

HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2022

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from Mr. Rushton Paray, MP, Member for Mayaro and Mr. Dinesh Rambally, MP, Member for Chaguanas West, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEES
(Appointment to)**

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate, dated June 21st, 2022, which states as follows:

“Dear Speaker,

Re: Change in Membership of Joint Select Committees.

Reference is made to the subject at caption. At a sitting held on Tuesday, June 14th, 2022, the Senate agreed to the following resolution:

Be it resolved that the Senate agree to the following appointments to Joint Select Committees:

- On the Public Administration and Appropriations Committee: Mr. Randall Mitchell, in lieu of Mr. Clarence Rambharat and Mr. Laurence Hislop, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on Finance and Legal Affairs: Mr. Laurence Hislop, in lieu of Mr. Clarence Rambharat.

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- On the Joint Select Committee on Government Assurances: Mr. Laurence Hislop, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on Land and Physical Infrastructure: Mrs. Renuka Sagrarsingh-Sooklal, in lieu of Mr. Nigel de Freitas.
- On the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA): Mr. Laurence Hislop, in lieu of Mr. Nigel de Freitas.
- On the Joint Select Committee on State Enterprises: Mr. Nigel de Freitas, in lieu Mrs. Paula-Gopee-Scoon:
- On the Joint Select Committee on Human Rights, Equality and Diversity: Dr. Muhammad Yunus Ibrahim, in lieu of Ms. Donna Cox.
- On the Joint Select Committee on the Fisheries Management (No. 2) Bill, 2020: Mr. Nigel de Freitas, in lieu of Mr. Clarence Rambharat and Mr. Avinash Singh, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on the Representation of People (Amdt.) (No. 2) Bill, 2020: Ms. Paula Gopee-Scoon, in lieu of Mr. Clarence Rambharat and Dr. Amery Browne, in lieu of Mr. Nigel de Freitas.

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Thank you.

Respectfully,

Sen. The Hon. Christine Kangaloo.

President of the Senate.”

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1. Motor Vehicles and Road Traffic (Amendment) Regulations, 2022. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
2. Annual Report and Consolidated Audited Financial Statements of First Citizens Bank Limited for the financial year ended September 30, 2021. [*The Minister of Finance (Hon. Colm Imbert)*]
Paper 2 to be referred to the Public Accounts [Enterprises] Committee.
3. Administrative Report of the Sports Company of Trinidad and Tobago Limited for the period October 2015 to September 2016. [*The Minister of Sport and Community Development (Hon. Shamfa Cudjoe)*]
4. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the First Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Ease of Doing Business in Trinidad and Tobago, First Session (2020/2021), Twelfth Parliament. [*The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis)*]
5. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the First Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the effects of the hybrid learning system on student performance in government and government assisted schools during the revised COVID-19 restrictions. [*Hon. C. Robinson-Regis*]

URGENT QUESTION

National Flour Mills Price Increase (Measures Implemented)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. To the Minister of Trade and Industry: Given the recent report that National Flour Mills has increased

the price of its product by 33 percent, will the Minister state what immediate measures will be implemented to protect the poor and vulnerable from these continued and unforeseen price shocks?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you very much, Madam Speaker. The increase in the price of flour announced by NFM, as also the other producer, is a direct result of supply chain disruptions created by the COVID-19 pandemic; the ongoing conflict in Ukraine; increased price of freight and shipping rates; adverse weather conditions and export restrictions by several producing countries. Let me say that the price of wheat is not within our control and is symptomatic of the ongoing global food crisis.

It should be noted that there are no duties, there are no taxes attached to wheat imports and this Government has also been proactive during fiscal 2022 to the zero-rating of basic food items and the suspension of the CET on basic food items. Let me also say that this is a temporary situation and that both local producers have already given a commitment to adjust prices downward in line with future market conditions. Most of the countries in Caricom have increased the price of flour at least once this year. However, even with this increase, it is to be noted that flour in Trinidad and Tobago will still be on an average of 19 per cent cheaper than in other Caricom countries.

Let us admit that this is not a simple solution. This is in fact quite complex but Government wishes to give the assurance to the population that we are actively looking at solutions to support the poor and vulnerable in this particular instance. Let me also say that whilst there is an up to 33 per cent increase, as an input item it is not expected that this will result in a similar type increase in the cost of the

finished items. It is also expected that retailers will seek to control their mark-ups having regard to the current situation. But, again, I give the assurance to the population that the Government is actively looking at solutions in support of the poor and vulnerable in this particular circumstance.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, thank you, Madam Speaker. Minister, based on your response, to date, presently, now the Government is not doing anything for the poor and vulnerable immediately.

Hon. Members: [*Desk thumping*]

Madam Speaker: Is that a question?

Mr. Lee: Yes, Madam. Let me—

Madam Speaker: I think you should rephrase it. It sounded like a statement.

Mr. Charles: What is she doing for the poor and vulnerable?

Mr. Lee: Could the Minister state, what is this Government doing for the poor and vulnerable action-wise now?

Hon. Members: [*Desk thumping*]

Madam Speaker: I believe that was the question asked and answered. Member for Pointe-a-Pierre.

Mr. Lee: The follow-up question. The Minister stated in her response that this is a temporary situation with the price increase. Could she explain what she means by temporary?

Hon. Members: [*Desk thumping*]

Madam Speaker: Could the hon. Minister.

Mr. Lee: Could the hon. Minister explain.

Hon. Members: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: In your question to me, Member for Pointe-a-Pierre, you stated that this was an international shock. You yourself stated that. We all know that this is an international circumstance where global food prices have been affected. This is not something that is particular to Trinidad and Tobago and therefore—

Hon. Members: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon:—the Government has been reacting since COVID in terms of support to the poor and vulnerable.

Hon. Members: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: And we will continue in this particular circumstance, understanding that flour is but the most basic food item, to look at a response very, very soon in favour of the poor and vulnerable.

Madam Speaker: Member for Naparima.

Mr. Charles: Is the Minister aware that all geo-political experts have said that we are in a slugfest, a slow attrition, and therefore the effects of the war is likely to be continued for an indefinite period?

Mr. Young: What is the question?

Mr. Charles: Is the Minister aware.

Madam Speaker: Member for Naparima, I will give you an opportunity to rephrase that question a little tighter so that by the time you are finished—the question—I have called on you.

Mr. Charles: I will allow—

Madam Speaker: I have called on you. You have asked a question, I cannot give somebody else.

Mr. Charles: Is the Minister aware that the war between Ukraine and Russia is likely to extend for a significant period and therefore we should look at long-term solutions?

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister.

Sen. The Hon. P. Gopee-Scoon: This Government, in response to the COVID pandemic, responded in several ways, through several Ministries, to ensure that there was some relief brought to the poor and vulnerable. We will continue to do so.

Hon. Members: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: And I have given you the response today that we are actively looking at a solution in response to the increased price of flour to ensure that the poor and vulnerable get some form of relief.

Hon. Members: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: We are committed on this side.

Hon. Members: [*Desk thumping*]

ANSWERS TO QUESTIONS

Madam Speaker: Hon. Members, by letter dated June 21st, 2022, and in accordance with Standing Order 29(14), the Member for Moruga/Tableland has requested that the House of Representatives Questions No. 199 and 201 listed on today's Order Paper be withdrawn. Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. In the light of the withdrawal of those two questions, there are now five questions to be answered and we will be answering all five. And there is one question for written response and we will be

responding to that also.

WRITTEN ANSWER TO QUESTION

Agricultural Development Bank

(Breakdown of Sums Requested)

168. Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Finance:

With respect to the operations of the Agricultural Development Bank, will the Minister provide:

- a) a breakdown of the sums requested by the ADB for funding for each fiscal year, during the period 2016- 2021; and
- b) whether the ADB revised its requests for funding for each fiscal year, during the period 2016-2021, and if so the reasons for same?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Ms. Michelle Benjamin (Moruga/Tableland):

Child-Support Centres

(Recommendations to Curb Sexual and Physical Abuse)

199. Could the hon. Minister in the Office of the Prime Minister (Gender Child Affairs) advise whether the current recommendations to curb sexual and physical abuse in licensed and unlicensed child-support centres were previously made by the former Chairman of the Children's Authority and subsequently rejected?

Children's Authority of Trinidad and Tobago

(Redesign of)

201. Could the hon. Minister in the Office of the Prime Minister (Gender Child Affairs) provide details on any plans to redesign the Children's Authority of

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Trinidad and Tobago on account of its failure to exercise reasonable care and duty towards children?

Questions, by leave, withdrawn.

Madam Speaker: Thank you very much. Member for Moruga/Tableland.

**Margaret Kistow Children's Home
(Recruitment Process)**

200. Ms. Michelle Benjamin (*Moruga/Tableland*) asked the hon. Minister in the Office of the Prime Minister (Gender Child Affairs):

Given that a security guard with prior allegations of sexual abuse was hired at the Margaret Kistow Children's Home, will the Minister provide information on:

- a) the recruitment process; and
- b) how prospective employees are vetted at child-support centres?

Madam Speaker: The Minister in the Office of the Prime Minister (Gender and Child Affairs).

Hon. Members: [*Desk thumping*]

Minister in the Office of the Prime Minister (Gender and Child Affairs) (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. Madam Speaker, the question is based on a false premise because there are no records of a security guard with prior allegations of sexual abuse having been hired at the Margaret Kistow Children's Home. The home has never had a security guard and no member of their staff has worked as a former security officer.

In reference to part (a) of the question: Recruitment at children's homes is conducted by the board and managers of the homes. However, once employees are hired at the children's homes they are required to submit a police certificate of

character, a medical certificate and a food badge to the Authority as a licensing requirement.

In reference to part (b) of the question: Please be advised that children's homes and child support centres are different types of facilities as noted above. Staff at the child support centres which are managed by the Children's Authority are hired through the Authority's rigorous recruitment process which includes interviews, psychometric assessment, background checks, reference checks and a submission of a police certificate of character.

Madam Speaker: Member for Fyzabad.

**Mon Desir Interchange to Pepper Village
(Completion of Link Road)**

210. Dr. Lackram Bodoé (*Fyzabad*) asked the hon. Minister of Works and Transport:

Will the Minister state when the link road from the Mon Desir Interchange to Pepper Village of the Solomon Hochoy Highway Extension to Point Fortin project will be completed?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, the construction of the link road from Mon Desir Interchange to Pepper Village incorporates one kilometre of four-lane carriageway and includes miscellaneous works, example, a roundabout at Fyzabad Road, access road to several properties and utility relocation among other aspects of works. The link is approximately 75 per cent complete to date.

However, this link traversed on the NGC, bpTT, PPGPL gasline corridor at Fyzabad which carries onshore natural gas liquids from Biche Field to Point Fortin. The Ministry of Works and Transport and NEDCO are currently pursuing a

crossing agreement with the gas companies to ensure that liabilities and indemnities with regard to the construction of the highway and subsequent operations are fully covered. Work on the crossing cannot commence until this agreement is finalized which is expected to occur in July 2022. Once this is achieved a revised completion date for this segment will be set. Thank you.

Madam Speaker: Member for Fyzabad.

Dr. Bodoë: Thank you for that answer. Minister can you indicate whether the issue or the challenge of property acquisition is one of the challenges in completion of this project?

Sen. The Hon. R. Sinanan: Through you, Madam Speaker. Madam Speaker, the Government have adopted the approach of compulsory acquisition and there is a process for compulsory acquisition and that process is being followed.

Madam Speaker: Member for Cumuto/Manzanilla. Member for Fyzabad, I did not see your hand.

**Landslip at LP #102 Southern Main Road, South Oropouche
(Commencement of Rehabilitation Works)**

211. Dr. Lackram Bodoë (Fyzabad) asked the hon. Minister of Works and Transport:

Will the Minister state when rehabilitation works will begin at the landslip at LP #102 in the vicinity of the cemetery along the Southern Main Road, South Oropouche?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you again, Madam Speaker. Madam Speaker, the referenced landslip in the vicinity of the South Oropouche Cemetery is located at the Siparia Road 1.1 kilometre mark. Siparia Road runs from the Southern Main Road to the SS Erin Road. A

minor depression on the roadway at this location attributed to a damaged roadside drain was observed during routine inspection earlier this year.

In May 2022, a leaking waterline on the opposite side of the roadway resulted in the saturation of the roadway substructure and embankment. This accelerated the deterioration of the roadway. The leak was repaired by WASA and the necessary road repair work in this vicinity is scheduled to begin at the end of June of this year. Thank you.

Madam Speaker: Member for Cumuto/Manzanilla.

1.50 p.m.

**Paxlovid and Molnupiravir (Merck)
(Procurement of)**

212. Dr. Rai Ragbir (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

Will the Minister provide an update on the procurement of Paxlovid and Molnupiravir (Merck) to treat COVID-19 patients?

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker, and good afternoon to you, and good afternoon to all Members of this honourable Chamber. The procurement of Paxlovid and Molnupiravir to treat COVID-19 patients is being pursued in two ways. One, directly from the respective manufacturers, and, secondly, through a Caricom arrangement. Both options are still in the negotiation phase.

Madam Speaker: Member for Cumuto/Manzanilla.

Dr. Ragbir: Thank you, Madam Speaker, again. Just a supplemental. You may have answered it partially. Would you consider, hon. Member, for local pharmaceutical companies, bringing it in privately so that the citizenry can actually

access these drugs and pay for them as needed?

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: Thank you. That is a very important question. There is currently no restriction on the local agents in importing these items. It is the practice of the international manufacturers of these drugs and vaccines at this stage to only deal with sovereigns, and that has been the pattern throughout the pandemic. They do not supply either vaccines or the antivirals at this stage to non-State actors.

Madam Speaker: Member for Cumuto/Manzanilla.

**Prevention and Control of Non-Communicable Diseases
(New Strategic Plan)**

213. Dr. Rai Ragbir (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

Will the Minister indicate whether there is a new Strategic Plan for the Prevention and Control of Non Communicable Diseases as the 2017-2021 Plan has recently expired?

Madam Speaker: The Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. The Government approach's to the management of non-communicable diseases is continuous, and during the period 2017 to present several initiatives of the strategic plan were implemented which include:

- The creation of the NCD director position and unit within the Ministry of Health;
- In April 2017, the prohibition of the sale or serving of sugar sweetened non-alcoholic beverages with added sugars by manufacturers and other producers in all government and government-

assisted schools;

- In April 2017, as part of the Government policy and mandate, some private sector producers voluntarily reduced their sugar levels in juices and beverages after we asked them to;
- In January 2018, the launch of an aggressive health care screening programme for cancer, diabetes, and hypertension to reduce their prevalence and incidence rates;
- In December 2018, the launch of the Trinidad and Tobago Moves initiative (TT Moves) a national NCD risk factor reduction behavioural change communication campaign to address the increasing prevalence of NCDs in Trinidad and Tobago and in particular the associated risk factor behaviours;
- July 2019, the launch of the Hearts Programme to significantly improve cardiovascular health by providing a set of practical step-by-step modules that operationalise the chronic care module for an integrated approach to the management of NCDs;
- October 2020, the launch of the Gestational Diabetes Screening Programme, with training being completed on the use of improved quality control procedures in laboratory management and the use of an interactive online platform for medical staff within all RHAs. Also, the procurement of laboratory equipment and supplies and ICT devices has commenced;
- The procurement and installation of physical activity equipment to 13 youth facilities for community-based Healthy Youth Wellness TT initiatives;

- The procurement of physical activity equipment for schools being completed, and the delivery of these equipment to government and government-assisted primary and secondary schools;
- The finalisation of the national nutrition standards, increased physical activity and health education in schools to reduce childhood obesity;
- The development of educational campaigns promoting the benefits of locally produced alternatives to cater to lifestyles such as veganism and gluten-free to reduce the incidence of non-communicable diseases and reduce the burden on the health care system;
- The reengineering of the Chronic Disease Assistance Programme to make pharmaceuticals more accessible for the treatment of care in NCDs;
- In May 2022, the consultation and upscaling of the diabetes foot prevention and management of infection initiative.

Toward this end, with the filling of the position of the NCD director, the NCD strategic plan is continually being implemented with updates and several additional initiatives:

1. The conduct of a second risk factor survey for Trinidad and Tobago;
2. The completion of the NCD clinical guidelines for diabetes and hypertension; and
3. The development of the National NCD registries for diabetes, hypertension and cardiac care.

A new NCD strategic plan for 2023 and beyond is currently in the formative stages.

Madam Speaker: Member for Cumuto/Manzanilla.

Dr. Ragbir: Thank you again, Madam Speaker. Hon. Member, would negative lifestyles, mental stress, and dietary habits be factored in this strategic plan, especially during the COVID-19 pandemic which has left more persons in a vulnerable position?

Hon. T. Deyalsingh: Yes. Thank you very much for the question. And that was contained when I was reading out some of the strategies. So what we are doing, the development of the educational programmes is ongoing. The relaunch of the TT Moves Programme, you would have seen all our hospitals are now being outfitted with the TT Moves slogan, “Eat more fruits and vegetables, move more, drink more water.” These three simple things, if we start to substitute water for sugar-based beverages; if we start to substitute more fruits and vegetables for foods that are calorie rich but nutrient poor like sugar, like flour, like trans fats, like fries; if we do some of these things and do everything in some moderation, we can significantly reduce the risk of NCDs in the country.

Coming out of the NCD diabetes foot programme, we have come up with a strategic plan to reduce the rate of amputations by about 20 per cent by 2023, because we have one of the highest rates of amputations due to complications of diabetes when persons do not take care of their feet. So we are moving very proactively to do all of these things, but we need buy-in from the public to adjust their tastes and adjust their lifestyles, and to do things in moderations. We are not asking people to diet. We are asking people to substitute some of these floury products, oily products, sugar sweetened products for healthy options and just get moving.

Madam Speaker: Member for Cumuto/Manzanilla.

Dr. Ragbir: Thank you again, Madam Speaker. Final question. Would this plan

cater for severe shortage of pharmaceuticals?—because at the end of the day the strategic plan is to reduce non-communicable disease to prevent hospitalization and death? I know the supply chain is an issue. How is the Government, how is the Ministry of Health going to alleviate the issue that is at hand in their strategic plan? Thank you.

Hon. T. Deyalsingh: So Member, I do not know where you get the impression there is a shortage of pharmaceuticals. We have no chronic shortage of pharmaceuticals in Trinidad and Tobago, and do not use the opportunity to paint us in a bad light. I have said publicly whatever shortages there are are not chronic, but they may be acute for a short period of time due to constraints in supply chain. Many countries—as you heard the Minister of Trade and Industry, people are embargoing flour. The same thing has been happening with pharmaceuticals for two years now. We have to be constantly writing to embassies to ask them to lift the embargo so pharmaceuticals could come into Trinidad and Tobago. And I want to congratulate Anesa Siboo, the acting principal pharmacist under my direction who has kept the supply chain for pharmaceuticals and non-pharmaceuticals open. So I do not agree with your statement—

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh:—about shortage of pharmaceuticals. Are things ideal? No. We are in a global pandemic. We have embargoes put in by countries, but we have dealt with all of these things and there is no chronic shortage of pharmaceuticals.

STATEMENT BY MINISTER

Public Procurement and Disposal of Public Property Legislation

(Proclamation of)

Madam Speaker: The Attorney General.

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Hon. Members: [*Desk thumping*]

[*Opposition Members exist Chamber*]

Mr. Indarsingh: [*Inaudible*]

Madam Speaker: Member for Couva South?

Hon. Members: [*Continuous desk thumping*]

Madam Speaker: Members, may we have order please? The Attorney General will be heard in silence. Attorney General.

Hon. Members: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam Speaker. I have been authorized today by the Cabinet to make the following statement, and I make this statement with respect to the stage of our work on the proclamation of the public procurement and disposal of public property legislation and supporting regulations.

Madam Speaker, to provide a brief overview, the Public Procurement and Disposal of Public Property Act, 2015, the Act, was amended three times, in 2016, 2017 and 2020. The 2020 amendment was passed in the House of Representatives on December 4th, 2020 and in the Senate on December 8th, 2020, thereafter with amendments made in the Senate on December 11th, 2020. The Act was assented to on December 29th, 2020 and is currently awaiting proclamation. The 10 regulations were proclaimed on January 14th, 2022.

The Act introduced a new regime for public procurement and retention and disposal of public property, in accordance with established principles of good governance, namely accountability, transparency, integrity and value for money, to which this Government is committed. The Act also serves the purpose of, among other things, to criminalize bid rigging, to standardize procurements processes, to provide for e-procurement and to improve transparency. Prime Minister the hon.

Dr. Keith Rowley has been driving the work of the Cabinet during the period of the many amendments to this legislation and efforts to refine and make that legislation workable. However, recent reviews clearly indicate that we are not there yet, and that more work and consultation are required if a workable piece of legislation is to be the anticipated outcome.

Madam Speaker, the Government of the Republic of Trinidad and Tobago has placed its highest priority and is fully committed to take the final steps to fully proclaim and to bring into operation this very important law. To this end, I highlight that the Government has adopted a coordinated approach with the Office of the Attorney General and Ministry of Legal Affairs operating in tandem with the work led by several Divisions of the Ministry of Finance, the Office of the Procurement Regulator, and various Ministries. Less than one month after my assumption of my responsibilities as Attorney General and Minister of Legal Affairs on March 16th, 2020 and, so as to inform myself of the readiness of the Government fully to proclaim this very significant piece of legislation, I engaged in correspondence with two important stakeholders, namely the Office of the Procurement Regulator, OPR, and the Judiciary.

By correspondence dated April 12th, 2022, I wrote separately to each of these important stakeholders, concerned to be able to advise the Cabinet to move toward the fullest proclamation of the Act in the shortest possible time. In the case of the OPR, among other things, I asked to be apprised by the OPR of a full checklist of what will be required from that Office for the various Ministries and agencies of Government to be fully prepared for the proclamation of the Act. In the case of the Judiciary, I asked for a checklist of those steps which are necessary to ensure that the Judiciary is fully ready for compliance on the proclamation of the Act.

Madam Speaker, I received a reply from the OPR on April 13th. Under cover of that letter, the OPR provided my Office with six documents. That letter concluded that responses collated thus far revealed that some public bodies have commenced the process of getting ready for compliance with the Act. However:

There is significant work to be undertaken to establish the required systems and processes.

End quote. Emphasis is mine. The reply of the Judiciary to me was dated the 25th and received on the 27th of May. It consisted of a comprehensive 29-page commentary by the Judiciary in its administrative capacity. The cover letter of the hon. Chief Justice was explicit:

For obvious reasons we have refrained from commenting on the policy underlying the legislation or the legality of its provisions. Our comments are therefore made in an administrative capacity and are not intended to proffer any legal opinion or advice. That however, inevitably involves flagging areas of concern based on our understanding of the legislation in its current form.

The introduction to the commentary by the Judiciary in its administrative capacity stated that in response to my request of the 12th of April, the Judiciary has reviewed the Act, as amended, as well the Regulations issued by the Minister of Finance on July 01, 2021, and has identified critical issues relevant to the operationalization of the legislation in its current form.

Under separate headings—and these are not exhaustive—the Judiciary commented as follows, in part. Time does not allow me to quote full details. Madam Speaker, the remarks of the Judiciary, one of our co-equal arms of Government are traffic stopping:

- (a) No separation of powers. And they provide comments to demonstrate

minimal adherence to the principal of separation of powers of grave concern;

- (b) Wide authority of the OPR. They gave several instances including the power of entry without notice, search and removal;
- (c) Insufficient assurance of due process: “It is unfortunately made too easy by this Act for someone to mischievously throw a spanner in the works in an effort to delay or frustrate the work of a public body”;
- (d) This right insofar as the Act may halt public body’s procurement activity: They say that we have observed that the Act gives suppliers, contractors, members of the public numerous opportunities to challenge the procurement activities of a public body. See section 51. This right may be subject to abuse and can bring the operations of a public body with respect to its procurement activities to a halt;
- (e) They point to the real potential of the Act to frustrate and hinder the functioning of the courts and other public bodies;
- (f) They are mindful, that is to say, the Judiciary, of their obligations as a public body, but that their own procurement unit remains understaffed, with one member of staff and one officer therefore not being sufficiently resourced to undertake the requirements of the legislation with regard to its own procurement;
- (g) Great increase in public law litigation. The operationalization of the Act will lead to a plethora of disputes of public law including judicial review and of commercial disputes. The Judiciary anticipates and must prepare for an increase in said matters. The Judicial Review Act enables matters to be taken to the Privy Council as of right. The decision making of the OPR is conceivably subject to judicial review

at every step. It is fairly obvious for the Judiciary that the subject of this legislation will require adjudication without any delay and possibly a dedicated and resourced commercial court in a civil division. Without this, the functioning of the nation's public bodies may be so hindered as to affect the operations of the court. This we anticipate with require special rules of court to be prepared by the Rules Committee.

- (i) Reversion to an unmanageable workload. They point to the fact that after 20 years of seeking to handle the workload of the Judiciary, the expected workload due to expected adjudication and provision of services to all public bodies arising from this Act will negative those gains and improvements. This means that the Judiciary will require far more resources. Without this, the delays in adjudication in procurement related matters fighting for the same resources as the rest of the court's caseload can conceivably bring the public operations of the State to a dead halt.
- (j) Extensive effect on internal processes. It is the view of the Judiciary that the effect of the legislation on the processes and operations of the Judiciary and other public bodies has not yet been truly understood and that the level of bureaucracy, recordkeeping, paperwork, as well as the staff needed to ensure its proper application are not yet properly assessed. The policy requiring existing staff to undertake this work is unrealistic. There must be recognition of the need for in-house attorneys to handle the drafting of contracts and review the preparation of tender documents for every procurement. The responsibility placed on the procurement officer and the accounting

officer is immense, and to require them to address it without sound legal support at risk to grave penalty is unwise.

They continue:

The Judiciary is aware that the OPR has put much time and effort into studying and planning its operations and has addressed certain public bodies along the way. The OPR has probably presumed that public bodies have taken the time and opportunity to develop their internal processes and procedures, and their record management and record and reporting procedures in preparation for the implementation of this Act. While that may be so for some public bodies, many have not been able to focus their attention and their change of management on it as yet. Many organizations and persons are as yet unaware of their responsibility on proclamation of this Act. Proclamation without everyone being ready is a recipe for disaster. The implementation of this legislation must be planned for and resourced, and at the very least organizational reengineering of some kind.

Madam Speaker: Attorney General? Leader of the House.

Suspension of Standing Order 24(3)

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, I seek your leave in accordance with Standing Order 122(1), to move a Motion for the suspension of the Standing Order and, that is, Standing Order 24(3) which provides for the time limit for Statements by Ministers.

Madam Speaker: Hon. Members, having regard to where the Attorney General has reached in the statement he is delivering, I am prepared to grant leave. Leader of the House.

Hon. Members: [*Desk thumping*]

Hon. C. Robinson-Regis: Thank you kindly, Madam Speaker. Madam Speaker, in those circumstances I beg to move that standing Order 24(3) be suspended to permit the Attorney General to complete his statement. Thank you, Madam Speaker.

Question put and agreed to.

STATEMENT BY MINISTER

Public Procurement and Disposal of Public Property Legislation

(Proclamation of)

Madam Speaker: Attorney General, please continue.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Thank you very much, Madam Speaker. To complete the quotation from the Judiciary I begin where I had just ended because this is important.

Proclamation without everyone being ready is a recipe for disaster. The implementation of this legislation must be planned for and resourced, and at the very least organizational reengineering of some kind will be necessary.

Against the background of the last comment of the Judiciary quoted immediately above, the statement of the OPR in its letter to me dated 13th April, 2022, already referred to, is worth repeating.

The responses collated thus far revealed that some public bodies have commenced the process of getting ready for compliance with the Act, however, there is significant work to be undertaken to establish the required system and processes.

Madam Speaker, the hon. Prime Minister expressly and recently directed in Cabinet that this legislation should be referred to me as Attorney General and

Minister of Legal Affairs for my advice on the expeditious proclamation of the same. I have drawn the concerns which are highlighted in this statement to the attention of the hon. Prime Minister and I am authorized by him to make clear and to emphasize to this House that this Government will not shirk from its responsibility to proclaim this very important piece of legislation. At the same time, no Government charged as this Government is with adherence to the principles of good governance can ignore the red flags which this most recent consultation has highlighted.

The Ministry of the Attorney General and Legal Affairs has a committed team of very competent attorneys who are examining the concerns that have been brought to our attention. As Attorney General and Minister of Legal Affairs, and in full consultation with the Minister of Finance, who I emphasize is the Minister charged the responsibility under this legislation, it is my intention to reach out to all relevant stakeholders for a meaningful and candid consultation on the practicalities necessary for the full proclamation of this legislation in the shortest possible time, at which consultation we will share the commentary by the Judiciary in its administrative capacity and invite all stakeholders to join with this Government in the practical full proclamation of this Act.

Madam Speaker, as I end, permit me to emphasize that the Government of Trinidad and Tobago, led by the hon. Prime Minister Dr. Keith Rowley, remains committed to the full proclamation of the Act, and will continue to work assiduously and responsibly towards this goal in the shortest possible time. Thank you.

Hon. Members: [*Desk thumping*]

NATIONAL INSURANCE (AMDT.) Bill, 2022

Order for second reading read.

UNREVISED

Madam Speaker: The Minister of Finance.

Hon. Members: [*Desk thumping*]

The Minister of Finance and Acting Prime Minister (Hon. Colm Imbert):

Thank you very much, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the National Insurance Act, Chap. 32:01 to provide for the waiver of penalties and interest, to increase the penalty for the provision of false information, to increase the statutory limitation for the commencement of summary proceedings and other related matters, be now read a second time.

[*Opposition Members enter Chamber*]

I observe the arrival of the Opposition.

This Bill, Madam Speaker, in the main, provides for the waiver of penalties and interest on outstanding national insurance contributions for the period July 31st, 2022 to December 31st, 2022, while strengthening the enforcement provisions against those making false statements or representations to the National Insurance Board. In this regard, the rationale behind the waiver of penalties and interest on outstanding national insurance contributions is twofold. Firstly, to increase the collection of outstanding contributions that currently are not been collected; and secondly, to increase the registration of employers thereby increasing overall the quantum of national insurance contributions to be collected by the National Insurance Board.

The approach being taken in relation to national insurance contributions is not new. In the year 2012, under another Government, the country benefited from the first waiver of penalties and interest on outstanding national insurance contributions. The waiver was implemented through the Finance Act of 2012. The 2012 waiver which was in effect from October 2011 to June 2012 in respect of contributions

outstanding as at September 16th, 2011, the results were as follows:

A total of 2,310 employers availed themselves at the facility and took the opportunity to make outstanding national insurance contribution payments. This brought in an additional \$36,800,000 in outstanding contributions.

That 2012 waiver was limited to employers who were registered with the National Insurance Board prior to October the 10th, 2011, and was conditional on all contributions being paid during the period October 10th, 2011 to June 30th, 2012.

Bearing this in mind, the collected contributions totalling 36.8 million represented a small percentage of the contribution income collected in 2012, and there were no incremental increases in future income since the waiver applied to existing employers only.

So there was no opportunity at that time for new employers to come into the national insurance system and benefit from the waiver, albeit for a short period.

This Bill departs from the 2012 waiver formula by firstly being applicable to both registered employers existing prior to June 30th, 2022, and employers who registered during the waiver period which will extend from the 1st of July, 2022 to the 31st of December, 2022.

2.20 p.m.

The National Insurance Board estimates that as at the 17th—as at June 2017—sorry, that is the period for which data is currently available—the employer coverage rate with the National Insurance Board was approximately 84 per cent. In other words, only 84 per cent of employers were registered with the National Insurance Board. To obtain this estimate, the National Insurance Board made reference to the number of employers filing “Pay As You Earn” declarations, PAYE declarations, on behalf of employees. This data was sourced from the 2017

tax administration diagnostic assessment total performance assessment report for Trinidad and Tobago.

Remember, Madam Speaker, you may recall at that time, we benefitted from some assistance from CARTAC, which is a regional office of the IMF, which assists countries within the Caribbean with respect to matters of taxation among other things. So, when the National Insurance Board looked at the data, it determined that when you match the number of employers registered with the National Insurance Board against the number of employers registered with the Inland Revenue Division, only 84 per cent of employers registered with the Inland Revenue Division were registered with NIB. Now it may be there will be one or two who would not be required to register for national insurance but it is unlikely that all 16 per cent are not required to register for national insurance. It was therefore estimated that some 4,000 approximately—4,034 is the calculation—approximately 4,000 employers are not registered at this time with the National Insurance Board.

The NIB, utilizing the estimate of potential unregistered employers, together with actuarial techniques, has estimated that the contribution income lost due to unregistered employers is in the vicinity of \$906 million for the year 2017, and this is assuming that all potential employers were registered with the National Insurance Board and were compliant with respect to remittance of contribution income. So, based on the data available to the National Insurance Board, it estimated that for financial year 2017, it is quite possible that the NIB lost approximately \$900 million due to unregistered employers.

Based on the NIB's actuarial projections, there is potential that with respect to unregistered employers only, \$161 million may be collected in the first year alone from this exercise that we are about today and a further \$792 million can be

collected over the next 10 years. And, Madam Speaker, I wish to stress that these are extremely conservative projections because they assume that only 10 per cent of unregistered employers respond to the amnesty that we are about to embark upon over the next six months. There is therefore tremendous merit in the approach to opening up the waiver on penalties and interests to unregistered employers who subsequently become registered during the period July 01, 2022 and December 31, 2022.

However, despite the return that the amnesty may bring through the inclusion of unregistered employers, the NIB has advised caution that they have concerns. The inclusion of unregistered employers carries a risk of fraud, whereby unscrupulous employers or persons can dishonestly claim that an employer-employee relationship existed for a past period where the facts of the actual engagement can be difficult for the NIB to confirm. In another scenario, a claimant legally entitled to a retirement grant can qualify for a retirement pension instead by making excessive contributions at the time of pre-registration. These two issues amount to fraudulent actions and are tantamount to a criminal offence under section 63(1) of the National Insurance Act if proven.

However, one expects, and I expect, the Government expects, that the National Insurance Board will be extremely vigilant over the next six months to determine, identify and deal appropriately with any unscrupulous employer or employee who tries to commit fraud in the registration process over the next months.

Let me also give some insight, Madam Speaker, to what the NIB has been doing to address errant employers and to maximize collections. I am advised, and I believe this is so, that the National Insurance Board has not been entirely idle in addressing the serious issue of errant employers. The most recent data from the

National Insurance Board during the period 2019 to 2021 shows the number of audits completed by the National Insurance Board. In 2019, 6,748; in 2020, well, that was the COVID period so a natural decline, 3,873; and in 2021, as we begin to come out of all of the restrictions of COVID, 6,932 audits of employers, a total of 17,553 audits of employers over the last two years or so.

As I indicated previously with the COVID-19 public health restrictions at their highest in 2020, there was a downward trend in audits completed. It just was not possible because audits in most instances have to be done physically, on-site, in place, documents have to be examined, original documents.

The National Insurance Board has also, with a view to maximizing collection, implemented a system of telecompliance to monitor employers with no monthly remittances. Periodic exercises have also been implemented, where impromptu surveillance of business areas—they call it blitz exercises—are conducted to determine employers compliance and to conduct audits where necessary to unearth delinquency and debt; debt owed to the National Insurance Board.

These measures that I have just outlined have resulted in the collection of approximately \$1.3 billion in arrears of national insurance contributions over the period 2019 to 2021, a significant accomplishment on the part of the National Insurance Board. In 2019, because of aggressive collection measures, they collected \$319 million. In 2020, despite the COVID restrictions, they collected \$547 million. And in 2021, \$424 million, for a grand total, \$1,000,291.62. So that is \$1.3 billion that was collected by the NIB between financial year 2019 and financial year 2021, specifically targeted at collecting arrears. These are arrears we are talking about, 1.3 billion in a two to three-year period. These figures illustrate the point that arrears in the national insurance contributions is a serious matter of

concern and I expect, and the National Insurance Board has given the assurance, that it will continue to be very active in the area of collecting arrears of contributions.

There is also need for public education and in this regard, I am advised that the National Insurance Board is presently engaged in a registration compliance marketing and education campaign highlighting employer-employee obligations. The campaign is highlighted in the print media, newspaper, electronic, radio, social media, Facebook and Instagram, and digital media, the National Insurance Board website platforms. But, Madam Speaker, there is a fine balance that must be struck in terms of addressing errant employers through enforcement and building voluntary compliance through continuous public education. The Government is aware of these issues and I will now move to address the Bill clause by clause.

The Bill before the House contains six clauses. Clause 1 is the short title, self-explanatory. Clause 2 references the Act as the National Insurance Act, also self-explanatory. Clause 3 permits the Minister of Finance to provide for future waivers of interest and penalties under the National Insurance Act by Order, and this is a feature of modern legislation. Clause 3 of the Bill does so by inserting a new subsection (2) in section 39B, the section under which interest and penalties are charged under the National Insurance Act.

Madam Speaker, relief granted by the wavier of interest and penalties affected by an order is not a new construct of law, as I indicated, in Trinidad and Tobago. It is the modern way. It exists in many different forms of taxation, namely section 9(2) of the Customs Act, Chap. 78:01, remission and refund of customs duty. Section 6(4) of the Corporation Tax Act, 75:02, extending, reducing or otherwise altering the list of exemptions to corporation tax under section 6(1) of the Corporation Tax Act. Section 8(4) of the Value Added Tax Act, Chap. 75:06

which deals with zero-rating of goods and services. Section 14(5) of the Motor Vehicles and Road Traffic Act, Chap. 48:50, amends the Fourth Schedule of the Act for exemption of tax. Section 72 of the Miscellaneous Taxes Act allows for remission and refund of online purchase tax. So, the legislation is replete with examples of ministerial authority with respect to the remission of taxes of all types.

This relief, given in these tax laws that I have just outlined and others, may be excised after the required process under the relevant legislation has been instituted. Again, the following laws are instructive: section 9(1) of the Customs Act, remission and refund on customs duty by application of an importer. Section 54(2) of the Value Added Tax Act, waiver of penalty and interest on value added tax. Section 14(3) of the Motor Vehicles and Road Traffic Act, remission and refund of motor vehicle tax. Section 124, this is a widely used section, has been used by numerous governments, remission and refund of income tax. Section 36B of the Miscellaneous Taxes Act, Chap. 77:01, remission and refund of import surcharge. And section 58A of the Miscellaneous Taxes Act, Chap. 77:01, remission and refund of insurance premium tax. And by way of illustration, section 124 of the Income Tax Act also finds its way into other tax laws which rely upon the provisions of section 124 for the remission and refund of taxes of various types.

The key point that we should note, Madam Speaker, is that a waiver bestows a benefit to individuals and therefore, since waivers bestow benefits to individuals and persons, they cannot, in any form or fashion, trample on any enshrined rights under the Constitution. It is for this reason that I have referred to the various tax laws and under these various tax laws, Parliament has ceded its oversight to the Minister for the waiver of interests and penalties. The operation by order of any future waiver of interest and penalties due from national insurance contributions having not been paid in accordance with the Act is reasonable, appropriate and

consistent with numerous other tax laws in Trinidad and Tobago.

Clause 4 of the Bill repeals section 39C and replaces it with a new section 39C. This is of the National Insurance Act. Clause 4 of the Bill is nearly identical to the waiver implemented in 2012 through section 8A of the Finance Act, Act No. 2 of 2012, with one exception: it extends the waiver of interest and penalties to employers who register during the period July 01, 2022 to December 31, 2022. This is a distinguishing feature between the legislation of 2012 and the legislation before the House. In 2012, it applied to persons who were in the system at the time of the commencement of the amnesty. This one will allow new entrance in terms of registration, to register during the period of the amnesty.

I have already given some understanding of the numbers concerning tapping into the pool of unregistered employers. As I indicated, \$161 million is expected to be collected in the first year alone and a further \$792 million over a period of 10 years. And this is very conservatively estimated at simply a 10 per cent registration of those 4,000 estimated unregistered employers.

Section 39C(1), contained in clause 4 of the Bill, implements a waiver on penalties and interest due under section 39B of the Act where the contribution is paid by the employer between July 01, 2022 to December 31, 2022. A bonafide employer-employee relationship, I wish to stress for this must be in existence, cannot be fraudulent and the NIB will be tasked to be very careful about any employer who seeks registration during the amnesty period.

Section 39C(2), contained in clause 4 of the Bill, applies the waiver to employers registered prior to June 30, 2022 and those who become registered during the period July 01 to December 31, 2022.

Section 39C(3), contained in clause 4 of the Bill, clearly establishes that the waiver on penalties and interest does not affect the payment—the actual payment

of contributions or the rate of contributions that have to be paid as set out in the National Insurance Act.

Section 39C(4), contained in clause 4 of the Bill, operates to revive the interest and penalties when an employer fails to pay the same during the period July 01, 2022 to December 31, 2022.

Clause 5 of the Bill increases the penalties for associated offences of firstly:

“(a) knowingly making any false statement or false representation...”

Secondly:

“(b) produces or furnishes or causes or knowingly allows to be produced or furnished, any document which...”—a person—“knows to be false in any material particular.”

So that this clause 5 of the Bill will increase the penalties for persons making false representation to NIB and that is particularly relevant to the opportunity for unregistered employers to now register with the NIB.

The increase in penalties is significant. The fine which was quite minimal in previous years—it is archaic legislation, it has not really been increased for a long time. The fine and custodial sentence were quite small so that this Bill is significantly increasing the applicable penalties as a strong deterrent for persons who may wish to submit false information during the waiver period and in the future.

Clause 6 of the Bill seeks to increase the period for pursuing summary offences under the Act from 12 months to three years from the date of the commission of the offence or from three months to 12 months from the date in which the executive director had personal knowledge of the offence. The improvements in clause 6 of the Bill allow the National Insurance Board further time to commence investigations and ultimately proceeding before the court before

suspected criminal actions become statute-barred. The joint effect of clauses 5 and 6 is to strengthen the enforcement provisions under the Act to ensure that the National Insurance Board is better able to pursue those who submit false information, documents or statements.

There are other mechanisms that exist under the Act to help the National Insurance Board in unearthing fraud so this is not the only measure. For example, section 31 of the Act permits the National Insurance Board to request information from employers concerning employed persons and to inspect any record of employed persons. Section 32 of the Act permits authorized officers to enter and search premises; to examine books, records and documents. Provision is also made for seizure of books, records and documents.

Regulation 6 of the National Insurance—these are existing provisions. Regulation 6 of the National Insurance (Contribution) Regulations makes it a legal requirement for all employers to provide the National Insurance Board and retain for a period of seven years until audited by the National Insurance Board with the following information: the names and national insurance numbers of employees in their employ during month, the monthly or weekly salary or wage of the respective employees, the contribution class in which earnings are paid and the number and value of contributions due in respect of each employee for every week in the said month and any other information required by the National Insurance Board.

These existing powers, supplemented by the enhanced enforcement powers proposed by clauses 5 and 6 of the Bill, will assist the National Insurance Board in pursuing those who are intent on providing false, misleading and erroneous documentation or statements during the waiver period.

Before I close, Madam Speaker, how much time do I have by the way?

Madam Speaker: Minister, your time expires at 3.01.

Hon. C. Imbert: Means I have lots of time. Madam Speaker, we all know that there has been a deficit between contributions and benefits for the National Insurance Board or the national insurance scheme or system for many, many years. This is something that has been occurring for a long time. The reason for this is simple, we have an ageing population so people are living longer and therefore, the requirement of the National Insurance Board to pay retirement benefits , in particular the national insurance pension, that is now placing an increased load on the National Insurance Board. The number of persons in the workforce, in terms of people of working age and so on, is also diminishing. So that we have a situation of ageing population, more people in receipt of retirement benefits and then a reduction in the number of persons of working age. And this is not a phenomena that is unique to Trinidad and Tobago, this is happening all over the world. And the actuaries for years have highlighted this fact that there is a gap between contributions and benefits.

This particular Bill seeks to deal in some way with assisting the National Insurance Board to close the gap between contributions and benefits, but it is temporary. It is just during this amnesty period. There is a more long-term problem that the National Insurance Board has to face. All of the reports placed in this Parliament over the last 10 years or so have made it clear that if something is not done to deal with the difference or the shortfall between contributions and benefits that the national insurance fund would be depleted at some point in time in the future. The estimates vary. The date that we have been given at this time, but that is outdated because it was based on old data going back to about five years, is that the fund would be depleted by 2035. Five years ago that was the indication we had but things have changed.

The national insurance fund has been doing very well. It did extremely well

a year or so ago when the fund increased by 14 per cent or \$2 billion, reaching a total of \$30 billion in assets. The fund was also able to make up the difference between contributions and benefits. So, there was a difference between contributions and benefits of approximately \$1 billion in 2021 and the assets of the national insurance fund earned sufficient income to allow the fund to make up that billion-dollar difference. So, in addition to an increase in the capital value of the fund by \$2 billion, going from \$28 billion to \$30 billion, the fund was also able to make available income of a billion dollars to make up the deficit. That is the deficit at this point in time.

At this point in time, the contributions total somewhere around four and a half billion, using very rougher figures. And the benefits are somewhere in the vicinity of five and a half billion dollars. The fund will, of course, continue to provide income but may not, going forward in the future, provide income at that level where it could generate a billion dollars in income and also have a capital appreciation of a further \$2 billion in one year. That may not occur in the years ahead. So that the national insurance fund will continue to be under some form of pressure going forward unless something is done.

The actuaries have recommended that three things be done. That the pension be looked at with a view to freezing it or even reducing it, that is the first recommendation. The second recommendation is to include self-employed persons in the scheme, so you have more people in the scheme. And the theory is the more people you have, the more contributions you have but that has a downside because you also have the more benefits you have to pay out, the more people you have and it is a particular people with self-employed people. I will explain that in a short while. And third proposal from the actuaries—there are actually four proposals. It is freeze or reduce the pension, increase the contribution rate, include the self-

employed persons in the scheme and also increase the retirement age.

Now all over the world, Trinidad is way behind the rest of the world with respect to this. Most countries in the world have moved ahead of us and have their retirement age at 65 or higher. There are several countries in the world where their retirement age is 67 years, 68 years and so on. The theory behind increasing the retirement age is that the employed person has another five years to make contributions to the fund so the fund benefits from those contributions, those additional five years of contributions, and the employed person also earns their full salary or wage for that five years. So, putting aside other considerations as to whether persons may wish to retire at age 60 and so on, it is a win-win for both the employer, the employee and also for the fund because the employee gets to work at full salary instead of a much smaller pension and the fund gets five more years in contributions.

There are arguments against where there is a view that if you increase the retirement age, you may deny opportunities to persons who may wish to get promoted and so on. But I personally do not think that argument is strong enough to defeat the tremendous benefits of increased income for the fund and also increased income for employees for an additional five years of their working life if they choose to do that.

So that these are the recommendations that we have received: freeze the pension, reduce it, increase contribution rates, bring the self-employed into the system and also increase the retirement age. Each one of them has issues associated with it. Increasing contributions, the Government has decided that will be a last resort, that is when everything else has failed. The self-employed sounds good on paper but not so easy because remember, these self-employed persons would not have been making contributions prior to coming into the scheme. So, if

you take a person at age 50, if the retirement age remains at age 60, that person is not going to make the 15 years—approximate 15 years—

Madam Speaker: Minister.

Hon. C. Imbert: Yes.

Madam Speaker: I have allowed you some leeway and I know we are talking about national insurance. I would just ask you please to tie this into the—thank you.

Hon. C. Imbert: Certainly, Madam Speaker. I am simply saying that the whole point of the amnesty is to provide additional contribution income for the National Insurance Board to increase the value of the national insurance fund. And the reason why we are doing this, the reason why we are creating an amnesty to allow for persons who have outstanding contributions to come in and make these contributions is, to paraphrase Max Senhouse, the NIB needs the money.

Hon. Members: [*Desk thumping*]

2.50 p.m.

Hon. C. Imbert: So that, I was explaining, Madam Speaker, with your permission, of course, I am subject to your rulings, I was explaining why we need do this. Because the fund finds itself in a situation where there is a significant deficit between contributions and benefits, a billion-dollar deficit. And I was explaining the other alternatives that could be deployed to increase contributions into the fund in addition to the outstanding contributions we expect to come in, with respect to waivers of penalties and interest. And I thought it was useful for hon. Members opposite to understand why we are doing this now, why now we have decided to go this route. But we will be pursuing the other avenues in the future. So that was my rationale, Madam Speaker.

So, if I could be allowed to just complete that point on the self-employed,

and the reason why we cannot do that now and why we have to do this now instead of that. The point is that there has been a request for grandfathering of the self-employed. So persons who are ageable persons, who would not have the number of contributions, there is a request that you grandfather them and you give them a top-up. That has been estimated to cost about \$300million if you did that. So it is not a simple matter.

With respect to the retirement age, discussions are well underway with all of the relevant stakeholders as to their views on whether we should increase the retirement age or not, which would be another—

Dr. Moonilal: Madam Speaker, 48(1). This amendment Bill has nothing to do with the retirement age.

Madam Speaker: Minister, again, while I understand the context of the wider argument, I think you have made the connection and I will ask you to now just concentrate on the matter before us.

Hon. C. Imbert: Most uncertainly, Madam Speaker. I am—Madam Speaker, let me just say, I am so happy that the Member for Oropouche made that intervention because I would hope that going forward nobody on that side raises the retirement age. I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Oropouche West.

Hon. Members: [*Desk thumping*]

Mr. Davendranath Tancoo (Oropouche West): Thank you, Madam Speaker, for the opportunity to contribute to this debate on the National Insurance (Amdt.) Bill, 2022. Madam Speaker, as I listened to the hon. Member opposite, the hon. Minister of Finance, I could not help but be marveled at the variety of explanations

and justifications he sought to provide for the Bill and the measures before the House.

I listened to the Minister glibly speak about the findings of the 2017 examination by the National Insurance Board, in which it found that 84 per cent, according to the Minister, of employers were registered; only 84 per cent he said. And that, according to the Minister, meant that 4,000 employers were not registered and it meant that the National Insurance Board was actually losing the potential for \$906million in 2017. That is ironic, because the Minister is saying, on the one hand, that there is a billion-dollar loss between contributions and payments by the National Insurance Board. But he knew this since 2017. Since 2017, the Minister was aware that there was a potential here to generate \$906million and he did nothing about it for five years.

Hon. Members: [*Desk thumping*]

Mr. D. Tancoo: This is the same hon Minister who again, just now, spoke about the crises of the ageing population and the need, the Max Senhouse quotation, that the NIB needs this money. But for five years you did nothing about trying to access easy money, money which should have been brought to the NIB if you had done five years ago, four years ago, three years ago, two years ago, last year, what you are trying to do today.

Madam Speaker, I also heard the Minister say that the NIB was doing a great job and that over the last three years they had gone through 17,555 audits of employers over the last three years. That is a phenomenal job. Ironically, the result of those audits would have been to establish penalties and interest for persons and entities found liable for not having made their NIB payments, their NIS payments to the NIB. So that the NIB, on the one hand, for the Minister is doing such a great job of pursuing and prosecuting offending employers, and on the other hand, today,

the Minister is coming to give a waiver, to give a waiver to those persons who would have been liable and found liable by the very same hardworking NIB. That is a conflict, Madam Speaker. It is a conflict, because the Minister does not seem to know what it is he wants to do. On the one hand he is saying that the NIB is doing a fabulous job and on the other hand he seems to be anxious to undercut the great work that they are doing.

Madam Speaker, the NIB is a primary and critical part of this country's social safety net. It is a substantial organization. The Minister himself indicated that this is a \$30billion enterprise. It is not to be trifled with. It is not to be taken lightly. It is in fact, Madam Speaker, one of the last bastions of the tripartite agreements where, back then, the Government understood the need to have representatives on the board to manage this very large organization, from business, Government and the trade union labour movement.

The NIB for that purpose, Madam Speaker, is essentially self-funded. According to the 2021 report of the NIB, the total NIB income, the Minister referred to it just recently, the total NIB income consisted of \$4 billion in contributions, \$4 billion. The sum of \$425million in arrears still outstanding but still on the financial statements of the NIB, \$109 million from the revaluation of subsidiary companies, \$30 million outstanding in penalties and interest that they get every single year and \$3.1 billion in net realized and net unrealized investment income, for a total, Madam Speaker, of \$7.8billion for financial year 2021. This is a large organization, Madam Speaker.

That organization, therefore, has been spending money as well. Citizens have, on average, 23 types of benefits that they can get from seven categories that includes sickness, maternity, retirement, invalidity, funeral grant, survivors benefit. And in many cases, Madam Speaker, in many of those cases your access to the

grant, your access to the benefits under the NIB, which is what we are looking at today, your access is based on your actual contributions to the NIB.

So when we have instances where we have organizations and employers who are not keeping to the law, who are in fact breaching the law, who are not making their NIS payments as required by statute, what they are doing in fact is sabotaging the very same fund that we are speaking about today. What they are doing is sacrificing the benefits that can be paid to these very same persons. There are 12,600 persons on average that receive the retirement benefits, Madam Speaker. It is 3,599 people get retirement grants; 47,500 people get survivors benefits, and the list goes on. There are thousands of persons, Madam Speaker, whose rights and responsibilities and access to NIB support are compromised because of the fact that a substantial number of employers have not been keeping to the law.

And, Madam Speaker, a substantial part of that falls into the gap, on to the line, on to the hands of the Government of Trinidad and Tobago. The Minister made an attempt to give us some numbers but deliberately left out how much money the Government of Trinidad and Tobago is owing to the NIB, because it is our view, it is my view, that it is not just third party employers, it is not just private business. The Government is the single largest employer of persons in Trinidad and Tobago. And when we do the Standing Finance Committee, it is a regular occurrence that we find out that the Government itself has excess, has arrears that they have not been treating with, Madam Speaker. So it is likely that one of the primary beneficiaries of this amendment, these amendments, these waivers that come before us in this legislation, is going to be the Government.

And, Madam Speaker, it is critical then that the Minister advises this country how much money is owed by the Government to the National Insurance Board. It

is critical as well that we also know who the other offenders are, Madam Speaker. Who are these people that the Minister proposes to give this “blich” to; this waiver to? Who are they? Why are they not being penalized? What has taken place between 2017 and now, between 2012 and now, that would have made us get to a point where we have hundreds of millions of dollars left in arrears and tens of millions of dollars in penalties and interest that the Minister now plans to wash his hands off?

Madam Speaker, we are very concerned as an Opposition, primarily because this is the people’s money and, therefore, it is important that the Minister accounts for the actions that he takes. The Minister tried to create the perception that this was a modern legislation. The order—he referred to several other pieces of legislation in which permission is provided for the Minister to provide an order. Madam Speaker, he listed the Income Tax Act and several other Acts. But in this instance the order is slightly different. In this instance we are talking about an order which deals with a determination already of a penalty for breaching the law. So this is not a general order of giving a tax concession. This is an order which seeks to give a “blich”, which seeks to give a favour to a company, an employer, an individual who broke the law.

Hon. Members: [*Desk thumping*]

Mr. D. Tancoo: That is a very dangerous precedent that the Government is setting. The Minister referred to the 2012 situation where a similar piece of legislation was brought. But that 2012 legislation was different, not just in the one or two instances explained by the Minister. Primarily, the two legislation were different, because in 2012, there was a sunset clause. In 2012, there is a specific time frame within which the legislation is supposed to take effect. And thereafter, the exception was that once this load is removed, this debt is removed, then the NIB would be in full

flight, able to prosecute and persecute individuals who then, thereafter 2012, breached the law.

Madam Speaker, I want to refer specifically to clause 3. Under clause 3 of the Bill before the House, it seeks to amend section 39(b) of the National Insurance Act to allow the Minister to waive the penalties of interest due and payable under section 39(b) of the law by order, just by order of the Minister. For clarification, Madam Speaker, if I may, section 39 of the legislation, as exists now, provides that:

“Where any employer fails to pay the amount of contributions payable by him...”

And I am quoting from the legislation.

“Where any employer fails to pay the amount of contributions payable by him for to the Board under the provisions of this Act by the fifteenth day after the due date, he shall be liable to pay—

- (a) a penalty of twenty-five per cent of the outstanding sum; or
- (b) penalty of one hundred per cent of the outstanding sum, where the period for the contributions were retained, is in excess of five years; and
- (c) interest on the entire sum (penalty and outstanding sum at the rate of fifteen per cent per annum from the sixteenth day of the following month until payment).

On this basis, Madam Speaker, the NIB in its financial statements of 2021 revealed that it has pursued on the basis of that existing legislation, it has pursued and received \$166million in penalties and interest from negligent employers since 2015, including, the Minister referenced it just now, \$65million over the last two years. So, based on the existing legislation, Madam Speaker, the NIB has been

doing its job.

Based on the existing legislation, they have in fact been prosecuting penalties and interest for persons and businesses who have not in fact been fulfilling their statutory obligations. In this context then, Madam Speaker, for the Minister to give himself the authority to waive penalties and interest due and payable to the NIB, simply by order, is of great concern to us. To be clear, this relates the interest and penalties owed to the NIB for an unspecified period. It could be debts for one year. It could be debts for five years, seven years, or, Madam Speaker, since 2012. There is no specification. There is no restriction. There is no time frame described in the legislation and this, Madam Speaker, is highly suspicious.

Madam Speaker, the NIB is a body established by Act of Parliament No. 35 of 1971. And, therefore, it has been in existence for 51 years, without there having been the need for this kind of unilateral power that the Minister is seeking to vest unto himself, via this legislation, Madam Speaker. It reeks of the risk. It reeks of the risk of political interference and preferential treatment simply by Executive fiat. The Minister, therefore, Madam Speaker, needs to tell this country exactly what prompted this requirement after 51 years. Which companies are to be afforded this “bligh”; this exemption and why?

There is also missing, Madam Speaker, any type of procedure which will guide the enforcement of this order. How is this order going to be determined? Is it that entities are simply going to apply? Or is it that the Minister can walk into his office at any morning and decide that he was going to give an exemption to A, B, C, D and E for the payment of penalties and interest? Something is wrong there, Madam Speaker. There is an absence of information, and because there is an absence of information, there is reason for concern.

Where too, Madam Speaker, is the accounting to the Parliament for these waivers being proposed by the Minister? How does Parliament, how does the national community know then that the Minister has afforded company A, B, C, D or E a waiver of penalties and interest as opposed to company F, G, H and I? It comes back again, Madam Speaker, to the question and the need for accountability, which is sadly missing in this proposed legislation by the Minister. It also brings into question, Madam Speaker, the tendency for the Government to facilitate what is exactly happening here, a breach of the law. That is not acceptable, Madam Speaker.

The legislation that exists now exists and the NIB, as I indicated just now, Madam Speaker, has been pursuing it. The legislation that exists now provides a penalty if someone—section 40 of the national insurance legislation specifies that the failure to comply with the requirements of the NIB, the requirements for submitting your national insurance payments, is a criminal offence; the failure to comply. On the one hand then, we are saying it is illegal not to make your payments and on the other hand the Minister is saying that by fiat, by order, I could simply wipe that clean, wipe the slate clean and start again.

Madam Speaker, the Minister referred to the 2012 situation, and in 2012 the hon. Dr. Keith Christopher Rowley, he was then Leader of the Opposition, he was then Leader of the Opposition and he objected greatly. He objected greatly. The then Leader of the Opposition, Dr. Keith Rowley, objected strenuously to the similar sort of proposal whereby a waiver was going to be placed for the removal of penalties and interest going back several years, once payments were due and owing. The then Leader of the Opposition says:

“So we are talking about waivers for people who do not comply.”

I am quoting him from the *Hansard*, dated February 08, 2012:

“So we are still talking about waivers for people who do not comply. It is either we have a culture of one kind or we have a culture of another kind. We cannot talk about increased penalties on documents; people are going to sit there and wait because they know waivers and amnesties will come. That is what has been happening in the recent past.”

So the then Member was very concerned about exact procedure that is being adopted today.

Madam Speaker, what we are also concerned about is that very recently we had an extension. We had a waiver for VAT. We had a waiver for outstanding taxes, et cetera, very recently. Today we are coming again to offer another waiver. So it seems that instead of the Government focusing on enforcement, it drops its hands, allows things to happen and then provide a waiver. And again, Madam Speaker, the issue is who is to benefit from this? What then pushes and encourages someone to actually file their taxes on time, to actually make their NIS payments on time. What motivates them to do that, Madam Speaker? Because this system that the Government has been adopting, both in terms of income tax and VAT and in terms of the NIS requirements now presently before the House; this system that they have been adopting seems to penalize law-abiding citizens.

Hon. Members: [*Desk thumping*]

Mr. D. Tancoo: Imagine, if you may, Madam Speaker, a businessman who is suffering some difficulty but goes ahead and takes a loan or cuts into his profit margin, or absorbs a loss to ensure that he fulfills his obligation to the NIB and then the Government comes thereafter and another person who has done completely opposite, who has simply not made his payments for years and years and years and years and he is forgiven. Is that not, Madam Speaker a little bit unethical? Because you are penalizing, Madam Speaker, you are penalizing those

very people that we want to encourage to stick with the law and that is unacceptable, Madam Speaker. But there is another side to that, Madam Speaker.

The hon. Minister, Junior Minister of Finance, the Minister in the Ministry of Finance, Mr. Manning, is on record, just recently in the other House, stating that the Government is pursuing—he was warning errant employers—aggressively the collection of outstanding payments from them and they will use whatever means are required, whatever means are available at their disposal, to persecute and prosecute persons, employers who have outstanding arrears. So on the one hand, you have a Minister in the Ministry of Finance cautioning employers: pay your money, keep up to date, or else, which is what is supposed to happen. And on the other hand, weeks afterwards, if so long, weeks afterwards, you have the Minister of Finance, the substantive Minister of Finance, coming to the Parliament to say: errant officers, errant employers we will give you a “bligh”. Madam Speaker, this is sending mixed signals, none of which are good, to employers that the failure to abide by the law, the failure to keep within the confines and requirements of the law, will be met with any sort of punishment, Madam Speaker.

Madam Speaker, when an employer does not meet their statutory obligations to the NIB, it does not only affect the NIB and the National Insurance Fund, it also affects the employees. There have been multiple occasions, Madam Speaker, in my own constituency, where persons come to me and indicate clearly that they have been working for years and, perhaps, for some relative they wanted to access a funeral grant. And on the basis of that, they went to the NIB to see how much contributions they would have made, only to find out at that point in time, that their employer, while their documents may have had a declaration indicating that the NIS has been paid, that their payments were in fact not sent to the NIB and, therefore, these individuals, these employees do not have the benefit of recording

against them that they have been making contributions to NIS, even though contributions have been coming out.

So, Madam Speaker, it would have created a difficulty for these individuals, the employees in particular, in accessing the benefits that should be due to them, because of the fact that an employer fails to submit their documentation. Madam Speaker, that is of grave concern to me as an individual, but it is also a grave concern to me as a Member of Parliament who have to interact with individuals on a regular basis, whose claims have been that they have diligently, the individuals have diligently made their own payments and verily believed that their employers were making payments on time, only to find out thereafter that they are not entitled to the kind of payments and benefits that they should have been entitled to, because the employer had committed a fraudulent act.

And Madam Speaker, the fact then that this Government sees nothing wrong with that. This Government is seeking to give a “bligh” to the employer means that something else is going to happen. It means that the penalties, on average it is, I believe, \$30 million that was collected last year, and \$35 million was collected the year before in penalties and interest. This entity called the NIB, which has severe financial difficulties, according to the Minister, is going to be denied access to a substantial amount of that money, \$30 million and \$35 million per year is a substantial amount of money that can be regenerated to pay the kinds of benefits that citizens are due, but it is not happening, Madam Speaker, because this Minister has decided that he will retract that and allow the NIB to survive without the benefit of the arrears and without the benefits of the penalties and interest that it is due.

And, Madam Speaker, I want to repeat that. The fact is that when you get to penalties and interest, it is only after the NIB would have evaluated and accessed

and investigated the submissions of the employer and then determine that the employer was at fault, and then determine the cost that the employer has to pay by virtue of penalty and interest, and that is what the Minister is saying he is going to waive. There is a difficulty then because you would have just wasted a substantial amount of investigative capability by the NIB.

And that, Madam Speaker, brings me to another clause of the Bill. In clause 5 and clause 8—I will come back to clause 4, time permitting—the Minister proposes to increase penalties and increase the time frame for investigations. According to the Minister in his introduction, this legislation is about “strengthening enforcement provisions”. But that is not what this legislation is about. What the Minister described is not entrenching and strengthening enforcement provisions; it is increasing penalties. It is increasing the penalty for noncompliance. Madam Speaker, there is nothing in the legislation that will tell us that once this legislation is implemented as is, that there would be a greater level of enforcement, that there will be a greater level of persecution and prosecution. There is nothing here that says that.

3.20 p.m.

As a matter of fact, over the last several years, between 2012 and current, the reason the Minister had to come to the Parliament with this legislation is because of the weakness of the enforcement. And that is what the Minister should have focused on, the ability to provide sufficient resources to the NIB, so that the NIB through investigative capability—

Hon. Members: [*Desk thumping*]

Mr. D. Tancoo:—would have been able to successfully prosecute and persecute offenders. Instead, what the Minister comes to do, is to say, “having done all this work NIB, even though there are 4,000-plus errant employers outside who are not

registered, and several other thousands of employers who are in violation, having done the investigation against all these persons who the NIB can target as having violated the process, we are going to look at those and cut them out. We are going to look at those persons, those entities that were investigated—sufficiently investigated, and eliminate the penalties to those persons.”

Madam Speaker, what the Minister is doing is wasting the capability of the NIB instead of strengthening their ability, so that they can take care of their own business if and when as required. And in the face of that the Minister is still coming to say that the NIB needs its money. You are giving away money on the one hand that the NIB has legitimately prosecuted and persecuted, and on the other hand complaining that the NIB does not have sufficient money to do the needful.

Madam Speaker, the Minister also came in clause—I think it was clause 6 to ask for an extension of the amount of time from “twelve months” to “three years from the date of commission of...”—an—“...offence” to the date of prosecution. He wants additional time. Madam Speaker, what the Minister should have done today is indicate then, justify why is it that one year is insufficient. And we would have found, Madam Speaker, quite frankly that the reason one year is not sufficient for the prosecution and investigation, is because the NIB is understaffed. The NIB simply does not have sufficient resources. So by adding the amount of—adding more time for investigations, that is not going to necessarily resolve the problem of inadequate resources.

In addition to which, Madam Speaker, I would really love the Minister to advise us how he went from “twelve months” to “three years”? What told him that that was an acceptable time frame for which an investigation, prosecution, and liability would be established? What told him that that was sufficient? Is it that it is still not enough, Madam Speaker? And the reason for that, Madam Speaker, is

quite frankly because the Minister himself has to accept that the NIB simply does not have the requisite investigative capabilities right now to make this thing work. And the few times when they have done it, the 177,000 times—sorry, 17,000 times that they have done it, the Minister is now taking it away from them.

Madam Speaker, I want to turn to clause 4. I want to return to clause 4, Madam Speaker. Under clause 4— There are several parts of clause 4. I want deal just with one part and I would leave the rest to my other colleagues, Madam Speaker. Under clause 4, the amendment to section 39C(5) is curious, Madam Speaker, in its vagueness. The language is extremely curious, and I quote:

“The Minister may, by Order, prescribe a later date for the payment of contributions under subsection (1)”

This appears to be an open-ended option that allows the Minister the freedom to postpone the payment of penalties and interest due to the NIB for failure to fulfill a statutory obligation by an employer to some unknown period in time, somewhere down in the future. And this, Madam Speaker, is by unilateral order without the benefit of parliamentary oversight.

Madam Speaker, one of the critical issues, one of the critical concerns, and perhaps the paramount critical concern that we have on this side with this legislation is the Minister’s freedom to make an order to intervene in making an order without recourse to the Parliament. Because Madam Speaker, this is not just—this is not the Minister’s money, this is not just the Minister’s—this is the money of the people of Trinidad and Tobago, legitimately prosecuted and sourced. Legitimately prosecuted, Madam Speaker, using the resources of the NIB. Legitimately then, due to the NIB that the Minister is saying should be walked back, without the Minister putting anything in place under the current legislation to ensure that this same thing does not happen down in the future.

This likelihood, Madam Speaker—the likelihood, Madam Speaker, is that we will have to come back again one year, two years from now to give another waiver to facilitate another beefing-up and a banking-up of the outstanding amounts of money, Madam Speaker. And that creates an apathy. That creates a weakness in the system, in the legal system, whereby persons now would believe that they no longer have to pay because they can wait for a waiver. That, Madam Speaker, is unacceptable.

Madam Speaker, I appeal to the Minister from this platform to sit, spend some more time on the legislation, and come up with methods of enforcing the existing legislation—

Hon. Members: [*Desk thumping*]

Mr. D. Tancoo:—so that the NIB does not have to be doing without the penalties and interest that they have estimated, and also does not have to be doing without the arrears. Madam Speaker, there are four—despite the aggression of the NIB in prosecuting arrears which the Minister referred to in his presentation, some \$500 million over the last year and 400—sorry \$500 million in 2020 and \$400-plus million in 2021 in arrears were retrieved by the NIB. And there is still, Madam Speaker, \$400 million still in arrears. It is still on the books, on the statutes, on the financial statements of the NIB.

Madam Speaker, what that does then, is impede the NIB's ability to conduct their job, to do the job that they are required to do. Instead, the NIB now has to spend additional resources to prosecute those very same offenders, Madam Speaker. And again, I am repeating, that is because the NIB is under-resourced and therefore unable to effectively do the job that they are required to do. And it is sabotaging the effectiveness of the NIB to manage the social safety net that they currently operate with, Madam Speaker.

Madam Speaker, as I close—as I close, Madam Speaker, I think the Minister owes the Government—sorry, the Government owes—the Minister in particular owes Trinidad and Tobago an explanation as to who these offenders are. How long have they been in offence of the law? What action has been taken to ensure that they pay their dues, that they meet their obligations, statutory and otherwise? What protection is being put in place now for employees whose benefits would not have gone to the NIB because of these errant employers? And, Madam Speaker, what has been the effect of that on the balance sheet of the NIB?

Madam Speaker, the biggest issue with this legislation is that it comes as a salve, a temporary solution for a problem that the Minister knew several years ago and did nothing about it. What the Minister is planning to do and he has spent quite a bit of time explaining what the other options are going to be, that they are going to proceed along. But instead of fixing the problem now, instead of fixing it in 2015, 2016, 2017, when he acknowledged that substantial work was done in identifying what the problems were, instead of fixing it then, he now comes having not fixed the problem, to try to find a temporary solution. The result, Madam Speaker, is predictable. The predictability of the result, the prediction, Madam Speaker, is that we are going to continue in a situation where employers are going to continue to not meet their statutory obligations, forcing the NIB to spend money to track down more money. And while that is happening the Government will continue to talk the talk and not walk the walk. Madam Speaker, with those few words I thank you very much.

Hon. Members: [*Desk thumping*]

Madam Speaker: Attorney General.

Hon. Members: [*Continuous desk thumping and crosstalk*]

[*Opposition Members exit Chamber*]

Madam Speaker: Those who are leaving the Chamber leave in silence. And the Members who are remaining please in silence. Attorney General.

Hon. Members: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Madam Speaker. Madam Speaker, in my capacity as Attorney General and Minister of Legal Affairs—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: —and on behalf of the Government I rise to support and to endorse the proposals by way of amendment before this House, to the National Insurance (Amdt.) Bill 2022, brought by the hon. Minister of Finance and Acting Prime Minister. I make just a few comments this afternoon for the benefit of this House with reference to the proposed amendments and I do so in the interest of addressing considerations of proportionality and the public interest. Considerations, Madam Speaker, over proportionality and the public interest always requires a careful balancing of interests, which arises for the attention of democratic governance which this Government is. It is in that regard that I rise to comment on three aspects of the proposed amendment, which have been comprehensively addressed by the hon. Minister of Finance.

One, the benefit to individuals that is proposed by these amendments. Two, the strengthening of the provisions of the substantive legislation by this amendment to ensure effective enforcement of the provisions of the Act once amended. And thirdly, the prerogative of the Government by proposed amendment of the substantive Act to permit to the Minister the exercise of the order that he can make under the substantive Act to address considerations raised on the amendment.

Firstly, Madam Speaker, the hon. Minister has made it clear in his remarks

the key point is the relief by way of waivers which are bestowed on as a benefit to individuals. Secondly, the hon. Minister has drawn attention to the improvements to be effected to the Act by clauses 5 and 6 of the Bill, which strengthens the enforcement provisions of the Act to ensure that the National Insurance Board is better able to pursue those who submit false information, documents, or statements. And reference is made to section 53(1) of the substantive Act.

Thirdly, the proposal to amend with reference to numerous precedents which the hon. the Minister has pointed to, to allow the Minister to make an order with reference to the proposed benefits which are to be conferred by this amendment. They speak in particular to the proposed amendment to section 30B, 39B of the Act, that:

“The Minister may, by Order provide for the waiver of penalties or interest...under this section.”

Such an order is regarded, Madam Speaker, as subsidiary legislation authorized under the principal Act.

With respect to the first two considerations, that is to say, the benefit and the burden. I once more return to that fundamentally important decision of the Judicial Committee of the Privy Council still our final court of appeal until we replace it with the Caribbean Court of Justice. Only on Monday the 20th of June. that final court of appeal issued its judgement in the Privy Council appeal *Dominic Suraj and Satyanand Maharaj v The Attorney General of Trinidad and Tobago* 2022, UKPC 22. The appellants there were challenging the constitutionality of the public health regulations passed by the Government to manage the COVID-19 pandemic.

Mr. Indarsingh: Madam Speaker, I rise on 48(1) and I am failing to see the Attorney General and this legislation.

Madam Speaker: Okay. AG, please continue.

Sen. The Hon. R. Armour SC: Thank you very much. Madam Speaker, the significance of that decision is to demonstrate as the court has held, the Privy Council has held, the Constitutional remit of a duly elected government which has the majority in Parliament, as does this Government, to pass legislation by simple majority including subsidiary legislation by the issue of the order which the Minister is authorized to give, pursuant to the amendment—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—brought by 39B. The judgment is fully reported. It is by virtual link. When I am finished here, if the hon. Member for Couva South gives me his email address, I will send it to him so that he can read it at his leisure because—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: It is an educational instrument and judgement which takes us back to prerepublicanism and independence, and helps us, those of us who are legislators to understand the seriousness with which we should undertake the tasks which we come here on oath to discharge.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Secondly, Madam Speaker, and equally relevant to the exercise that we are about today, the ruling is an important vindication of the Government's long standing legislative agenda and the use of legislation passed without a super majority. This issue has been the subject of running vocal comments by Members of the Opposition and the judgment has definitively addressed that.

If I may trouble you, Madam Speaker, to take you to paragraphs 67 and one or two other paragraphs of that judgment for the benefit of the Members of this House, for the record of this House, and for the benefit of the Member of Couva

South, and other Members on that side, who may not take the time or the trouble to read the judgment.

Paragraphs six to seven of the judgement of the Privy Council reads in among other things:

“...the elected House of Representatives...”

That is to say, where we sit today debating this piece of legislation that is proposed:

“...is the principal institution of the state which gives effect to the democratic principle and it does so according to the usual democratic procedure of one person one vote on the basis of decision-making by ordinary majority.”

Paragraph 70:

“...the framers of the 1962 Constitution and of the current Constitution intended that Parliament, operating in the usual way rather than under the super-majority procedure, should have power to make laws for the peace order and good government of the state.”

That is what we are about here today, Madam Speaker. Passing an amendment for the benefit of those persons who are within the catch of the National Insurance legislation, for the benefit of those persons.

“The inference...”

Continues the Privy Council at paragraph 70:

“...cannot be drawn that the Constitution was intended to stymie government by ordinary legislative activity whenever such interference was in issue.”

That is the point here—

“The inference cannot be drawn that the Constitution was intended to stymie

government by ordinary legislative activity...That would..."

Continue the Privy Council, if I may draw the Member for Couva South's attention to paragraph 70:

"That would undermine the power of effective government in the public interest by ordinary legislative activity which the Constitution confers on Parliament. Many societies..."

Continues the Privy Council—

"...are pluralistic, with strong political divisions, yet ordinary legislative activity is still required to be taken to secure the general public interest in an effective manner. As is pointed out in Robinson et al..."

And I refer that text to the attention of the Member for Couva South, it is the primary constitutional text written in this jurisdiction by three authors. One, by the name of Ms. Tracy Robinson who is one of the senior lecturers of the faculty of law Mona, Jamaica. And another of those authors is Justice of Appeal Adrian Saunders, the President of the Caribbean Court of Justice. The Privy Council quotes from the text at paragraph 70 the name of which is *Fundamentals of Caribbean Constitutional Law*, page 483.

"...to interpret the rights in..." the Constitution "as absolute..."

"...‘would generate an impossible situation for law-makers, one unheard of in human rights jurisprudence’".

So the relevance, Madam Speaker, of this case that I am citing and the submissions that I make, the remarks that I make here today, are to assist us to understand appropriately that it cannot, and I quote now lastly from paragraph 71 of the judgment of the Privy Council:

"...it cannot have been the intention of the framers of the Constitution that democratic processes of law-making and the democratic nature of the state

should be compromised by creating...a veto power in a minority of an...”—
elected—“...body.”

Those remarks ring significantly in respect of the approach which the Opposition takes to every attempt which this Government makes forming the majority—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour:—in the House of Representatives to pass legislation for the peace, order and good governance of the citizens of this country. And that is what this amendment legislation is about.

So, Madam Speaker, the context in which I draw your attention to the remarks of the Privy Council, are to emphasize, as I was saying, the importance of appreciating that the legislation is conferring a benefit, notwithstanding the enforcement provisions which will visit on persons who attempt to evade the law and to act fraudulently. Notwithstanding the fact that the enforcement provisions are bringing and visiting enforcement laws, and fines, and terms of imprisonment, the balancing interest in the public interest is vindicated by the fact that these amendments are brought for the peace, good order and government, and for the benefit of the citizens of this country. And the language of the Privy Council now, which has found its way into constitutional jurisprudence is that it is proportionate. You weigh the benefit with the burden in the public interest for the public good. And that is what this legislation is about.

Lastly, Madam Speaker, I draw attention to the proposed amendment to section 39B, by which the Minister would be permitted by the subsidiary legislation in majority Parliament, the technique of a Ministerial Order, to provide for a waiver which is appropriate and applicable once this amendment is passed, and taking the trouble to emphasize the validity of the process to allow for the

effective implementation of the legislation.

There can be nothing further from the truth that the reality is, that once the substantive legislation has been passed as I urge this court to do today by a simple majority, as emphasized by the Privy Council in *Suraj*, the Government must be allowed to get on with governing, by that tried and constitutionally tested advice of a Ministerial Order to allow for the continued, effective, and expeditious implementation of the will of the Parliament. Madam Speaker, I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South. Member for Couva South you are reminded you have 30 minutes full time.

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker, as I join this debate and attempt to return some sanity to this debate based on the abuse of the parliamentary time and process that we have just witnessed from the Attorney General.

Madam Speaker: Member, Member, Member for Couva South, I will just remind you that, you know, there is a certain amount of civility with which we approach things. And, you know, borders on being unparliamentary. So I will ask you to find another way to say what you would like to say.

Mr. R. Indarsingh: Madam Speaker, I will simply say that the Attorney General was totally irrelevant and wasted the parliamentary time here this afternoon. Because his contempt for this House and the people of Trinidad and Tobago—

Mr. Deyalsingh: Madam Speaker, Standing Order 48(6) please.

Madam Speaker: So, Member for Couva South, I am not sure where you are going but the use of the word in light of what has happened here, I think is really irrelevant and also imputing some sort of improper motive. So pull that back, and again, find a way to say what you want to say in another way please.

Mr. R. Indarsingh: Madam Speaker, certainly I will be guided by your ruling but apparently Members of the Government cannot deal with the reality, and they are in the kitchen and they are feeling the heat as it relates to the performance of this Attorney General. That is their problem.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1) and 48(6).

Madam Speaker: Okay. So, Member please continue.

Mr. R. Indarsingh: Thank you Madam Speaker. They could run but they cannot hide as it relates to what will unfold in relation—

Madam Speaker: Member—

Mr. Deyalsingh: Madam Speaker 48(1).

Madam Speaker: Member, Member. Please address me, and speak on the Bill. Please proceed.

Mr. R. Indarsingh: Madam Speaker, all I will attempt to do here this afternoon through this particular piece of legislation that has been brought forward by this Government is simply to say to the Attorney General, that the beneficiaries of the National Insurance system, the National Insurance Fund understood nothing he said in terms of his contribution here this afternoon.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: They are lost, they feel no sense of hope, and of course he was unable—that is the Attorney General—to bring any sense of comfort, and any sense of hope as it relates to the crisis that is existing at the National Insurance Board of Trinidad and Tobago, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And all the legal jargon, all the legal jargon that was used by the Attorney General of Trinidad and Tobago really confirms to me as a Member of Parliament, that he will have a very difficult time and he will go down—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: The Attorney General will go down probably as the first Attorney General in the history of this country who will not be able to address a full complement of the Parliament of Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: Madam Speaker, that is the reality that we are dealing with in this House in terms of our responsibilities to Trinidad and Tobago, and the Attorney General being the titular head of the Bar of this country, Madam Speaker.

And Madam Speaker, the reality is because again, when the Attorney General attempted and started to use the term “proportionality” and “the public interest” I thought I was listening to his predecessor, the Member for San Fernando West.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: But at the end of the day, Madam Speaker, as I said, his contribution really failed to focus on—he the Attorney General indicated that his contribution would have focused on, one, benefits to the individuals, strengthening of the existing legislation, and he focused on the issue of the role of the Minister, and the order, and the subsidiary legislation and so on, Madam Speaker.

And as I said, I really felt a sense of pain and anguish here this evening because the Attorney General felt instead of really making a case to the beneficiaries of the National Insurance Board, he felt he was addressing the law lords at the Privy Council in London, Madam Speaker. And that is why I am saying all Members of Government are disconnected with the issues that are really affecting the people of Trinidad and Tobago, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And Madam Speaker, the reality is that there is a crisis at the

National Insurance Board of this country. And that has been clearly exemplified by the 2021 report that has been laid in the Parliament of this country, Madam Speaker. And so far, so far, no Member of Government, the Acting Prime Minister in fact—I give him kudos for being the Acting Prime Minister, I do not know how many occasions he has acted in that position, but as Acting Prime Minister—and God knows when the Prime Minister, the substantive Prime Minister will return to Trinidad and Tobago, Madam Speaker.

The Minister of Finance, and neither the Attorney General, could really point us to a direction, or in a direction as it relates to how this crisis will be addressed, and how the National Insurance Board, through the amendments to the legislation, Madam Speaker, in terms of what the Government is attempting to do through this Bill which seeks to amend the National Insurance Act, Chap. 32:01 to provide for the waiver of penalties and interest.

3.50 p.m.

And to increase the penalty for the provision of this false information, and to increase the statutory limitation for the commencement of summary proceedings under the National Insurance Act, Madam Speaker, how this particular Bill and the six clauses will really extricate, if I should use that particular word, the crisis in terms of what currently exists.

And, Madam Speaker, this crisis did not rear its head in 2022, you know. This crisis started, they allowed it to fester, they did nothing about it over the last seven years. And I want to put on record because you see the people who are contributing—this is not the Government's money, you know, this is the workers money.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: This is the poor people's money. And if the Attorney General had any sense of history—and I think if I do a poll, or I ask any of them a question here this afternoon in terms of the history of this fund and when it was started, they would be unable to answer. They may not even know that they—I do not know if the Member for Lopinot/Bon Air West would be able to tell this House if he knows that a founding father, as it relates to this—

Madam Speaker: [*Inaudible*—contribution to a particular Member, you are directing it to me. Okay? Please.

Mr. R. Indarsingh: Thank you, Madam Speaker. Through you, Madam Speaker, that the Member for Lopinot/Bon Air West may not know that the predecessor, one of the pioneers of the National Insurance Fund in Trinidad and Tobago was the father of his predecessor, the former Minister of Social Development and Family Services, Cherrie-Ann Crichlow-Cockburn. And they have probably forgotten their history, in terms of the contribution—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—that Sen. Nathaniel Critchlow made to this fund and in relation to the rich contribution of the labour movement of this country.

Madam Speaker, through you, the Leader of Government Business has been consistently irrelevant this afternoon and continues to be irrelevant.

Hon. Members: [*Desk thumping*]

Madam Speaker: Okay. So—all right. So, Members, while I understand the banter and so on, I will ask Members to remember the Standing Orders with respect to talking across the floor, loud speaking, disturbance of the Member speaking. Please continue your contribution. Remember you are directing contribution to the Chair.

Mr. R. Indarsingh: Certainly, Madam Speaker, but they will feel my fire through you also.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: Because they will not; they will not beat Members of this Opposition into submission. If they get—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: If they shout in the gayelle, they will face the wrath of the Opposition and the gayelle, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And they must learn to handle it and “doh” hide behind Standing Orders.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: If you want to dish out, take the fire that is coming at you, Madam Speaker. And, Madam Speaker, the relevance is that you have done nothing with respect to the National Insurance Board.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And that is why the inaction, the laziness and the incompetence of the Minister of Finance—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—has us in this predicament today. Because in 2016, the NIB had to dip in its investment to finance benefits to the tune of \$261.54 million; in 2017, it was \$140.26 million; in 2018, it was \$226.16 million; in 2019, it increased to \$664.65 million; in 2020, it was \$916 million; and in 2021, Madam Speaker, if you follow the trajectory from \$261 million and in 2021, it was \$1.065 billion. This is the crisis we are in today and I want to say that the entire Government headed by the Prime Minister must be held accountable for this crisis and fiasco.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: That is the issue at hand. That is the issue at hand, Madam Speaker. And when you want to come and mamaguy the population about proportionality—the only thing I did not hear about was Suratt in that discourse.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: I did not hear, Madam Speaker—

Hon. Member: He coming after, he coming after.

Mr. R. Indarsingh: Well, if he is coming after, well, I know I will hear about Suratt—if the Member for San Fernando West, Madam Speaker.

So, Madam Speaker, you see, what is being done here this afternoon must be seen in the context of a measure that is designed through the respective clauses to reward employers who may be corrupt—

Madam Speaker: [*Inaudible*]—withdraw that and find another way to say what you want to say.

Mr. R. Indarsingh: But, Madam Speaker, if you deduct—

Madam Speaker: So, you withdrawing it and you find—

Mr. R. Indarsingh: Yes.

Madam Speaker: Yes? I need to hear you.

Mr. R. Indarsingh: Yes, Madam Speaker.

Madam Speaker: You withdraw?

Mr. R. Indarsingh: I am withdrawing.

Madam Speaker: Yes, please. Go ahead.

Mr. R. Indarsingh: I am withdrawing. But the layman in Trinidad and Tobago, the law lords—they are not the law lords in this country, you know, or at the Privy Council. The layman, the workers, who gave their blood, sweat and tears to the development of labour and companies throughout the length and breadth of this

country, when you deduct their hard earnings and you tell them that you are submitting it as contributions to the National Insurance Board on their behalf, what word can I use again? Madam Speaker, it is fraud of the highest.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And all I am saying that this Government is rewarding persons who are involved in fraud—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—that is the issue here, Madam Speaker.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(6), please.

Madam Speaker: So, Member again, find another way—I uphold the objection. Find another way to say what you want to say, please.

Mr. R. Indarsingh: Madam Speaker, I know that there are a number of questionable activities that are taking place and Cabinet Ministers have to answer a lot of questions—

Hon. Members: [*Desk thumping*]

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(6), please. This is not a circus.

Hon. Members: [*Crosstalk*]

Madam Speaker: Okay. All right.

Hon. Members: [*Crosstalk*]

Madam Speaker: So, Member, I want you to confine what you are saying to the Bill that is before us and not about other matters. So, please get back to this. Find a way to say what you would want to say that is within the context of the Standing Order.

Mr. R. Indarsingh: Certainly, Madam Speaker. But I want, through you, to tell the Leader of Government Business, the startling figures that I have just called out

in terms of the crisis at the National Insurance Board is certainly not a circus to the hundreds of thousands—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—the hundreds of thousands of workers who depend—and retirees especially—and I want to put it in the proper social context because sometimes, as I said, they are so disconnected from the ordinary people of this country, that “stick break” in their ears, they cannot—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—they cannot listen, they cannot understand the compassion.

Madam Speaker: “They” you keep referring to and “their”. You are talking about hon. Members or you are talking of Members on the other side. Okay? Please.

Mr. R. Indarsingh: Yes, Madam Speaker, Members on the other side.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: Because, you see, as I said, on the 17th of April, 2022, I want to read from an *Express* article written by Luanne Roberts-Hunte. And the headline was:

He was always able to put a pot on the fire because of the National Insurance Board.

Madam Speaker, and this was a person who was 105 years and the oldest recipient of the National Insurance Board in terms of insurance in Trinidad and Tobago—in Tobago by the name of Phillip Leddy Bob. And this centurion reflected on his feeling of financial stability and security when monthly he could tell his wife, Fredrica, to put a pot on the fire because the payments were always timely and certain. So, certainly, this is about benefits that are near and dear to the elderly, to the retirees, the workforce and so on.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And as I said, through you, what the Opposition is putting forward here this afternoon is hardcore facts, the reality, the concerns of the beneficiaries and recipients because we are not about a circus. We are about putting the issues and attempting to point the Government in a particular direction, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And, Madam Speaker, the Attorney General focused on the issue of the order and if we look at clause 3 of the Bill, it seeks to amend section 35B of the Act by empowering:

“..the Minister to waive the penalties or interest due and payable under section 39B, by Order.”

And the amended section 39B reads as follows:

“Where any employer fails to pay the amount of contributions payable by him to the Board under the provisions of this Act by the fifteenth day after the due date, he shall be liable to pay—

- (a) a penalty of twenty-five per cent of the outstanding sum; or
- (b) penalty of one hundred per cent of the outstanding sum, where the period for which the contributions were retained, is in excess of five years; and
- (c) interest on the entire sum in relation—to the—“(penalty and the outstanding sum at the rate of 15 per cent per annum from the sixteenth day of the following month until payment).”

And the new 39B(2):

“The Minister may, by Order, provide for the waiver of penalties and interest due and payable under this section.”

Madam Speaker, we in the Opposition, we want no part of where a Minister of Finance wants to give on to himself perpetual power. Is this amendment absolutely necessary? Why does the Minister want to give himself the power to provide waivers by order?

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And, Madam Speaker, if they cannot provide, and that is the Government, in the interest of accountability and transparency—my colleague, he has raised this particular point, but I will just make it en passant, as we would say. If they cannot provide a list of all the persons or companies who are owing the National Insurance Board and we could categorize it in terms of large, we could categorize it in terms of medium and small-sized employers, this is an exercise in futility, Madam Speaker.

And, Madam Speaker, I may force—I will be forced to ask the Government of Trinidad and Tobago—because they do it at WASA. In fact, a CEO lost his substantive position over the publication of a list of debtors to the Water and Sewerage Authority. And also, at the HDC you published the names of debtors and so on. And I am saying to the Government of Trinidad and Tobago, unless they are protecting financiers and friends—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—is the Government prepared—

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(6), please.

Madam Speaker: I uphold the objection.

Mr. R. Indarsingh: Thank you, Madam Speaker. Is the Government prepared to name and shame?

Madam Speaker: I upheld the objection, eh. I did not overrule it, I upheld it. Okay?

Mr. R. Indarsingh: Thank you, Madam Speaker. Is the Government—and this has nothing to do with accusing Members of the Government of anything, Madam Speaker. I cast no aspersions. They are all honourable people.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: But, Madam Speaker, the poor workers of this country who contribute to the National Insurance Board, surely they want to know who robbed them of their hard-earned earnings?

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And I am asking this afternoon: Is the Government prepared to name and shame employers who are owing the National Insurance Board these exorbitant sums of money? Because, Madam Speaker, we were told that approximately 4,000 employers—that is by the Minister of Finance—are not registered. And based on the formula that the Government is seeking to implement here this afternoon, that if it becomes a reality, the Government, based on actuarial projections, will earn \$161 million in its first year and over \$792 million will be collected over the next 10 years.

And, Madam Speaker, as I said, what is important is that the—this whole issue about the “Minister can simply provide a waiver”, this is a wholly objectionable position in terms of how the Opposition sees it. And we submit here this afternoon that the granting of such waivers ought to be subject to the affirmative resolution of the Parliament so that the Minister must be able to justify to the Parliament why he believes that a waiver of penalties and interest in the future is necessary, Madam Speaker. At the very least, if they—if Members of the Government, they are committed to upholding the highest ideals of this Parliament, they will ensure that the clause should be amended to “subject to negative resolution of Parliament”. It is absolutely vital that there is some form of

parliamentary oversight and we are saying we will have no part of it, Madam Speaker, unless parliamentary oversight becomes the order of the day.

And in addition to the concerns of the Opposition, Madam Speaker, clause 4 of the Bill seeks to:

“...repeal and replace section 39C of the Act, which...provides for the waiver of penalties and interests where outstanding contribution were pay during the period 10th of October, 2011 to the 30th of June, 2012.

And:

“The new section 39C would provide for the waiver of penalties and interest where outstanding contributions are paid during the period 1st of July, 2022 to the 31st of December, 2022.”

And:

“The new section 39C”—as I said—“would empower the Minister to extend the period for the payment of outstanding contributions by Order.”

That is, he can increase the time frame of the waiver beyond the 31st of December, 2022, simply by Order.

And, Madam Speaker, we must understand the background to this current section 39C which is to be replaced—repeal and replace clause 4 of the Bill. The original section 39C, Madam Speaker, was inserted by the Finance Act of 2012, which was passed by the People’s Partnership Government led by the distinguished Member for Siparia. And in effect, the section introduced a waiver of penalties under the Act for the failure to pay the National Insurance contribution.

And today, I want to point out, and in winding up the Minister of Finance may want to tell us, why there has been this turnaround, this 360 turnaround, in terms of the position of the Government. Because, you see, Madam Speaker, the

then Opposition Leader, the current Prime Minister of Trinidad and Tobago had this to say in his contribution. And I quote:

“A number of penalties are”—now—“increased here in this budget, but those penalties, while they now would be at the level of current economic activity and numbers in the country as a whole, they will not...”—be significant—“by themselves, out of fear of being penalized, see any significant change of attitudes. What is needed are better enforcement and monitoring arrangements...”

Madam Speaker: Is that from the *Hansard* you—

Mr. R. Indarsingh: Yes.

Madam Speaker: Have you provided the reference to the *Hansard*?

Mr. R. Indarsingh: Well—

Madam Speaker: You have to do that if it is the *Hansard* you are quoting.

Mr. R. Indarsingh: Well, Madam Speaker, this is the Prime Minister, the then Leader of the Opposition in his contribution to the debate on the Finance Act of 2012, as it relates to the Finance Act, which was then piloted by the Minister of Finance at that point in time, Minister Winston Dookeran. So, I am just quoting—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: I am quoting from the Leader of the Opposition’s contribution at that time.

Madam Speaker: You know, Member, you are sufficiently senior to know that if you are referring to the *Hansard*, you will have to give the reference. Okay? So, I am not sure that that cuts what you are required to do.

Mr. R. Indarsingh: Madam Speaker, the Minister of—the Leader of the Opposition on February 08, 2012, when he made his contribution in this particular debate.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: And as I continue to show how they speak with double tongue. The—

Hon. Member: [*Inaudible*]

Mr. R. Indarsingh: Well, I do not plagiarize at no point in time.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: Madam Speaker, and the Leader of the Opposition indicated:

“By monitoring, I mean, monitoring on the current basis. This thing about having moneys owed and then every so often you grant waivers is beginning to become part of the non-payment culture in Trinidad and Tobago.”

The Leader of the Opposition wanted nothing to do with waivers and he said that we were beginning to instill a culture of non-payment in Trinidad and Tobago. And we cannot talk about increased penalties and documents, people are going to sit there and wait, knowing that waivers and amnesties will come.

So, apparently something—they just woke up at some point in time after seven years and decided that penalties and waivers must be the order of the day, and to benefit whom? This is why we want no part of this, Madam Speaker. Because at the end of the day, this is a plaster on a sore, this is a smokescreen, this is something—as I said, what is to come is in terms of the Government wants to implement the recommendations of the Tenth Actuarial Valuation Report and they cannot seem to know how to say they want to do it. I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Port of Spain North/St. Ann's West.

Hon. Members: [*Desk thumping*]

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam

Speaker. Madam Speaker, my intervention here this afternoon will hopefully not be a long one. The Bill that is before us, just to give the context to the public, Madam Speaker, is merely six clauses long. The Minister of Finance and the Attorney General have already outlined the main points that are being sought to be addressed via this Bill that we are here to deal with this afternoon.

I would like to start by answering a question that I heard asked or a suggestion and, of course, a mischievous suggestion in the form of a question by both the Member for Oropouche West as well as the Member for Couva South. And the question that they asking the population, with some suggestion that there is wrongdoing or there is a suggestion that this Bill, which is really about waivers and amnesties is to benefit someone—so, the question both speakers, Oropouche West and Couva South, have asked: To benefit whom?

So, just to put it in context for the population, this policy decision of the Government that we are seeking to implement via this Bill here this afternoon, the National Insurance (Amdt.) Act, 2022, which does deal with a waiver and with an amnesty of certain statutory payments that should have been paid during a period of time prior to this, comes on the heels of the COVID-19 effects. So that is the context that we need to put it in. So, it is the benefit whom? It is a benefit those persons who struggled during the pandemic—

[MR. DEPUTY SPEAKER *in the Chair*]

Hon. S. Young:—those persons who from March 2020, to recent times when the economy was reopened, for those persons who had to make statutory payments during that period. And we all, who have any empathy whatsoever, Mr. Deputy Speaker, we all as representatives, certainly those on this side of the House who are in touch with our constituents; who are in touch with the people who understood the difficulties that were taking place for businessmen, business

women, persons who had to make statutory payments, during those difficult periods when the pandemic was on us, before we had vaccines and before we were able to reopen the economy, that is what this legislation is here today for.

Hon. Members: [*Desk thumping*]

Hon. S. Young: So, what it is here to do is to allow the Minister of Finance to provide for those persons who may not have been able to make the necessary statutory payments during this period of time, the opportunity now to make the payments without the heavy penalties and the heavy interest, that the failure to make those payments would have attracted and that is it simply. So, the typical Opposition's suggestion that there is something nefarious, that there is something spurious, that there is something secretive about the passage of this is complete hogwash and is to be rejected, as usual.

Hon. Members: [*Desk thumping*]

Hon. S. Young: Because, you see, that is typical, unfortunately, of the Members on the other side. It is typical, unfortunately, of the Member for Oropouche West to come in an attempt at a sanctimonious style to say, "Oh, who is this benefiting? Why all of a sudden"—and I am going to address another point that was made by the Member for Oropouche West. And I laughed and I heard, unfortunately, the Member for Couva South follow up on the point that was being made, Mr. Deputy Speaker, and this is the point—another point that needs to be rejected outright immediately. And the Member for Couva South was just going to great lengths to suggest that the Member for Diego Martin West, when he was Leader of the Opposition many moons ago, in a debate that was dealing similarly with waivers and amnesties, was saying that this should not be done because, of course, what it does is that allows those who have acted within the law and made their payments to be penalized because they have made their payments no matter how difficult it is

and now those who are waiting for the next amnesty, waiting for the next waiver, jump in and get the benefits of legislation or decisions such as the one we are facing today.

4.20 p.m.

Again, let us remind the population that there were, at least, four such waivers, amnesties of interests and payments, under the UNC period between 2010 and 2015.

Hon. Members: [*Desk thumping*]

Hon. S. Young: And, ironically, in listening to the Member for Couva South, quoting the Member for Diego Martin West, who is absolutely not contradicted by us passing this legislation here today, he is referring to a debate where the UNC, under their first Minister of Finance, Mr. Dookeran then, was doing the first passage or one of first passages of a similar waiver and a similar amnesty, and that is the type of hypocrisy that we hear here very often from those on the other side.

Hon. Members: [*Desk thumping*]

Hon. S. Young: So, they are saying and suggesting, well, why are you doing it? Knowing fully well during thankfully that short period of time that they were in power when, of course, things were a lot better. They were not dealing with a population that was coming out of the difficulties associated with the COVID pandemic and the shutting down of the economy and the shutting down of businesses to save lives. They—and maybe it is that they knew who they were doing it for, at that time, and who they were trying to benefit—maybe their friends and financiers at that time—but that is not what is applicable here today, and I want to put that on the *Hansard* through you, Mr. Deputy Speaker.

So for the population looking on, what we are here today to do is to allow—as has been said by the Minister of Finance and the hon. Attorney General—the

Minister of Finance to waive or to provide what is commonly known as an amnesty for certain statutory payments that are to be made to the NIB for a specific period. And it says, right, a penalty of 25 per cent on the outstanding sum when it is due, if it is not paid and then a penalty of 100 per cent of the outstanding sum if the sum has been outstanding for more than five years and interest on the entire sum, an interest rate of 15 per cent per annum on both the penalty and the outstanding sum from the 16th day of the following month until payment. So, today, the measure that we are passing is to provide those persons who faltered, those persons who did not make the statutory payments at a period when the economy had contracted and was shutdown to save lives in the response to COVID.

And what the hon. Attorney General did, he started off his contribution by quoting the case of Suraj and the recent decision of the Privy Council, was to set that context to remind us that this is what happened, as the Government—and it has now been held by the Privy Council, rightly and properly constitutionally protected the lives of the population of Trinidad and Tobago during that period. During that period, the record reflects that there were a number of initiatives by the Government to provide relief for the citizens.

So to sit here and to listen to elected representatives, who not so long ago were coming in the same Chamber and screaming that they represent businessmen who are closing down their businesses and businesses that are struggling, et cetera, I want to remind the population, the same ones who were crying that, now when businessmen are being provided with the relief—and it is not just for them, but also for their employees. Because the beneficiaries of some of these statutory payments, Mr. Speaker, some of the most important beneficiaries of these NIS payments are the employees. And you would not hear those on the other side unless it is tongue

in cheek, trying to fight for employees. So what you are now giving is employers, who for one reason or another, whatever difficulties they were in, the opportunity without attracting interests and without attacking penalties to come and make the payments on behalf of their employees.

And I stand here as the Member, the elected Member for Port of Spain North/St. Ann's West, and I make a plea today to all of the employers out there, who during the last difficult periods may not have been able to keep up-to-date with the statutory payments for their employees, when this legislation is passed by this Government, come forward without the attraction of the interests and the attraction of the penalties, which are very high and make the payments. So down the road when your employees retire or down the road God forbid they have some accident at work, et cetera, they are able to access their payments. Because, again, if the payments are not made, meaning the statutory payments that have to be made on behalf of the employees by the employers, when it comes time—and we heard it very often, again, during the pandemic, because one of the offers, one of the initiatives by the Government was to pay those who were unemployed or not working during the pandemic, and the NIB had to provide some of those payments—and very often we heard the stories, again, as representatives on this side, from our constituents, that they were going to NIB thinking in all these years they have been working the statutory deductions were being paid to the NIB, and when they went to the NIB to be told well, hold on, we are not seeing any payments made on your behalf for the period of time, and the disappointment and the distraught and the trauma they then had to face.

So, again, the plea here today is, when this legislation is passed, all those who have outstanding payments to the NIB, who will fall within this amnesty, please go and pay it, because we never know what can befall any of us tomorrow

or the day after tomorrow. So, quite contrary to what we have heard from those on the other side, Mr. Deputy Speaker, this actually is legislation that is designed to assist and to help and to benefit the small people in Trinidad and Tobago and the employers in Trinidad and Tobago to allow them the opportunity to make these payments.

So to listen to those on the other side attacking it, and they know why, and the population needs to just observe. Any time you see the attack on legislation by the other side, immediately that is a red flag that you should know, it is something to benefit the people of Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Hon. S. Young: Another point that was being made by the Member for Couva South, you want negative resolution of Parliament and the Minister should not be allowed to do these things. Again, through you, Mr. Deputy Speaker, lest any member—right-thinking and civic-minded member of the population is misled—the reason you want to give the power that we are seeking to do here today to the Minister that:

“The Minister may, by Order, provide for the waiver of penalties or interest due and payable under this section.”

Is so that you would be able to avoid the need to utilize parliamentary time for these administrative matters.

Because, very often, as the UNC did on, at least, four or five occasions between 2010 and 2015, although they wish the country would forget that, in a very different time, they provided waivers and amnesties for the population of Trinidad and Tobago. It is to allow the Minister of Finance the opportunity, in particular, with the NIB, because the way the legislation is currently framed, he does not have that opportunity. And very often persons, we can go through some

things, some period of difficulty, as we have just done with COVID when as I say, and I repeat myself, businesses were closed and the economy had slowed down. It is now that you are allowing the Minister of Finance—and he is not doing it on his own. He will do it via coming to Cabinet and Cabinet taking a collective decision that we should allow a waiver period.

And I can say, it is not the policy of this Government, again, contrary to what the Member for Couva South was just trying to paint by referring to a contribution to a debate by the Member for Diego Martin West, in the past, we do apply what the Member for Diego Martin West was saying. And I can tell the population that the few waivers and amnesty periods that this PNM administration has had since 2015, to date, have always had very robust conversation, debate and interrogation by the Cabinet. It has never been done willy-nilly. It has never been done in the manner that everything was done in that period 2010 to 2015. We asked the Minister of Finance, well justify to us why you think on this occasion you should provide an amnesty period, and I have provided the answer to the question, to benefit whom? To benefit the small man, to benefit the employees and to benefit the employers that struggled to make these payments. That is what this is for. Coming on the heels of a very difficult period. And, again, just to remind those on other side, because they do not like to hear it, a period that has now been upheld by the Privy Council in Suraj that the Government on this side absolutely, constitutionally correctly and properly used the Public Health Regulations to manage the population and to save lives. They do not like to hear that, but it is the truth.

So, Mr. Deputy Speaker, the passage of this legislation, there is no need for the type of parliamentary oversight that those on the other side are calling for by the simple allowance of the Minister of Finance whose duty, whose role and whose

obligation it is to manage the NIB, to manage and to make sure that the NIB is getting the funds that it needs from the population from people making their payments, to take a decision to convince his colleagues in Cabinet to allow him or her the opportunity to have such a waiver of penalties or interests as is being done here today.

So, Mr. Deputy Speaker, those are the few points that I wanted to put on record. Once again, just to quite simply and irrefutably debunk what we have heard from those on the other side, to assure the population that the passage of this legislation here today is for their benefit; to assure the population and, in particular, the law-abiding citizens of Trinidad and Tobago that it is certainly not this Government policy, in any form or fashion, to provide any benefit to those who breach or break the law, not a single person. There is no section 34 by this Government.

Hon. Members: [*Desk thumping*]

Hon. S. Young: This is not a piece of legislation that is passed that was specifically, carefully crafted by those on the other side to benefit a handful of people who are the noisemakers today attacking the Attorney General. It is not that. That is not what this is. This is to benefit the small people in Trinidad and Tobago. This is to benefit the people who have elected us to this Parliament. And to sit here, once again, and to listen to the spurious, lack-of-substance submissions that I have heard from those on the other side, as they tried their spinning and their doctoring, I reject it as the Member for Port of Spain North/St. Ann's West.

Hon. Members: [*Desk thumping*]

Hon. S. Young: And, Mr. Deputy Speaker, through you, I commend this to all of the representatives, those who care about the people that they represent, to show by their actions here today, that they will support the passage of this legislation, not

by what they pretend to do outside. And with those few words, Mr. Deputy Speaker, I pledge Port of Spain North/St. Ann's West's full support for the passage of this legislation, and look forward to those employers who struggled to make the payments for their employees during difficulty periods that we have now come out of, fortunately. And congratulations to the Prime Minister, the Minister of Health, his team and the Office of the Attorney General, all who played an important role in getting us through that difficult period, and I commend the Minister of Finance for bringing this legislation here today to help the small people. Thank you.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Pointe-a-Pierre and Member you have 30 minutes.

Hon. Members: [*Desk thumping*]

Mr. David Lee (Pointe-a-Pierre): Thank you, Mr. Deputy Speaker. I listened to the previous speaker, Minister Young, Member for Port of Spain North/St. Ann's West, and his whole contribution was about trying to pitch the Government's reason why they brought these amendments here today. And he is making a plea, through his contribution there for the Government, that is, is for about the small businessman, the employee, et cetera and it is about trying to save businesses, Mr. Deputy Speaker. Mr. Deputy Speaker, that is the furthest thing from the truth by Minister Young. Minister Young is giving the impression that it is about COVID-19 and the pandemic, that is the reason that they brought these amendments here this afternoon, Mr. Deputy Speaker.

Mr. Deputy Speaker, and Minister Young also mentioned a media statement by the Attorney General on a matter at the Privy Council. I want to say for the record that the ruling there was based on a constitutional issue, Mr. Deputy Speaker. It is not about—the ruling from the Privy Council was not about how they handled COVID

during the last two years, Mr. Deputy Speaker. It was a constitutional issue that they ruled on, Mr. Deputy Speaker.

Mr. Deputy Speaker, I want to go to the Bill itself. The Bill seeks to amend the National Insurance Act, as we all have said, and previous speakers would have raised it and it impacts the Finance Act and the Legal Notice, et cetera, Mr. Deputy Speaker. Mr. Deputy Speaker, under the present Minister of Finance, the Acting Prime Minister, there have been a slew of amnesties under the Minister of Finance's watch for the last seven years. Today is another amnesty amendment that the Minister of Finance is bringing to this House today. And when you read the amendment, when you look at clause 4(2)(a) and (b), the waiver basically applies to:

- “(a) an employer who was registered with the Board prior to 30th June, 2022; and
- (b) an employer who registers with the Board during the period 1st July, 2022 to 31st December, 2022.”

The coming six months, Mr. Deputy Speaker.

And I ask the Minister of Finance in his winding up, which one or which one of these categories: Present employers or employers who will be registered is the issue, the reason why we are now having this amnesty, Mr. Deputy Speaker? Because I want to ask the Minister of Finance to clarify for me, how far back, if someone registers now in the coming six months as an employer how far back—maybe the Minister might have mentioned it in his presentation—would that employer go to file for employees and make commitments and payments good, Mr. Deputy Speaker? Because the people who are suffering in these amendments are the employees of employers, Mr. Deputy Speaker. Because I listened to Minister Young, he talked about saving small businesses and really this amnesty is about

helping the employers who were not able to meet their commitments, their statutory commitments, during the pandemic. That was Minister Young's whole debate, Mr. Deputy Speaker.

Now, and I ask: Why should that be so? There are some businesses, Mr. Deputy Speaker, who would have made these statutory payments and they did their patriotic duty that during the pandemic if they had employees employed, and their businesses were able to open, and they were deducting NIS contributions from those employees, it was their duty to ensure that these statutory payments were made, Mr. Deputy Speaker. Why are we rewarding them now, because some would have done it? And we are rewarding now employers with this amnesty who did not do that, Mr. Deputy Speaker. And I am just trying to make that case that Minister Young was talking about during the pandemic, and I do not think it is only during the pandemic. And I ask the question: Who is this Government, big businesses that would have come to them and plead their case to ask for this amnesty, Mr. Deputy Speaker? It is not the small businessmen. It is not the small businessmen who would have come to the Government either via the Minister of Finance or via NIB or via some other Minister to make their case and plead for amnesty on NIS deductions, Mr. Deputy Speaker. So I ask the Minister to help us and the Opposition answer that question. Who are these big businesses? Because I am sure it is not small business, because a lot of small businesses have closed down during the pandemic over the last two years, because they got no help from this Government, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Mr. D. Lee: Mr. Deputy Speaker, I thought that the Minister of Finance—and he is a very learned individual—and he always talks about the Opposition does not do their work. Now, when you look at the NIS system, Mr. Deputy Speaker, and the

Minister of Finance is bringing this amnesty, I would have thought—and the Minister of Finance stated four reasons, based on actual advise that some of the reasons why we need some improvements in the NIS system in NIB, Mr. Deputy Speaker. And one of bugbears for me, Mr. Deputy Speaker—and I thought the Minister would have looked at that—is that if you are asking people to meet their statutory commitment, like their income tax, PAYE, employment levy and business levy, et cetera, when you look at the contribution table of the NIS system, Mr. Deputy Speaker, I think it has 16 areas, 16 bands, Mr. Deputy Speaker. And when you look at the bands based on your income—your weekly income, your monthly income—it is a very cumbersome process for employers to go through, Mr. Deputy Speaker.

And I would have thought that one of the improvements that the actuary or even the Minister of Finance would have suggested, was to sort of improve and make those bands very simple. Reduce it maybe from 16 to 8, so that it does not become an onerous system for even the small business employers to make those payments on behalf of their employees, Mr. Deputy Speaker. Because you have to try and lessen the amount of cumbersome, the red tape, in our entire payment system—whether it is the BIR, whether it is the NIB, Mr. Deputy Speaker—to assist employers so that they would see it not as an onerous situation to make these payments on behalf of their employees, Mr. Deputy Speaker. So, I ask the Minister to look at those rates, the bands, to simplify it, so that it can assist employers in meeting their contribution and their payments on a timely basis. That will also assist in us having less amnesty going forward, Mr. Deputy Speaker.

[MADAM SPEAKER *in the Chair*]

Thank you, Madam Speaker, Madam Speaker, when I listened to Minister Young, Minister Young talked about that we did it in 2012. The Minister of

Finance at the time was Winston Dookeran. Now, Minister Dookeran, at the time, Minister of Finance, had put in a sunset clause. It was just for six months.

Hon. Members: [*Desk thumping*]

Mr. D. Lee: What this amendment Bill is about, there is no sunset clause and any time the Minister of Finance by Order and negative resolution, can come and pass his own amnesty without proper oversight by Parliament, Madam Speaker. So, we had raised—my two previous colleagues had raised that issue about that lack of sunset clause and not time bound, Madam Speaker.

Madam Speaker, I would have thought, and I know the Minister of Finance touched on it, and you allowed him a lil leeway a bit, and I would just ask, in trying to increase the contributions to NIB, and we realize there is a deficit between contributions, revenue and benefits, and the Minister of Finance, I want to ask him, to actually fast track that whole issue about self-employment, because that is another source of revenue of NIS contributions that is—

Mr. Imbert: Point of order, 48(1). This dissertation on the self-employed.

Madam Speaker: No, no. Minister of Finance, you were given some opportunity to speak about the different options. Okay? So I will give the Member an opportunity. I would not let him delve too much into it, but I would give him an opportunity. Please, proceed, Member for Pointe-a-Pierre.

Mr. D. Lee: Thank you, Madam Speaker. I thank you.

Hon. Members: [*Desk thumping*]

Mr. D. Lee: I would not—I will follow your ruling, I would not delve in it. All I would say is that I agree with the Minister of Finance that there is some emphasis and importance should be placed on looking at the self-employed, and bringing them into the whole NIB ambit as a revenue generating method, Madam Speaker, and I leave that there. Thank you, Madam Speaker.

Madam Speaker, the Minister of Finance talked about an ageing population. The Minister of Finance talked about reduction in the workforce and, et cetera, Madam Speaker, and we agree with that. We have an ageing population and we are living longer and NIB, there is a lot of strain that is being put on NIB for benefits by the citizenry of Trinidad and Tobago, Madam Speaker, and I am assuming they are trying to raise revenue for NIB by bringing this amnesty to close the gap between revenue and benefits, Madam Speaker. But I want to go back to Minister Young's contribution, Madam Speaker. Minister Young talked about non-payment during the COVID-19—

Madam Speaker: So, Member, I know sometimes it is difficult to remember. So it is either we are saying the Minister of Energy and Energy Industries or we are saying the Member for Port of Spain North/St. Ann's West. I know it is sometimes difficulty. Okay?

Mr. D. Lee: Thank you, Madam Speaker. I refer to the Member for Port of Spain North/St. Ann's West in his contribution. I apologize. And when the Member was contributing, Madam Speaker, the Member talked about the employers who did not pay the contributions on behalf of employees during the pandemic period, and this is one of the reasons why the amnesty is in place here today. I want to ask the Member for Port of Spain North/St. Ann's West, what about the employee who during the pandemic period, who would have paid their contributions from their wages taken out by their employer, who did not pay that contribution for whatever reason during this pandemic, and that employee—let us say, it is a female employee, Madam Speaker, became pregnant and had to apply to NIS for maternity benefits. And when they would have checked the NIS contributions by that individual, during the period, and their employer would not have paid, if that is so, those contributions: What would have happened to that employee, Madam

Speaker? And that is the concern that the Opposition has with this amnesty. It is about the employees who would have paid their contributions and the employer would not have contributed to the NIS system on behalf of them, Madam Speaker. And that is what we are saying that we have a grave concern, and we consider it to be fraud by the employers, Madam Speaker.

So, Madam Speaker, I ask the Minister of Finance in assisting us in his wind up. I would not be long, Madam Speaker, anymore. I just wanted to raise those points about the contribution, the NIS bands, if they could be simplified or look at it, so that they would make it much easier for employers. We do not agree with this, you know, open-ended approach of this amendment, Madam Speaker, where there is no sunset clause. We are asking for a sunset clause on this critical matter. I do not feel it is just an administrative procedure as the Member for Port of Spain North/St. Ann's West had said in his debate, Madam Speaker, and with those few words. I thank you.

Hon. Members: [*Desk thumping*]

4.50p.m.

Madam Speaker: Member for San Fernando West.

Hon. Members: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Madam Speaker, it is painful to listen to contributions coming from the Opposition at times. I had intended to be as charitable as I could today but there has now been three speakers on the opposite bench who have been saying, repeatedly, “We, the UNC are so concerned about that person”—in the circumstances they described—“who is an employee, whose employer did not pay contributions”, and the Opposition is so concerned that this person would have been denied benefits and that there is a huge lacuna in the law and that the

Government has somehow not got it right. Madam Speaker, it is a dereliction of duty for the hon. Members opposite to be given a piece of technology called an iPad by the Parliament where the electronic laws of the Republic of Trinidad and Tobago are published on the Ministry of the Attorney General and Legal Affairs' website, where if you simply navigate to the website and go under National Insurance and bother to go to section 50 of the parent Act, their own questions would have been answered. And, Madam Speaker, let me for the record start off at that point because I have many more points to raise on that ground as to how intellectually absent the contributions opposite are, because here is the big straw man put up, "Yuh can't get yuh benefit because the employer didn't pay."

Madam Speaker, let me refer to section 50 of the parent Act, and I read for the record with your permission:

"Where in the determination of any claim for benefit it is found that such benefit is lost by reason only that an employer has failed or neglected to pay any contribution in respect of an insured person or to comply with any requirement relating to the payment or collection of contributions, then, where the claim is by the insured person or a survivor of the insured person the Board shall pay to such insured person or survivor as the case may be a sum equal in amount to the benefit so lost and thereupon such sum shall become due to the Board by the employer and shall be recoverable in accordance with section 66."

For heaven's sake, Madam Speaker, three speakers opposite, the Member for Couva South, the Member for Pointe-a-Pierre, and the Member for Oropouche West, all made the same point, all with aplomb, not even bothering to read the parent law which we are amending today. Why, Madam Speaker? Because we are also amending the penalties. We are also amending the fact, touching and

concerning summary jurisdiction as we amend sections 63 and 64 by this Bill, but, Madam Speaker, section 66 sets up a civil recovery from the employer. So, Madam Speaker, the big, huge, massive, “We are caring of the people points”, raised by all three speakers for the Opposition falls flat on its face because the law already provides for that.

Now, Madam Speaker, let me say immediately that I too associate myself entirely with the legitimate aim of this legislation. This Bill before us, as Minister Young squarely put onto the record—sorry—as the Member for Port of Spain North/St. Ann’s West put onto the record, this Bill has a legitimate aim. The hon. Attorney General took his time, and I commend him publicly for doing so, to put on record the fact that this law is entirely constitutional. The hon. Minister of Finance did so as well. So, Madam Speaker, the benefits put forward by this Bill—this Bill, Madam Speaker, proposes an amendment to a few clauses. The first one, Madam Speaker, is to amend section 38 of the parent Act—39B, forgive me, of the parent Act; then to repeal and replace section 39C, and in doing those amendments in clauses 3 and 4, the Opposition has come here to say a number of things. They say, number one, there is no sunset clause in the provisions of 39C or 39B. Three speakers have said that repeatedly.

They say that this is different in precedent from the 2012 amendments piloted on February 8th and February 14th in the House and Senate, respectively, in the Finance Bill by the hon. Member then, the Minister of Finance, Winston Dookeran. They say, Madam Speaker, that there is no specific time frame in terms of a retrospectivity for this law to apply. They alleged that this is political interference. Three speakers have said, “Give us the names of those who are in default.” They then went on to ask, “What is the procedure for this?” The Member for Oropouche West was very clear, saying that this law is deficient because there

is no procedure. “It is absent information and infrastructure” he said, the hon. Member. And then that hon. Member, the Member for Oropouche West, went on to complain about there being, in his view, no accounting to anyone with respect to this. So permit me to touch on those issues quite briefly, Madam Speaker.

Madam Speaker, to understand the legitimate aim of this law one needs to refer to section 2 of the parent Act. Section 2 is the “Interpretation” section, “Preliminary”. There one needs to look for what is a contribution, who is an employer.

An “‘employer’ means a person who employs at least one person...”

That by itself demolishes the entire argument coming from the Opposition Bench that this is for big people. An employer includes one person. If you go to the NIB report, the annual report on its website; if you go to the actuarial statements, the last one being the 10th statement in 2016, and you look at all the previous actuarial statements, you will realize that what the hon. Minister of Finance said is absolutely true. There is complication and need and urgency in respect of the issue of national insurance. It is now 51 years old. It was born in 1971. It became operational 50 years ago in 1972. But if you look to the actuarial reviews you will see that the vast amount of money that props up the system of national insurance benefits comes from investment income. And therefore when the Member for Couva South was making his big point that, “Look at the amount of moneys that had been drawn from the system. Look at the investment income. He worked his way”—the hon. Member did—“up to nearly \$900 million.” So what?

Every single actuarial report that is on the NIB website will demonstrate that the vast amount of money comes from the investment income. And, Madam Speaker, it will demonstrate exactly what the Minister of Finance said, that the problem is that the contribution income is just not enough, and the hon. Minister of

Finance took his time to demonstrate potential solutions very relevant to this Bill. The options coming from the actuaries being: raise the age of retirement, stagnate, freeze or reduce the benefits, look at the other alternative mechanisms there in terms of self-employed. But I would just say very briefly, and one line on self-employed, self-employment has been a feature of the National Insurance legislation since 1971. To hear the hon. Member for Pointe-a-Pierre say, well, he is urging the hon. Minister of Finance to take urgent steps, perhaps I ought to invite the hon. Member to go and read the Tenth Actuarial Report, paragraph—chapter 14 of that report demonstrates that the UNC Government, in July 2015, failed to take care of the provisions. And in answer now to the revenue side of the equation raised by all three speakers for the Opposition, Madam Speaker, the money and where that money comes from was a serious issue in the period 2016 to 2020, in particular. And therefore I stand to vouch that the Minister of Finance did everything possible in one of the worst economic periods that this country has been through, taking the price of oil in 2016 and the collapse of 96 per cent of our revenue, adding the COVID position.

Look at today's newspaper alone in the *Business Guardian*; look at the reference to the Federal Reserve measures being taken by Powell, the Chairman of the Federal Reserve. Understand that in the global economy the word “stagflation” is now a term in economic principles. Stagnation and inflation, a stagnant economy with massive inflation. Add that to what the Member—the Minister of Energy and Energy Industries put onto the record that this benefit for the average Trinidad and Tobago person, an employer having one employee, an unpaid apprentice captured under this law, this is significant benefit, Madam Speaker, to make sure that people receive benefits. And what are the benefits that the hon. Minister of Finance has asked us to take in the repeal and replace of section 39C? Madam Speaker, by

clause 4, they are specifically tied on, first of all, to section 29 of the parent Act. Section 29 says:

“Every employer...every employed person...every unpaid apprentice, shall be registered for the purposes of the system of National Insurance.”

What does the hon. Minister of Finance seek to do today? The hon. Minister of Finance seeks in bringing a measure different from the first one brought in 2012, 10 years ago. The hon. Minister of Finance commendably seeks to provide an opportunity for people to register themselves.

Why do we need to register? We need to register to comply with the law. Who may not have registered, exactly as the Minister of Energy and Energy Industries put on the record, people who just did not have the money during the COVID pandemic and who may have unfortunately taken the lesser of two evils in their minds, but still one which is a breach of the law. Today is an opportunity for people to bring themselves on the register. The Member for Pointe-a-Pierre said the Minister of Finance brought a slew of amnesties. The reason for the slew of amnesties came about in the slump of the economy with the lapse of oil, 2016 to 2020, and then the COVID pandemic. That netted billions of dollars in revenue for the Government when we had none. More than that, the hon. Minister of Finance was able to tell us today that it is as a result of comparisons with the Board of Inland Revenue that a 16 per cent of the pack is missing—14 or 16 per cent—and it was that slew of amnesties that allowed the Minister of Finance to have the Board of Inland Revenue populate the register so that today we know that 4,000 people are not on the register. So instead of punishing people and locking them up, the hon. Minister of Finance has taken a very bold and commendable step for the benefit of people going through difficult times to say, “Listen, all 4,000 of you have an opportunity to come forward and register yourselves for the purpose of the

benefit of the people of Trinidad and Tobago.” And the benefits again are set out in the law because it is in section 42 of the parent Act—sorry—section 46 of the parent Act that the benefits are set out in black and white, Madam Speaker, and the benefits are not insignificant benefits. There are 28 benefits that people in Trinidad and Tobago enjoy in numerous category headings, and I salute and compliment and commend the Minister of Finance for having the heart to ensure that people get an advantage which is a benefit.

This fits in, in answering the ridiculous submission coming from the Member for Oropouche West that the Government has done nothing to improve the faith of the NIS system, when the hon. Member shamelessly belongs to a political party in Opposition that refused to support revenue authority, tax information exchange agreements, FATCA package, FATF package, Global Forum packages. They say it on one side of the mouth—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—“Do something about it”, and on the other side of the mouth they actively pursue an agenda to oppose it, which is where I compliment the hon. Attorney General in his submissions in pointing out the relevance of the Privy Council *Suraj* decision. Madam Speaker, that case supports the locus classicus of *Suratt*. That case single-handedly demonstrates that the minority decision in *Barry Francis* is wrong and that you can pass simple majority basis laws without a super majority, as they call it, a special majority for the peace, order and good governance of people under section 53 of the Constitution. And, Madam Speaker, let me say now, lest people do not know, it was the very Attorney General, Reginald T.A. Armour SC that I retained as counsel for the Government in the High Court and Court of Appeal and who won those victories for the people of Trinidad and Tobago, and I pay homage and compliment to his ability, Madam

Speaker. So, Madam Speaker, let us not get confused about merit and ability here today.

Madam Speaker, let us deal with the point about sunset clause. Madam Speaker, do they just make it up? The allegation is that the 2016 law had a sunset clause. You can find—sorry, the 2012 law had a sunset clause. The 2012 law can be found in the parent Act as section 39C. Section 39C is specifically:

“contributions due for periods on or before 5th September 2011 in respect of employees who were determined to be employed...respective...”—employers on or before—“...10th October 2011.”

39C(1):

“...in respect of contributions outstanding as at 16th September 2011 by employers under this Act...contributions are paid during the period 10th October 2011 to 30th June 2012.”

And then they go on to effectively say that this is for an eight-month period. The sunset ends 30th June, 2012. That is what they mean by sunset clause.

Madam Speaker, let us look at clause 4 of the Bill. Clause 4 of the Bill says this:

“Notwithstanding any written law to the contrary, there is a waiver of all penalties and interest due and payable under section 39B in respect of any contribution outstanding as at 30th June, 2022...”

That is at the end of this month:

“...by an employer under this Act, where the contribution is paid during the period 1st July, 2022 to 31st December, 2022.”

What on earth do the hon. Members mean by, “There is no sunset clause when if you read page 2 of the Bill, clause 4, new section 39C(1), last three words of the first paragraph:

“...31st December, 2022.”

—which is months ahead of us now. What on earth do they mean by, “There is no sunset clause”? Is it just a dereliction of duty? Is it illiteracy? Is it lack of comprehension? What is it that could possess three hon. Members opposite to say, “There is no sunset clause”? Madam Speaker, it just befuddles the mind, if I say it politely.

Let us assume that what they probably meant to say is the fact that the Minister may by order extend the date is somehow no sunset clause. Madam Speaker, 39B, which is amended by clause 3 specifically says:

“(2) The Minister may, by Order, provide for the waiver of penalties or interest due and payable under this section.’.”

Madam Speaker, that means you have to give a date, and if you are giving a date because there are certainty in the law which is in accordance with the Statutes Act, which is in accordance with the principle of legislative drafting that there must be certainty in the law, so interpreted by umpteen decisions. How on God’s good earth could the hon. Members opposite pretend that they do not understand that that is certainty and that there is therefore a date?

Now, Madam Speaker, having drafted hundreds of laws, the Government is well aware, as the Minister of Finance put on the record, that the use of subsidiary legislation, such as an order to extend a date for a penalty is common place. Look at section 516 of the Companies Act; look at the Old Metal and Marine Stores Act; look at the Licensing Act, Motor Vehicles and Road Traffic Act; look at the Cinematograph Act. Look at any number of provisions, there are at least 14 of them that we have come here under miscellaneous provisions legislation during the COVID period in particular to amend, all of which have this precedent. Madam Speaker, again, I reject out of hand the ridiculousness of the submissions coming

from hon. Members opposite.

Madam Speaker, this thing about, “Tell us who” and “What is the benefit?”; the hon. Member of Energy and Energy Industries touched upon it but permit me to go in a slightly different direction in answering this. Madam Speaker, section 36 of the parent law is—sorry—32 of the parent law says that—32A, on the marginal note, “Furnishing of data”, Act No. 9 of 1999. You know who was in power in 1999, Madam Speaker? The UNC. They amended the law in 1999 to insert section 32A. You know what 32A(3) says:

“Any person who acts in contravention of this section shall be liable upon summary conviction to a fine of ten thousand dollars and to imprisonment for one year.”

And you know what (2) says:

“Every Director, Officer or other employee of the Board whose services are utilised by the Board shall not communicate to any person not legally entitled thereto any information relating to the affairs of any person having any dealing with the Board or relating to the affairs of the Board or any information furnished by an employer to the Board under any regulation made under this Act.”

You know what that means, Madam Speaker, you cannot tell people the equivalent of taxpayers’ information. National insurance information is confidential. Do they expect the hon. Minister of Finance to arrive here like Jwala Rambaran and just reveal taxpayer information?

Madam Speaker, there was a hue and a cry and a legitimate concern about the breach of the law, Madam Speaker, and the Minister of Finance is constrained by the provisions of section 32A of the parent law from disclosing the information, but, Madam Speaker, let me address it in a finer point of law. The hon. Minister of

Finance would be prohibited as any legislator would be from passing law that was brought for the benefit of individuals so named. That is referred to as the principle of ad hominem in relation to legislation. You cannot make legislation to target individuals. The hon. Attorney General was correct, this law being one of general purpose and not ad hominem legislation, one which has a legitimate aim is rationally connected to the remedy that we seek to give, which is to benefit people in difficult circumstances, to improve the collections at the National Insurance Board so that we have more money to pay the benefits due under section 46, all 28 of the benefits, there is a rational aim. This law is proportionate and there could be no tolerance because, Madam Speaker, hon. Members opposite forget that section 70 of the parent law requires an actuarial report and auditing is also a feature and accounting on an annual basis with strict timelines is a feature. So, Madam Speaker, all that I would say to the hon. Members opposite is, do not confuse UNC practice with PNM practice. It just does not apply.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: And the Minister of Energy and Energy Industries said it quite quickly, this is not a section 34, Madam Speaker.

Madam Speaker, just a few simple points again to make. When we look—so I have dealt with the so-called sunset clause, I have dealt with the so-called issue of ad hominem attack, I have dealt with the parity; Madam Speaker, just a finer point on the parity, in 2012 you will note that if you look to section 39C of the law as it is in the parent law—that is the one we are repealing and replacing by clause 4—if you look to 39C, subsection (3):

“The waiver under subsection (1) shall not affect the obligation of an employer to pay contributions in accordance with sections 38, 39, 39A and 39B.”

You will note that our version is different, it stops at 38. The obligations stop at 38 because section 39 is not needed, the reference to section 39. Why? Section 39 is your discharge of liability. That law operates all on its own. So it was not needed by way of repetition in the formula that we use now which is different from 2012.

If you look to the provision of 39A, that is where moneys that you collect are basically entrusted, they cannot be attached. They do not form part of the assets in liquidation that a creditor can attach. That again is not necessary for the provisions of an amnesty that is being provided. But if you look at 39B, which is the 15th day penalty clause that kicks in, where you have 25 per cent if you are over 15 days in arrears, 100 per cent if you are over five years in arrears, and so on, you will realize that that is taken care of by clause 3, because it is at clause 3 that we say, section 39B of the Act is amended and that the Minister may by order extend that, which is perfectly permitted tool in subsidiary legislation recently upheld just this week on Monday by the Privy Council in the *Dominic Suraj* matter. Now for the record, the hon. Members opposite said that that matter did not uphold the manner in which the Government upheld the COVID pandemic management. That is completely wrong.

The fundamental attack in that law was that we could not use regulations or subsidiary legislation to manage the pandemic, apply to this Bill; the Opposition is saying you cannot use an order to manage the benefit that is given. They are completely wrong because the Privy Council, as said in the *Dominic Suraj* case, that that is exactly what you can do. And you look to paragraph 70, paragraph 71 of the judgment, they say that in the democratic state such as Trinidad and Tobago, with our Constitution and with the primacy of law in mind, this is exactly how you manage a situation, be it COVID where the Opposition said you have to use three-fifths majority law and come to Parliament to pass it; no, you are completely

wrong. The Minister of Finance applying that case to this Bill has the lawful capacity to utilize an order to extend the benefit provided in any waiver issued under section 39B of the parent law as we amend it in clause 3, and also has the ability to extend in sub-paragraph 4 of the new 39C, included by clause 4, a further waiver, and therefore, Madam Speaker, this law is completely within constitutional provisions, completely legitimate in its aim.

Madam Speaker, the Member for Oropouche West asked, “Why 12 months? Why go to three years?”, and the hon. Member is looking at clause 6 in looking at the extension of time. Madam Speaker, I want to refer the hon. Member to the—

Madam Speaker: AG—

Hon. F. Al-Rawi: Five minutes?

Madam Speaker:—you have one more minute.

Hon. F. Al-Rawi: Okay. I will refer simply to the Summary Offences Act and to the Summary Courts Act where the statutory period of limitation is set in law unless it is prescribed otherwise and remind that section 66 of this parent law provides that the civil liability goes, and therefore three years and 12 months takes you to four years which is in parity with the civil remedy of four years. Madam Speaker, I thank the hon. Minister of Finance for this excellent law and I reject all of the submissions coming from the Opposition. Thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of Finance.

5.20 p.m.

The Minister of Finance and Acting Prime Minister (Hon. Colm Imbert): Thank you very much, Madam Speaker. I have listened carefully to what Members opposite had to say, very little of which was relevant. To answer statements made by the Member for Pointe-a-Pierre, it is the thousands, hundreds of thousands of

persons, little people, who are in the NIS system that have asked for this. They are the ones who are most delinquent because of difficulties with their businesses in terms of facing penalties and interest. So, contrary to everything that has been said by the Member for Pointe-a-Pierre, this legislation is intended to help the little people.

The Member for Oropouche West was the lead speaker on that side. There is nothing that the Member for Oropouche West said that was correct. For example, the Member said that the Minister of Finance was aware of the issues regarding the number of employers registered with the Inland Revenue Division and the number of employers registered with the National Insurance Board since 2017, and yet did nothing since 2017. That is absolute nonsense. What I referred to was a report by an entity called CARTAC that did an assessment, the abbreviation of which is TADAT, Tax Administration Diagnostic Assessment Tool.

The assessment of our tax situation was analyzed by the National Insurance Board and the information that I read in this Parliament today, where the National Insurance Board has indicated that in its opinion, based on analyzing the information in the tax administration diagnostic assessment report and information available from its own records, it has concluded that it is possible that 16 per cent of employers are not registered with the National Insurance Board.

That information was communicated to the Minister of Finance, the analysis done by the National Insurance Board, in December of 2021, just six months ago. It was certainly not known to the Minister of Finance in 2017; certainly not. And as the Minister of Rural Development and Local Government or Member for San Fernando West has pointed out, the records of the National Insurance Board are confidential. The Minister of Finance is not able to get access to the confidential reports of the National Insurance Board. It is only when the NIB wrote the Minister

of Finance in December 2021, that it became aware—that we became aware that there was this discrepancy, in numerical terms, between the number of employers registered with the Inland Revenue Division and the number of employers registered with the National Insurance Board. So that is the first incorrect statement made by the Member for Oropouche West.

The Member for Oropouche West also said that the Government, by this legislation, is working to undercut the work of the National Insurance Board in the collection of arrears and it cannot be that the National Insurance Board is doing such a great job at its audits, yet the Government is proposing an amnesty. Nonsense. If one looks at the National Insurance Board reports laid in this Parliament, the 2021 report and the 2020 report, one sees that penalty and interest payments received in 2021 by the National Insurance Board amounted to 30 million. In 2020, the National Insurance Board collected in penalties and overdue interest, \$34 million.

It is estimated by the same National Insurance Board that the revenue to be collected in the first year alone, if just 10 per cent of unregistered businesses register for national insurance, will be \$161 million, more than five times what the National Insurance Board is currently collecting in its traditional methods for penalties and interest. And therefore, to say that by giving the National Insurance Board this facility to go after unregistered businesses, where they will collect \$161 million in the first year and almost \$800 million over the next 10 years—so \$80 million a year—it is incorrect to say that by giving them this facility, where they may collect as much as a billion dollars in 10 years, that we are undercutting them. Because right now, they are only collecting 30 million a year. So that was another completely erroneous, unfounded, baseless statement.

The Member for Oropouche West also said that those employers who do not

pay contributions are sabotaging the insurance fund. This Bill will allow, will facilitate the registration of these so-called errant employers.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: That is the whole point of the Bill. So, how could, on the one hand, the Opposition say that there are problems with employers not paying contributions and then when legislation is brought to encourage employers to register, “dey vex”? Irrational.

The Member also alleged I did not say how much money the Government is owing to the National Insurance Board. At a PAC hearing reported in February 2022, just this year—and I believe that hon. Member is the Chairman. In response to a question posed by the PAC to the Executive Director of the NIB, the Executive Director indicated it is very difficult to establish the quantum of Government indebtedness and the reason for that is, there are disputes over the amount owed. So, how on earth—if the NIB does not know, how on earth does the Member expect the Minister to know? This would be resolved over time.

There was also a complaint about orders, that the Order contemplated will give a “bligh” to an employer who broke the law, this is a very dangerous precedent. What absolute nonsense. Throughout its tenure, the other side, the UNC government, was giving amnesty after amnesty. So, how could it be a dangerous precedent now to give an amnesty and it was not a dangerous precedent then to give an amnesty? This particular legislation is superior to the 2012 legislation because of the introduction of a provision that allows unregistered employers to come in within the six-month amnesty period.

Clause 3 apparently will allow political interference. What nonsense. We in this Parliament have, time and time again, throughout the COVID period in particular, passed legislation not objected to by the other side—in fact, supported

by the other side, which gives various Ministers the power by order to extend a timeline. In fact, the last tax amnesty, the last one which was supported by Members opposite, gave the Minister of Finance the power to extend the deadline, and I did. I did not hear them complaining when I did that. So, how could that be good then and bad now? That is the level of irrationality that is coming from Members opposite.

They also said, how is the national community to know which companies the Minister has granted waiver to. What nonsense. The waiver is available to everyone.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: How on earth will I know which company is going to avail itself of the waiver until the waiver is enforced and the National Insurance Board reports in its annual report or otherwise that the number of companies, “X” number of companies or “Y” number of companies, avail themselves of the waiver? It is not me “that giving” particular waivers to X, Y, Z. It is a general overall waiver for everyone. There is no singling out.

The Member also complained about the penalties but did not speak about the existing penalties, and the existing penalties are the problem and they did not touch them. The current penalty for breaching the Act, in terms of contributions, is \$2,000. So, you could have an employer owing a million dollars in contributions and the penalty is \$2,000. It is no wonder some errant employers do not bother because if they have to, at the end of the day, pay the penalty, it is just \$2,000. We are increasing that to \$50,000. That is very reasonable; very reasonable. And therefore, it is absurd for Members opposite to complain that a penalty for an employer not making contributions on behalf of employees—and, again, the reverse psychology on the other side is what is so ridiculous. This penalty that we

are increasing from \$2,000 to \$50,000, where an employer does not make contributions that he has collected from his employees, is to benefit the little man.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: “Dey cyah” possibly benefit the big man. It is “de” big man who took the contributions from the employee and did not pay it. And to have a penalty of \$2,000 for that is just ridiculous, absolutely ridiculous.

Mr. Gonzales: No logic.

Hon. C. Imbert: So, there is really nothing to answer from Members opposite, you know; nothing. This is designed not for big people, this is designed for little people.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: If one looks at the type of people who avail themselves of the various tax amnesties in the past—go and look at the people lining up. I know Members opposite do not do that kind of thing. They do not go out on the streets and watch anybody, but go out there and see the people lining up and it is little people in the line coming to avail themselves of the amnesty.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: So, Madam Speaker, there is nothing that Members opposite have said that makes any sense. They are just opposing for opposing sake. I beg to move.

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: [*Inaudible*]

Hon. Members: [*Crosstalk*]

Madam Speaker: Hon. Members, the question is that an Act to amend the National Insurance Act, Chap. 32:01 to provide for the waivers of penalties and interest—

Mr. Young: [*Inaudible*]

Madam Speaker: Member for Port of Spain North/St. Ann's West—

Mr. Young: [*Inaudible*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Speaker: This Bill has six clauses. Hon. Members, you are reminded if there are any other amendments being proposed that those have to be in writing and should be circulated before the committee meeting commences.

Clauses 1 to 6 ordered to stand part of the Bill.

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

House resumed.

Question put and agreed to.

Madam Speaker: Minister of Finance.

Mr. Young: Division.

Madam Speaker: I did not hear any dissenting voice. Okay? So, Minister of Finance.

[Mr. Imbert confers with Mr. Young]

Mr. Young: Division.

Hon. Members: [*Crosstalk*]

Hon. C. Imbert: What am I to do?

Madam Speaker: Minister of Finance, I am calling upon you.

Hon. C. Imbert: I know. So, what am I to do? Proceed? Okay. All right.

Ms. Ameen: [*Inaudible*]

Hon. C. Imbert: Madam Speaker, really, these children over there.

Hon. Members: [*Crosstalk*]

Madam Speaker: All right. Okay. Minister of Finance, while I think we all agree that children are beautiful creatures given to us by God, I will just ask you, I do not think it was done in that context, I will ask you to withdraw it. Exercise that great tolerance which you have and let us move on.

Hon. Members: [*Laughter*]

Hon. C. Imbert: Of course, Madam Speaker. I withdraw it.

Bill reported, without amendment.

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

Mr. Young: Division.

The House voted: Ayes 18

AYES

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Beckles, Hon. P.

Webster-Roy, Hon. A.

Cudjoe, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Forde, E.

Cummings, Hon. F.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Monroe, R.

The following Members abstained: Mr. D. Lee, Mr. R. Charles, Ms. K. Ameen, Mr. R. Indarsingh, Mr. B. Padarath, Mr. S. Hosein, Ms. M. Benjamin, Mr. A. Ram, Dr. R. Ragbir, Ms. V. Mohit, Mr. D. Tancoo and Mr. R. Ratiram.

Madam Speaker: Hon. Members, on a division with 18 Members voting for, no Member voting against and with 12 Members abstaining, the Motion for the Bill to be read a third time and passed has been carried.

Hon. Members: [*Desk thumping*]

Question agreed to.

Bill accordingly read a third time and passed.

Madam Speaker: Leader of the House.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Madam Speaker, I beg to move that this House do now adjourn to Friday the 24th day of June, 2022, at 1.30p.m. Madam Speaker, on that day it is Private Members' Day and I await the Member for Pointe-a-Pierre who will tell us what we will do on that day.

Mr. Lee: Thank you, Madam Speaker. The Opposition will be doing Motion No. 3 on today's Order Paper moved by the Member for Naparima.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.43 p.m.