amendments in the face; we have clause 3 which treats with an amendment to the Anti-Terrorism Act; and then we have clause 4 which treats with an amendment to the Financial Intelligence Unit Act. Clause 2(a) amends the interpretation section of the Proceeds of Crime Act.

Now, the Proceeds of Crime Act is a critical piece of law for Trinidad and Tobago. This Act of the Parliament, No. 55 of the year 2000, is spread across 59 sections and in it we treat with confiscation of proceeds of specified offences, we treat with money laundering, and we treat with general provisions including the establishment of seized assets committees and rules and regulations. This Proceeds of Crime Act is the backbone of fighting the scourge of criminality and corruption. This Proceeds of Crime Act is being amended in clause 2, firstly, in the interpretation section. Clause 2(a) of the Bill proposes that we amend the definition of a financial institution, that we delete the word “agent” and we insert a qualification of a particular type of business as it relates to insurance products.

Effectively, Madam Speaker, the Financial Action Task Force, in its Mutual Evaluation Reports, said that our law was safe enough for us to exclude agents and to include an insurance company or broker registered under the Insurance Act involved in underwriting and placement of term life insurance. What the Mutual Evaluation Report looked at was where the risk lies in terms of money laundering, and criminality and corruption, and the FATF came out effectively agreeing with

the Central Bank of Trinidad and Tobago's provision that term life insurance is a low-risk investment. Accordingly, Madam Speaker, we propose to amend the Proceeds of Crime Act to comply with the observations by limiting the application away from agents and low-risk investment products in the fashion that we do.

Clause 2(b) amends section 51 of the Proceeds of Crime Act, and this is an important section of the Proceeds of Crime Act. Section 51 is what we call the tipping off provision. The tipping off provision is to say, if somebody as the current law stands, if somebody is reporting to the Trinidad and Tobago police that matters are being investigated and somebody tips off the target of a suspicious activity report or a suspicious transaction report by effectively letting them know that the Trinidad and Tobago Police Service is engaged in supervision and is engaged in considering matters, the tipping off provision bites in.

So the law as it currently stands, a person commits an offence if he knows or suspects a police officer is acting, et cetera, and the person is deemed to commit offences of two categories, indictable and summary offenses, what we do now by way of the amendment we propose now is we are broadening the tipping off provision to include somebody tipping off, not only where the police is involved, but where a listed business or financial institution is engaged in considering a suspicious transaction report or a suspicious activity report.

If we left it only to the position where the listed entity, the listed business, or the financial institution was reporting it to the FIU and then the FIU went to the FIB—which is the police—we would be too far down the road. So instead we say now, if someone is aware or suspects that a listed business such as attorneys-at-law, real estate agents, pawn brokers, jewellers, if a listed business or a financial institution,

a bank, a credit union, et cetera, if they are about to make a suspicious activity report or suspicious transaction report, if you tip them off you commit an offence. And that is very important in the context of the observed findings of the Financial Intelligence Unit which in one year demonstrated the finding of \$22.5 billion, half of the revenue of Trinidad and Tobago in any one year, in suspicious activity reports and suspicious transactions.

So, Madam Speaker, we are broadening the tipping off provision by clause 2(b) and we are complying with recommendation 21 and recommendation 18. Very importantly is to be noted that in February of this year, 2018, there were some revisions to recommendation 18 and recommendation 21 of FATF and they have now agreed that we should improve our provisions in the fashion that we now suggest.

Madam Speaker, clause 2(c) amends section 53, which is the penalties provision if you are guilty of, if you commit an offence of tipping off, the penalties are to be found in section 53 of the Proceeds of Crime Act. What we do is firstly we insert a new 53(1A) and we are putting here what you call the ancillary offences. The FATF was not impressed with our argument as a country in January 2015 that the aiding and abetting legislation or the Interpretation Act allowed the capture of inchoate offences, meaning conspiracy, attempt to facilitate, et cetera.

What the FATF requested specifically and clearly was that we amend our law to include the provisions of knowingly attempting, aiding, abetting, conspiring, procuring, or otherwise facilitating the commission of an offence under section 45. What is section 45? Section 45 is rooted to section 44 of the Proceeds of Crime Act. Those are the two sections which tell you what money laundering is, and

money laundering basically is the transmission of money from any criminal offence which is beyond \$5,000 by way of fine or 12 months in imprisonment and that is to allow us to meet the ability to capture people who are helping people guilty of crime. If you facilitate, you procure, you aid or you abet, we are capturing it in a specific new 53(1A).

Madam Speaker, we are also proposing in clause 2(c) that we insert after subsection (c) a new subsection and we are saying here:

Notwithstanding subsections (2) and (3), where a person is employed in the service of the State as a public officer or on contract commits an offence under—

- (a) section 51”—which is tipping off—“or
- (b) section 52”—again tipping off, we are capturing the public servant, be it on the establishment or on contract, in the position where they are tipping off.

This is a very serious issue in a follow-the-money campaign particularly in an environment where this country is grappling with actual cases before the court, where officers of the State—and, Madam Speaker, I ask you to note the State includes all of its forms, be they in the protective services, be they in the Ministries, be they in the specialist enterprises, officers of the State, public servants, are obliged to not tip off. Because, Madam Speaker, we are living in the society where our country believes that the law applies to some and not to the rest, and we as a Government agreed that we should apply these standards to ourselves as public servants, each one of us sitting on this side as public servants.

Importantly, we also seek to amend—in clause 2(d) we are amending section 54 of

the Proceeds of Crime Act. Section 54 was the provision which allowed the Minister of Public Administration to put in regulations to treat with public servants. Before our Mutual Evaluation Report nothing was done to produce the regulations, so we propose that we repeal section 54 and rely upon the amendment to section 53 in the manner I just described to make sure that the Proceeds of Crime Act applies to the State, each and every one of us as public servants. We propose in clause 2(e) to amend section 55(3C) of the Proceeds of Crime Act, record keeping and retention duties, and there was an incorrect cross-reference which we are now just simply correcting. It was identified by the supervising authorities in the form of the FIU, the Trinidad and Tobago Securities Exchange Commission and the Central Bank.

Clause 2(f) amends section 55B, which is the exemption from liability. Section 55B is an important one. We are adding in by way of protecting people. You see, Madam Speaker, you are allowed to tip off in certain circumstances, and you are allowed to not be guilty of tipping off in certain circumstances. You see, the law provides secrecy either by way of contract, either by way of regulations, or by way of primary legislation, and the Proceeds of Crime Act giving a strict position to say, "You shall not tell somebody about a suspicious activity report, or a suspicious activity transaction". If you did not provide exemptions, for instance, if you are lawfully talking to your lawyer in a privileged circumstance, or if you are reporting to somebody who needs to know about this, you had to have legitimate exceptions to the rule.

What we are doing here, Madam Speaker, we are making sure to go even further to protect people who in good faith do the correct thing, and we are saying that it is

irrelevant that a charge or an activity had to happen. So we are exculpating people by adding in “whether or not the underlying criminal activity was known or any illegal activity occurred”, and that is to allow people a greater protection in law. So that you are not going to be caught in circumstances where some smart lawyer says, “Look, you tipped off on something but no charge ever came, or no conviction ever came”. If you did a lawful conversation not deemed to be tipping off in the illegal sense, you will be exculpated by this clause.

Madam Speaker, clause 2(g) amends section 55D, which is the supervisory authority may enter into premises, and we are effectively in this clause removing the National Insurance Board and removing the Unit Trust Corporation of Trinidad and Tobago. Why do we do that? We do that because the National Insurance Board is a financial institution which is not something that needs to be there. We are adopting a higher standard which FATF is not asking for, and in terms of the ease of managing anti-money laundering financing of terrorism, we are going to rely upon the provisions that regulate the NIB in any event and take them out of the Act. But the Unit Trust is in fact already supervised, and that is supervised by the Trinidad and Tobago Securities Exchange Commission. So we are removing these two entities from that particular operation of law.

Clause 2(h) amends section 57(2), which is offences and punishment, and what we are doing, again, we are adding a greater protection by deleting the words “whether or not the company has been prosecuted or convicted”. You see whilst section 57(2) allows for directors, officers and shareholders of companies to be guilty of an offence where it is carried out by a company, we did not want to tie it to the fact of the company having some form of separate responsibility from the individuals

who are behind the veil of the company or who sit in fiduciary responsibility. So we are adding a protection here in keeping with Mutual Evaluation Report as to recommended improvements.

Clause 2(i) inserts a new Part II. It inserts in Part II a new section 57A and what we are doing, Madam Speaker, is we are creating a creature of law for the first time the national anti-money laundering and counter-financing of terrorism committee. This committee first found itself into semblance of operation in the year 2005; in 2010 again by Cabinet Minutes following the 2005 Cabinet Minutes, the national anti-money laundering and counter-financing of terrorism committee was created, and this is effectively a one-stop shop combined under an interministerial committee. That interministerial committee in fact relates to the Minister of National Security, the Minister of Finance and the Attorney General, and it comprises the technocrats that sit in the divisions of supervision including the Ministry with responsibility for Finance, the Ministry with responsibility for National Security, the Attorney General, the Director of Public Prosecutions, Commissioner of Police, Financial Intelligence Unit of Trinidad and Tobago, the Central Bank, the Chairman of the Board of Inland Revenue, the Trinidad and Tobago Securities Exchange Commission.

And, Madam Speaker, this body is being established in law so that it is not subjected to the vagaries of Cabinet Notes which can change structure from time to time, and we are implementing into the law that this entity is responsible for policy direction and for facilitating implementation. Because one of the things that the FATF asks you to do is to constantly assess your situation, but we could not be doing these amendments now, or yesterday, or next year, unless we had a body

established to track our compliance against our national risk and our risk assessment.

Madam Speaker, if I turn next to the provisions of clause 2(i), we are simply in a new 57B allowing for the NAMLC to regulate its own procedure. That is in keeping with other laws, for instance, the Seized Assets Advisory Committee under the Proceeds of Crime Act in section 58(i) and also the Environment Management Act where you can see a similar provision.

Let us turn quickly to clause 3. Clause 3 proposes an amendment to the Anti-Terrorism Act. The Attorney General under the Anti-Terrorism Act, since it has been proclaimed as law in the year 2005, the Attorney General has always been the creature working pursuant to the authority under section 76(2) of the Constitution as the supervisor for the criminal and civil proceedings of the State. The Attorney General has a very important role in anti-terrorism and in countering-financing of terrorism to be found at clauses 22B, subsections (2), (3), (9), (9)(a) and also in several other provision of the Anti-Terrorism Act.

When we looked to that, it is immediately apparent that the history of the operationalization that the Anti-Terrorism Act is relevant. In the period 2010–2015, under two UNC Attorneys General, not a single listing pursuant to a United Security Council Resolutions was done. Not a single listing. Not one, even though we were obliged to engage in listings for several of our provisions under the anti-terrorism laws and the United Security Council Resolutions.

Madam Speaker, I am very pleased to say that immediately upon being Attorney General we reversed that position. In fact, the Office of the Attorney General has engaged in over 506 listings to date. We delisted some. We are now at 492. We

have complied with UNSCR 1267, 1989; 2253, 2368, 1988; 1733, and we delisted as well. Those are the United Nations Security Council Resolutions. We have designated international persons and local persons. What does that mean? In designating pursuant to our international obligations and in fighting for ourselves, we have frozen the assets of individuals in this country and we have raised red flags so that if somebody is attempting to give funding to terrorist agencies that they will be spotted by the international community. [*Desk thumping*]

Madam Speaker, the obvious example which occurred to us in the Government to make this an effective piece of law was to model ourselves after the Mutual Assistance in Criminal Matters Act, which is where we find the Attorney General as the central authority for Trinidad and Tobago, allowing a designated person to engage in activities so that the anti-terrorism work can find central focus with continuity. It is in that regard that we propose the inclusion of the Anti-Terrorism Unit.

2.40 p.m.

We have modelled it after the Central Authority of Trinidad and Tobago. We have that it may be manned by a person employed in the unit and authorized by the Attorney General in writing and acting under and in accordance with general or special directions of the AG. Obviously, we have put the safeguard to say that that designated person cannot make an order or any statutory instrument which only the Attorney General can under that Act. So, Madam Speaker, this is a massive improvement to operationalization of sections 22AA, 22B, 22BB, 22BD, 22BE, 25, 28, 29, 30, 36, 37 and 38 of the Anti-Terrorism Act, all of which are sections which require the AG to function and which we have clearly done as our

actions speak louder than our words.

Madam Speaker, clause 3(c) is where we put in the requirement for the Attorney General to put an annual report. It is all well and good to do the work, but we must report to the people of Trinidad and Tobago by reporting to the Parliament and we are extremely pleased in this incarnation of Government to be able to report because we have done the work and the evidence is there and our international partners have commended our country for doing the work.

Madam Speaker, we turn next to clause 4. Clause 4 amends the Financial Intelligence Unit of Trinidad and Tobago Act Chap. 72:01. We are really doing three things here. Firstly, in clause 4(1), we are amending section 8(3)(d). We are just correcting some cross-reference positions. We are changing “55(3)” to “55A”. Madam Speaker, we are also next amending section 19. This is what I call an editorial enhancement in section 19 by deleting the words “section 55(7) of”. And then we go to clause 4(2) where we are amending Regulation 2. Again, we are changing a cross-reference where “55(3)” was referred to as opposed to “55A”.

So, Madam Speaker, this is really quite simply straightforward law. It might seem straightforward and it is but it is deep cutting. Improving the Proceeds of Crime Act, broadening its purport, applying it to the State specifically so that those of us who are in the operation of state are caught by the provisions of the law in an expressed fashion are safeguards for the people of Trinidad and Tobago. We have removed things which are no longer necessary of certain type of regulatory management because other entities manage them. We have formalized the National Anti-Money Laundering and Counter Financing of Terrorism Committee. We have formalized an Anti-Terrorism Unit in the Office of the Attorney General

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similar to the Central Authority. We have corrected the reference issues in the Financial Intelligence Unit Act.

Madam Speaker, I pray that this Bill receives support today from hon. Members. I pray that we will hear sensible solutions to any issues that may concern my learned friends opposite. I look forward to hearing those submissions in the course of this debate and I beg to move. [*Desk thumping*]

Question proposed.

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. I propose, in my contribution, to deal with my comments in the context of some general statements first, and then I will get into the specifics of the law and some concerns that we have on this side of the House. In terms of the generalities, the problem with legislation in Trinidad and Tobago is that the problem is not legislation, that legislation alone cannot “lock up anybody”. It is the implementation of the legislation [*Desk thumping*] by the various units of law enforcement that will make all these laws that we are discussing effective. So that passing legislation without first ensuring that the national security apparatus is capable of enforcing the laws is pointless.

Madam Speaker, so we come here and we have a number of laws and this is characteristic of a Government that operates by “vaps” in our view, operates ostrich-like with its head in the sand, clueless about the realities of the day. What has this Government, the Minister of Finance, the Minister of National Security, or the Attorney General done to ensure that, for example, our Financial Intelligence Unit—and we will be amending a section that relates to that today—is operating at full capacity?

Earlier this year—Madam Speaker, another issue in terms of the operationalization, we can have laws but we can have attempts to get around the laws. And I will say—Madam Speaker, I am a politically exposed person, like most of us here, and it is impossible to launder anything above \$5,000 in any bank in Trinidad today without answering a host of questions. In fact, it is impossible, not only ourselves but our dependents.

I will just give an example of how difficult it is. Earlier this year, I sold a vehicle and secured payment from the person who got a loan from FCB branch in Gulf City. So they got a loan, they gave me the cheque, and I went to another FCB bank on High Street, San Fernando to deposit an FCB cheque for the purchase of the vehicle. Thinking that it was a branch-to-branch transaction, I attempted to deposit the cheque only to be told by the clerk, who was a student of mine at UWI, that it could not be deposited because as a politically exposed person it required a source of funding. I was taken aback because it was FCB to FCB and therefore they should have been apprised of the details and trusted the other branch. But as a patriotic citizen, I went, Madam Speaker. It took me three days. I had to get a transfer certificate. I had to get an invoice. I had to get payment check, et cetera. And I presented the cheque, no fuss, no fuss, did not pull rank, did not do anything. I did my patriotic duty in the context of us fulfilling our obligations globally to money laundering and financing of anti-terrorism.

Madam Speaker, we could pass all the laws but if we attempt not to fill out the required forms, if we demand, for example, that doors be opened.

Hon. Member: Wow.

Mr. R. Charles: If we demand, for example, that we use our power to escape a

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Customs regulation—and I am not saying anybody does that. “Ah say if we do”.
If we do, then all these laws are insignificant.

Mr. Al-Rawi: I rise on Standing Order 48(1).

Madam Speaker: Okay. So, Member for Naparima, I am giving you some
leeway because you said you had some general comments. I hope that you are
going to tie that into the Bill.

Mr. R. Charles: I am going to tie that very, very shortly. In the 2017 FIU Annual
Report, the Analysis Division listed several challenges: staff shortages for the
majority of the year; the time-consuming manual processes required in the
analytical process, and the lack of automated systems. And the question that we
ask is: What has been done to put the FIU in a state of readiness to deal with the
legislative burdens [*Desk thumping*] that we are placing on them? And the
question I ask: Is the \$200,000 increase in the FIU’s salary allocation in the
budget for 2019 enough to cover this?

Madam Speaker, on January 30, 2017, the Government brought the Miscellaneous
Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial
Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Bill,
2017 to Parliament. The debate on this ended earlier this year. This current
version amends four clauses and the question we ask is: Why did not the
Government include these four clauses in the original Bill that we debated in
January? [*Desk thumping*] It seems as if we are getting legislation “chirrup
chirrup”, little bit by little bit. This could have been passed by the Senate, been
assented to. We could have been using parliamentary time today to debate the two
pieces of legislation that went to the Joint Select Committee which would have

made us absolutely and totally compliant. Why this piecemeal approach? Why this sloth? It seems as though we are working hard but we not working smart in this Parliament. [*Desk thumping*]

So, Madam Speaker, we will talk about FATF, CFATF, Global Forum, et cetera, and we are doing with the legislation piecemeal. We had FATCA, then we had the Income Tax (Amdt.) Bill, 2018, then we had the Mutual Administrative Assistance in Tax Matters Bill and we had the Tax Exchange Information Agreement. And, all of these Bills are coming one by one instead of a collective, holistic, comprehensive approach that will get us off the list. It makes sense. We can see interconnectivities and synergies and pass the legislation.

I come to the specifics of the Bill. When I read one of the amendments proposed in the Bill before us which states in clause 2, and I read. Section 53 of the Proceeds of Crime Act will be amended:

“(i) by inserting after subsection (1) the following subsection;

(1A) A person who knowingly attempts, aids, abets, conspires, procures or otherwise facilitates the commission of an offence under section 45 commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment of fifteen years...”

Madam Speaker, on the surface, this sounds reasonable but when you read the Explanatory Notes for the Bill, you realize that the phrase “otherwise facilitates the commission of an offence” includes persons who fail to disclose knowledge or simply suspect without proof that money laundering is taking place. So just for suspecting that money laundering is taking place and not reporting it, a person is

liable to be convicted indictably to \$25 million fine and imprisonment for 15 years. Does this deal with the financial reality in Trinidad and Tobago today? Madam Speaker, it is pie in the sky. “You pull ah figure from somewhere to impress somebody somewhere that we really serious.”

Madam Speaker, top-tier workers in the public service, according to the Salaries Review Commission, earn \$35,000 a month, top-tier. After 15 years, you know how much they earn? \$6.3 million. So a Permanent Secretary, working for 15 years, will earn before tax \$6.3 million and this is a quarter of the \$25 million fine that is imposed for merely suspecting and not reporting. Madam Speaker, are we real in this Parliament? So you can imagine for lower level staff making less than \$10,000 a month, what is their predicament? This is in effect a life imprisonment. This charge for suspecting but not reporting is being equated to manslaughter and homicide, both of which have a similar time frame for imprisonment in Trinidad and Tobago.

Madam Speaker, we have concerns about the words “or otherwise facilitates”. When they talk “aids, abets or otherwise”, what does that really mean? And you have to bear with me a little bit, Madam Speaker. I will read it again:

“A person who knowingly attempts, aids, abets, conspires, procures or otherwise facilitates the commission of an offence under section 45 commits an offence and is liable on conviction...”

And they gave the \$25 million or imprisonment of 15 years. I have concerns with “or otherwise facilitates”. End of quote.

Madam Speaker, in the case of *Lilavati Bai versus the State of Bombay*, and the reference is 1957 AIR 521, the Supreme Court of India held at according to the

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concept of ejusdem generis where we have specific words like “aids”, “abets”, “conspires”, “procures”, “aids”, followed by more general words, in this case “or otherwise facilitates” the general words are usually restrictively interpreted in the context of the meaning of the specific words.

So the concept of ejusdem generis does not apply since in the context of the words “or otherwise facilitates” it appears to have a meaning of a catch-all phrase and therefore they should be excised. Those words should be excised since given their literal interpretation, it becomes very dangerous and I think, Madam Speaker, as a lawyer, you would understand this better than I do. So the new section 55 absolves the company even if they knew and places the onus on the employee and for mere suspicion, he could be charged \$25 million and nobody in Trinidad could pay that, at least not on this side. I know they are on that side; that is not a significant sum.

Madam Speaker, so these laws ostensibly to meet—and I use the word “massa” and you could forgive me—massa’s needs outside are being imposed on us significantly, and notwithstanding all the CFATF meetings they attend, without our inputs. One of the phenomena about international relations is Trinidad and Tobago is absent when important decisions are made which affect us, and I suspect—it happened, Madam Speaker, when I was at the United Nations and we were discussing anti-terrorism. In those days, we co-sponsored, we determined what was put inside the international laws. We determined that. I get the sense that right now, we are recipients of whatever is decided.

Madam Speaker, up to this week, there was a major conference in Marrakech, Morocco, on migration. We have one of the highest, top five.

Madam Speaker: Come back to the relevant Bill, please.

Mr. R. Charles: I am coming back. Yes, the relevant point is these things are being imposed on us and I will just be brief and I will move on. It is said, Madam Speaker, if you are not at the table when decisions are being made, then you will be on the menu and this today is an example of us being on the menu. [*Desk thumping*]

Section 55 of the Proceeds of Crime Act protects financial institutions or businesses from liability for reporting a suspicious transaction or activity. The amendment now seeks to include that they be exempt from liability

“...whether or not the underlying criminal activity was known or illegality occurred.”

So why are they sparing the big boys, the big institutions and putting the onus on the employees? So, if, Madam Speaker, for example, a business or financial institution was involved in laundering money for a criminal element and they turned on the criminal and reported the criminal, these institutions suffered no repercussions for facilitating the crime historically.

Madam Speaker, too much power is being placed in the hands of the political directorate [*Desk thumping*] and the Minister of National Security, in the new section, Part IIA of the Proceeds of Crime Act, the establishment of a National Anti-Money Laundering and Counter Financing of Terrorism Committee. It states that this committee will comprise of a minimum of nine and a maximum of 15 members. Three of the nine members will comprise of representatives from the Ministry of Finance, National Security and the Attorney General. It does not state the qualifications, the post or the level of maturity of the individuals being appointed so one can get a sense of their professional experience and expertise and

a sense of how the system will operate. Could it be a clerk? Could it be a best friend of these Ministers? The question requires clarity. [*Desk thumping*]

It further states in section 57A(2)(b) that the remaining six members to make up the maximum of 15 will be comprised of and here is (2)(b)and they want us to accept this:

“such other persons as the Minister thinks fit.”

Dr. Moonilal: Which Minister?

Mr. R. Charles: That is the fundamental problem. Thank you very much, my friend from Oropouche East. In section 57(7):

“...‘Minister’ means the Minister to whom responsibility for the...”—
National Anti-Money Laundering and Counter Financing of Terrorism
Committee—“is assigned.”

So the definition is in the Bill and the Bill states that it is the Minister. So who is this Minister? Minister of National Security? The Attorney General or the Minister of Foreign Affairs? Now, this, Madam Speaker, is very disconcerting. It is disconcerting. Who appoints? The President appoints? The Cabinet appoints? The Prime Minister appoints? The Attorney General? the Minister of National Security?

Subsections (3) to (5) of section 57A states:

“A member of...”

—this Committee, this National Anti-Money Laundering and Counter Financing of Terrorism Committee.

“...shall be appointed by the Minister...”

(4) The Minister shall appoint the Chairman and Deputy Chairman...”

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Madam Speaker, laws must be designed for worse-case situations. I could be the Minister of National Security. [*Desk thumping and crosstalk*] I could have a stepdaughter or a stepson who is involved in money laundering. I, under this law, will have the power to appoint all the people of this anti-money laundering committee. That cannot be acceptable in any serious country. [*Desk thumping*]

Madam Speaker, I was at the United Nations and I was told one of the problems with Third World countries is the fact that there is no arm's length relationship between the agencies that are responsible for monitoring financing of terrorism and money laundering. [*Desk thumping*] That is the fundamental problem. We do not have, in this legislation, a sufficiently arm's length relationship to give, not only because massa is not important, FATF, "dey eh important", but the citizens of Trinidad and Tobago need comfort that whatever decisions are made are made solely in the interest of Trinidad and Tobago. [*Desk thumping*] They do not like to hear about the United States, they do not like to hear Singapore. I could give them how it operates and their arm's length relationship there. But here, everything is the Minister involved, the Minister appoints, the Minister everything in our situation.

In the United States, the working group dealing with money laundering threat assessment involves—and they have a number of agencies—independent agencies and they specify who from the agencies will sit on the committee. They do not leave it to the "Minister" to choose or dictate. The Department of the Treasury, the Office of Terrorism and Financial Intelligence. So the Department of the Treasury is one. The Department of Justice inclusive of the FBI, the Drug Enforcement Agency, the Asset Forfeiture Section of the Department of Justice. It involves the

Deputy of the Homeland Security. It involves the Board of Governors. Hear the level, the Board of Governors of the Federal Reserve, and the US Postal Service. These are institutions with institutional history [*Desk thumping*] and framework to ensure the independence and autonomy of the bodies that are responsible for money laundering in the United States and we are asking that the legislation in Trinidad reflect that.

The Economist Magazine, the 13th July, 2017, *The Economist* said and I quote:

“The FBI is honest, the FBI is strong...”

—and I will tell who made that statement afterwards. I will repeat it.

“The FBI is honest, the FBI is strong and the FBI is and always will be independent...”

You know who said that? James Comey, a former director of the agency at a recent congressional hearing where he gave testimony. He got fired but he is so assured given that he was a former director and he was fired allegedly for political interference, he is saying “I am confident that the institutional framework exists that will assure autonomy”, et cetera.

Madam Speaker, the last time they sought to amend these Acts, they placed significant powers in the Ministry of Finance and the Attorney General through the establishment of the Central Authority Unit within the Ministry of the Attorney General and broadened the scope of information collected by the FIU which is under the control of the Minister of Finance to include any information needed in order to generate trends and typologies. Furthermore, we are seeking here today to establish an Anti-Terrorism Unit in the Attorney General’s Office. With the establishment of the Anti-Terrorism Unit, will the Attorney General now be able to

act without first obtaining an order from the judge? Will he? The amendment states, I read:

- “(1) There is established in the Office of the Attorney General, a unit to be known as ‘the Anti-Terrorism Unit’ ...
- (2) The functions of the Attorney General under this Act may be exercised by the Attorney General in person or through a public officer or a legal officer who is -
- (a) employed in the Unit;
 - (b) authorised by the Attorney General in writing; and
 - (c) acting under and in accordance with the general or special directions of the Attorney General.
- (3) Nothing in this section shall be construed as authorising a public officer or legal officer to make an Order or other statutory instrument under this Act.”

Now, subsection (3) of this amendment to the Anti-Terrorism Act states that the public or legal officers do not have the authority to make an Order under this Act but does it not exclude the Attorney General? Under the current Anti-Terrorism Act, the AG does not have the authority to act apart from investigating without receiving the approval of the judge. In section 22 of the Anti-Terrorism Act the FIU is responsible for providing information to the AG in order for him to apply to a judge for an order to list a person or a listed entity.

Two, in section 22B of the same Anti-Terrorism Act, the AG must apply to a judge to remove an entity from being a listed entity. Under section 25, the AG may cause an investigation to be carried out if there are allegations that a person in

Trinidad and Tobago has committed an offence under Anti-Terrorism Act, however, the DPP is responsible for deciding whether or not they proceed with prosecution. Under section 37, the AG must apply to a judge for an Order or forfeiture in respect of terrorist property.

So, Madam Speaker, with respect to the amendments before us, clause 3 of the Bill which is amending the Anti-Terrorism Act is ambiguous and disconcerting and it could be argued that it seems to be granting the AG powers to investigate as well as act on his findings of his own accord without proper judicial oversight. [*Desk thumping*]

This clause also, Madam Speaker, is ambiguous. It does not indicate what the functions of this Anti-Terrorism Unit will be or who it will be comprised of. So they have created another unit under the control of the Attorney General, the Central Authority, and now the Anti-Terrorism Unit. And we have no idea what its mandate is. The Central Authority Unit, we understand, helps foreign and domestic authorities obtain persons sought for prosecutions or to serve sentence or to obtain evidence for use in criminal cases. Madam Speaker, we are asking to repose confidence in this Attorney General. We do not on this side.

We recall, Madam Speaker, that on the *Express* 22.11.2016:

“Mistrust: US wants its...”—own—“lawyers in Jack...lawsuit...”

I could quote:

“At yesterday’s hearing which was presided over by Chief Justice Ivor Archie...”—et cetera.

Mr. Al-Rawi: Madam Speaker, I rise on Standing Order 48(6) I believe it is. Forgive me, it is sub judice. It is either (6) or (10), forgive me if I am wrong.

Madam Speaker: You are quoting from the *Express* article?

Mr. R. Charles: Yes I am.

Madam Speaker: And therefore what you are quoting is not about a case?

Mr. R. Charles: It is about a case.

Madam Speaker: It is about the case [*Crosstalk*] but what you are quoting from is just an article?

Mr. R. Charles: Yes, I am.

Madam Speaker: I will give you a little leeway to see where you are going. Attorney General.

Mr. R. Charles: Right.

Mr. Al-Rawi: Madam Speaker, if I may, just for caution under 48(2), if the hon. Member would indicate the quotes because I just “doh” trust him. [*Crosstalk*]

Madam Speaker: All right. Attorney General, even though I have given the leeway to the Member for Naparima, you are entitled at any time to take a point on the Standing Order. Okay?

Mr. Al-Rawi: Okay then.

Madam Speaker: I believe the Member started by referring to a particular *Express* article which he identified. Okay? So just for the record, if you can say it again and I will give you—you go ahead.

3.10 p.m.

Mr. R. Charles: *Express* article on the 22nd, the 11th November—22nd November, 2016 and I am quoting;

“At yesterday’s hearing”—since you want, you will get it—“At yesterday’s hearing which was presided over by the Chief Justice Ivor Archie, and

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Justices of Appeal, Allan Mendonca”—I am not lawyer so I cannot make that up—“and Peter Jamadar, Lewis said the United States is—.”

Mr. Al-Rawi: 48(2), Madam Speaker.

Mr. R. Charles: You just asked me for the quote.

Mr. Al-Rawi: No, a newspaper can easily offend the sub judice principle in this House. The fact that it is published is not the fact that it can be still ultra vires our Standing Orders and I rise on 48(2), Madam Speaker. [*Crosstalk*] Madam Speaker, 48(2), I have no fear or compunction, but this a live active massive case in the courts, Madam Speaker, and it is something that we have to be careful about. [*Continuous crosstalk*]

Madam Speaker: Okay, so as far as sub judice, we are under Standing Order 49, okay? This matter is still in the court?

Mr. Al-Rawi: Yes, Ma'am.

Madam Speaker: All right, might I ask, is it before a judge and jury?

Mr. Al-Rawi: Madam Speaker, the matter is at several stages. It is both before—it is before the magistracy on the authorization to proceed. It is before judicial review, Court of Appeal and Privy Council. And, Madam Speaker, in the civil area where there is no jury, this is a live issue in this case and it is being very hotly contested, Madam Speaker, on the very matter which my learned friend is now raising. This is an issue in the case, Madam Speaker.

Madam Speaker: I will give you some leeway.

Mr. R. Charles: Thank you, Madam Speaker. [*Desk thumping*] The long and short, the Chief Justice—the article. I am quoting. I am quoting the article and I am quoting the Chief Justice, Ivor Archie.

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“Is it that you do not trust the Attorney General to represent your interest?”

Mr. Al-Rawi: Madam Speaker, I rise on Standing—

Mr. R. Charles:—and he said the Queen’s Counsel said—James Jones responded—

Mr. Al-Rawi: Are you blind?

Mr. R. Charles:—“Well that is one way of putting it,”—

Mr. Al-Rawi: Madam Speaker—

Dr. Tewarie: “Yuh doh have to give way.”

Mr. Al-Rawi: Madam Speaker, I rise on 48(2). Of course he has to give way! I rise on Standing Order.

Dr. Tewarie: “I doh know who he think he talking to.” [*Crosstalk*] “I also doh know who he think he is.”

Madam Speaker: I do not—apparently we are all blind today. Now, any Member can stand at any time. An interjection or interruption is very different to a point of order under the relevant Standing Order. So, it is not a question of giving way. Once a Member rises on a point of order the other Member who is speaking shall sit. The Member who has risen will make the point of order referring to the Standing Order, with a brief explanation and then the Speaker will rule. Okay? I will ask everybody to maintain their composure, or at least regain it, so that we can proceed properly. Attorney General, you have a point of order to raise? Please raise it.

Mr. Al-Rawi: On Standing Order 48(2), Madam Speaker, again, I caution—

Madam Speaker: 49(2)?

Mr. Al-Rawi: 48(2), Madam Speaker, on sub judice principle, the hon. Member,

in reflecting upon a newspaper's carriage of something which is subject to a different privilege on the freedom of press, on the Reynolds principles, the newspaper is not a member of this House. And, Madam Speaker, this goes on to our parliamentary record and is being followed by the wider impact provisions, not only here but in courts elsewhere. Madam Speaker, a central authority dealing with an extradition principle, I must caution this Parliament on the sub judice principle because the hon. Member is speaking about it in such a fashion under 49, in sub 49(1) in particular, Madam Speaker, and in 49(2). In giving my explanation, the hon. Member is prejudicing proceedings that are in two separate jurisdictions at the same time on a point that affects two separate jurisdictions and the article that the hon. Member is referring to is in fact something that was raised in the appeal itself, Madam Speaker, and is a very live issue, Madam Speaker.

Madam Speaker: Okay, so that if—and therefore, Attorney General, if you have raised sub judice and the matters that you have put there, you have to take responsibility for it.

Mr. Al-Rawi: Of course, I do.

Madam Speaker: Okay. And therefore, on the basis of that seeing that it is a matter that is live and that there is prejudice to the matter, I will therefore invoke Standing Order 49 and ask the Member not to go there.

Mr. R. Charles: Madam Speaker, all I am asking, would I get injury time? Every time I lose 20 minutes. My staff checked it. This is a deliberate ploy on that side—**Madam Speaker:** Member, please continue. You are now taking up more of your time, continue. Go on.

Mr. R. Charles: So just to summarize. Not anybody, and I am not referring to the

article, not everybody has confidence in the Attorney General. I do not. [*Desk thumping*]

Madam Speaker, the financial intelligence branch deals with money laundering cases in the Trinidad and Tobago Police Service. The Trinidad and Tobago Police Service said 39 people have been charged with a total of 49 million in fraud cases. Nobody convicted as yet.

Madam Speaker, the FIU has recorded a whopping 22 billion in suspicious transactions for the year 2017, an increase of 500 per cent compared to the previous year.

Madam Speaker: Hon. Member for Naparima, your original speaking time is now spent, [*Laughter*] and you are entitled to 15 more minutes to complete your presentation.

Mr. R. Charles: I thought you would have been kind, Madam Speaker. But, I doubt you would have been kind. All right, so who is going to implement this?

Madam Speaker, the DPP is under staffed by 58 per cent. When the law is passed who is going to handle new cases which may arise? Madam Speaker, last week we passed a law, the Litter Act. In clause 17, littering fines were raised 100 per cent, but the Princes Town Regional Corporation—.

Mr. Al-Rawi: Madam Speaker, I rise on 48(1)

Madam Speaker: I am going to give you some leeway, please continue.

Mr. R. Charles: Yes, I am saying we passed the littering Act. We increased the fines and we have no litter wardens in the entire Princes Town Regional Corporation, covering 150,000 people; Naparima, Princes Town and in Moruga/Tableland.

So we pass laws here. Yes we can pass laws, Madam Speaker, and we could talk about working—we have a lazy Government, inefficient, incompetent, just passing laws. They are working hard but they are not working smart, Madam Speaker. [*Desk thumping*]

The Government has proposed the passage of this legislation that is part of our requirements for compliance with FATF and CFATF. It should be noted that to date there has been produced no evidence that any of these amendments are listed on the recommendations of FATF or CFATF and therefore there is no evidence to support this contention by the Government. [*Desk thumping*]

Madam Speaker, we have over the weekend in an article in the *Newsday*, highlighting—the Attorney General talked about we are a leader in the fight against global terrorism. Madam Speaker, I talk to people in the United Nations. I have ambassadorial friends all over the world. We are missing in action. That is why when we went to the EU they said that they did not want to deal with us because Trinidad is no longer treated seriously in international fora. Right.

If one carefully studies what is going on, the Attorney General, what he has been doing in the global fight on terrorism is that he goes to—it amounts to going to the office of the—accessing the UN website and downloading the names of persons that the UN has listed as persons involved in global terrorism. The Office of the Attorney General then makes application to the High Court for these individuals and entities to be listed by a standard application and the orders are granted, most of the time ex parte. What is involved in that? Right.

When the Government got an order against Shane Crawford, Madam Speaker, he had already killed three persons in Trinidad. He had fled the jurisdiction. He killed

endless people in Syria and most importantly he was dead. But we filing thing.

Hon. Member: “That is what you feel.”

Mr. R. Charles: The Attorney General is quoted as saying:

“This brings to 506, the number of people and entities, locally and abroad,
whose assets have been frozen under the Act, since November 2015.”

The question is not how many, the real question is how much?

Can the Attorney General tell us what is the value of assets seized by the Government from the 506 listed entities and individuals, Madam Speaker. Coming here and “gallerying” without performance, Madam Speaker. He says that Trinidad and Tobago is a model for other jurisdictions in legislation. I wonder if the Attorney General could tell us one jurisdiction that brought laws to Parliament requiring a special majority and then withdraws the Constitutional requirements in order to get the laws passed. Madam Speaker—

Madam Speaker: Member, I am not letting you go there, okay? I am not letting you go there. All right? Continue.

Mr. R. Charles: All right. The amendments that are proposed to section 51 of the Proceeds of Crime Act in relation to the offence of tipping off are arguably needed to strengthen the legislation. But the Attorney General must tell us: What is the mischief behind these amendments? There is a general argument to be made in relation to all these proposed amendments. The first is that we have currently ongoing an investigation into white-collar crime in relation to the Clico matter now going into 10 years.

The Bill at the Office of the DPP, since this Government has been in power, was confirmed by the Attorney General to be in excess of \$125 million. Not a single

person has been charged. The question that arises is: What is the use of enacting various pieces of legislation when the police service is not trained to investigate these offences, to know how to detect these offences, how to interrogate persons suspected of these offences and when to seek advice in relation to these matters?

You see, Madam Speaker, the international agencies are not only concerned with legislation but the operationalization, the implementation of the legislation. These are offences that require specific, special requirement of intention in each and every case and has anyone asked the question as to whether the police service is ready to operationalize this type of legislation? The answer is simply no. This is another mirror image of the anti-gang legislation.

Madam Speaker, the Bill proposes to amend section 53 of the Proceeds of Crime Act in the following manner:

“...a person who knowingly attempts, aids and abets...”

—and I read that before. This is perhaps the best example in the proposed Bill to show the incompetence of the Attorney General. How could an Attorney General propose such an amendment where the law as it currently stands and has been so for the past 93 years provides for exactly what is being proposed in this legislation? Madam Speaker, in this jurisdiction we have the Accessories and Abettors Act, Chap 10:02 which provides by section 2 as follows and I quote;

“Any person who aids, abets, counsels, or procures the commission of an indictable offence may be indicted, tried and punished as a principal offender.”

How could anyone propose an amendment to the law, when the law as it stands at present provides for exactly the same thing? Madam Speaker, you see why when

we talk about they are bringing us here to waste time? There is no magic to what is being proposed by the Government. In fact, it is entirely superfluous, because under common law you can charge a person for conspiracy to commit any offence so that there is no need to provide a statutory power.

Madam Speaker, there is a further serious issue with respect to what is being proposed in this particular amendment. Can the Attorney General tell us what will be the elements of this offence of facilitating a criminal act? Is it not known to law and it will fall afoul of the requirement of certainty in relation to criminal offences? It is too ambiguous a concept to define “criminal conduct”.

Madam Speaker, I do research and I have friends who want to ensure that we have proper legislation. So there is nothing wrong to be advised and it is a senior counsel that advised me, not a junior counsel as opposed to that side. [*Desk thumping*] One of the essentials of the elements of the definition of “criminal offence” is the requirements of certainty. You will know that, Madam Speaker. He would not. Sorry, others would not. Because persons are supposed to know how to tailor their actions not to run afoul of criminal law and that is why criminal offences must be certain and the concept of facilitate is clearly not one that will meet that fundamental requirement.

Madam Speaker, I sometimes say, I study law from the university of “LLL”, “look, listen and learn”, Madam Speaker. Look, listen and learn. There are two serious issues that arise from the proposed amendments. The first is: What is the justification for this amendment? We are talking here about

“section 51, he is liable on conviction to a fine of ten million dollars...”

Madam Speaker, this is terrible. A public officer is charged subject to—

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Mr. Al-Rawi: 48(10). Madam Speaker. I rise on 48(10).

Mr. Lee: You should be the last person to do 48(10).

Madam Speaker: Hon. Attorney General, I cannot rule on 48(10).

Mr. R. Charles: You are so kind, [*Desk thumping*] Madam Speaker.

Mr. Al-Rawi: 44(10), Madam Speaker. Madam Speaker, I rise on 44(10).

Mr. R. Charles: He is wasting my time.

Mr. Al-Rawi: Standing Order 44(10), Madam Speaker.

Dr. Tewarie: He wants to hear himself.

Mr. R. Charles: He likes to hear himself talk.

Dr. Gopeesingh: “It doh have a 48(10).” [*Laughter and crosstalk*]

Madam Speaker: I expect everybody here likes to hear themselves speak because I think they feel they have something to contribute. So to rule on 44(10), that is the one with reading. All right, Member for Naparima, I know you have a particular style, you refer very heavily to your notes. But, I know because you are erudite and being a lecturer as you have told us here, I am sure you can wean yourself a bit. Continue.

Mr. R. Charles: Madam Speaker, the fine for a public officer who ought to know is \$5 million, how much imprisonment or whatever number of years. But an ordinary citizen is \$25 million and 15 years in prison. Should public officers not be held to a higher standard because we expect they hold an office of trust, Madam Speaker? That is the problem so Madam Speaker.

Dr. Gopeesingh: Disproportionate.

Mr. R. Charles: Madam Speaker, I went to a good school, Naparima College, Naparima and I had a great lecturer called Bissessar Maraj, alias “Doc”, aka

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“Doc”. Had my friend gone to Naparima College, Madam Speaker, he would be in detention today, writing “we must not—I must learn to work smart and not to work hard because that will carry me nowhere.” Three thousand times. You should be in detention.

Madam Speaker, I said before, I do not trust the hon. Attorney General. He came here and said, and I have to quote that—I want to put it on record, his words. It is the Opposition, the UNC, the Kamla Persad-Bissessar-led Opposition—like if it is anybody else leads, she is our leader—because they take instructions from her that we refused to sit in recess that we had when the Standing Orders provided for us.

Madam Speaker: Member, okay, you are making the point that you do not trust the Attorney General.

Mr. R. Charles: But, I have to give the facts.

Madam Speaker: Just move on from that, okay. Please. Okay? Please. Move on from that go on from—please.

Mr. R. Charles: Madam Speaker, I am just want to clear the record that I said, and e-mailed, saying that I would be available for the entirety, entirety. [*Desk thumping*]

Mr. Al-Rawi: I rise on Standing Order 48(1) and Standing Order 48(4) because there is a spray that is offensive coming across the—

Madam Speaker: Okay, Attorney General. All right, Attorney General, please I will not allow that. On 48—Attorney General. Please, I think—

Mr. Al-Rawi: It is an assault, Madam Speaker.

Madam Speaker: No, no, Attorney General, please. I will not allow us—I really will not allow us to go there, okay. On 48(1), please continue.

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Mr. R. Charles: Not only myself, but my colleague from Chaguanas East and Sen. Saddam Hosein. So we are witnessing a creeping dictatorship, Madam Speaker. They are using international obligations to encroach on our Constitutional rights, our rights to privacy, our rights to secrecy, or rights to carry out our business without undue interference from the Executive. Oh for the days,—

Mr. Lee: Madam Speaker I rise on 48(4) on the Attorney General, the crosstalk. He is being very insulting to my Member for Naparima.

Hon. Member: What is he saying?

Madam Speaker: Member for Laventille West, again. All right. I would like you—you see what you just said there—

Mr. Hinds: —withdraw it.

Madam Speaker: Please. Okay, now while we allow a certain amount of banter I think sometimes we can go overboard. Member for Caroni East, Member for Caroni East. Yes, are you speaking?

Dr. Gopeesingh: No.

Madam Speaker: Okay, fine.

Dr. Gopeesingh: I know you love my attention, Madam Speaker.

Mr. R. Charles: “Yuh robbing meh time, boy.”

Madam Speaker: Attorney General.

Mr. Al-Rawi: Yes, Ma'am.

Madam Speaker: I would really like you to withdraw those statements you have been making. Please, about the assaults, I would really like you to withdraw it.

Mr. Al-Rawi: About the assault?

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Madam Speaker: Yes, please. I think it goes across the line from banter, please.

Mr. Al-Rawi: Madam Speaker, I withdraw.

Madam Speaker: Thank you very much. Member for Naparima, I will tell you in the remaining time if you could direct all your contributions to me I am certain your distractions will be minimal.

Mr. R. Charles: Thank you, Thank you Madam Speaker. It is more pleasing looking at the Chair, entirely pleasing to the eye, Madam Speaker, [*Desk thumping*] instead of discordant notes that come from that harp.

Madam Speaker, the removal of Unit Trust and NIB from the jurisdiction of the supervisory authority, and we are told that the SEC, Securities and Exchange Commission, is responsible for oversight. But, Madam Speaker, it is difficult to understand the words of the Attorney General in the light of the fact that recently NIB's internal audit revealed \$3 million scam in maternity benefits. So, clearly the existing oversight mechanisms are not working.

Madam Speaker, in closing, oh for the days, Madam Speaker, of great the great and erudite Attorneys General, Madam Speaker, Karl Hudson-Phillips—

Hon. Member: Brilliant.

Mr. R. Charles: Brilliant. Russell Martineau, Basil Pitt, and I see a name here, Bridgid Annisette-George, excellent people of high [*Desk thumping*] distinction—

Madam Speaker: Member, please keep the Speaker out of the debate, as much as I like the compliment, please.

Mr. R. Charles: I was speaking of the office, Madam Speaker, not the person. So, I called a number of names, Keith Sobion, right, Selwyn Richardson. Oh for these great erudite persons, Madam Speaker. Today, I regret to say that we are

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suffering from the incompetence of an Attorney General who uses his God-given gift of a capacity to speak to hoodwink the population. Thank you very much [*Desk thumping*].

Madam Speaker: On the last words you just said there, if you withdraw that I will be happy.

Mr. R. Charles: Completely withdraw.

Madam Speaker: Thank you very much.

Brig. Gen. Ancil Antoine (*Member for D'Abadie/O'Meara*): [*Desk thumping*]. Good afternoon Madam Speaker, I rise to make my contribution to this Bill, The Miscellaneous Provisions (Proceeds of Crime, Anti-terrorism, Financial Intelligence Unit of Trinidad and Tobago). I listened to the previous speaker calling the names of Attorney Generals, but I found that almost all he called were PNM Attorney Generals. [*Desk thumping*]

Hon. Member: All.

Brig. Gen. A. Antoine: All, you called were PNM, I did not hear the name of Anand Ramlogan or such other types Attorney General, so, Attorney General, you are in great company I must say. [*Desk thumping*]. And I thank the Attorney General for bringing the amendments to this Bill. I listened to the previous speaker and when I went through doing my research I saw that there was a Senate Bill No. 7 of 2014 piloted by Attorney General Anand Ramlogan. So I am shocked to hear all the—

Hon. Member: Histrionics.

Brig. Gen. A. Antoine:—histrionics, quite right of the previous speaker on this Bill seeing that this Bill came out of the bosom of the People's Partnership and all

my great Attorney General did was to tweak and make certain amendments to this Bill so that it would be acceptable to the members of the community in Trinidad and Tobago, but also that we would be able to broaden the front as it were on what the civilians like to call a war on crime. We tend to focus a lot on the foot soldiers—the police—and the police action against crime. But there is more to a war on crime than that. Civilians like to use military terms and not understand that in a war it is not just the infantry, the ground troops that are involved, but you have the war on the sea and the war in the air. And part of the problem with our colleagues on the next side is that when they were in office, when they had the reins of power they messed up the war on the other fronts, they messed up the war on the sea and they messed up the war in the air and they left us to deal solely with the war on the land. And we are here now trying to broaden the front as it were. So we are going after, not just the foot soldiers on the ground, but we are going after everyone; land, sea and air.

I am sorry that the member for St. Augustine is not here because I wanted to get an opportunity to raise something that he said in Parliament here about when my friends on the other side cancelled the OPVs that the money was used to buy vehicles for the police. And I realize that recently the Commissioner of Police spoke about—

Mrs. Gayadeen-Gopeesingh: Madam Speaker, 48(1).

Madam Speaker: Member for D'Abadie/O'Meara, I think I have given you sufficient leeway. If you cannot tie in quickly what you are saying to the Bill or something that was said by the previous speaker in response, I would ask you to move on please.

Brig. Gen. A. Antoine: Yes, Madam Speaker. In dealing with the response to these amendments by the Attorney General, and in terms of the Proceeds of Crime, not allowing people to benefit from criminal activity and if it is possible I can just read from an article North East England Chamber of Commerce, Friday, 27th, 2017. It said that:

“Between 2010 and 2014 the Home Office has indicated that more than £746 million of criminal assets has been seized. Over the same period, assets worth more than £2.5 billion have been frozen denying criminals access to these resources and £93 million has been returned to victims.”

Part of denying people access to the spoils of criminal activity.

And the amendment that the Attorney General is seeking to ensure is that we go after not just the criminals on the ground, but we go after their funds, and, not just in terms of their assets, but freezing their assets so that they cannot benefit from their criminal activity. And that is what I am speaking about, Madam Speaker, when I say about broadening the front against the war crime. We need to be in the air, we need to be on the land, we need to be on the sea.

And it is interesting that my colleagues on the other side would not allow me the leeway to bring home some of the points that I wanted to raise in terms of these different fronts. Because you hear them, and the Member for Naparima, and that is why I am coming back here now pointing out that the police is ready. The police is not ready, as he said. And my position is that selling the OPV and buying police cars ties in with the fact that he is saying that the police is not ready. They are not ready because they have 500 accidents in a year, more than 10 accidents in a week.

3.40 p.m.

And again, because the civilians use this terminology, we are from the military, the military has systems in place to deal with these issues that civilians do not understand. For instance, in the military, if a soldier gets involved in an accident he immediately loses his driver's permit. He is grounded and he is placed on a report for being involved in an accident.

So, therefore, the deterrent to soldiers is that whenever you get involved in an accident you lose money in your pocket because you have crashed a military vehicle, a service vehicle, a vehicle of the State, and you are grounded until such time as the matter is determined. So, therefore, 500 vehicles, that means 500 soldiers that would not be able to drive in the course of a year. So buying vehicles and putting them in police stations does not help when you have every Tom, Dick and Harry, every little "bad boy" has an assault rifle in his hand because the borders are porous—

Mrs. Gayadeen-Gopeesingh: Madam Speaker, 48(1).

Madam Speaker: Hon. Member, I understand you are trying to respond to the Member for Naparima's point about the police was not ready, but I think his point, as he elucidated it, it was much more confined in terms of speaking about the readiness of the police, so I will have to uphold the objection on Standing Order 48(1) and ask you to come back to the relevant matter that is before us.

Brig. Gen. A. Antoine: Thank you, Madam Speaker. Clause 2, section 51 speaks about tipping off, and this seeks to increase the penalties so that people involved in passing information to their friends, their colleagues, their criminal buddies in terms of the action being taken to bring them to justice, you are seeing a stiffer penalty. Again, another deterrent, once you know that the fine is heavy, it goes

from 5 million and 5 years to 10 million and 10 years, in terms of tipping off, the tendency to be a mole , and, again, because of my extensive time in the military we know about what we call, fifth columnists, whenever you withdraw or you retreat, you leave certain people in the system whose job it is to cause problems for your occupying forces, and here it is people in the system would cause problems to law enforcement by passing on information, tipping off to their colleagues, their criminal friends as to what is taking place in the Ministries. I support the Attorney General in increasing the fine of course from \$5 million to \$10 million and from five to 10 years.

The Attorney General also looked to amend failing to disclose knowledge of suspicion of money laundering, and it goes up \$250,000 to \$500,000, and the Member for Naparima tried to steer us in another way, talking about \$5,000 and this vehicle that he sold, as the case may be. Maybe the vehicle was over a \$500,000 cheque that is why the people in FCB got frightened. We do not know the type of vehicle you sold; it could have been a Mercedes Benz, or so. So the people in FCB got frightened when they saw the amount of money that was passing hands, so hence the reason they took him over the wire. So, failing to disclose knowledge of money laundering, we have increased the fine, we have increased the penalty so that it would once again be another deterrent. Section 57(2) speaks about the liability of officers, directors and agents in terms of organization, so that if your firm breaks the law in terms of money laundering then you as the agent will be held responsible, if you have some linkage to what took place.

So the Attorney General, in dealing with this Bill that came from the other

side, seeks to increase the penalties in certain areas, and in other areas he seeks to remove insurance agents and other personnel, as the case may be, so that he narrows the limits and he narrows the scope of people who would be involved in anti-money “laundering”, as the case may be.

Mr. Gopeesingh: Laundering.

Brig. Gen. A. Antoine: Laundering. Thank you very much, so nice of you. Clause 3, anti-terrorism unit in the Attorney General’s office, and, once again, whenever it appears that the Attorney General seeks to fine-tune this war on terror, this war on crime, the other side brings up all types of objection. But in dealing with all the asymmetrical threats that we experience when we are dealing in warfare, you have to think out of the box, the Attorney General must come up with different means, different methods in which to deal with this matter involving anti-terrorism, money laundering, as the case may be.

And putting a unit in the Attorney General’s office is fantastic as it would help the Attorney General to fine-tune and to focus on where the information he is getting, the intelligence that it is coming to the Attorney General, he would be able to direct an officer, working in the Attorney General’s office, as to focus on where activities, in terms of anti-terrorism, in terms of money laundering, are coming from. So I welcome the Attorney General and this method, but, again, in opposing for opposing sake, the Member for Naparima has a problem with the Attorney General. If he did not do it, he would go on and call about a list of Attorney Generals who the Attorney General does not fit their shoes; all PNM of course, all PNM Attorney Generals of course.

Dr. Khan: Madam Speaker, on a point of order, 55(1)(b), I really cannot take it

Miscellaneous Provisions (Proceed of Crime,
Anti-Terrorism and Financial Unit
Of Trinidad & Tobago) Bill, 2018 (cont'd)
Brig. Gen. A. Antoine (cont'd)

anymore. [*Laughter*]

Madam Speaker: Hon. Member for Barataria/San Juan, what I can say is, it is really for the Speaker to be not able to take it any longer, and therefore I overrule your determination of the Standing Order. And I would say that, if you are having a little difficulty, you have options. Okay? Member for D'Abadie/O'Meara. [*Desk thumping*]

Brig. Gen. A. Antoine: Thank you, Madam Speaker, for your assistance in dealing with the Member for Barataria/San Juan. You see, the truth hurts, and when the truth comes at the other side— [*Desk thumping*] I am unable, because of the limitation of the Bill I am debating, to go at certain areas I want to go at in terms of the war on crime—

Hon. Member: Next time.

Brig. Gen. A. Antoine:—next time—and I will look for the opportunity that would come along to go at it the next time. But again, this is an amendment to a Bill put forward by the other side that our Attorney General felt necessary to tweak it so that it would be more effective. Good law, so that when this Bill comes forward it would be good law, law that we can implement to the benefit of the citizenry, that we can deal with people whose criminal activity is hidden in terms of within the establishment, as the case may be, and that they benefit from their criminal activity, and the Attorney General definitely wants to deal with them in an effective manner.

So I am thankful to the Attorney General for the opportunity this evening to come and contribute to this Bill. I support it. I am thankful for the amendments he is making. I am thankful that, in certain instances, the penalties will be increased

so it will become a deterrent to people involved in criminal activity, that we will go after people who are benefiting from crime, going after the proceeds of those crimes, going after their assets, as the case may be. And I do support the establishment of the unit, the Anti-Terrorism Unit in the Attorney General's office so that we can more effectively deal with this matter. Madam Speaker, I thank you. [*Desk thumping*]

Madam Speaker: Member for Oropouche East. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker, and it is a pleasure to join the debate after the very eloquent and comprehensive and succinct contribution by my good friend from D'Abadie/O'Meara, who I am very proud of, that I taught him at the University of the West Indies, and I am sure all Members will see the good work that we did there.

Hon. Member: You are a failed professor. [*Laughter*]

Dr. R. Moonilal: Madam Speaker, I left that profession some years ago for no reason related to the Member. Madam Speaker, the matters before us, amendment to two very important pieces of legislation, and let me begin by congratulating the Member for Naparima [*Desk thumping*] on a very comprehensive contribution, and he did indeed touch several areas of interest to those of us on this side. Let me also begin by indicating to the Attorney General that our few critical remarks should not be interpreted that the Opposition is not necessarily in support of the measure before us, but really to raise critical remarks so that the Government can consider improving the amendments before us. Some of which, of course the Member indicated, is—some of them are really minor matters, more matters for clean-up, and so on.

Madam Speaker, I listened to the Attorney General and the Attorney General made a few very important points in discussing why we are here and did indicate to us that the international community, vis-à-vis these matters, has been involved in assessments and review of the work of the Trinidad and Tobago Government for several years. And as part of that review that would include review of the technical nature of the laws, whether we have on the books, solid, technical legislation to deal with the complexity of money laundering, and the complexity involved in the financing of terrorism, whether we can respond by just book, the laws we have.

He also made the link between corruption and money laundering, which is a very, very critical link to make, because in the modern day, Madam Speaker, increasingly, money laundering points to corruption in both the private sector and the public sector. Finally, the third limb identified was this issue of effectiveness, and I think that is where some of us on this side would have a concern with the effectiveness of legislation over the past several years.

Madam Speaker, I would add a fourth pillar to that because the nature of these amendments, when we look at it within the context of the parent Act, the nature of these amendments in the context of the parent Act requires the Office of the Attorney General to work extremely close and in collaboration almost with a dependable, effective Judiciary and judicial officers working in tandem with the Attorney General's office to ensure that the law is implemented in a timely, predictable and consistent manner, and it is to that issue that I would raise—so, apart from the technical laws, the corruption/money laundering nexus, and the effectiveness, which is an operational issue, I would add the collaboration between

the Attorney General and the Judiciary on dealing with these matters, and I would come back to that later as a key issue.

Madam Speaker, the Attorney General also touched the issue, of course, of following the money, which is almost a pet issue, but a slogan coined by the Attorney General currently to deal with some of these matters, I just want to respond to a couple of issues raised by the Attorney General. The Attorney General raised the issue of suspicious reports and transactions, and I am raising this issue because the Government, and today the Attorney General indicated to us in his presentation that in one year, for example—and I believe it is one year—we have had \$22.5 billion in suspicious activity reported, and I would just like to ask some follow-up questions on that to the Attorney General: Is it possible that we can disaggregate that \$22.5 billion per year and get further information as to what is the locus of that money? Where is that money, in which sector; is it private sector, is it public sector, in which business area; broadly speaking, in which industry this is happening; is it in the financial service sector; is it in construction; is it in manufacturing; is it where?—so that you can disaggregate for policymaking this \$22.5 billion [*Desk thumping*] in suspicious activity. Because on the surface it sounds extremely, you know, compelling, important, but if you discover that \$15 billion would be related to two organizations where you had a report, that is \$15 billion from two organizations doing international trade, or something, I do not know, and I think the national community does not know, and maybe as we go forward we should reflect on a new methodology.

Many years ago, Madam Speaker, in our work we looked at the issue of methodology and performance indicators, and I am picking up from, not just the

Government but from officers of the State really, a performance indicator in how we are doing with money laundering has to do with suspicious activity report and transactions. But what really is a suspicious activity report or transaction? How much of this \$22.5 billion of suspicious activity would have resulted in an arrest, a charge or a conviction? Notwithstanding a conviction is a longer-term process in the criminal jurisdiction, but to what extent part of this led to arrest, charge?

And my colleague from Naparima did indicate a particular obstacle he went through when he was buying and selling—I think, selling a vehicle. Madam Speaker, just the other day—I would put my two cents in—just the other day I had to pay a foreign lawyer a small sum of money, because, Madam Speaker, everybody these days suing me and I have to prepare myself as best I could. So to prepare myself I had to pay a lawyer to do some work for me, because I anticipate a legal, a lawsuit from somebody around, and I had a small amount. I go to the bank, I say, look, I have to pay, in a foreign currency, the lawyer, and as I give the information on the lawyer, on the Chamber, on the street, the bank tells me, they said, no, hold on, we need to get the date of birth of the person, we need to get other biography, biographical information, and so on. So I now have to continue this quickly to see if I can get information from this person who is outside of the jurisdiction as it would be. And, Madam Speaker, it was for a relatively small amount, you know, just to take care of initial photocopying and stapling, and so on. But the banks now, understandably so, exercise some extra diligence on these matters.

That could have been, Madam Speaker, if I did not provide the information, it could have been a suspicious transaction. It could have been listed.

Hypothetically, if someone goes to the bank with \$145,000, they deposit it, hypothetically, that would be recorded as a suspicious transaction. While there might be a perfect reasonable explanation as to why that is done, you transfer money from one bank to another, it happens. Everybody does that. So, Madam Speaker, the suspicious transaction report do not tell us, really, what is the classification of the various items that make up \$22.5 billion. It would not tell us how many people have been at least charged, arrested and charged, if not convicted, by suspicious activity.

And you do get the impression, Madam Speaker, speaking to the business community and professional community that sometimes the suspicious reports and activity undertaken by the financial institutions, and I have heard it in the meetings of the business community, they lead to upsetting of businesses. They lead to upsetting of businesses, businesses cannot conduct their normal course of activity, paying suppliers on time, receiving goods on time, getting their goods to the market because they are subjected to an increased layer of bureaucracy.

So that sometimes when we put things in place like this, where you ask for every conceivable piece of information, you have an unintended consequence of impeding business activity in your country. And it is something that as we make legislation we must be mindful of that the objective of a Government is not to impede business, it is really to ensure that persons do not break the law, do not involve in criminal activity, and if they do so they come to book. So that we would be very happy to learn more about that \$22.5 billion in suspicious activity and suspicious report.

Madam Speaker, the Bill deals with an amendment in this area called tipping

off, and I wanted to ask a couple of questions on this to the Attorney General. For example, this has been in the law for some time now, unless I am mistaken, it may be around 2008, and so on, without having—there is nowhere we are asking for names of persons or anything, whether or not it is in the public domain; every now and then you read the newspaper, you see someone had been arrested for money laundering offences, and so on, or the wider offences of fraud.

Madam Speaker, I would just like to ask the Attorney General, for the public record, to tell us, over the years, that this has been in the public—has been law, how many persons have been arrested and charged, if not convicted, for this offence of tipping off? How many really? Because I cannot remember, reading in the newspapers or looking at the news, one story in which someone had been actually arrested, charged, or before the courts on tipping off, and that has been on the books for some time, because it may be there, but for any reason some of us would not know. Because today we are here, Madam Speaker, to strengthen the law on this issue of tipping off; our purpose today is to strengthen this part of the law. The Attorney General tells us we are here today to do this because the foreign bodies that deal with this matter have found that our law is not as tight enough or not technically sound, and so on, but how many people have really been prosecuted or are through the system now on this before we tighten it?—because today, for example, we are repealing; we are just making the change here.

I am looking at the amendment to section 53 in the Proceeds of Crime legislation, and I have it here. We are looking at 53 that—yes, so the 53 deals with the penalties, and so on, for tipping off, and we are dealing with the amendment to that:

A person who knowingly attempts, aid, abets, conspires—and so on. So the inchoate offences that the Attorney General spoke about, you are also committing an offence. I just wanted to ask the question to the Attorney General for a matter of clarity, just to bring clarity to us, with the present amendments, Mr. Attorney General, you propose, and I just want to read for the record the amendment before us:

We are proposing here that a person who knowingly attempts, aids, abets, conspires, procures, or otherwise—well, facilitates, but I see facilities here—the commission of an offence under section 45 commits an offence and is liable on conviction on the indictment to a fine of \$25 million and to imprisonment of 15 years.

That is what we are introducing today. I just wanted to ask the Attorney General to clarify later in the proceedings, and I am sure he will give a good explanation, that how does this match with section 2 of the Accessories and Abettors Act, Chap. 10:02?—which states and I quote:

“Any person who aids, abets, counsels or procures the commission of any indictable offence may be indicted, tried and punished as a principal offender.”

Is it—I am just asking the question because I am sure there is a clarification—is it that this action is already in the law, and if it is in the law, just to distinguish it somewhat from the provision that the Attorney General is putting before us today? Or is it the penalty that you are trying to get in here in relation to the offences under the Act before us, the Proceeds of Crime Act. That would be a clarification, because at first reading I was taken aback that these offences already exist, and it

may well be a good explanation dealing with some other matters that are related.

The other matters, of course, and I have asked before—the Attorney General will look at the record and read it so I will not report on that issue of tipping off. But I want to ask the issue of tipping off as well, while we are looking at persons who deal with companies, agencies that are subjected to suspicious transaction, and so on, there is a grey area here, Madam Speaker, can Members of Parliament or Ministers of Government be guilty of tipping off?—in the sense that Members of Parliament or Ministers of Government speak with a certain privilege inside but without privilege outside, but it may not be contrary to defamation laws, and speak about the activities of persons and business of persons, and we have information that they may be involved in this or that. Hypothetically, if someone goes on a platform, makes a political speech for which they are not defaming anyone, and suggests that a business entity is the subject of an investigation by a relevant authority, are they also tipping off that business entity and in a sense breaching the law as we put it today? I have heard people on the public platform call all type of names of companies and contractors, and they have this, and they went away with this money and that money. If they are really the subject of an investigation by the relevant authorities, we ought not to be talking in that way, because you could be tipping off as well, and be guilty of it.

Madam Speaker, the other matter has to do with some appointments. The establishment of this National Anti-Money Laundering and Counter Financing of Terrorism Committee, I would just say a few words of the composition of the committee, even to suggest what may be another area to look at if you are assuming that we support the establishment of this committee in law. And I want

to ask a blanket question for the two units to the Attorney General, for which I am sure they would have an answer. The move today to put this into the law, into statute, is this driven by the requirements of our international commitment with FATF or CFATF, or so on? Is that a requirement, because generally in Ministries you will have units and special purpose, you know, multidisciplinary, multitasking committees? I remember when we were in office we had a health committee that dealt with some of the challenges in the health sector, and several other committees you put together all the time for a purpose.

But I wanted to ask the first question: One, is this putting it in the legislation a requirement of our international commitment? And would you be so kind enough to direct us to the requirement, whether it is through correspondence, whether is through a report, whether it is through any other technical work that recommends the establishment of these committees in law?— because I am concerned with that.

4.10 p.m.

Madam Speaker, the National Anti-Money Laundering and CounterFinancing of Terrorism Committee, I can just request that the Attorney General may want to look, just may want to look at that again. It provides for the establishment of the committee and it shall be responsible for certain things. In reading the amendment one believes that “it shall be responsible”, means these are the functions of it. Maybe it would have been better to put “the functions of the National Anti-Money Laundering and Counter Financing of Terrorism Committee would include” one, two, three, four, five, as opposed to it shall be responsible:

“(a) for

(i) making recommendations to the Minister in relation to the

development; and.

- (ii) coordinating the implementation of national anti-money laundering, counter financing terrorism and proliferation financing policies;”

It is a responsibility, because responsibility is not necessarily the function in that sense. Responsible:

- “for collecting and compiling statistics with respect to anti-money laundering, counter financing of terrorism and proliferation financing; and
- (c) for coordinating the conduct of national risk assessments and mutual evaluations.”

Now, this committee is comprised of nine to 15 people, all are appointed by the Minister. I want to make a point here to all colleagues opposite. I said it before, I say it again. When you make law you are making—think of it if you can. You know, the Member for D’Abadie/O’Meara would know that when you are taking a putt, you aim for one foot behind the flag. You aim for something else than what is in front of you. When you make law you make law for the next Attorney General, for the next Minister of National Security, indeed, you are making law for the next Cabinet of the country. So sometimes you believe that you are making a law and, “I am in the chair now, and I can do this and I know what I doing, and I sure about this”. Think if you can of the next person coming in your seat and he or she would be implementing this. Just think of it.

When you look at the set-out, which I would have felt more comfortable to say “functions”, “functions of”, they are really research, statistical work, research and policy-oriented type of work. They are not limited—they are not limited. All

Members are to be appointed by the politician in the Cabinet—all Members, and the appointments are very wide:

“(a) persons representing—

- (i) The Ministry with responsibility for finance;”

Who is that person? Now, I would have been more comfortable if we decided that for the purpose of this National Anti-Money Laundering and CounterFinancing of Terrorism Committee, a person in a particular division of the Ministry of Finance that works along with law enforcement on money laundering, as opposed to:

“persons representing—

- (i) the Ministry with responsibility for finance;
- (ii) the Ministry with responsibility for national security;”

Because you see here, unless I am mistaken again, and there is an interpretation issue, another Minister coming to put an advisor to themselves, an advisor, and say, “Well this advisor represents the Ministry”. This advisor—I will just hire an advisor, I think there is a framework to do that in Cabinet, and the advisor represents the Ministry. The advisor of course is the advisor in the Ministry with responsibility for finance. He or she is organizing events, Christmas parties and so, on; but they represent the Ministry and they are now sitting on the anti-money laundering committee. So, you may want to put something here that suggests that it is a particular department, a particular unit, a particular something.

Madam Speaker:

“the Ministry with responsibility for national security;”

Again, you could have anybody there at the Ministry and you say, “Listen, put them on de ting”. There is no match now to suggest that the person would be

someone with experience in anti-money laundering, in terrorism, in understanding international systems and so on. You leave it wide open.

This Government or any other government can come into office and decide, “Look, the person who is outside there, a political appointee”, you give a party group Chairman a “lil end” here and there, and the party group Chairman sits on the National Anti-Money Laundering and Counter Financing Committee. Just think of it.

Someone representing the Attorney General, again the same thing holds. “Director of Public Prosecutions”, effectively the same thing.

Dr. Gopeesingh: What is he doing there?

Dr. R. Moonilal: Yes; and this is a very interesting issue here. Sometimes, Madam Speaker—I want to make a distinction here—if you have a committee that deals with anti-money laundering and counter financing of terrorism, and the Minister is appointing it through Cabinet, should you be having that mix between constitutionally independent offices as well? [*Desk thumping*] So political appointees, so to speak, and constitutionally appointed officers: Commissioner of Police, DPP, should you be having that kind of mix? Because it is quite possible that for a committee like this, the DPP and the Commissioner of Police can be invited to make submissions—there are policy issues here—to make submissions on policy.

So you are making policy, and you invite the DPP, the Commissioner of Police, the FIU and say, “Could you please give us a submission, give us your opinion on this, the policy approach the Government is undertaking”. They do not have to be in the committee. They do not have to be in the committee, where they can be sitting

next door to a party group chairman, devising policy.

Dr. B. Tewarie: That is a serious point, yes.

Dr. R. Moonilal: Devising policy and this is a no-no. That volatile mixture of constitutional appointments, [*Desk thumping*] and political appointments, it is not a proper—it is not gin and tonic, it does not make a good mix. It will not mix.

I am surprised—well, I am not surprised that the Minister of Works and Transport did not show up today. I saw him in a good mood last evening. But it is not mixing, and I ask the Government to relook this if they will.

We have the Financial Intelligence Unit, we have the Central Bank, we have the Chairman of the Board of Inland Revenue, and it is not the Chairman, it is persons representing the Chairman. It is not the Trinidad and Tobago's Stock Exchange Commissioner, it is persons representing, and any other person the Minister may think fit. So nine comes on board there, the Minister whoever he or she is after the current Minister of National Security, it could be anybody, and maybe it may not be bad, our friend from Naparima. It could be our friend from Naparima. My colleague from Naparima looks at that and he says, "Any such person as the Minister will think fit, good. Ah have six pick." I do not think that is a proper thing.

Now any other person, it is six persons, you know—six persons along with one, two, three. No but interestingly, watch the Maths here. I got a one in Maths in O level. Six persons plus three effective political appointments is nine. Nine is a majority of 15, and it is not something I look at and recommend.

Madam Speaker, had I been in Government myself and looked at this, I would have had an approach to share that suggests that you separate it. You can have two

committees. You can have your political Cabinet-appointed committee dealing with policy, absolutely nothing is wrong with that—and you can have another committee of the constitutional office holders and their agencies doing work on commenting, reviewing policy. But that mix of bringing them in the same room has interesting problems. Because, you see, part of it is collecting and compiling statistics, so you will get information on persons who may be part of a statistic of money laundering; institutions that do this.

Madam Speaker, with all we talk about white-collar crime, with all with do, the biggest issue of white-collar crime in the last 25 years in this country arguably was the Clico debacle, where \$25 billion, more or less, of taxpayers' money went for a bailout. That was being investigated for years and years. Anyone knows the money we have paid so far with “lawyer fee” and technical and professional work? I think it is over TT \$100 million. Is it 171? I am hearing \$171 million have been paid on legal and professional fees, and not one charge has been laid nine years later; \$171 million gone and not one charge laid. It is the biggest white-collar allegations you have heard of white-collar crime and money laundering as well.

So, Madam Speaker, getting people in the same room that way, I have a difficulty with that. And there is an easy way to clean it up, just separate it and you create one committee that is technical in nature and the other committee that is a Cabinet-appointed committee to look at policy and so on.

Madam Speaker, the Minister of course appoints that, and the Minister appoints the chairman and deputy chairman as well. So, you know, of the six persons the Minister is appointing, two could be chairman and deputy chairman of the six outside of what is provided for. Madam Speaker, “this look” like it could fail a

first-year law exam. If your lecturer on interpretation or parliamentary affairs would look at this and say, “Devise for me a committee and write a Bill”, as part of a test and we go to Parliament to pass a Bill, this would fail, this should fail. This is much too amateurish to be putting in law.

Madam Speaker, that committee now that we are just describing there makes rule to govern its own procedure, may establish subcommittees. And I am not seeing in the amendments, and maybe I am wrong, it is somewhere else, any reporting obligation to Parliament for the anti-money laundering committee. [*Desk thumping*] It is there? Good.

Sen. Hinds: Right there.

Dr. R. Moonilal: Not the Anti-Terrorism Unit, but they report to Parliament, okay. So, Madam Speaker, we could look at that as well. But the Minister’s hand in this is excessive. Let me summarize that by saying, the Minister’s hand is excessive, the Minister’s hand is hot to put in a committee like this dealing with these matters, because you are dealing with banks, financial institutions local and abroad, when you are building policy, international agencies and so on, when you are building policy. A Minister ought not to be involved like this.

Madam Speaker, I would just like to add, if you go the way of separating it you may also want to consider, since it may involve technical work, some type of input from the international community dealing with money laundering, dealing with counter terrorist financing and so on. You may want to look at that. There are relevant agencies headquartered in Port of Spain.

Madam Speaker: Hon. Member for Oropouche East, your original 30 minutes are now spent. You are entitled to 10 more minutes if you wish, to wind up.

Dr. R. Moonilal: Madam Speaker, I will just go quickly to the Anti-Terrorism Unit, the other piece of amendment here. The Attorney General of course told us of his good work with the listing of persons and the proceeding under the United Nations guidelines and so on. With this Anti-Terrorism Unit, again I want to ask, is this a requirement of our international obligations, to have an Anti-Terrorism Unit? In many Ministries there are units. There are units for everything in Ministries: policy monitoring, policy evaluation, all kinds of units in every Ministry you have. Sometimes you are a Minister for five years, and when you are leaving office you discover it has a unit in something. You have units all over the place.

The Minister of Health will know, and Minister of Housing and Urban Development might know that. Sometimes you do not know, you see people in a Christmas party, you say, “Who dem?” “Dey say dey from some unit in your Ministry.” [*Laughter*] But these things do not require statutory provision. So I am asking the Attorney General to state. Then you ask, “What dey doing?” and that is another problem, because you do not know what exactly they are doing, but you know it is a unit.

Madam Speaker, the issue here really with this anti-terrorism, is it a requirement of the international community? If it is not, then there is no need for this. You can set up an Anti-Terrorism Unit in the Ministry of the Attorney General and undertake the work that you do there. But look at this now, we put into the law:

“There is established...a unit to be known as ‘the Anti-Terrorism Unit’—
functions of this under the Act, they use the word “functions” now.

The word “functions” was not used for the other committee:

“exercised by the Attorney General in person or through a public officer or legal officer.”

I just want to recommend quickly, assuming the Attorney General goes through with this, why not say “legal officer with at least 10 years’ experience”? Why do you not say—bring some type of flesh to what you are appointing? Because the Attorney General appoints. Now, one presumes from reading this, in a practical sense, the Attorney General will go to Cabinet and get Cabinet approval for these appointments, but it is his recommendation and so on. The Attorney exercises an authority here in law:

“The functions of the Attorney General under this Act may be exercised by the Attorney General in person or through a public officer or legal officer who is—

(a) employed in the Unit;”

But it does not tell us anything, what this public officer might be, who this might be, an AOIV. What is this public officer? What are the qualifications of a public officer to exercise draconian powers of an Attorney General? That is a critical in a society that is so wired, that if something is happening, something is brewing, the news spreads, a rumour starts here and somebody gives somebody an email or a text or a WhatsApp or something and say, “Look, something is cooking. Something is happening.” I am not sure that we can make good law by looking at it in this way.

The functions of the Attorney General—it is provided in another piece of legislation, I am not sure. But there is another piece of legislation that deals with a delegation from the Attorney General, a delegation of authority. But it is not in

this loose way. When you delegate authority you qualify that authority to a state enterprise or a commission of some kind. The commission will do this or do that, but someone employed in the unit, a public officer or a legal officer.

You could have somebody hypothetically coming out of the Hugh Wooding Law School, and the next year they are a legal officer in the unit. And you say that person is now exercising powers, great powers of an Attorney General. It ought not to be done so because you sit here today, when you come this side to sit, you may not like that, you may not like that, and you may object to another Government interpreting the law that you passed. So just take it in mind.

The Attorney General authorized in writing, well, I mean, that is fine but it speaks for itself:

“acting under and in accordance with the general or special directions of the Attorney General.”

So the Attorney General really is the unit. He establishes this unit, appoints someone to act on his behalf and “tells dem” what to do. Should we be building this type of—and I am shocked. If I am told that this is a requirement of the international community, I would be shocked, that they would want it this way.

Madam Speaker:

“The Attorney General shall, within three months after the end of each year, cause a report with respect to the performance of his functions under...”

Again, it is laudable and the Attorney General said it himself, that you will get a report from the unit. But it does not spell out—it tells here what the annual report would say:

“(a) court listings;

- (b) international cooperations;
- (c) forfeitures; and
- (d) any such matters as the Attorney General considers necessary.”—and the time frame.

But again I am missing something, maybe it is here and I am not seeing it.

You are saying that someone employed by the unit and someone in writing authorized by the Attorney General will do everything the unit has to do. What the unit has to do? Report, court listings, international cooperations—there is no other wider functions here, Madam Speaker, of this unit. They say the functions of the Attorney General will be exercised, but presumably it is for the entire—and Mr. Attorney General could correct me—Anti-Terrorism Act. Correct? So it is a unit being established to assist the Attorney General to play his role for the entire Anti-Terrorism Act, which carries broad powers.

We may not be able in a debate like this to go through the entire Anti-Terrorism Act that we have before us, but this carries enormous responsibility, a significant role for the Attorney General. I am not sure that the Attorney General can properly delegate his responsibility to a public officer and a legal officer, put up a unit—there are no other functionaries that we are hearing of for this unit, there is no other technical appointments to be made to an Anti-Terrorism Unit. I am just a little bit concerned that the unit is not a full-fledged unit, made up of different organizations, different technical bodies, implementing an important piece of legislation.

What is the number—again, I am not seeing here, how many persons are in the unit? As it is now, the unit is one person. Who else is in this unit, which other

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organization, which other commission, which other important bodies? There are no bodies really, except a public officer or a legal officer, and that is the unit. I will just ask the Attorney General to consider whether you have to expand and tighten up on what is this unit to assist. They get an important power to implement the Anti-Terrorism Act on behalf of the Attorney General in law, in statute. You are going to put that in law. These have serious legal implications.

Now, if the Attorney General decides one day—the Attorney General or his successor—that “dey firing” someone, they have a job in law, in statute here. This is not part time, temporary, contract appointment kind of business, this is where you have a job prescribed in an Act of Parliament. There are serious implications of this. I am not sure we can look at it in this way and just let it pass.

Dr. R. Moonilal: Madam Speaker, I know I have about two minutes?

Madam Speaker: Hon. Members, it is 4.30. Member for Oropouche East, in citing your extended time I was erroneous. I said 10 minutes instead of 15. So that at 4.30 you are entitled to six minutes and about 55 seconds. All right? So you have more than two minutes. You will finish now? So can I ask if we have the concurrence to just let him continue? Please proceed.

Dr. R. Moonilal: Thank you colleagues. Thank you for the Christmas spirit in the House.

Madam Speaker, I just want to close now by indicating that these are the fundamental concerns that we have with this legislation. Colleagues on this side of the House we are always, might I say, interested in giving support to good legislation. The Government can today claim not one piece of legislation to fight crime in which we did not give support or give recommendations. [*Desk thumping*]

Madam Speaker, I also wanted to come back to the money laundering matter in closing, that money laundering takes many, many forms. It may not be—as the Attorney General is saying as you follow the money—just big, big, big portions of money all over the place. We have this impression that sometimes you think of money laundering, and a lot of us watch movies and you think it is suitcases of money going somewhere. At one time people thought money laundering was literally putting money in a washing machine and drying it. But it takes many forms, and over a period of time you can see patterns and you can see what is happening.

We must also guard about governments, not this Government or this Government alone, but governments establishing patterns of behaviour that can give rise to money laundering. The Attorney General, I think, is on the right track by his deep and passionate concern for following the money. Because if it is that we can find examples where—Madam Speaker, I am coming across information where in a particular Ministry persons are appointed with titles, a title as “special technical officer”, and a person has a title “special technical officer”, \$40,000 a month for a period of time, and when you read the contract all it says is “expert administrative and financial service advice for a Minister of Government”. I never know a Minister had a technical officer in that way. I know of advisor, something called “special advisor”. But I am now seeing that we have people being appointed as “special technical advisor”, and when you read their contracts, “expert administrative and financial services”.

And, Madam Speaker, \$40,000 a month to do that, to be a technical advisor to a Minister, all a contract says is “expert financial and administrative services will be

rendered”. Over a period of time money is going, and this is an appointment that is done by a Minister. I raise this in the context of the other appointments that they are discussing, which—two Ministers alone are appointing this entire amendment Bill. This entire amendment Bill is really two Ministers appointing that.

When you have examples of this, you may well find when you look Mr. Attorney General that persons are related to Ministers or not, related to public officials who may not be Ministers or may be, and they are the recipients of money that is seeping. So money laundering is not bulk money, but leaking money through the public service as well.

Madam Speaker, I thank you.

Madam Speaker: Hon. Members, we will now take the tea break. This House is now suspended. We will return at 5.05.

4.34 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: I recognize the Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Mr. Deputy Speaker, for your permitting me—recognizing me actually, to make a small contribution in the debate in respect of the Bill entitled an Act to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01.

Mr. Deputy Speaker, it has been often stated in the course of this debate what the

purposes of these amendments are. They were very clearly adumbrated by the hon. Attorney General and there is no need for me to, in such detail, repeat that. At any rate we all have copies of this document, the Bill in our possession, but before I get into the elements of it that I propose to, Mr. Deputy Speaker, I must attend to one or two of the matters raised by the Member for Oropouche East who spoke just before me and before we took the break.

The Member in his layman's way attempted to define and to give examples of money laundering. I think in so doing he made passing reference to the appointment of special technical advisors across the public service in a most half-baked and unimpressive manner, I might add. I think a better example of the possibility of money laundering has to do with a situation where, for example, the issuance of a contract for a wastewater treatment plant at the Beetham, just outside of the capital city, in fact, on the entrance to the city which was, from the records we all know in this country, given to a contractor for \$400 million more than the lowest bidder in that round, when all of those who bid had pre-qualified.

And for those who do not know, pre-qualification means a process where all those who were interested, expressed interest and bid for this contract would have satisfied the evaluation team that they were capable of doing the job, they had the manpower and the resources and all of that capacity to do the job. So the only thing to separate them would be price, and here we had where a situation where a company was awarded a contract for \$400 million more than the lowest bidder. That contractor disappeared from this country on the day after the elections in September of 2015. I think that is a better example.

Another example, in passing, that very contractor in 2010—we were in Opposition,

I treated with this matter. Some basic and minor repairs, not to rebuild, you know, Mr. Deputy Speaker, repairs to a market in the quiet district or village of Siparia, that very contractor was able to secure a contract that was the beginning, the opening salvo, for \$56 million, not to build, you know. It was already built, but to carry out minor repairs. I saw that. The records of this country show that. I think that is a better example; the same contractor I am talking about.

If it were not so sinful, I would have made reference to the alpha and the omega, in the beginning early in 2010 and up to the last with the wastewater project on the Beetham and then disappeared, maybe to hell.

And finally, in terms of an example, because this is what we are dealing with in the amendments in front of us, Mr. Deputy Speaker, a very good example of money laundering, not as feeble and weak as appointing persons to act as advisors or technical advisors to Ministers in Ministry, which has been going on for decades in this country, was the appointment of one Resmi Ramnarine to head the SSA out of the blue [*Desk thumping*] for whom a salary of, I think, about \$40,000 was made easily available by the last Government. In fact, I think the records now show because she admitted it, the Member for Siparia.

So let me move on from those wonderful and potent and better examples of money laundering. And if nothing else, it serves to remind me every reason why the people of Trinidad and Tobago were correct to have acted in the way they did in 2015 September and they must keep it so, otherwise, colloquially speaking, “dog eat their supper.”

Mr. Deputy Speaker, the Member for Oropouche East as well mentioned this very painful national experience that was and that is Clico where this country was called

upon to protect itself against major meltdown, not only in Trinidad and Tobago, but across the region. It was made to expend 23 billion Trinidad and Tobago dollars to prop up what was now apparently an insolvent and collapsed arrangement called Clico.

And I remember, again, between 2010 and 2015 we were told that the matter was solved by the last Government once and for all. It took this Government to really solve it, and not only solve it, but to work hard on behalf of the taxpayers, the people of Trinidad and Tobago, whose \$23 billion was invested in that debacle to fight to get back that money for the people of Trinidad and Tobago. And that we did.

But the Member gets up here today, you know in England they would say, “you swallow a whole elephant and yuh straining on a fly.” A fly “choking yuh” or a gnat, but you swallow an elephant—coming to talk about the issue of now legal fees, you know, as an example of money laundering as we debate the amendments to the Proceeds of Crime Act, Chap.11:27.

Coming to talk about legal fees which, by the way, began to be paid while the UNC was in office and it falls to us, so we continue. But I am happy to inform this nation because I have, from where I sit in the office, I have knowledge and I am able to say truthfully to the people of Trinidad and Tobago from this platform that that entire matter is now in an advanced state of maturity, and a day will come not too long from now—I thank you very much. I cannot say more.

Let me come specifically to the question of the—well just in passing, again, Mr. Deputy Speaker, the Member for Oropouche East commented rather interestingly enough on the contribution of my friend from D’Abadie/ O’Meara, and went on to

regale us with some unnecessary information about he was the Member's tutor and all of that. What he did not tell us is who was the tutor for the Member for Tabaquite, PhD as he is, he did tell not us who was the tutor for Dr. David Lee, doctor as he is.

Mr. Lee: Mr. Deputy Speaker, 48(1). Where is this gentleman going with all of this? [*Crosstalk*]

Mr. Deputy Speaker: Members, hold on. Member for Chaguanas West, please.

Hon. F. Hinds: Mr. Deputy Speaker, I will move on. That was a matter in passing, a minor matter, petty matter, just passing because the Member for Oropouche East raised it. If he did not, I would not comment on it.

Mr. Deputy Speaker, as we do this, we introduced—this Bill says in clause 3 that:

“The Anti-Terrorism Act is amended—”

And in part of that, in (b) of this amendment, we are:

“...inserting after section 38A, the following Part”

—and it is entitled—

“Part IIA”

—under the rubric—

“The Anti-Terrorism Unit”

—and we are establishing an—

“Anti-Terrorism Unit”.

And of course, the Member for Naparima in his usual jolly manner, but for some of us not so jolly—painful—but in his usual manner he got up here today asking hypocritically, in my view, and that is not unparliamentary, who is this person to be appointed or these persons, because the amendment suggests that there is

established in the Office of the Attorney General a unit to be known as the Anti-Terrorism Unit, “the Unit” it is called.

“(2) The functions of the Attorney General under this Act may be exercised by the Attorney General in person or through a public officer or legal officer who is—

- (a) employed in the Unit;
- (b) authorised by the Attorney General in writing; and
- (c) acting under and in accordance with the general or special directions of the Attorney General.”

The Member for Naparima, I know he has only recently come around here, but he is asking who is that person, what is their qualification?—as though this formulation is new to him. I submit to him by way of reminder, it is not. He is very familiar with it.

38D suggest in subclause (2), or subclause 38D:

“A report under subsection (1) shall contain such statistical and other information as the Attorney General thinks fit...”

—and we went on.

The Member for Oropouche listed it, I do not have to go over it, but I am only saying it for the benefit for the Member of Naparima who was calling for a report, but it is here.

While he was debating this Bill with the Bill in hand, telling the Attorney General that he should issue a report about the number of—the international corporation, about what forfeitures they did, what was the value of all of these, while he was asking for it, it was almost like negotiating or asking for that which you already

have. It is in front him. So, I just wanted to point that out.

And mercifully for this country today, the measures in front of us do not require a special majority because you would have heard the Member for Naparima in the course of his contribution say, he is taking issue with the Attorney General who in some past occasion or occasions removed the provisions in a Bill before us that required a special majority, and he is in condemnation of the Attorney General for that. But, of course, the right-thinking citizens of this country will commend the Attorney General for passing laws because had it required a special majority they would give him objection after objection. So these measures do not require that. I just wanted the Member for Naparima to know that that which he was asking for was right there in the open in front of him in the Bill.

As for the Member for Oropouche East, in the course of his contribution he specifically called on the Attorney General, and I am not the Attorney General, I am Minister in the Ministry of the Attorney General and Legal Affairs, but I have the documents as the Member for Naparima and the Member for Oropouche East have in their position. And the Attorney General did say in his very pellucidly clear presentation that this business of establishing a committee to be known as the National Anti-Money Laundering and Counter Financing of Terrorism Committee, NAMLC, N-A-M-L-C in terms of acronym or by way of acronym.

I heard the Attorney General say in his presentation this was a requirement of the CFATF, the Caribbean Financial Action Task Force, which consists of 25 regional countries as a subset, a smaller group of the Financial Action Task Force of the world. So he did say that, and he said it was a requirement.

When we did the mutual evaluation in Trinidad and Tobago and which we

performed relatively badly, and we as a Government are now trying to get us from paucity to a position of pride and out of the risks that we speak about within the last weeks around here. Recommendation two, because out of that came 40 recommendations. When they evaluated Trinidad and Tobago they issued 40 recommendations, and nine immediate outcomes.

One of the recommendations, in fact, recommendation two, and I am reading a bit from it, dealing with national cooperation and coordination. And our rating in that was only partially compliant according to the CFATF.

The mutual evaluation report recommends that existing...

And I am quoting because the Member for Oropouche wanted it.

...recommends that the existing national Anti-Money Laundering and Counter-Finance Terrorism committee be established in law.

So, he was asking for facts and figures. Well he has it now. In law para 434, Criteria 2.2 in March of 2007 according to Minute 350—that has been around for a long time, since 2008. They spent five years and three months and a little too much in Government and they did not know this. He is asking about it today.

So there it is in answer to his very banal and empty question. Right in front of him, again, out in the open, but they cannot see that which is good. They only see that which is bad.

As I continue, this business of tipping off, it was raised by the Member for Oropouche East. Now, tipping off is well known to the common man, where you tip off somebody, you give somebody information. And the Member for Oropouche East wanted to know and he specifically asks of us, whether by creating this amendment an offence called—well it already existed, but our

amendment today, so it existed for the last “how much years”, you know, under their watch, you know, it was right there, you know.

Mr. Al-Rawi: Since the year 2000.

Hon. F. Hinds: Since the year 2000. He is now questioning us about tipping off. This is what is partly disturbing.

So, we are now amending it, again, on the say-so of CFATF from the Mutual Evaluation Report, because when they raised the question of tipping off, we pointed out to them that we have laws because an inchoate offence is an incomplete offence; an attempt typically. So you attempt to steal, that is an inchoate offence, attempt to commit arson and these things, those are incomplete offences, but where you cross the threshold, you did not just have it in your mind, you did some act that demonstrated it was your, in law, intention to bring about the result of the arson or the rape or whatever the crime might be. So it is called inchoate, meaning loosely, incomplete.

And when we pointed out to them that we have laws like aiding and abetting and so on that could deal with persons who are in the know about money laundering and tip off, they specially pointed out “that eh good enough”. Permit me in colloquialism, “that eh good enough”. They wanted us to amend the law specifically, but for the benefit of the Member for Naparima who boasts of his educational qualification though he jumps up and down like a—he jumps up and down—

Mr. Al-Rawi: Energetically.

Hon. F. Hinds:—energetically. For his benefit, unlawful tipping off typically is the unlawful disclosure which is likely to prejudice a money laundering

investigation. Let me repeat that, a money laundering investigation. So that this tipping off provision here, and the reason why they told us that what we have on the books is not adequate is because the tipping off we are dealing with here today is specific to money laundering; and that is the point.

I hope the Member for Naparima in the midst of his jumping up and down like an inanimate object, stiff, provoking for those who do not like those toys. *[Laughter]* I hope in the midst of his jumping around and provoking the whole country as indeed some have—my constituents have complained to me. It has to do specifically with the business of money laundering and the offence typically is where a person in the regulated sector, meaning the financial institution regulatory apparatus, chooses to inform a person suspected of a money laundering offence that he or someone else has made a lawful disclosure.

So under the law it is lawful for someone to give a suspicious transaction report, and when someone in the regulated sector tips off the person against whom that report is made, that is what this is all about specifically, hence the reason why we are dealing with this specifically today and the generality of the other law is not sufficient. I think I need say no more on that.

But I must say, I have heard the Member for Oropouche East today express and he asked curiously a number of things. He is very—when it comes to these matters, matters of money laundering, Financial Intelligence Unit, mutual assistance in criminal matters, and these matters that touch and concern financial misconduct, and the dragnet is being spread to deal with this and to tighten up the loose ends, and to block the little crevices through which money launderers go and hide, the Member for Oropouche East and others, are particularly curious and ask some very

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troubling questions.

But as a student of criminology I study, I listen, I look, I learn; but that is for another time when I give my professional opinion. But for the time being as a parliamentarian we are in a debate here, and I am dealing with what is in front of us.

The Financial Intelligence Unit, Mr. Deputy Speaker, is the primary institution for the collection of financial intelligence and information and the analysis, dissemination and the exchange of such financial intelligence, and this will include information among law enforcement authorities, financial institution and listed businesses. Among the functions, I would not read all of them of the Financial Intelligence Unit is:

One:

To "...receive suspicious transactions and suspicious activity reports from financial institutions and listed business."

Two:

To "...request financial information from a financial institution or listed business...to facilitate the exercise of its powers..."

Three:

To "...analyze and evaluate reports and information upon receipt thereof, to determine whether there is sufficient basis to transmit reports for investigation by any local or foreign law enforcement authority;"

Four,:

To "...collect information as required for—
...annual...reports..."

tactical analysis,..."

—and what have you, and to disseminate this information. And that is basically the functions of the Financial Intelligence Unit.

Recently, without harking too deeply back, we came here with an amendment to the Income Tax law Chap. 75:01 to allow this unit, in light of these lawful written in the law functions, to be able to access tax information so that, according to 10 of its functions, it said, I read a while ago, to facilitate the conduct of its work. And there was stiff objection from my friends on the other side to improve the ability of the Financial Intelligence Unit to carry out its work.

So today, I heard the Member for Oropouche East criticize—no the Member for Naparima, criticize the Attorney General about the question of special majority which I raised a while ago, and thank God this does not require it otherwise is objection after objection today. And the UNC, their spokespersons, the Member for Siparia, a Senator called Gerald Ramdeen and others, they have publicly stated that they intend to take that amendment to the Income Tax Act to the court, to challenge it in the court, so deftly they are against it, and stopping it from being able to conduct its lawful functions. That is what we are dealing with. That is what this country is dealing with.

And the Member for Oropouche East asks about the SARs, the suspicious transactions, because as we have discussed here before, in the Financial Intelligence Unit report of December 2017 in respect of its receiving of suspicious transactions and suspicious activity reports, STRs and SARs, respectively. The unit received in 2017, between 2017— So, he has asked for more elucidation on this matter. So, I am providing it as a Minister of Government to my friends on the

other side, and the public is eavesdropping too, so they are benefiting from hearing this. Not eavesdropping, listening as they are entitled to. Yes.

The FIU received a total of 877 STRs and SARs in that period. This represented a 19 per cent increase over the previous reporting period of 2016. So whoever was doing those things, they improved it by 19 per cent in 2017. And the figure in 2016 was 739. It jumped to 877. Of the 877 STRs/SARs received, which included both completed and attempted transactions, inchoate transactions where they tried to it but they were blocked by the system, caught them, sent them away or did some other thing so that they did not get through, the report from them says, 765 related to suspected money laundering and 112 to suspected financing of terrorism. STRs and SARs relating to suspected financing of terrorism were 12.8 per cent of the total figure.

To answer his question, the total monetary value of the 877 suspicious transactions was \$22,045,740,881 in total value. This, the report says, was an unprecedented increase because of the accumulated money value of suspicious transactions reported for the previous five years was only \$4.5 billion.

So, you know, when you hear you are going through the supermarket at Christmas time you know they does have one or two competitions where you have the basket and you could go down the aisle and collect as much as you can collect in your basket. Well you start off a little slow, but when you hear they are reaching to the end of time, men “start grabbing ting”; that is what we are seeing here, full up the basket just because they go. If I may be permitted a metaphor. [*Interruption*] Yes. Proving that “taking basket” is a serious thing, costly thing to the taxpayers of Trinidad and Tobago. And also proving to me that you must never let the UNC

take part in no basket competition in the supermarket again. [*Desk thumping*]
Never! “It dangerous”.

So the thing continues. I am just satisfying the curiosity of the Member for
Oropouche East who I have noticed, based on my studies of the law, and I told you
just now, I did a postgraduate programme in criminogenic studies.

Hon. Member: Correspondence course.

Hon. F. Hinds: Correspondence? I attended the University of London direct,
[*Desk thumping*] inside. Never failed an exam yet. Every one self-financing, no
GATE. “Didn fail none”, every one, and was accepted to do a PhD too.

5.35 p.m.

Hon. Members: “Whoooo.”

Hon. F. Hinds: But, you know, in those days there was no GATE about, so I
came back home and I laid my bucket down, and I am still serving you today.
[*Desk thumping*] I will leave the higher studies to my “pickney them” and the other
“pickney” across the nation. That is all right. That is all right.

But let me continue to satisfy the curiosity of the Member for Oropouche East.
The five most common reasons for filing STRs and STRs, and by the way
members of the public, it is the banks, and financial institutions, and listed persons
who in the course of their work discover these things and they are duty bound in
law to report them to the FIU, which they did, and the FIU is just analyzing what it
got. And the five most common reasons: money laundering, 179 transactions;
fraud and forgery, 171 transactions; drug trafficking, 161 transactions; suspicion
financial activity, 143; and financing of terrorism, 112. And it is all presented here
in graphic terms or in another way, so I hope I have satisfied some of the curiosity

of the Member for Oropouche East, who as I insisted a while ago, is a very curious person.

So much so that the EMBD has a matter in the court, and I will be careful what I say because I know how to say it, Mr. Deputy Speaker, without getting afoul of you. And they were pursuing in the course of trying to trap taxpayers' money that they had suspicions about, they sought the court's intervention to get an order to look into some bank accounts to see certain things in the course of their investigation. They got the court's order, so to do. They satisfied a judge that they could go into somebody's bank account and see the amount of money, and when it was put, and who put it, and all relevant issues around it. This is happening in Trinidad and Tobago, the EMBD. The matter was appealed—because I want the public to know they calling on the Government to lock up people, you must lock them up, “eh dey, dey, dey, dey thief all de money, lock dem up.” Locking them up is not always so easy. One, we have many laws that we are now trying to amend, and when it requires a majority there are persons in this Parliament who are opposed to it. Second, secondly, people who do these things “doh” just sit down and let the police come or the Fraud Squad come and take them. They put up the best defences, and they get the best lawyers.

Mr. Deputy Speaker: Hon. Member your initial 30 minutes have expired, you have an additional 15, you care to avail?

Hon. F. Hinds: Yes, I do.

Mr. Deputy Speaker: Proceed. [*Desk thumping*]

Hon. F. Hinds: Thank you very much. [*Desk thumping*] They do not sit still and take it so. If I may be permitted, they are wiggling around all the time to avoid

grasp, they appeal, they get the best lawyers, all manners of things, they bribe people, all kinds of things, so it is a moving target. [*Mr. D. Lee stands*] I did not call no name. I never “throw no corn”.

Mr. Lee: 48(4).

Hon. F. Hinds: I did not call no name.

Mr. Lee: Imputing improper motives.

Hon. F. Hinds: To who? To who?

Mr. Deputy Speaker: Members.

Hon. F. Hinds: I did not call no fowl.

Mr. Charles: They do all kind of wiggling.

Mr. Deputy Speaker: Member, again, you can proceed. In terms of the word—in terms of “bribe” could you restate please, but proceed. But I would like the word to be expounded please.

Hon. F. Hinds: Okay, Mr. Deputy Speaker, financial inducements, [*Desk thumping*] financial sweetening, to turn a blind eye, to say nothing—[*Interruption*]

Mr. Deputy Speaker: Members!

Hon. F. Hinds:—to hide evidence. [*Interruption*] “I throw meh corn but I didn't call no fowl.” [*Laughter*] “Ah saying cluk, cluk, cluk, somebody saying cluck, cluck, cluck.” [*Laughter*] It reminds me of “My Boy Lollipop”, that was a popular tune back in the '60s. But it has a tune “oh Mr. Lee, Mr. Lee, but we cyar sing it here.” [*Laughter*]

Mr. Deputy Speaker, so just to get to it very quickly, they appealed the matter, curiosity. I have been talking about curiosity. Would you believe a recent Minister in the UNC Government spent three days listening to these proceedings in

the court, sitting down listening, and when asked why, explained that he was following the arguments very curiously. Watching the arguments according to him. Three days take away from his other responsibilities, likes and dislikes, and went and sit down and listen to these proceedings in the court. But “I eh calling no name”. I am just making the point.

So, Mr. Deputy Speaker, as we come to the close of my contribution, one of the matters that the Member for Tabagite raised was the question of the NAMLC and the composition of it. The Bill says we will “insert after section 57 a new Part 2A dealing now with the National Anti-Money Laundering Counter Financing of Terrorism Act.”

So you have in 57A subclause (1) the establishment of NAMLC, where it shall be established, and the purposes are outlined there. It goes on in sub (2) to say:

“The NAMLC shall comprise a minimum of nine, but no more than fifteen, persons members selected from among—

(a) persons representing—

- (i) the Ministry with responsibility of Finance;
- (ii) ...national security;
- (iii) the Attorney General;
- (iv) the Director of Public Prosecutions;
- (v) the Commissioner of Police;
- (vi) the”—FIU—“Finance Intelligence Unit...;
- (vii) the Central Bank;
- (viii) the Chairman of the Board of Inland Revenue;
- (ix) the Trinidad and Tobago Securities and Exchange

Commission; and”

—offensively to my friends on the other side—

“(b) such other persons as the Minister”—sees—“fit.”

And those words the Member for Naparima made a song and dance, and animated jump up and down whole morning about, whole afternoon. I just want to say as I close, to the Member for Naparima, notwithstanding his gleeful exuberance—

Hon. Member: Histrionics.

Hon. F. Hinds:—and histrionics. Yes. What I have just read here is akin to, meaning very similar to, the Central Authority in terms of or under the auspices of the mutual assistance in criminal matters law, Treaty and law, because it has been incorporated into the law books of Trinidad and Tobago.

In other words, it is there all the time. And recently we passed and proclaimed, we amended and proclaimed the Children's Authority package of legislation, and in there there is a committee to be established, and it has the identical words, “such other persons”. They are familiar with it. But today the Member for Naparima unashamedly gets up here and behaves as though it is you—[*Interruption*]

Mr. Deputy Speaker: Silence please.

Hon. F. Hinds: And what I am telling you about existed as a formulation while the UNC was in Government. It is not new. It exists in the Jamaican law, in the Barbadian law, in all the countries of Egmont. It is there.

But for them it is a reason to make a song and dance as they look for issues to object to, but mercifully, these important measures do not today require a special majority. For if it had, they would have used their parliamentary power to obstruct the work of the FIU, to obstruct the efficacy of the Proceeds of Crime Act, and to

interfere with the management of financial arrangements in Trinidad, so as to protect the people from terrorism, arms and weapons financing, financing terrorist organizations, laundering money. These things are so important, I must, before I close, remind my friends on the other side that that airport issue that is now 19 years old, still going on in Trinidad and Tobago, demonstrating my point, that you could lawyer these things almost to death, unless you remove preliminary enquiries, and do the things that we have been coming to here.

Mr. Al-Rawi: Section 34.

Hon. F. Hinds: Yeah. And when they had a chance with their own section 34 they spoilt it. I was about to say corrupted it, but that might be unparliamentary, so they spoilt it, they warped it, twisted it, gave us the impression they were going to use it to clean up the backlog in the court, to make the system flow more smoothly, and criminals will get their day more efficiently and more quickly in the court. It was something else to give their friends a chance to go away with a get-out-of-jail card.

So, these things are important. That airport matter, it was not the Trinidad and Tobago authorities that detected it, you know. Mr. Manning, may his soul rest in perfect peace, a great servant of the people of Trinidad and Tobago. Mr. Manning told us, that after a visit to the US, a US President told him that he had learnt in the course of his presidential work of certain things coming out of Trinidad. It was their anti-money laundering apparatus that picked up the movement of billions of dollars. So when I heard my friend from Naparima talking a while ago about \$25 billion and 15 years in jail. Well, the laws of Trinidad and Tobago say, if you cannot pay the fine, you do the time. So, if you “doh” have the 25 billion you go

to jail for 15 years. Simple as that. So that is why we put it, either money for a fine, or imprisonment; and that has been so all the time.

Mr. Charles: And.

Hon. F. Hinds: Well look, it is “and” or “or”. You do not understand the Interpretation Act. You do not understand the interpretation of the court. I do not expect you to understand. I would not expect you to understand, but that the courts are never constrained by words of Parliament, so even if they see “and” they interpret that to mean “or”. Am I correct? All the lawyers know that. [*Crosstalk*]

Mr. Deputy Speaker: Order please!

Hon. F. Hinds: But just remember, you know, if you are a bull bucker, I am a conqueror.

Mr. Deputy Speaker: Member! Member! Member, direct the Chair please.

Hon. F. Hinds: I am obliged.

Mr. Deputy Speaker: Direct the Chair.

Hon. F. Hinds: I am directing it to you. I want to repeat, if the Member for Naparima, having grown up opposite to a cemetery that is all he could—

Mr. Deputy Speaker: Member, move on! Move on to your next point!
[*Crosstalk*] Move on to your next point!

Hon. F. Hinds: I am moving on.

Mr. Charles: Standing Order, 48(4) offensive and insulting language.

Mr. Deputy Speaker: Member! [*Crosstalk*]

Mr. Charles: 48(4). [*Continuous crosstalk*]

Mr. Deputy Speaker: Member! Listen—[*Crosstalk*]

Hon. F. Hinds: Mr. Deputy Speaker, nothing is wrong if you grow up opposite to

a cemetery.

Mr. Deputy Speaker: Member, all I am saying—Member, all I am saying is direct your comments to the Chair, and proceed!

Hon. F. Hinds: I am obliged. I am directing it to you as I conclude.

Mrs. Robinson-Regis: The Member for Naparima has been across the floor, very insulting to me—

Mr. Deputy Speaker: Okay, no problem, Member.

Mrs. Robinson-Regis:—using offensive and perhaps even offensive language and also language that is certainly not becoming of this House.

Hon. Member: Profane.

Mrs. Robinson-Regis: Profane language.

Hon. Member: “Whoooo.” [*Crosstalk*]

Mrs. Robinson-Regis: Yes.

Mr. Deputy Speaker: Again Member, if I am to respond to your comment, those comments did not reach the ear of the Chair.

Mrs. Robinson-Regis: Thank you for that, Mr. Deputy Speaker.

Mr. Deputy Speaker: In terms of other arrangements and policies and procedures of the Standing Orders you can proceed accordingly, but other than that the comments were not to the ear of the Chair. Proceed, hon. Member.

Hon. F. Hinds: I thank you very warmly. And finally, our amendment as proposed today into 55B of POCA, the Proceeds of Crime Act, is really and simply to make exempt from criminal, civil and administrative liability whether or not the underlying criminal activity was known, or any legal activity occurred. And we are there amending a provision that now exists, which deals with exemption of

liability, where it says:

“When the report referred to in section 55A is made in good faith”—in good faith.

Those are the operative words, much like when I said a while ago, I am directing this to you. Opposite does not mean grow up in. [*Laughter*] In good faith, the financial institution or listed business, and their employees, staff, directors, owners or other representative as authorized by law shall be exempted from criminal, civil or administrative liability as the case may be for complying with this section, or for breach of any restriction on disclosure of the information imposed by contract or by any legislative regulative or administrative provision regardless of the result of the communication, regardless of the outcome. So what we are doing today is just reaffirming and re-enforcing that.

Mr. Deputy Speaker, of course, there is much more to be said but time does not permit. Time has run. So, I should retain my seat, except before I do, I must urge all Members of this House to understand that if you are against criminality, crime, if you are talking about murders and mayhem that is taking place in Trinidad and Tobago, one of the best ways, since most crimes have their root in the desire for money, whether it is kidnapping, whatever, most crimes, if you are serious about this, Opposition, if you are serious about this, UNC, one of the best ways to tackle all crime in this country, blood crimes as well, is to improve on these measures so that we will take the cash out of it. We will hit them in their pockets where it hurts most. And when we do that, and we continue to close the gaps and tighten up the dragnet, and we can do that successfully as other countries have been doing, then we Trinidad and Tobago would be well on our way to dealing with white-collar

crime, blue-collar crime and red-blood crime across Trinidad and Tobago. I would like to thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: Hon. Members, before I recognize the next speaker I would like to recognize in the public gallery of the Parliament Chamber the representatives and delegation from the National Assembly of the Parliament of Guyana. I would like to recognize [*Desk thumping*] hon. Lt. Col. Ret. Joseph Haman, MP; [*Desk thumping*] Minister of State in Guyana, and I would also like to recognize hon. David Patterson, MP, also [*Desk thumping*] Minister of Public Infrastructure in the Guyana Government. And they are here with the Ministry of Works and Transport on an official visit to Trinidad. [*Desk thumping*] So welcome and we do recognize you and your other two colleagues. I recognize now, Member for Chaguanas West. [*Desk thumping*]

Mr. Ganga Singh (*Chaguanas West*): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I too would like to commend the delegation from Guyana who are here with us today. [*Desk thumping*] Several members of the delegation are my good friends, [*Laughter*] so that we have had a long history. The Minister of Housing and Urban Development, Minister Dillon, would be aware of that history. Mr. Deputy Speaker, when I listened to the hon. Member for Laventille West, he engaged in an exercise in which he indicated that with the Income Tax (Amdt.) Act, that the Member for Siparia and Sen. Gerald Ramdeen had intentions to take the matter to court, and they indicated that. But that is their right. [*Desk thumping*] It is their right, as the hon. Member for Siparia did with the Commissioner of Police legislation and the court vindicated her position. [*Desk thumping*] So you are seeking by your utterances to deny people the right to court? [*Desk*

thumping] That is a fundamental right in this country. So I cannot understand that level of abuse of power on your part. [*Desk thumping*] And I want to indicate to the hon. Member when he spoke about, that he knows how to say it, and that he knows—he has all this knowledge in this particular area. Self-praise is no recommendation, and that if you seek to deify yourself you are in the wrong profession.

Hon. Member: “Well putted”. [*Laughter*] [*Desk thumping*]

Mr. G. Singh: Mr. Deputy Speaker, I wish to thank now the hon. Member for opening up the debate in the context that he responded to my colleague and he desegregated and listed the areas in the arena of the suspicious transactions. We are very grateful for that. But as I see my colleague, the Member for D’Abadie/O’Meara walking out, I want to indicate to him that Napoleon said that an army marches on its stomach. And I felt from your contribution, you ate too much macaroni pelau. [*Desk thumping*]

Mr. Deputy Speaker, it is my intention to deal with a few amendments, deal with a few of the amendments. One, the first amendment I wish to look at is this question of the removal in the legislation of insurance agent from the law. What is the purpose of that? What is the purpose of removing insurance agent from the law? What is the purpose? Mr. Deputy Speaker, it is common knowledge that insurance agents collect and deposit significant sums of money, and collectively within the insurance agency millions and millions of dollars can be deposited. So why is there this necessity for the removal of insurance agents from this piece of legislation? [*Desk thumping*]

Hon. Member: Who you are protecting?

Mr. G. Singh: Mr. Deputy Speaker, what is the purpose of this? Darius Figaro, university lecturer, in his work “Corruption, Cocaine and Murder in Trinidad and Tobago” speaks and states of the role of insurance agents in money laundering. Million and millions of dollars that can be laundered through insurance agents in some of the top agencies in this country. So I cannot understand why. Is there some agenda with the removal of insurance agents from this exercise? [*Desk thumping*] And I want to know really that having regard to the fact that you have the legislation, the legislation provides, and the FATF recommendation does not exclude insurance agents. It includes insurance agents. So, whilst we acknowledge that there is a role for CFATF, there is a role for FATF, there is a role the Global Forum, as indicated by the hon. Minister, why is it that you are now seeking to eliminate that from the process?

Mr. Deputy Speaker, this is the definition of financial institution according to FATF. It means, inter alia, any natural or legal person who conducts as a business one or more of the following activities, or operations for or on behalf of a customer, underwriting and placement of life insurance and other investment-related insurance. This definition applies both to insurance undertakings and to insurance intermediary’s agents and brokers. So if the FATF legislation includes both agent and broker, then what is the rationale for removing agent from the definition in Trinidad and Tobago? [*Desk thumping*] You know, the Government comes and says, “trust me”. Trust me, but what is the removal of this definition? You see, Mr. Deputy Speaker, there is a trust deficiency in this Government. You have before us in this Parliament, according to the Constitution, coming from the Police Service Commission through the President, three nominees, notifications for

three nominees for Deputy Commissioner of Police; ACP Dulalchan, acting; you have Harold Phillip; and Harikrishan Baldeo. This process will no longer be *functus* come January.

So this Parliament is ending in December, whatever time in accordance with the Leader of Government Business, and we as a Parliament, which the requirement of the law, have not dealt with these notifications from the President. A subversion of the Constitution of this country. [*Desk thumping*] Because come January it will all lapse and you would have to start the process again. Because you see, Madam Speaker, Mr. Deputy Speaker, my apologies, if you seek to deal with constitutional legislation in that manner then what are you telling us what you are going to deal with other things. Abuse of power and distrust you create. Mr. Deputy Speaker, in the *Newsday* of Tuesday, 04 December, 2018:

“Govt waiting for new DCP list early next year.

None of the six senior police officers whose names appear in an order of merit list for the post of Deputy Commissioner will be selected for the three vacant positions.

Sources said ‘Government is waiting until the list is exhausted in January next year and the post will be advertised and a new selection process held.’”

That is what it is. It is a subversion of the Constitution. A subversion of the law, and you stay quiet. So, it is before this Parliament, but it is not before this Parliament. That is the kind of subterfuge that takes place, and the level of hypocrisy. [*Desk thumping*] And you know, Mr. Deputy Speaker, this legislation also calls for the removal of the Unit Trust and the NIB from the supervision of the supervisory authority. Why? The question is, why? Under section 55(b) of the

Proceeds of Crime Act a Supervisory Authority, FIU can enter your business place to:

- (a) inspect any business transaction record or client information record kept by the financial institution or listed business pursuant to this Act and the Regulations made thereunder and ask any questions relevant to such record and to make any notes or take any copies of the whole or any part of such record;
- (b) determine whether a compliance programme has been implemented; and
- (c) determine whether there is compliance with this Act or any Rules or Regulations made thereunder.”

What is the reason for the removal of the Unit Trust Corporation and the NIB from being subject to physical inspection and technical compliance in this regard? Mr. Deputy Speaker, my colleague, parliamentary colleague, Member for Laventille West, he will tell you that if after a period of time you do not pay your mortgage it becomes statute barred, and that you may become the beneficiary of a mortgage that you did not pay because the period become statute barred. [*Desk thumping*] And my colleague, the Member for Laventille West can provide you with the details of a matter.

Hon. Member: Really?

Mr. G. Singh: Because a \$300,000 mortgage in the 1980s became statute barred. So when he comes here, and as a paragon of virtue, he has knowledge that few amongst us have. [*Crosstalk*]

Mr. Deputy Speaker: Members, please, the shouting across the Chamber I am

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not going to tolerate it. I am recognizing the Member for Chaguanas West.

Mr. G. Singh: So my colleague from Laventille West would be acutely aware, so that is why we have to keep the NIB, amongst other things, under close scrutiny so that the potential political beneficiaries will not be able to get away with it as they have done on previous occasions. [*Desk thumping*]

Mr. Deputy Speaker, the NIB is a significant financial institution, billions and billions dollars. Why it is we are moving it out? Is it because that there are investments to be made, and that therefore those investments ought not to be under the scrutiny of the FIU? [*Desk thumping*] Mr. Deputy Speaker, I can tell you from my own experience in this Parliament, when one of the persons who was engaged in the Clico fiasco, a former treasurer of the PNM—

Mr. Imbert: It is not Caroni Central?

Mr. G. Singh: No, it is not. It is not. He was never a treasurer of the PNM—bought shares in the Home Mortgage Bank, and when I raised that matter through the then Prime Minister, God bless his soul, Patrick Manning, he caused an investigation to be done and then he got the NIB to purchase the shares of the Home Mortgage Bank that was held by the PNM treasurer for \$135 million. So that is why I say, keep the NIB within the portals [*Continuous desk thumping*] and the embrace, and the supervisory jurisdiction of the FIU.

So you understand, because they went through a whole—they amended the Act. It is a whole “setta play”. It is only at the end. Prime Minister knew nothing about it, but when he knew he put an end to it. So, I want to know: What is the purpose for this amendment? There has to be, if it is that you are going to stop money laundering, is this going to be the avenue for money laundering? Is the Unit Trust

going to be the avenue for money laundering? Is the Unit Trust going to be utilized to make investment at the direction of the political directorate?

Mr. Deputy Speaker, these are serious matters. We are supportive of legislation to put an end to money laundering, anti-terrorism activities, and to bring a level of scrutiny to all these institutions. We are supportive of that. We are politically exposed persons and we know what we carry with that.

6.05 p.m.

But I cannot support the removal of the supervisory jurisdiction of the FIU [*Desk thumping*] from the NIB and from Unit Trust. They are two important institutions, and the way this Government is hungry to lay their hands on the money of the state enterprises [*Desk thumping*] we have to insist on their supervisory jurisdiction of the FIU.

Ms. Ramdial: Agreed.

Mr. G. Singh: Mr. Deputy Speaker, you see, when I want to deal with the area of the insurance agent, I want to indicate also that my colleague, the Member for Laventille West raised the issue of the matter of the EMBD and the production orders given by the court. He raised the matter. But I want to ask the hon. Member for Laventille West whether or not that these production orders related to EMBD matters are not inter-articulated with the whole question of campaign finance and whether or not the removal of the insurance agent from under the embrace of the legislation, despite FATF recommendations for their inclusion, is related to campaign financing for the People's National Movement. [*Desk thumping*]

I say no more at this stage, but I also want to ask the Attorney General: When is

the much promised campaign finance legislation coming before this Parliament? [Desk thumping] We are faced with a local government election; that is due in 2019. Whether it would be carried out is a matter for the Government and, of course, we have a 2020 general election. When is the campaign finance legislation coming before this Parliament in order for us to deal with a lot of the corruption that takes place in Government, through patronage, Mr. Deputy Speaker? So all that the Member for Laventille West spoke about has to deal with the absence of campaign finance legislation guiding that process.

Mr. Deputy Speaker, the other area that my colleagues, the Member for Oropouche East and the Member for Naparima spoke, and I want to commend them for two articulate and erudite contributions. [Desk thumping] Mr. Deputy Speaker, this issue about the role of the DPP. Why is the DPP—the office of the DPP—not the office, you know, selected from the Director of Public Prosecutions, why is there this mixing of the civil jurisdiction of the Attorney General with the criminal jurisdiction of the DPP. Why? It is, as my colleague indicated, a volatile mixture. It is not appropriate for this society to enter into that realm and that therefore this is a matter that one needs to look at, and the whole question of the composition and so on dealt by my colleagues previously.

You see, Mr. Deputy Speaker, when we come to the area of the anti-terrorism unit, this is a matter that really within my constituency reaches home. You will recall, Mr. Deputy Speaker, that early this year when it had the anti-terrorism laws before this Parliament there was a raid in Mohammedville. And during the Carnival, it was about a Carnival plot and about terrorists and it occupied the headlines. To date nobody has been charged under the anti-terrorism laws, no one, with respect

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to that matter.

Hon. Member: That is not true. That is not true.

Mr. G. Singh: No one with respect to that matter.

Mr. Deputy Speaker: Members, please.

Mr. G. Singh: I am not talking about—

Mr. Deputy Speaker: Please! Members. Direct the Chair, and AG, please.
Proceed.

Mr. G. Singh: With respect to the group in Mohammedville. Mr. Deputy Speaker, in my own constituency the Prime Minister went in the mosque in Monroe Road, the Prime Minister went and said that they raided a mosque that was involved in this Carnival plot. Mr. Deputy Speaker, you know what transpired? In routine maintenance they found these guns, the people from within the mosque, and they reported it to the police and that is how they knew. So it had nothing to do with no terrorist plot. Nothing to do. And how it reach there is a matter for the police to look after, not to go and paint it in a prejudicial fashion as a terrorist plot, because it is reflective of the kind of Islamophobia that is taking place as a result of the actions by this Government. [*Desk thumping*]

Mr. Deputy Speaker, when we look—we recognize that under the legislation that the Attorney General has significant responsibilities within the anti-terrorist law. But the question that arises, that, why are you putting this terrorism unit within the Ministry? The Attorney General in his presentation indicated that the Central Authority is the model and that therefore that model is the model that he is using to set up this anti-terrorism unit. As my colleague indicated, from what it appears, it is a one-man unit.

My question is, and what has been the example worldwide, Mr. Deputy Speaker, is that you have an intelligence unit and you also have a law enforcement component. So the intelligence unit guides the process and then you have the law enforcement unit. That is done in the UK, it is done in Canada, it is done in other countries, but you do not have this anti-terrorism unit, which, from the face of it, really, from this amendment, we have to find out what are the functions of this unit. So why not set up—and where is the link with the Commissioner of Police? Where is the link with the office of the Commissioner of Police, that he is on the National Anti-Money Laundering Committee? But, where is the link between what you are setting up and to what effective law enforcement? That is not there. So there is a lack of linkage. So how is it going to be effected?

So what we are doing is passing laws that will lead to implementation failure. [*Desk thumping*] So implementation failure is built in to this process in which the law will not be effective. So the Attorney General in his response has to demonstrate to us how is the link between this anti-terrorism unit and the law enforcement to deal with. My colleague, the hon. Attorney General dealt with all the suspicious transactions of that nature and so on, but I want to say that when you look at the work being done by the police and, in particular, Commissioner Gary Griffith, he has created the conditions for the country in which there is hope, that there is hope that the crime fighting done by the police will allow to provide the conditions for safety and security, and not for a flowering of terrorism activity in Trinidad.

Mr. Deputy Speaker, you will recognize that if there is any—how can I put it?—if there is an award for an individual of the year in Trinidad and Tobago for 2018,

there are two contenders for that award.

Mrs. Robinson-Regis: Me and you.

Mr. G. Singh: You have—you have a different award. [*Laughter*] You have an award for taking care of an indisciplined bunch in the Parliament on your side.

Mr. Deputy Speaker, the Commissioner of Police will no doubt be one of the contenders, in my own mind, for individual of the year in Trinidad and Tobago, the other being someone who has brought transparency and openness and created and filled a political vacuum that existed. Mr. Devant Maharaj. [*Crosstalk*] Those would be the two contenders for individual of the year in Trinidad and Tobago in my mind and in my opinion. [*Continuous crosstalk*]

Mr. Deputy Speaker, so that therefore when you look, you look at the legislation, the legislation now deals with the whole question of the company directors. Mr. Deputy Speaker, if you have a situation where you are a member of a board and you are a professional and that you have a situation where you go to a board meeting and you are given the assurance that you are giving a donation to a religious body and you have established through due diligence the nature of that body, and then you find out that that body gave a donation to a religious body that was linked to terrorists. Then you have a problem. In this law as it is currently structured, you have a problem.

So, Mr. Deputy Speaker, I want the Attorney General to look at that and prevent and provide the kind of measures that will prevent that kind of abuse of power or where people are caught within the web of that so that we can allow for the running of business without that kind of problem.

So, Mr. Deputy Speaker, historically we have been supportive of this type of

legislation. This legislation was brought by the People's Partnership with amendments in 2011 and 2014. But our role here as the Opposition is to point out to the Government that what we feel, the gaps in the legislations and that is their role to take these recommendations to bear upon their deliberations at committee stage. And the next question, Mr. Deputy Speaker, [*Crosstalk*] is the whole question of the proportionality of the fines, and my colleague, the Member for Naparima raised that issue and I just really would like for you to deal with that also because it seems to me that it appears very disproportionate.

So, Mr. Deputy Speaker, with these few words, and I think this may be our last session, I want to take the opportunity to wish you and all my colleagues all the best and a safe and sound Yuletide season. Thank you very much. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith): [*Desk thumping*] Thank you, Mr. Deputy Speaker, for allowing me to partake in this debate which is:

“An Act to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01.”

Mr. Deputy Speaker, it is a common cry by those on the opposite that we can pass legislation but putting into action is where the Government usually falls. I am sending out a cry to the Opposition, those opposite me today, to show your support to aid action; show your support of this Bill to aid action. And I want to go back to the Proceeds of Crime Act of 2000. That Act was passed:

“...to establish the procedure for the confiscation of the proceeds of certain offences and for the criminalising of money laundering.”

Mr. Deputy Speaker, now this Bill by the way was amended in 2009, 2012, 2014 and 2015, and if I can recall during those times those on the opposite were in Government and they were responsible for all the various amendments. But, Mr. Deputy Speaker, after all those amendments had been passed, in speaking to the financial investigation branch of the Trinidad and Tobago Police Service, they have many challenges and I want to quote some, just about two. One of their challenges is that there is an inordinately long time for matters to be ventilated in court. Another one is, the legislation did not criminalize the act of persons who attempted to aid, abet, conspire, procure, facilitate money laundering which has been included in this Miscellaneous Provisions Bill. So that is now included in the Miscellaneous Provisions Bill.

Mr. Deputy Speaker, I want to speak, even with these challenges, about the spread of money laundering charges before the courts in Trinidad. And on my own count, I will quote here from another document from the FIU Unit. Total number of money laundering charges, 1,175; total number of persons charged, 41 persons; the value of money laundering charges, 51 million and more; US 1 million, Canadian—and this is inclusive of cash and property. Matters being investigated, 71 matters; terrorist financing matters, total number of terrorist financing matters being investigated, 50.

Mr. Deputy Speaker, what I want to point out to you, eh, is that these charges are held before courts in various jurisdictions in Trinidad; in San Fernando, in Arima, Chaguanas, Point Fortin. So many places we see the spread of money laundering.

And sitting here and listening to the last speaker it is almost as if those things are not important. But I want to say, I cannot sit here and not speak, because there are many passionate officers, hard-working police officers who over time are frustrated by the lack of the appropriate legislation to procure and to bring these matters before the court to conviction.

And today I want to compliment the Attorney General for bringing this piece of legislation, because this piece of legislation, Mr. Deputy Speaker, it now attempts—the mere attempt to aid and abet is now criminalized. Before we had to refer to the Accessories and Abettors legislation where a person can only be punishable on summary conviction. Now a person can be tried as a principal offender. And, you know, it worries me that the opposite side always seems to be fearful when we speak about stiffer legislation, when we refer to stronger legislation as it refers to money laundering. But you know, Government must always adhere to certain obligations and we must always promote approaches that cover legislation to act in a persuasive and dissuasive to the extent that a person must be obliged to do the right thing so that there is a sanction for a person who even attempts to engage in money laundering. And if we have persons at various jurisdictions throughout this country we must send severe sanctions to deter. The very nature of the sentences show now that money laundering is a serious issue; is a serious offence.

I listened earlier on to a Member opposite who was speaking about, we were talking about these offences as if it is manslaughter or murder. Mr. Deputy Speaker, it could be worse. We talk about the Anti-Terrorism Unit, we talk about terrorist financing, we talk about money laundering, Mr. Deputy Speaker, and look

at these small amount of persons that I linked up here, I showed you earlier, and the amount that are still before the courts, and the amount of money that has been seized so far. It has been frustrating to many officers going on a scene and they could not take these matters further because of the lack of legislation to carry it to the finality and get convictions.

And that is what we talk about on this side. We talk about action, we talk about getting convictions before the court, but yet, I have to sit here and listen to all kinds of platitudes across the floor this afternoon. This is a serious matter. Yes, it is Christmas time, but money laundering fosters another crime. *[Laughter]* It is a serious matter. And we are sitting here and talking, throwing banter at each other, and we have a piece of legislation before us which would complete an activity that would make the job of action easier for the officers to operationalize these things.

Mr. Deputy Speaker, we speak about different units and what is the meaning of different units. And crime and criminality, we are fighting against enterprises, but yet we talk about the AG's office wanting to establish an Anti-Terrorism Unit and that would be one person. Mr. Deputy Speaker, I had the privilege to tour with other members of the AG's unit and I can tell you that it is necessary at this time. When we talk about terrorist financing, if we in Trinidad do not want to talk about it, it is something that is spoken globally. Other Governments take this action very serious. When we are dealing with anti-terrorist activities, Mr. Deputy Speaker, it has far-ranging results. So, Mr. Deputy Speaker, far-ranging results.

Mr. Deputy Speaker, during my stay so far in the Ministry of National Security, I have had the privilege to sit with the team of NAMLC persons. And on that team there is a representative from the AG's department. So that the representative of

the AG's department has to bring forth certain critical information to the team of NAMLC and some of the information that they would bring to that meeting would be court listings, international corporation, forfeitures and other matters that we deem necessary. On that committee for NAMLC, you have sitting in that committee, members, the Commissioner of Police, you have members of the Financial Intelligence Unit, members of the banking fraternity.

Mr. Deputy Speaker, so what I am trying to tell you here this evening is that that unit, whoever represents that Financial Action Task Force, they are now empowered to bring critical information to that team. We are talking about—NAMLC is responsible for facilitating the implementation of national anti-money laundering, counter financing of terrorism and proliferation financing policies and to maintain oversight of the national AML, CFT framework. NAMLC is required to cooperate, coordinate and exchange information concerning the development and implementation of policies and activities.

So, Mr. Deputy Speaker, when we speak about the National Anti-Money Laundering and Counter Financing of Terrorism Committee and we speak about the Anti-Terrorism Unit and we speak about the functions of NAMLC we see a strengthening of units to deal with crime and criminality in Trinidad and Tobago. Dealing with crime and criminality in Trinidad and Tobago, it takes strategic action, it requires support and it requires support of all of us in this House here. And I call on all of us because crime and crime fighting is a continuous action. It does not stop when another Government comes in office. This Government—I must applaud the AG for keeping that level of continuity and following up on legislation that came before.

Mr. Deputy Speaker, section 53 of the POCA legislation:

“would be amended to provide for the offence of facilitating money laundering and to impose higher penalties on public officers...”

—and many other persons are mentioned in this section in which the AG spoke about earlier.

So, Mr. Deputy Speaker, it brings every one into action and it speaks also about facilitating, capacity enhancement amongst all sectors. It speaks about facilitating the exchange of information between public and private sectors through the creation of awareness workshops, publications, electronic sources of information. So the mandate of these two units is one that would guide the operation of the members of the Trinidad and Tobago Police Service in their strategies and their activities and in their enquiries, Mr. Deputy Speaker, and we speak about doing enquires to get conviction in court. It does not happen just like that.

[MADAM SPEAKER *in the Chair*]

Madam Speaker, before I sum up I want to remind all persons in this House, because only yesterday I was at a function. And when we sit in this House and look at frivolities to just have a debate going, there are people outside who are looking at us. And I have a message that I was given to bring to this honourable House and I have to share it because this Act that the AG brings before this honourable House this evening, this Bill, it seeks to engage all of us in a manner that we talk about because we talk about crime, crime is on our agenda every day. But yet still when we come into this honourable House to have debates we cannot see eye to eye on having that agreement, that agreement to take it forward.

And the message I got yesterday is one which came from a noted person in the

Seventh-day Adventist Church and he said to tell you all, if my people, according to Solomon, if my people could turn from their wicked ways then they would all be forgiven. And he referred to that in the instance that we talk about crime fighting and we talk about legislation, but we must all have that inclination, that inclination to promote legislation that would create the awareness for people out there in society that they would turn from their wicked ways. Because as a Government we could try and need to have tried and we need to have sanctions that would let people know, that listen, it is time to do things the right way. But when we have activities in a country where persons know that they have a defence counsel standing there to defend, because in that last legislation under section 45 they mentioned the defenses. The AG seeks today to deal with those issues where laying charges in court to deal with persons under the Proceeds of Crime Act, the activity will be made much easier to be completed.

Madam Speaker, and so I ask this evening, I ask of us all, let us support good legislation. [*Desk thumping*] Let us stand for legislation which would deter persons in this country from engaging in acts of terrorism, in acts of money laundering, in acts of corruption, and I again, on behalf of the message I brought this evening, let us engage in activities that would foster a country and a people that would see no profit in money laundering, anti-terrorism activities in Trinidad and Tobago. Let us foster and support legislation that would bring back our country where we would have peace and harmony and in this spirit of Christmas, in this time, I want to ask us all in this honourable House let us look at the reality.

The Member for Naparima earlier said that this Government does not seem to be in line with reality. Yes we are in line with reality. The time has come, yes, when we

must engage in some stiffer penalty to show that crime does not pay. And according to my colleague from the Member for Laventille West, if you did the crime you have to do the time. [*Desk thumping*] If you “doh” have the money you would do the time. Simple.

Madam Speaker, I thank you for affording me this privilege to stand here this afternoon because the offences under this Bill which—the four clauses, they are really very relevant, they are needed at this time, very simple clauses. I want to take this opportunity to wish all my colleagues here a very blessed holy season and with this Government in office, with the attitude we have, seriousness [*Desk thumping*] and determination to bring back law and order in this country we will stand firm and we will stand and ensure that good legislation is passed. Let us not in the New Year, as I stand here, let us try—every time we have legislation to pass which requires a special majority there is problem, there is a problem. Do we not think that legislation will assist officers of law to engage in this country to reduce crime?

Mr. Lee: Is that a question or a statement?

Mrs. G. Jennings-Smith: I leave that question for you, [*Crosstalk*] the Member for Pointe-a-Pierre. I leave that question for you. [*Crosstalk*] You have a long holiday coming up. You can ponder on that, ponder on that and let us seek to make a difference in this country. I thank you, Madam Speaker. [*Desk thumping*]

6.35 p.m.

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, I, like my two previous colleagues, will not detain the House for any major length of time, but there are certain concerns we have still remaining that I would want to proffer to the

Attorney General and to seek some answers to these questions. The first is, the Attorney General has proposed that the passage of this legislation, with all the amendments, is part of the requirements for compliance with FATF and CFATF, and in his statement at the beginning he spoke about the 40 actions: we were compliant in 12; partly compliant in 13; not compliant in two, and so on. I want to indicate that, for us, there has been no evidence that any of these amendments which are listed on the recommendations of FATF or CFATF—are these recommendations listed in the 40 recommendations, Attorney General? And as such, could you give us some supporting evidence to substantiate that these requirements are necessary to satisfy compliance with CFATF and FATF?

The fundamental flaw in this approach of the Government is that the passage of this legislation alone will not bring this country into a state of compliance. And if it does, such an assessment will not last for long, AG, because the assessment by the regional and global bodies is a work in progress. The important aspect of this legislation, the aspect of compliance—but without effective operationalization of the legislation with real and tangible results, it would be a fait accompli that Trinidad and Tobago will once again find itself as a jurisdiction that is on a noncompliant list to be blacklisted. So the operationalization of this legislation is critically important. And if you find yourself unable to put into effect the issues that you have brought in this legislation, we will find ourselves back on the blacklisting.

Just a while ago the Member for Toco/Sangre Grande spoke about a three-fifths

majority requirement for this legislation. We all know that this does not require a three-fifths majority. It requires a simple majority. And so we have reasons for concern. But you would remember that the Attorney General passed a piece of legislation recently which needed a three-fifths majority and had to take off all the areas requiring the three-fifths majority and brought out a simple piece of legislation. So we are mindful of the work of the Government and we are very careful in our approach towards passage of Bills with the present administration.

Now, the Director of Public Prosecutions, my colleague from Oropouche East spoke about his—that person's inclusion in the 16-member team, and he mentioned the need for separation of powers. But I want to make an additional point on that, that the office of the DPP has to advise the Trinidad and Tobago Police Service in these matters, and he is a person—he or she—who is in charge of prosecuting persons for these offences. But when the office of the Director of Public Prosecutions at present confirmed that out of 125 offices in the Office of the DPP, 73 were vacant, so is it not more important for us to fill these offices and to ensure that we have the manpower to operationalize this piece of legislation before we pass it? So we should look at the things that we need to do to ensure the operationalization of this will be successful.

Madam Speaker, throughout the discussion a while ago for the afternoon, I asked some of my colleagues—and I am bothered about it. The Bill proposes to amend section 53 of the POCA, the Proceeds of Crime Act, 2000, in the following manner, and I quote:

“A person who knowingly attempts, aids, abets, conspires, procures or otherwise facilitates the commission of an offence under section 45 commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment of fifteen years.”

The question I want to ask for the attorneys in this House, if they can give an understanding of what “knowingly” means. What are the ingredients that have to be satisfied for a person to be knowingly aware of something for a commission of a criminal act? So educate us, the non-attorneys in the House on the issue of “knowingly”.

I want to indicate as well, Madam Speaker, the Attorney General is proposing an amendment where the law as it currently stands, and has been for the last 93 years, provides for exactly what is being proposed. I have been told and advised that in this jurisdiction we have an Accessories and Abettors Act, Chap. 10:02 which provides by section 2 as follows:

“Any person who aids, abets, counsels or procures the commission of any indictable offence may be indicted, tried and punished as a principal offender.”

So this is similar—this has been there for 93 years and I see no big difference between what the Attorney General is proposing in this Bill, which is the amendment Bill—what is different? So how is the Attorney General proposing an amendment to the law when the law as it presently stands provides exactly for what is being proposed for more than 93 years? There is no magic to what is being

proposed.

Madam Speaker: Those points have been advanced—

Dr. T. Gopeesingh: Umm?

Madam Speaker: That exact point has been advanced in that exact manner and I have allowed you a lot of breadth and—

Dr. T. Gopeesingh: Right. Okay.

Madam Speaker: —all the points you have dealt with have been advanced. I would ask you to go on to another aspect which we have not heard as yet, please.

Dr. T. Gopeesingh: Yes. The other point I want to make, there is the issue of facilitating a crime. What are the major ingredients in facilitating a crime? So the attorneys and the Attorney General should indicate to us what does that mean in terms of facilitating a criminal act. As you mentioned, there was the question of disproportionality in terms of the fines for the public servants, so I would not go into that again.

The establishment of NAMLC. They shall make rules to govern its own procedure. Are these rules—are they going to be approved by Parliament or not? I think we have not had the answer to this. What are the functions of the unit? We have not been told what the functions are, but there is no provision in the Bill that details what are the functions of this unit. What is more critical is why is this unit being set up under the Attorney General and not the Commissioner of Police? I think it has been briefly mentioned by my colleagues before.

The issue of qualifications of the members within that area—the members of the

committee—have been spoken about. I want to ask one more question, which is the question of the supervisory authority being empowered to enter into the premises of any financial institution. Could you, Attorney General, give us an understanding that—is it the supervisory authority that is going into the premises of financial institutions? Do they have legal coverage? Do they have legal permission to go into the—or they can just march in into somebody’s institution and demand to have information given to them? And that is a very important issue in terms of the enshrinement of constitutional rights and the rights to privacy, because you are going into a financial institution; the financial institution might be governed by individuals in a private sector. So is this supervisory authority going to barge into that financial institution and demand that certain important aspects of their performance be looked into?

So these are some of the questions we wanted to seek the answers to: “knowingly”; whether the supervising authority can go into somebody’s institution at any time; whether this legislation is really necessary because there are already—CFATF and FATF have not asked for these pieces of legislation to be brought forward and, therefore, we await some of your answers in your winding up. Thank you very much, Madam Speaker.

The Minister of Tourism (Hon. Randall Mitchell): Thank you very much, Madam Speaker. I did promise the Member for Caroni East that I would get up and make a small contribution if he did.

Hon. Member: That is the only reason?

Hon. R. Mitchell: Madam Speaker, I thank you for recognizing me to contribute on this, a Bill to amend the Proceeds of Crime Act, the Anti-Terrorism Act and the Financial Intelligence Unit of Trinidad and Tobago Act. And, Madam Speaker, we are here once again to correct certain deficiencies identified in our financial system and to bring our legislation in line with global standards, in line with our obligations to the Financial Action Task Force with respect to anti-money laundering and counter terrorist financing.

And, Madam Speaker, it is necessary to explain to the population why we are here, time and time again, arising out of the deficiencies identified in the mutual evaluation reports, to continually try to improve our legislation and to improve the financial system so as to ensure that money laundering is not allowed to proliferate, or terrorist financing. And it is very important. At the special select committee I had the opportunity to ask the head of the FIU a question, and the question was: “What were the adverse impacts of money laundering in our society?” And the head of the FIU gave us an understanding that money laundering comes after the fact of a predicate crime. Money laundering is after, that deals with the proceeds of the crime. So any criminal act can generate the illicit type of funds that would require money laundering, which is to get the illicit funds—most times in cash—into our formal financial system.

Madam Speaker, our crimes can be generally categorized in two ways. About 10 per cent of our crimes can be deemed crimes of passion, and 90 per cent of our crimes are driven and motivated by profit. The type of crimes are some of the

most heinous crimes: human trafficking, organ trafficking, trafficking in arms and ammunition, kidnapping, murder for hire, as well as drug trafficking and other financial crimes such as fraud, theft, tax evasion.

Madam Speaker, where these criminals are allowed to freely benefit from their crimes and launder the proceeds of their crimes through our formal financial system, it would be very, very difficult to arrest the scourge that is crime. I know the Member for Chaguanas West praised the new Commissioner. Of course, they did not support the appointment, but they praised the new Commissioner, and we praise him too. But the Commissioner and the police can do what they want. They can double their resources, triple their resources, but unless they take away the ability for criminals to benefit financially from their crimes, a real dent in crime will not be—[*Desk thumping*]

Mr. Hinds: That is right. That is right.

Hon. R. Mitchell: So, Madam Speaker, for example, a kidnapper or a drug trafficker may have successfully engaged in his criminal activity for 10 years and laundered his money for 10 years, and in the 11th year he is arrested and charged, and he goes to jail for 10 or 15 years, but what happens? He comes right back out, back into the very house or the very cars that his illicit proceeds would have purchased.

Madam Speaker, we hear about the arrest and charge, but we do not hear about the seizure of the proceeds of the crime. They go into jail. It is just a cost of the criminal's business. So that is the reason why we are here. So I will confine

myself just to the amendments to POCA, in particular clause 2 of the Bill before us. And these amendments are really just to tighten and make more robust our financial system. But before I go into that, I want to also comment on the cost of compliance; the cost of this anti-money laundering system—the cost of it—and the cost to counterterrorism financing.

Madam Speaker, whenever you think of cost to address money laundering and counterterrorism financing, you think about the cost to the FIU, the cost of this sitting, the cost to fund the police units involved in financial crime, the cost of the banks to comply to fund a comprehensive compliance unit, training, et cetera. And it may sound uneconomical on the face of it because worldwide—I read a statistic where \$3 or \$4 or \$5—the ratio is it costs \$3 or \$4 or \$5 to chase down \$1 of money laundered. But, Madam Speaker, we have no choice because in this society we do not want crime in our neighbourhoods; we do not want crime in this society, so it is necessary.

So, Madam Speaker, clause 2 of the Bill with respect to the removal of the agents, Madam Speaker, the Financial Action Task Force requires us to take a risk-based approach, and on that approach these agents—the risk of money laundering is very low and therefore they ought not to bear the burden of compliance.

With respect to clause 2(b), this is the amendment that deals with tipping off. So this amendment introduces a new type of tipping off, so let us talk about it in practical terms. So someone comes to the counter at a financial institution—a bank,—they attempt a transaction and the teller makes a report to the supervisor.

The supervisor makes a report to that bank's compliance unit. The compliance unit reviews all the information before it and then decides whether or not to make a disclosure to the FIU. Where that disclosure is made to the FIU, or where the FIU subsequently does its analysis and makes a disclosure for an investigation to the police, where, at that stage where the disclosure is made to the FIU, or the disclosure is made to the police, where tipping off occurs—tipping off that is likely to prejudice the investigation—that is an offence. And we do not know whether or not persons have been charged for that type of tipping off. We do not know.

But, Madam Speaker, this new amendment creates a new type of tipping off, which is before the compliance unit of the bank decides whether or not to make a disclosure to the FIU. So someone comes to the teller; he make a transaction that arouses that teller's suspicion. That teller must now go to either his supervisor or the compliance unit and make a report on that suspicion. Where a tipping off occurs at that stage, a tipping off that is likely to prejudice the review by the compliance unit, that person is caught. And, I mean, Madam Speaker, it is very important, because in practical terms, the person who is at the teller attempting the transaction may very well be a criminal, and what the tipping off can do is to, not only prejudice the report, but that tipping off can prejudice the entire financial system. The tipping off can have very adverse effects on the very employees of the bank.

Imagine a kidnapper being tipped off that X teller has just made a report of a suspicion that money laundering is occurring. What would be that teller's position

if the secrecy and the confidentiality provisions are not observed?

Mr. Singh: Not a good example.

Hon. R. Mitchell: It is a good example. [*Desk thumping*] Because with this whole anti-money laundering thrust and criminals wanting to benefit from the formal financial system, the persons who object, or try to ensure that they do not partake, those persons may very well be in danger. And that is a very, very real example; a very real fear at banks today.

Madam Speaker, with respect to the amendment to section 51 and the introduction of the new 4(a), this new clause is really to encourage the information sharing between financial institutions in a group, to ensure that the financial system as it occurs within a financial group is even more robust. And I recall the story—well, the example of the Madoff scandal, and in the Madoff scandal, JP Morgan—

Hon. Member: A Ponzi scheme.

Hon. R. Mitchell: A Ponzi scheme, yes. JP Morgan in the UK had identified suspicious transactions but they did not share those suspicions with the JP Morgan in the United States. Madam Speaker, we all know the end of that story. Billions of dollars were lost and JP Morgan was actually fined \$2 billion for that deficiency and that failure to report the suspicious transactions occurring the UK to their branches in the US within that group.

Madam Speaker, in subclause (c), it creates the ancillary or inchoate offences of facilitating money laundering and “knowingly” is just the mens rea as opposed to “recklessly”. Madam Speaker, with respect to clause 2(f), the amendment makes

very, very clear that banks, bankers, lawyers with their professional liability issues, are exempt from offending the legislation where they, in good faith, make a suspicious report.

Madam Speaker, there are matters where, for example, a company may approach a bank to conduct a particular transaction. The transaction may be to purchase some piece of equipment or something abroad, and where that suspicion is raised, and STR or an SAR is reported, it may very well be within that bank's procedure to freeze the accounts of the company, and as a consequence of the freezing the company may lose out on some sort of profit. And this ensures that with banks in their compliance and in their obligations under the FIU and under POCA, they are exempt from contractual liability where any losses may occur as a result of that report.

So, Madam Speaker, with those very few words, I would say that I support the legislation. [*Desk thumping*] I support our Attorney General, [*Desk thumping*] and I support the tightening of our laws, and in the tightening of our financial system. [*Desk thumping*]

Madam Speaker, I wish you and the constituents of San Fernando East a very merry Christmas and a bright and prosperous new year. [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Dr. Fuad Khan (*Barataria/San Juan*): Madam Speaker, I will not speak very long. Now that we are going to pass these amendments, according to what I have heard today, money launderers are so stupid that they would just be caught at a

financial institution. You know, after hearing the previous speaker, he equated anti-money laundering regulations, as we have it, to catching criminals. You have these anti-money laundering amendments, the law, et cetera, and you have all these regulations that the bank has to undergo in order to tell the compliance officer or the Financial Intelligence Unit, et cetera, what has occurred, and it is all left to the teller at the front desk who is now pushed in the position of becoming a police officer. The teller is now the police officer who stands up and says, “Yes, that transaction is a fraudulent transaction. You are bringing \$5,000 to this bank. Where did you get the money from?” And then the person indicates that, “Well, I was saving some money.” Okay. “I doh want that money inside of here. Report to the compliance officer”, who then goes to wherever, and ends up as a suspicious transaction of the \$22 billion that we have seen.

And that is what is occurring in this country, Madam Speaker, whether we like to mention it or not. We are sitting here today speaking about anti-money laundering and combating financing of terrorism and all these procedures that have been fostered—and I do not blame the Attorney General for coming with it, because he has to— by the developed countries on the small economies. And by fostering these anti-money laundering and the Central Bank anti-money laundering—I went through the whole thing, the Central Bank money-laundering regulations, et cetera and combating financial terrorism.

7.05 p.m.

Madam Speaker, let me tell you something. My middle name is Al Razi Abin

Sadullah Khan. Recently, I was out of the country and returning from Miami I was flagged. There was this red light that came up at the TSA, they went through you know, and—

Mr. Imbert: That is a UNC—

Dr. F. Khan: No, no, no, it is serious talk. Listen to this one. As I was leaving to go onto the plane itself—we passed and went on afterwards—I was pulled aside with some other people, of course—not many people were pulled aside—by the US Customs. He went through the passport—of course, obviously, he was picking who they knew they were picking—he started speaking about crime in Trinidad which I answered. Then he started speaking about ISIS in Trinidad. And then I indicated that I was a Member of Parliament, I was once the former Minister of the Health and I have also known former Minister Gary Griffith. He was in my Cabinet and we both were friends. [*Interruption*] No, no, I said so.

Mrs. Robinson-Regis: You were name-dropping.

Dr. F. Khan: I had to.

Madam Speaker: Member, do not be disturbed

Dr. F. Khan: No, no, no. He asked about Gary Griffith, the new Commissioner of Police. So I said yes, he was in the Cabinet. And then we went through the ISIS and I told him that the Attorney General is dealing with it and whatever it is, and whatever happened during Carnival, et cetera. But it dawned on me going through it—it shocked. Because of my name I was profiled maybe or something. Also looking at this legislation, Madam Speaker, the banks are forced to profile people in order to create suspicious transaction to hand to the FIU. That is what they are doing. They are doing that, and I am telling you the majority of these—

Do you think a money launder is so foolish with these regulations to go a bank and drop money there?

Madam Speaker, they have other ways of doing things. What is happening in this country right now, the banks have looked at everybody going to the bank, with any sum of money, could be \$8,000, \$10,000, whatever it may be, and then flagging these people and telling them source of funds, filling out forms, et cetera, and I have seen it happen. Recently, somebody went to take out \$20,000 to spread to their employees for Christmas, cash. He had to sit down there and wait in the bank and give explanations where the money is going, who he is going to give it to; and that is his money. That is what is happening.

Minister Imbert is saying—I mean the Minister for Finance is bawling nonsense. He has to understand that maybe he should walk down sometime or get to the ground and see what is happening to those people [*Desk thumping*] and stop sitting down—are you on the eighth floor of the Financial Tower? This is what is happening. And John Public will tell you that the bank itself—it is a horror story going to the bank. And when you go to the bank you are made to look, if you are taking money out or putting money in, to be a criminal.

What is happening in this country, people are not putting cash in the bank any more. They are keeping their cash at home and they are now subjected to people having home invasions, coming to take money, and as you say go into the system and removing their money out. People are buying US dollars on the black market. I am going you something, Madam Speaker, you see because of these laws you are going to get financial contraction in this country. You are going to get the banks starting to close and some of them have already done that. You are going get the

real estate firms going to close. You are going to get a lot of capital flight, and these laws are responsible for such things.

You see, Madam Speaker, this is an intrusion of people's privacy. [*Desk thumping*] This is Government intruding privacy and using legislation to do it.

Now, I am going to quote Thomas Jefferson. Thomas Jefferson said:

“When”—the government—“fear the people, there is liberty.”

And—

“When the people fear the government there is tyranny.”

And anti-money laundering statutes are a clear attempt to get people to fear the Government, and in doing so what you are really doing, John Public is being subjected to these anti-money laundering actions and attitudes to such an extent that they have now become, as they say, fearful of the Government that some small transaction that they do will run them afoul of the Financial Intelligence Unit.

When you look at this—I am going to read something from the Preamble. Section 55 of the Proceeds of Crime Act:

“...would also be amended so that where a financial institution or listed business makes a suspicious transaction or suspicious activity report in good faith, it would be exempt from criminal, civil or administrative liability whether or not the underlying criminal activity was known or any illegal activity occurred.”

You see, Madam Speaker, that is serious, because it is telling you, in a nutshell, that the banks will not be held liable if they make false accusations. That is what they are saying here, you know, whether it is liable or not. So they are telling the banks bring forth all the information no matter what and you will not be liable, and

what was happening the majority of suspicious activity reports to the Financial Intelligence Unit were not money laundering activities and this is now protecting the banks to over-report.

Now, Madam Speaker, you must have heard at one time the war on terror and the war on drugs. The war on drugs happened in the Reagan era, and the war on drug legislation—we had the war on drugs here. We have, as you would say, the Dangerous Drugs Act, et cetera. The Dangerous Drugs Act was passed then, and you have to ask yourself, did it stop the drug trade? It did not. But what it did, it took young black men who had two joints or two grams, or whatever it may be, and allowed police to take down a whole household and put them in jail, and they had now to defend themselves where they got those joints from. That is what the Dangerous Drugs Act did. And in so doing, these anti-money laundering issues and regulations, they are doing the same thing to John Public and to the banking system, and the financial system, to the extent that people are no longer banking.

If you look around, Madam Speaker, just take a look when you are driving and look at properties for sale or properties for rent—properties. I have been looking at it for the last three years plus. They are not being sold, they are not being rented, and construction in those areas, large areas, and commercial structures are down, because when you go to the bank you have to find 15 per cent and they might lend you 85 per cent. But then the amount of questions you have to ask for that 15 per cent, which source of funds, where you get it from, how you get it, who you get it from, give your name, address, telephone number and the size of the jockey shorts they are wearing, [*Laughter*] Madam Speaker, you know what I mean—before you could get the 15 per cent, people decide that they are not going to go to the banks.

Real estate is down and we are looking—we are architects right now, Madam Speaker, and I will tell you what we are architects of—and it will come back to haunt us in two, three, four, five years—of a destruction, the financial destruction of our economy, and you are going to find out, the Government and the Minister of Finance will not be able to give all these social service money out because there are going to be a lot of expenditure needed because our economy is going to crash because of these types of legislation.

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

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, the last speaker, my good friend from Barataria/San Juan, started off by saying that the teller was going to be the policeman and made a combination argument that that was in essence a difficult thing to do. But the irony of the situation is there that is merit in the teller being the policeman, and that is the way the system is designed to work. So the question is: Can it happen? What is the effect of the teller being the policeman? I want to thank the good and distinguished members of the AG's team for sending me an article. It is on *Loop News* and it is by Darlisa Ghouralal, 17th December, 2018. Hear the name of the article: “Two arrested for attempting to deposit fake \$3.4M cheque”:

“A chef and a bartender are expected to appear in the Port of Spain Magistrates' Court today”—that is today, 17th of December—“after being arrested at a bank for attempting to deposit a fraudulent cheque valued at more than 3 million dollars”.

And it goes on.

So right here, right now, today, one teller catches two men encashing a cheque for

\$3.4 million. [*Desk thumping*] So can the teller be the policeman? The simple position is yes. So I am starting off with the bald submission made by my learned friend for Barataria/San Juan. The way in which we change the paradigm of fighting crime is not to call upon the Commissioner, the Commissioner, the Commissioner, or the Minister, the Minister, the Minister of National Security. I mean I found it intriguing to say the least to hear another good friend, Chaguanas West, stand up and say that two people should have the individual of the year award, Gary Griffith, Commissioner of Police. Silent United National Congress not supporting Gary Griffith, Gary Griffith.

I mean, Madam Speaker, to hear my friends opposite say individual of the year should be considered as the Commissioner of Police, why could you not find yourselves to vote for him? I recall the words—clearly, there was a diligent statement coming, there was a resounding call for—Dulalchan is the man. I recall that vividly and I find it interesting that my friends opposite can say to this country, “Do as I say not as I do. Don’t call me out on my facts”. Everything is doom and gloom and question and answer never coming from the Members opposite.

Let us start with the famous Member for Naparima. Sometimes I worry for him. I am genuinely worried and perturbed for the Member for Naparima. I sometimes have to look over to Barataria/San Juan and tell him, “Ay, keep a careful eye out”. Madam Speaker, we had a little bit of crosstalk, there were a few missiles being thrown, literally in some instances. We invited the hon. Member for Naparima to turn in a particular direction so as to not be the victim of that particular contribution, but the Member for Naparima started off by asking what had we done

for the FIU, because the Member said operationalization was the issue and not the law itself.

I want to put on the record—thanks to the Minister of Planning and Development, the Member for Arouca/Maloney and the Minister of Finance, the Member for Diego Martin/North East, for ensuring that the FIU had the following support. And I want to read it into the record because Naparima stands up here bumbling through his submissions asking what has the Government done, looking almost close to a heart attack. But listen to this.

Madam Speaker, financial year 2010, total number of STRs/SARs received 111; total number related to suspected foreign terrorists, zero; 2011, 303 STRs/SARS; FT, zero; 2012, 258; 2013, 554. Madam Speaker, zero, zero, zero for 2010, 2011, 2013 for the subcategories. In 2016, we were able to climb that number of STRs/SARs, suspicious transaction reports and suspicious activity reports, to 739; for the year to 2017, 877. Here is the UNC's track record on supporting the FIU. Budgetary allocation to the FIU: 2011 zero dollars and zero cents; 2012, zero dollars and zero cents; 2013, zero dollars and zero cents; 2014, \$1.39 million; 2015, \$3 million; and under a PNM Government 2016/2107, \$7.6 million; 2017/2018, \$8.1 million; 2018/2019, \$13.4 million, and Naparima, bumbling through his arguments, stumbling upon what he wants to say, has the temerity to ask what have we done with the FIU.

Madam Speaker, it was in 2016—2018 that the FIU saw the number of analysts increased by 100 per cent under this Government. The FIU on the regulatory hired more compliance officers, human resource consultants, the approval for 14 additional compliance officers, sanction strength 49, number of STRs increasing

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140 intelligence reports, and we have to listen to Naparima ask: What you are going to do about supporting the FIU? Well, what we will do is the exact opposite of what UNC did. We will actually give them money, we will give them computer systems, we will give them financial support, we will give them human resource management capability and increase the output. [*Desk thumping*] That is what we will do. So I will take no advice from Naparima. Never will.

Madam Speaker, the Member for Naparima went further to ask—hear his point about the NAMLC in talking about the creation of the National Anti-Money Laundering and Counter Financing of Terrorism Committee. He says, “Look at the number, look at the big thing”. NAMLC is going to be appointed by the Minister who has the responsibility for NAMLC. Does the Member for Naparima understand anything? The law is clear. The reason for the formulation that the National Anti-Money Laundering Committee is to be managed by the Minister with responsibility assigned to him in this Part and I read from page 7 of the Bill, subclause (7):

“In this Part, ‘Minister’ means the Minister to whom responsibility for NAMLC is assigned.”

What is so hard to understand that the Prime Minister in exercising authority under section 74 has the power to gazette responsibilities from Minister to Member? Is the Member for Naparima so intellectually obtuse in his submissions that he cannot understand that? And that is in relation to the argument offered by the Member for Naparima. Certainly it cannot be him. I cannot say that the Member for Naparima is that way inclined, but I can say that the argument is intellectually vapid, vacant and obtuse, Madam Speaker—

Mr. Deyalsingh: And a Senior Counsel write it for him you know.

Hon. F. Al-Rawi: And a Senior Counsel wrote it for him. I wonder which one?

Self-appointed? Self-given? Because those are not the kind of Senior Counsels we are looking for advice from, Member for Naparima.

Let us go on with his submission, Madam Speaker. The Member for Naparima talking, “Everything is the Minister. Everything is the Minister”, so the Member says. He said “The US Department of Treasury in their version of it, in the NAMLC version in the United States it has the US Department of Treasury, Department of Justice, the FBI, the DEA, the Asset Forfeiture”, et cetera. Could the Member even be bothered to understand that the US President appoints all of those people? Could the Member even be bothered to ask the Senior Counsel, that wrote it for him supposedly, who appoints those people to the US equivalent? No, Madam Speaker. God forbid that Naparima should do a little bit more research than Wikipedia or something from a Singapore book. The fact is those are executive positions brought on by the President of the United States of America and we take no advice from him.

The Member asked, “Where were the examples; what was going to happen?” bumbling along in his arguments as he did. Madam Speaker, the National Anti-Money Laundering Committee, I want to put on the record what that is. The NAMLC came about in 2006 as I said before. There was a Cabinet Minute from the PNM Government in 2006. It is Minute No. 350 in March of 2006. It was under a UNC Government in November 2010 that the National Anti-Money Laundering Committee was created, and my friends opposite saw it fit, commendably, to create this particular entity, but when we look to the entity here

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is what the UNC Cabinet created:

Director of Compliance, Anti-Money Laundering, Financing of Terrorism
Compliance Unit from the Ministry of National Security;
Senior Legal Advisor to the Attorney General;
Director of Public Prosecutions;
Commissioner of Police;
Chief Immigration Officer;
Comptroller of Customs Excise;
Deputy Permanent Finance, Ministry of Finance;
Head of the FIB, of the TTPS;
Director of FIU;
Head of the Central Authority Unit;
Legal Advisor to the Minister of Justice;
Representative from the CPC's Department;
Representative from the Trinidad and Tobago Securities Exchange;
Representative from Central Bank.

I mean, for heaven's sake, are all of these people not appointed by the Cabinet of Trinidad and Tobago? It was okay for the UNC to appoint all of those people, and today we have to be lectured about the impropriety of appointing the people in the same way that was appointed under them.

Madam Speaker, how do you listen to people like that? Worse yet, the Member for Oropouche East made a sensible point, can a representative from a Minister be there? And the hon. Member went through the positions that representatives can be, special advisors, et cetera. I want to repeat this one, legal advisor to the

Minister of Justice, position No. 11. So while they sat in a UNC Cabinet for five years and three months, the legal advisor to the Minister of Justice was okay. The PNM comes to embody the law into final form and all of a sudden it is a problem, where we are putting it into parent law so the whole world will know who has been gazetted in those positions, [*Desk thumping*] so there is transparency in these positions, and now the UNC has a problem.

So let us go on the transparency point to the Member for Chaguanas West in his second individual of the year, the very transparent Devant Maharaj as he labelled him. Madam Speaker, I would like to ask my good friend, Chaguanas West to ask my good friend Devant Maharaj if they are so transparent let us give the nation a gift. Let us publish every single Member opposite's telephone number and email address [*Crosstalk*] because the country would be willing to ask the hon. Members the questions about this Bill today and about other laws that they have refused to support with consistency. I mean, I heard Naparima. Naparima had the audacity to ask which Government anywhere in the world ever came to Parliament and withdrew a three-fifths clause? Madam Speaker, I could answer that, you know. The UNC Government, under Attorney General Ramesh Lawrence Maharaj, came to Parliament and removed a three-fifths clause to deal with the THA. So Naparima does not know that. Again, "entire Bench sit down quiet". Chaguanas West was here, Caroni Central was here. The UNC Government did that, but Naparima, bumbling and stumbling in his intellectual goalpost cannot pick sense from nonsense, comes here to ask, which Government ever pull a three-fifths clause? I mean, for heaven's sake, "it hard" to sit down here and listen to him, you know. Let us continue.

Central Authority, big problem. This Central Authority, it is not defined. Some Senior Counsel tell Naparima, “There is no precedent for this. It is going to be an office of one and they doh have any staff”. Madam Speaker, do you know the Member for Naparima’s daughter, as an attorney-at-law, worked in the Central Authority Office? Do you know that, Madam Speaker? You would think that the relationship between father and daughter is so good—I understand she was a very good lawyer and I understand in exercise of her professional duties at the Ministry of the Attorney General that she did a good job, but she could have gone a little bit further, helped her father out a little bit, to point him to section 3 of the Mutual Assistance in Criminal Matters Act, Chap. 11:24, because apparently whoever the Senior Counsel was that advised Naparima forgot to tell him about section 3 of the Act, Chap 11:24 and I will read it into the record:

- “(1) Subject to subsection (2), the Attorney General shall be the Central Authority.
- (2) The Attorney General may delegate any of his functions under this Act to any public officer or legal officer employed in the Ministry of the Attorney General and Legal Affairs.
- (3) Nothing in this section shall be construed as delegating to the officer referred to in subsection (2), a power to make Regulations under section 39.”

For heaven’s sake, whoever the Senior Counsel was that advised Naparima could not read that out for him? Searching and bumbling and stumbling as he was for a precedent, this person of one who going to occupy the office as the Member for Naparima fashions his arguments, for heaven’s sake it is in the black and white

laws of Trinidad and Tobago. And I again find it difficult to stomach what comes out of the intellectual pot from Naparima. So, Madam Speaker, let us proceed. It is a good thing he is not here. Good thing he not here.

Dr. Gopeesingh: You insulted the boy in his absence.

Hon. F. Al-Rawi: Well let him be here. The people are paying him to sit down in the Parliament, not to walk away. Yes, Madam Speaker, I am being asked “Do not insult him in his absence”. Madam Speaker, we are supposed to be here in our seats, you know. We are being paid to be in our seats. Unless he has a meeting like Prime Minister does elsewhere, [*Laughter*] or the Leader of Opposition, because they are the leaders of their benches. They have that privilege. So do not ask me to ease up Naparima if he “doh” have the decency to sit in his seat and be here for the debate.

The Members ask—you know, Naparima is the big portrayer of international law. Singapore is the model. Naparima is always here to lecture us on First World standards. Naparima wants us to—“we doh trust the Government. We want to have evidence of what FATF says.” FATF cannot tell you nothing unless you are allowed to receive their information from public reports, published reports from the Financial Action Task Force. We are not permitted to disclose the action plan until it is a completed action plan. But big Mr. Singapore, Naparima, the paragon of international law, the paragon of Senior Counsel advice comes to tell us to do something that he ought to know we cannot do. He wants us to trip for him. Madam Speaker, Naparima went on to ask about the applications and listings, and he said, “Well, it is no big deal. All the Attorney General did in listing the work that they did is they went and they take the international list and they applied it”.

Those are the United Nations Security Council Resolutions.

Madam Speaker, big international advocate that Naparima is, big exemplar that he wants to be for the laws of Singapore, does not know that it is a dereliction of international duty to not apply the UNSCR standards? And for a full five years and three months we had to watch the UNC put us in blacklisting categorization, as we were, for round three and round four of the Mutual Evaluation Reports and today Naparima does not know that applying those standards is compliance with the law. For heaven's sake, Madam Speaker.

Madam Speaker, the Member wants to know about the police service—the hon. Member for Naparima. He is saying that the police service ought to have some restructuring. It was the Commissioner of Police, Gary Griffith, himself that announced that from an efficacy point of view the police will be creating a financial investigation division. The Commissioner of Police put it out, marriage of the Financial Investigation Branch, marriage of the fraud squad, marriage of the Cybercrime Unit. Those are the positions to come together to allow Trinidad and Tobago to fight crime so that there will be lightning response and thunder in the courts. That is the tag team effort that has to happen.

Now, the Member for Oropouche East asked a very sensible question which I acknowledge must be answered and I will repeat it this way. The hon. Member asked whether the law in prescribing that we have to have the inchoate offences as we do in having aiding and abetting, facilitating, procuring expressly provided in the law, the hon. Member recognized the truthful position in law. There is stand-alone legislation to treat with that for aiders and abettors, et cetera. There is also the Interpretation Act which says that the inchoate offences are attached to the

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predicate offences, and there is also the common law.

Yes, those were the arguments that we presented in our Mutual Evaluation Reports. They were not accepted by the international evaluation team and, therefore, even if it is superfluous we propose to put it into the parent law, otherwise they have said to us, we will not upgrade your status.

So it may very well be superfluous but unfortunately that is the reason. It comes about because the assessors come from civil law countries where they must have it in written statute as opposed to common-law countries and we continuously fight over those approaches.

7.35 p.m.

Madam Speaker, the Member for Naparima asked a question. He asked whether we were going to have the Attorney General enter into a jurisdiction that was not a proper one by having a harmonization of the roles between the Attorney General and the other aspects of the report. And forgive me, Madam Speaker, before I go to that, the Member for Oropouche East raised a further submission. He asked about the reporting standards and I wanted to point out, in the Member asking about the Attorney General's separate report which we proposed in this new section, I wish to point the hon. Member to section 43 of the parent Act where the Minister of National Security has a separate responsibility to report on the other matters. But because the Anti-Terrorism Act revolves around three central figures—the DPP, the Minister of National Security and the Attorney General—we felt it prudent to put a positive obligation on the Attorney General in similar fashion to the interception of communications report in the fashion that we propose right now.

Madam Speaker, the Member for Chaguanas West asked a very important question which I think the Member for Oropouche East also asked and that was in relation to the concept of agents. Why remove agents? I think that is a very important thing to observe. I would like to address that issue squarely by pointing to the definition of a financial institution. Madam Speaker, the financial institution is defined by the FATF, not in the form read out by my learned colleague for Chaguanas West. In fact, it is a much more expansive definition as they have retooled that definition most recently up to February 2018. And they say definition of “financial institution”:

“Financial institutions means any natural or legal person who conducts as a business or one or more of the following activities or operations for or on behalf of a customer:

1. Acceptance of deposits and other repayable...from the public”—
funds
- “2. Lending.
3. Financial leasing.
4. Money or value transfer services.
5. Issuing and managing means of payment...”

Credit card, debit card, et cetera.

- “6. Financial guarantees and commitments.
7. Trading in:
 - (a) money market instruments (cheques, bills...et cetera);
 - (b) foreign exchange;
 - (c) exchange, interest rate...index instruments;

- (d) transferable securities;
 - (e) commodity futures trading.
8. Participation in securities issues...
 9. Individuals and collective portfolio management.
 10. Safekeeping and administration of cash...liquid securities...
 11. Otherwise investing, administering or managing funds or money...
 12. Underwriting and placement of life insurance and other investment related insurance.
 13. Money and currency changing.”

So the concept of agency is not quite there, however, the current methodology is that agents do not work as stand-alones to be caught under this Act. Any agent who is linked or wedded to a particular product has to transact business.

Now, there are two things that really inform this argument: Our new Insurance Act has a robust regulatory environment for insurance companies on the life and whole side, the general side and life side, as well as on their permitted portfolio investments. We also regulate brokers. But agents to pass business must find themselves in that regulatory product. They do not act as independent agents by themselves and therefore, it was troublesome to broaden the net that far down the agency base, because we have put the responsibility on the people that actually write and underwrite the business because we can catch it there.

So the cost of regulation affects the cost of product, as the Member for Tabaquite has very often warned when we did the insurance debate, we did the Insurance Act. We were concerned about the cost of product. The cost of the AML/CFT regulation is a heavy cost. As the hon. Member for San Fernando East

said, it costs some \$5 to every \$1 that you are checking, and therefore that burdensome cost, to avoid it being passed on to the consumer, you have got to lighten the load wherever you permissively can do so, and the removal of agents was thought to be proper. Not only because the FATF, et cetera, said so by their definition and methodology but because it is something that is regulated safely in a different arena.

Madam Speaker, the hon. Members, Oropouche East and Chaguanas West, also asked further sensible questions in relation to the UTC and I know the UTC is something that is of concern. I acknowledge the merit of the arguments that both colleagues raised in relation to that and I wish to put onto the record, the following reflection. In particular, I take it from the UTC Act. The Unit Trust Corporation of Trinidad and Tobago Act, Chap. 83:03 provides at section 32 of the Act:

“The Board shall provide such information as may be required by the Central Bank under the Central Bank Act, or under any other Act of Parliament for the time being in force.”

And, Madam Speaker, that is a very important clause in the parent law of the UTC. The Central Bank, as a regulator for AML/CFT purposes, has direct supervisory aspects. Any written law includes the FIU compliance aspects as well. It is definitely the case that the UTC products are also regulated under the Securities Exchange Regulations and laws of Trinidad and Tobago. So we have CBTT, we have SEC and UTC Act all forming that common supervisory effect. And when you look to the risk of that portfolio and the investment schemes of that portfolio, they tend to be much more robust because of the type of arrangements in those portfolios limiting themselves to less abuse in terms of a systemic approach for

countering money laundering and the risk of financing of terrorism.

Madam Speaker, there are just a few more questions that were asked by hon. Members. I think it is the hon. Member for Chaguanas West who asked about the Government being careful to—sorry. He made the comment that the Government was hungry to lay its hands on certain assets and I want to say that we must be careful when we say that. The hunger that this Government has demonstrated for the laying of assets has really been in the creation of the National Investment Fund, the NIF, and when we created the fund, the Minister of Finance structured it, very, very, carefully, so that the trustees of the NIF fund will receive a basket of assets to be managed without disturbing the underlying management of the assets themselves. So the Republic Bank share performance continues to be Republic Bank, continues to be regulated by the Central Bank and other entities: the Angostura portfolio, the PowerGen portfolio, the other assets, the TGU assets. All of these things really are protected away from the Government and into the hands as to share ownership for a proper yield by way of the mechanisms of bond arrangements. And I want to put it straight that this Government has protected these assets.

You see, a less diligent Government could easily have said “sell the assets”, “privatize the assets”, “collect the money as a quid pro quo arrangement for repayment of the Clico bailout”. We did not do that. We said—

Madam Speaker: Leader of the House.

PROCEDURAL MOTION

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

Thank you, Madam Speaker. In accordance with Standing Order 15(5), I beg to

move that this House do continue to sit until the conclusion of the matter before it.

Question put and agreed to.

**MISCELLANEOUS PROVISIONS (PROCEEDS OF CRIME, ANTI-
TERRORISM AND FINANCIAL INTELLIGENCE UNIT OF TRINIDAD
AND TOBAGO) BILL, 2018**

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I was saying that the methodology that the Ministry of Finance, the Minister of Finance and Cabinet of Trinidad and Tobago has used has been to avoid the easy “let us sell the asset, let us take the money and repay the taxpayers”. We have allowed the proverbs to come to life: Teach a man to fish as opposed to giving him a fish. And this basket that is the NIF is very much like the proverbial gifts coming from the Lord Saviour himself in the loaves and fish that fed so many thousands. So, Madam Speaker, I definitely think that we are in the opposite of the direction of “hungry for assets”. We have been very careful to structure these things in a very importantly secure manner.

Madam Speaker, the Member for Chaguanas West also asked the question: But where is campaign finance reform? I can tell you that the draft of the campaign finance reform is already settled. There are some stakeholder consultations to come in. That legislation requires deep majority support. It may even be two-thirds or three-quarters depending upon which way you craft it, certainly more than three-fifths, because some of—

Madam Speaker: Attorney General, your original speaking time is now spent. You are entitled to 15 more minutes to finish your contribution.

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: Please continue.

Hon. F. Al-Rawi: Thank you. So I am saying that I do hope that Members opposite can get to the stage of agreeing to support that. Because the hon. Members raised it in the context of EMBD litigation and I want to put on record without going near the ratio , et cetera, the judgment coming from the Court of Appeal in the EMBD matter was a very important piece of law for what it said ought to happen: the scrutiny of third party accounts provided without the knowledge of the target of investigation. And definitely, Madam Speaker, that kind of scrutiny that the courts are now permitting in the interest of taxpayers' money associated with campaign finance reform is a very important issue that this Government takes seriously.

I note my learned colleagues opposite have never had a stated position on campaign finance reform. I note that they have not attended the US forum or seminars. I know that the Leader of the Opposition is completely silent on the issue but this Government will be bringing forward its legislation to treat with this because it is the companion law to public procurement. You cannot have public procurement law if you do not have campaign finance reform side by side with it otherwise we are making a mockery of our system.

Madam Speaker, Chaguanas West also asked about the role of the DPP in NAMLC and about the mixing of civil jurisdiction and criminal jurisdiction. This law is the same law that it has always been since the year 2005 which the UNC amended four times whilst it was in office. The first time the submission, the anti-terrorism law submission, that the Attorney General should not have the civil functionalities under section 76 of the Constitution, the first time in the history of that anti-terrorism law that that argument was made was by Siparia.

The hon. Member for Siparia, the Leader of the Opposition, came to this Parliament in the Anti-Terrorism (Amdt.) Bill and turned the law and the Commonwealth constitutional law entirely on its head, saying that the Attorney General should not be the person to carry out the civil law functions and she invited the Parliament—the hon. Member—to move the Attorney General and put the DPP without even having the senior counsel decency to say you will have to amend the Constitution. Because the only creature in law that can manage that portfolio is under section 76(2) as the Attorney General. But the Member for Siparia, Senior Counsel, Prime Minister past of Trinidad and Tobago, Minister of Education past of Trinidad and Tobago, Attorney General past of Trinidad and Tobago, Minister of Legal Affairs past in Trinidad and Tobago, did not know that. Did not know that, Madam Speaker, and that was in violent opposition to debate basic tenets of law and constitutional law, but we should listen to Siparia. Long live, long hail the tenure of Siparia, Madam Speaker, according to the UNC.

Madam Speaker, Chaguanas West talked about Islamophobia and I have agree that it is something that we must protect against and saying that the terrorist plot was some form of Islamophobia. Madam Speaker, do you recall the vivid imageries of the army hunkered down behind sandbags at the Office of the Prime Minister while Siparia sat in that office, with guns trained at the cameras looking out, where a state of emergency was called where Muslims were locked up in this country. I know because I represented some of them. And Madam Speaker, the plot then was that “Muslims going to kill ah Hindu Prime Minister” and the UNC comes to tell us about Islamophobia today? Chaguanas East, I know could not be quiet now, he was quiet then. But the point is, Madam Speaker, do not come to tell us that in

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exercising the lawful permit that the police investigated, that the hard-working Minister of National Security, then in a different portfolio, coordinated together with the Member for Point Fortin, do not come to tell us that we should not look after our citizens.

Foreign entities, the High Commission of the United Kingdom, the High Commission of Canada, the Embassy of the United States of America in Trinidad and Tobago came out and told this country and the world, together with the High Commission for Australia, that the terror plot was real. But we must be castigated and labelled as Islamophobia portrayers? Madam Speaker, we are to just listen to the UNC say that? Do not do as I did, do not listen to the international community, do not take your reputation seriously, all hail Siparia, long may she live. Madam Speaker, really? That is where intellect is in this country now?

Madam Speaker, why put the terrorist unit in the Attorney General and Legal Affairs as the Member for Chaguanas West asked? Simple! You have international obligations to perform, they are very sincere under the listing requirements. Section 22B, section 22BB, section 22AA, et cetera, under that part of the Anti-Terrorism Bill is exclusively for the Attorney General to manage. And, Madam Speaker, unless we leave behind us institutions to function, then you are as good as the cult of one. So to avoid the difficulty of having one successful Attorney General or one successful Minister of National Security, we, as politicians, are people in revolving doors. My learned friends opposite sat in Government, they understand this well. Unless we fix the institutions, we are not bettering the society and that is why the Anti-Terrorism Unit is inside the Anti-Terrorism Act in this new section.

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2018.12.17

Madam Speaker, I think that we have pretty much answered all of the questions put my learned colleagues opposite. I think that it has been a good debate. There were a few sensible, solid issues raised by my colleagues opposite. There were some bumbling, stumbling, embarrassing, vapid, vacuous submissions raised by some Members and one in particular, but you know what? We will take the good with the bad and the ugly.

Madam Speaker, with those thoughtful words, I must now say that I do wish Trinidad and Tobago a proper reflective time. Because in improving this law, in passing this Bill, we are passing law for the peace, order and good governance of our society. To all of the hundreds of people that have messaged the Attorney General today, me, expressing positivity and good wishes and a good contribution as my colleagues from the Government Bench have also received, we say thank you for your positive vibes.

I promised today that I would actually compliment one young lady in particular who did not believe that I was actually the Attorney General answering a message and had to test me to make sure that I was, to tell her: young bright young lady, past student of Convent San Fernando, past college prefect, et cetera, in challenging us to step up to the plate, I promised today that I would tell her, yes, it is really me. I did really reply to your messages and it was a pleasure to engage the conversation. I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

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

House resumed.

Bill reported, without amendment, read the third time and passed.

ORDER OF BUSINESS

Madam Speaker: Leader of the House.

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

Thank you very kindly, Madam Speaker. Madam Speaker, may I ask: Are we bringing Christmas greetings?

Madam Speaker: Yes, I thought after you move for the adjournment, then we will invite the greetings.

ADJOURNMENT

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

Madam Speaker, I beg to move that this House do now adjourn to a date to be fixed.

Madam Speaker: Hon. Members, there is one matter that qualifies to be raised on the motion for the adjournment of the House. I believe this is deferred again. Yes. And therefore, I shall now invite greetings from the floor on the occasion of Christmas. Minister of Finance.

Christmas Greetings

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker. It gives me great pleasure on behalf of the Government, the People's National Movement and on my own behalf to bring Christmas greetings to this Parliament and by extension, the wider public. Madam Speaker, the origin of the word "Christmas" [*Crosstalk and laughter*] comes from two words.

Mr. Singh: “Yuh sound like Emmanuel George dey.” [*Laughter and crosstalk*]

Hon. C. Imbert: There is no comparison. Crīstes Mæsse which in their shortened version were converted into Christ’s Mass and eventually Christmas. There are two accounts of the birth of Christ, the Nativity, in the Bible. One is in the Gospel according to Luke Chapter 2 and the other one is in the Gospel according to Matthew Chapter 1. In Matthew’s version of the Nativity, his focus is on what occurred after Jesus was born and he speaks a lot about Herod and Herod’s command that all infant children be brought to him, all infant children born in Jerusalem be put to death. Matthew’s gospel focuses on that. Luke’s gospel is far more reader friendly and therefore, Madam Speaker, with your permission, I will read Luke Chapter 2.

At that time, the Roman Emperor Augustus decreed that a census should be taken throughout the Roman Empire, all returned to their own towns to register for this census and because Joseph was a descendant of the King David, he had to go to Bethlehem in Judea, David’s ancient home. He travelled there from the village of Nazareth in Galilee. He took with him Mary his fiancée who was pregnant by this time and while they were there, the time came for her baby to be born. She gave birth to her first child, a son. She wrapped him snugly in strips of cloth and laid him in a manger because there was no room for them in the village inn. That night, some shepherds were in the fields outside the village guarding their flocks of sheep. Suddenly, an angel of the Lord appeared among them and the radiance of the Lord’s glory surrounded them. They were terribly frightened, but the angel reassured them, “do not be afraid, I bring you good news of great joy for everyone”. The Saviour, the Lord has been born tonight in Bethlehem, the City of David and this is how you will recognize

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him. You will find a baby laying in a manger wrapped snugly in strips of cloth. Suddenly, the angel was joined by a vast host, the armies of heaven praising God:

Glory to God in the highest heaven,
and peace on earth to all whom God favours.

And I am reading from the New Jerusalem Bible which is one of the approved Catholic texts.

When the angels had returned to heaven, the shepherds said to each other come let us go to Bethlehem, let us see this wonderful thing that has happened which the Lord has told us about. They ran to the village and found Mary and Joseph and there was a baby lying in the manger. Then the shepherd told everyone what had happened and what the angel had said to them about this child. They went back to their fields and flocks glorifying and praising God for what the angels had told them and what they had seen.

And that, Madam Speaker, is the Bible story of the birth of Christ. The celebration of Christmas is, some say, the second most important Christian festival in the calendar, the resurrection being the most important Christian festival and therefore, it has deep significance for Christians. And as an aside, Madam Speaker, I would like to inform Members opposite and others that Christmas carols essentially tell the story of the Nativity. Christmas carols are religious songs that have deep significance to us Christians.

And so, Madam Speaker, again, on behalf of the Government and the People's National Movement and myself, may I wish everyone in this Chamber and you, Madam Speaker, a peaceful, happy and holy Christmas and a bright and prosperous New Year. [*Desk thumping*]

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. There is no doubt

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that Christmas is one of the happiest times in our nation. Madam Speaker, we remember picking fig leaves for pastels, the smell of a baking ham in our home, sweetening the perfect ponche de crème, dancing to the rhythms of parang, cleaning until early Christmas morning, shopping until the store was ready to close or going to church on Christmas Day in our new pieces of attire are all components which make up the unique Christmas culture here in Trinidad and Tobago. I do not believe any group of people could celebrate Christmas in a more jovial and happy mood as we do as Trinbagonians.

As a people, we are able to unite and put aside our differences to celebrate this wonderful blessed celebration which really signifies the power and magnificence of the season. However, Madam Speaker, Christmas is more than just cheer, joy, food and drink.

But Christmas is a season dedicated to the birth of Jesus Christ. Christmas forms a pillar of Christianity because it marks the birth of the Saviour, upon whose teachings our Christian brothers and sisters form their faith.

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Christmas is notably called a time for giving, but the biggest mistake we make as a people is thinking that giving is limited to material items. The birth of Jesus Christ signifies God's gift of salvation, goodness a true path to happiness and light of empowerment onto humanity. Therefore, Christmas presents a time for us as a people, separated by different views, but united by a common humanity to gift each other with words of upliftment, actions of empowerment and continued efforts of kindness to all men and women.

Madam Speaker, the most significant feeling that we can take from Christmas is the feeling of hope. The gospel stories of Jesus' birth takes us deeper into a true analysis of hope. In Luke's Gospel, Mary and Joseph are temporarily

homeless, Mary is expecting a child imminently, has to walk for many days through a taxation census. They can find no home, no house for the birth and have to resort to a paddock and are surrounded not by family, but by a group of shepherds. While immediately after the birth, they have to flee in terror from Herod's soldiers who were sent to kill baby Jesus.

The story of Jesus' birth is one which shows that whenever hardships confront us in life, we must keep hope because what God has planned for each of us, it cannot be destroyed. The more potent lesson which can be learnt from this story is that God has chosen to join us in all the discontents, disasters and disruptions of our life. No matter into what straits our lives take us we are never alone, nor is our journey ever meaningless or unaccompanied.

Madam Speaker, when we look at the Nativity scene we see one of the most telling images. We see the image of three wise men, three kings of Orient who travelled thousands of miles to pay homage to Jesus. This is significant but we see three mighty, wealthy and brilliant men paying tribute to a baby. This is a representation to humanity, to our people, to our leaders that no matter what our position in life, what our financial value or intellectual prowess, we are all servants of a greater being. But the only way to serve that greater being is by working in the best interest for humanity. It is by making sure families can have a meal on the table, making sure our women are protected, children are properly nurtured and all citizens can realize their true potential.

Madam Speaker, as much as we wish joy and happiness to all, we have to face the reality that many will not experience joy and happiness unless we as a people take action to enhance their lives. We as a people must use this Christmas season not only to bring joy to each other on one day, but rather in a more long-term sustainable manner. We must not mark this Christmas season with the same

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generic, customary and predictable words, but rather by genuine actions of love, humanity and goodwill to our fellow man.

Madam Speaker, as we approach the end of the year and the dawn of a new year, we as a people and more so we as leaders, are called to learn from our mistakes. We are called to listen more, love more and act more as the state of our nation depends on a society that is more compassionate and caring. Therefore, let us not waste New Year's resolutions on visions of grandeur, but rather focus on being the best we can all be.

Madam Speaker, as I end, I would like to offer warm and sincere Christmas greetings to all the citizens of our country, our colleagues on the other side, yourself Madam Speaker, and lastly, but by no means least the hard-working staff of our nation's Parliament. So, on behalf of the Opposition and myself, we say Merry Christmas. [*Desk thumping*].

Madam Speaker: Hon. Members, I wish to offer warm greetings to the Christian community and to the nation as a whole on the occasion of Christmas. For many Trinbagonians, Christmas is synonymous with good food, parang music and giving. For others, it is a time to thoroughly clean our homes and ridding them of things old and worn to make way for the new.

Indeed, it is very easy for us to get lost in the tangibles and extravagance of the Christmas season. But we must always remain ever mindful of the reason for the season, the celebration of the birth of our Lord and Saviour, Jesus Christ. In the midst of all the merriment associated with the celebration, let us carve out time for silence, for the purpose as suggested by His Holiness Pope Francis to hear the voice of love. Just as we take time to clean our homes, by analogy we must take this season to cleanse our lives, to be introspective, to reflect on the year gone by and to renew ourselves both in mind and spirit.

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Let us personify the message of Pope Francis, which is for each of us to become Christmas. For the Christians among us to be like the Christmas angel and spread the message of peace, love and justice to our fellow men. To be like the Christmas star that led the wise men to the baby Jesus and to play an active role in guiding Trinidad and Tobago onto the path of sustainable development and growth and into a brighter future for all citizens.

Because the celebration of Christmas is not confined to members of the Christian community, to the non-Christians among us, to be like the beautiful lights which adorn our homes and be that light which will encourage and uplift the lives of those less fortunate than we are. And be the gift which honours and respects the lives of all who we encounter.

On behalf of the Parliament of Trinidad and Tobago, on behalf of my family and on my own behalf, I take this opportunity to wish all of you here in the Chamber and all of Trinidad and Tobago a very happy, holy and safe Christmas 2018. [*Desk thumping*].

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.12 p.m.