

**HOUSE OF REPRESENTATIVES***Friday, January 19, 2024*

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 the hon. Shamfa Cudjoe-Lewis MP, Member for Tobago West; Mr. Dinesh Rambally MP, Member for Chaguanas West; and Mr. Rushton Paray MP, Member for Mayaro, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**TRIBUTES****(FORMER PRIME MINISTER BASDEO PANDAY)**

**Madam Speaker:** Hon. Members, Mr. Basdeo Panday, the fifth Prime Minister of the Republic of Trinidad and Tobago and former Member of Parliament, passed away on Monday, January 01, 2024. As you are all aware, Mr. Panday had a long and illustrious career as a Member of this House. I now invite hon. Members to pay their respective tributes to Mr. Panday. Prime Minister.

**Hon. Members:** [*Desk thumping*]

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you very much, Madam Speaker. I consider it a signal honour to stand here in this Chamber on an occasion like this to speak in recognition of and celebration of the life of a colleague, whose presence in the national community, particularly as he was associated with the Parliament of Trinidad and Tobago, is something that we all should note on his passing. Madam Speaker, please excuse me if I speak my personal reflections as well as the reflections of my colleagues on this side and in the House as a whole,

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as Prime Minister, but also, Madam Speaker, as a colleague of Basdeo Panday.

Much has been said in recent days, most of it, if not all of it, complimentary of a career of a citizen who has had what one may call a “colourful life and history”. But, Madam Speaker, I remember Basdeo Panday as a person from whom I have learnt, because I remember coming into the House, in the Senate, as a brand new person in the public life in the Senate and meeting the legendary Basdeo Panday, who by that time had already made a mark for himself as an actor, labour leader and a resilient politician. But as a new person I could say I learnt from Basdeo Panday on the very first day I met him, in that—I think if not the first day, it was very, very early in our session when Basdeo Panday came into the Senate Chamber and there was a debate going on which had nothing to do with his portfolio, because then he was carrying the portfolio of Minister of Foreign Affairs. And we thought we were doing well against a massive government, but Basdeo Panday did not think so, so he joined the debate and put a thorough tongue-lashing on the Opposition.

I cannot remember the content of what he said, but I distinctly recall the flair and the smirk on his face as he did it. And then when he was through with us, as he was leaving, somebody noticed that the Standing Orders may not have been followed because Basdeo Panday had nothing to do with the debate and the debate had nothing to do with him. So strictly speaking, as Minister of Foreign Affairs, he should not have been speaking in the House, in the Senate, on that day, and as I raised it with him, he looked at me with a bigger smirk and said, “Go read your Standing Orders.” And, Madam Speaker, I did that and I think I was a better politician and parliamentarian from that day. So I too learnt from him.

But I also remember, Madam Speaker, Basdeo Panday as a man who had all

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kinds of days: good days, bad days, memorable, forgettable, but I have never seen him as a man who was not in a cheerful mood and that rubbed off even on those of us who were his political opponents. He was a citizen who took responsibility for some aspects of our development. He started off in, I would say, the minor part of the political arena, did not taste success but was not daunted. He grew as a labour leader who genuinely expressed his concern for those who are least able to express themselves in the country and made a name for himself doing that.

Eventually, he became virtually a fixture in the Opposition Benches because he always took part in political processes, got results that sometimes were not acceptable to some but always acceptable to him, because having taken part in the process, he always felt that he was as virulent and effective wherever he was. And, Madam Speaker, he was.

He practised law in the courts of Trinidad and Tobago and there distinguished himself as well, because nobody could forget the witty way in which he dealt with serious issues and the genuine concerns and phrases that he would have coined which were, in fact, everlasting. Who can forget the “parasitic oligarchy” as he described our society and its various layers? And, Madam Speaker, who can forget Basdeo Panday leading his troops and telling them, “Put the X by the Balisier”?

**Hon. Member:** [*Laughter*]

**Hon. Dr. K. Rowley:** Madam Speaker, the only person who could do that and get away with it was Basdeo Panday. And, of course, as you raise it with him, in one phrase he would dismiss it and convert it from a disaster to laughter. Madam Speaker, public life is honourable, it is not always easy. In fact, it maybe never is easy but it is always worthwhile. And the genuine way in which Basdeo Panday

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represented the national community and those who elected him to office is something worth emulating in the political arena.

As we move towards this whole question of discussion on a national Constitution—it happening now as per announcement yesterday—one can be excused if it is said that Basdeo Panday has gone too soon because I am sure had he been here, as we embark upon this exercise, his input would have been just as valuable and just as memorable.

Madam Speaker, for the good days when he spoke from the legal benches, for the good days when he spoke from the Opposition Benches, when he spoke in front of the court, when he spoke as Prime Minister at CARICOM representing a nation, and when he spoke as just as a citizen enjoying a party, I think that we all have a lot to thank Basdeo Panday for and to recognize in a citizen who wanted to see better in his country and did not leave it up to others to make that happen. His input, his record and his presence in this Chamber will always be among the most memorable and easily among the most flamboyant. So, Madam Speaker, on his passing, after a long life full of interest and intrigue, the most we can say at this time is Godspeed and may he rest in perfect peace.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva North.

**Hon. Members:** [*Desk thumping*]

**Mr. Ravi Ratiram** (*Couva North*): Thank you most kindly, Madam Speaker, for this opportunity to pay tribute to the former Member of Parliament for Couva North and our country's fifth Prime Minister, the late hon. Mr. Basdeo Panday. I do so on behalf of the Members on this side and on behalf of the constituents of Couva North.

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Mr. Panday, a distinguished statesman and a visionary leader, has left an indelible mark on the political landscape of Trinidad and Tobago. Born on May 25, 1933, in the village of St. Julien, Princes Town, Mr. Panday's journey from very humble beginnings to become an economist, a lawyer, a trade union leader, a politician, Opposition Leader and Prime Minister is a testament to his resilience, dedication and commitment to public service.

In 1965, Mr. Panday's political career began when he first ran for office with the Workers and Farmers Party. In 1972, he was appointed as an Opposition Senator for the Democratic Labour Party. The following year, he joined the All Trinidad Sugar Estates and Factory Workers Union where he became the President General. He expanded the union to workers from a variety of industries and it then became the All Trinidad Sugar and General Workers' Trade Union. Mr. Panday served as President General up to 1995, after which he was succeeded by my colleague for Couva South, MP Rudranath Indarsingh.

In 1975, Mr. Panday met with union leaders, George Weekes and Raffique Shah, and against the backdrop of labour struggles, they founded the United Labour Front. In 1976, he was elected as the Member of Parliament for Couva North where he served with distinction for 34 years. Following the 1980 local government elections, Mr. Panday co-founded the Trinidad and Tobago National Alliance with Mr. ANR Robinson of the Democratic Action Congress and Mr. Lloyd Best of the Tapia House Group. The National Alliance became the National Alliance for Reconstruction in 1984 and in 1985, the NAR merged with the ONR, Organisation of National Reconstruction, to contest the 1986 general elections. Mr. Panday became a government Minister thereafter upon the resounding victory of the NAR of 33-3. Internal differences within the NAR resulted in Mr. Panday

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and a few other MPs, Mr. Kelvin Ramnath and Mr. Trevor Sudama, walking away from the NAR.

In 1988, they founded the Caucus for Love, Unity and Brotherhood, known as “CLUB 88”, which became the United National Congress, the UNC, on the 30<sup>th</sup> of April, 1989, a political party that aimed to bridge ethnic and social divides, promoting a more inclusive and unified Trinidad and Tobago. Mr. Panday was driven by the mission statement of the UNC which remains the focus of the party, namely, to transform Trinidad and Tobago into a knowledge-based society with a globally competitive, technologically driven, diversified economy that will sustain full employment, growing prosperity, equal opportunities, a secure life, social cohesion and the highest standard of living for all our citizens. Mr. Panday served as political leader of the UNC up to January 2010, when the party’s internal election was held, upon which the Member for Siparia, the hon. Kamla Persad-Bissessar, was elected by the membership to succeed Mr. Panday and to continue his legacy.

### **1.45 p.m.**

During Mr. Panday’s political career, he served as Prime Minister of Trinidad and Tobago for two terms and as Leader of the Opposition on four occasions. His early involvement in the trade unions and his political career, which spanned several decades, was marked by his unwaveringly advocacy for social justice, equal opportunities and economic development, and showcased his passion for championing the rights of workers and the working class.

Mr. Panday dedicated his life to serving the people, especially the poor, the downtrodden and the oppressed. His charismatic leadership was widely admired by many. His tenure was marked by economic reforms, social progress and a

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vision for national unity. Mr. Panday's ability to bridge divides and foster unity exemplified his statement leaving an indelible mark on the nation he served.

I remember meeting with Mr. Panday with a group called the UWI Movement when I was a student at the University of the West Indies pursuing my first degree in electrical and computer engineering. At that time, several of our sisters were being raped and robbed around the campus and we had to do something about it because the university was turning a blind eye to the situation. Mr. Panday taught us how important it was for us to remain focused on the eye of the bird. He mentored us on how important it was for us to put aside whatever differences or distractions that divided us and to unite all the citizens around the greater good.

As we remember Mr. Panday, I pray that his teachings resonate with all the citizens of this beautiful country. We took Mr. Panday's guidance and went door to door, around the campus, hall to hall. We united the campus population and there was a shutdown of the university campus on October 22<sup>nd</sup>, 2022. Coming out of it we eventually got joint police patrol with the campus police and the TTPS, we got shuttle service to drop off-campus students to their apartments, to provide greater security for our sisters and brothers and many more positive developments.

Mr. Basdeo Panday was a true statesman and a guiding light in politics. He mentored most of us, including me when he selected me to contest the La Brea constituency in the 2007 general election. I clearly remember the conversation with him over the telephone while he was abroad in 2005, just before he returned and signed Mr. Dookeran's nomination for political leader. I told him that I had friends supporting Mr. Dookeran's team and friends supporting the team being assembled by the Member for Siparia, and I needed his guidance on what to do.

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As the light is lighting above, Madam Speaker, he advised me to support and work with the Member for Siparia, the hon. Kamla Persad-Bissessar, because her heart was in the right place. The rest is history of what transpired with him and Mr. Dookeran, and his statement that leadership is not like a cow where you cannot hand the rope and say, "Here, go lead." Mr. Panday taught us that leadership must be earned with hard work.

Mr. Panday will also be remembered as a man of courage, vision and integrity. He was a man of principle, passion and humour. He was a man of faith, family, and friendship. He was a man who loved his country and his people. Mr. Panday will surely be missed by many especially his family, our UNC family, and the constituents of Couva North who kept a picture of him on their altar. They worshipped Mr. Panday. As we celebrate the life and contribution of Mr. Basdeo Panday, his teachings will surely live on in the hearts and minds of those he touched with his famous line, "If you ever see me and a lion fighting, don't feel sorry for me feel sorry for the lion."

As I salute Mr. Panday on behalf of my leader, my colleagues on this side, and the constituents of Couva North who he served for decades, I express my sincerest condolences to his family and I pray that his soul attains moksha, attains liberation and rests in eternal peace and comfort. And in his words to all the citizens of our country, "We shall never, never, never surrender". "Om Sadgati. Om Shanti, Shanti, Shanti." I thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Hon. Members, I too would like to pay tribute to Mr. Basdeo Panday, a prominent figure in the history of Trinidad and Tobago. He having had a parliamentary career that spanned 38 years. His accomplishments are well-



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known throughout the length and breadth of this country and I dare say without contradiction, throughout the Caribbean diaspora. Mr. Panday's characterizations are many. One may even go as far as to say that even lions knew where to tread when it came to this national figure. When the alias Silver Fox was mentioned, it was also well-known of whom one was speaking in political settings.

Mr. Panday was a mystery and at times unpredictable, such was his personality always keeping one on one's guard and alert. Some have even articulated that Prof. La Guerre's work in 1991 may have aided in answering the enigma that Mr. Panday was. What we as a nation have had to come to terms with is that not everyone could match the oratory of Mr. Panday or contend with his dexterity and fondness of words. His first calling was acting, at which he was well-trained and woe to anyone who had the sharpness of his wit directed to them in the political arena.

Mr. Panday's political evolution saw his rise from trade unionist to Senator, to Member of Parliament, then Leader of Opposition, and finally bearing the mantle of the prime ministership of the Republic of Trinidad and Tobago as this country's fifth Prime Minister. It is therefore not an easy feat to summarize the entirety of Mr. Panday's contribution, nor even endeavour to make such an attempt under this item of business. However, this House has witnessed a few milestones in the national and parliamentary career of Mr. Panday's life which ought to be highlighted. He was a pioneer in many regards, from the founding of his own political party, the United National Congress, to policies spawned under his stewardship as Prime Minister.

Mr. Panday oversaw many firsts. He was the first person of Indian descent to be Prime Minister of this twin-island Republic and was the first person of the

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Hindu faith to be Prime Minister as well. His Government was the first to significantly overhaul the Integrity in Public Life Act and passed a record 92 Acts in that year as well—that year was 2000. Under his leadership, the country for the first time could have held public officials and institutions under greater scrutiny with the passage of the Freedom of Information Act. Mr. Panday was also the first to introduce the dollar-for-dollar programme in 2001, which made tertiary education more accessible, and it was his Government that declared Spiritual Baptist Liberation Day as a national holiday in 1996.

The *Hansard* of this House recalls his fervent passion for constitutional reform. In fact, his maiden contribution in the other place in 1972 was on the Constitution (Prescribed Matters) (Amdt.) Bill, 1972, which may have sown seeds for his enduring battle cry of constitutional reform. He has indeed broken numerous barriers, overcome many uncomfortable situations, but certainly did tie in his sentiments about national development and constitutional change.

Hon. Members, I wish to express my admiration for the uniqueness and colourful personality of Mr. Basdeo Panday, a true patriot. I now take this opportunity to express my deepest condolences to the Panday family, and I pray that Almighty grants them peace and consolation during this time of mourning. I now ask that we stand and observe a minute of silence as a mark of respect.

*The House of Representatives stood*

**Hon. Speaker:** May his soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Mr. Basdeo Panday.

#### **PAPERS LAID**

1. Minimum Wages (Amendment) Order, 2023. [*The Minister of Labour (Hon.*

*Stephen Mc Clashie)]*

2. Criminal Procedure Rules, 2023. [*The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald. Armour SC)*]
3. Annual Report of the Anti-Terrorism Unit for the period 2022 to 2023. [*Sen. The Hon. R. Armour SC*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation for the year ended September 30, 2009. [*The Minister of Finance (Hon. Colm Imbert)*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Authority of Trinidad and Tobago for the year ended September 30, 2019. [*Hon. C. Imbert*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Non-Receipt of Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2012. [*Hon. C. Imbert*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Non-Receipt of Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2013. [*Hon. C. Imbert*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Non-Receipt of Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2014. [*Hon. C. Imbert*]

*Papers 4 to 6 to be referred to the Public Accounts Committee.*

9. Thirty-Sixth Annual Report of the Integrity Commission of Trinidad and Tobago for the year ended December 31, 2023. [*The Deputy Speaker (Mr. Esmond Forde)*]
10. Forty-Fifth Annual Report of the Ombudsman for the period January 2022 to December 2022. [*Mr. E. Forde*]
11. Administrative Report of the University of Trinidad and Tobago for the period October 2017 to September 2018. [*The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly)*]
12. Administrative Report of the Accreditation Council of Trinidad and Tobago for the period October 1 2020 to September 30, 2021. [*Hon. Dr. N. Gadsby-Dolly*]
13. Administrative Report of the Accreditation Council of Trinidad and Tobago for the period October 1 2021 to September 30 2022. [*Hon. Dr. N. Gadsby-Dolly*]
14. Annual Administrative Report of InvesTT Limited for the year ended September 30, 2021. [*The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis)*]
15. Administrative Report of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2021. [*Hon. Camille Robinson-Regis*]
16. Ministerial Response of the Ministry of Labour to the Sixth Report of the Joint Select Committee on Social Services and Public Administration on an examination of the state of technical or vocational programmes and their contribution to achieving the developmental goals of Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
17. Ministerial Response of the Ministry of Public Utilities to the Tenth Report of the Public Accounts (Enterprises) Committee on the examination of the

Audited Financial Statements of the National Maintenance Training and Security Company Limited (MTS) for the Financial Year 2018 and follow up on the Implementation of the Recommendations contained in the Committee's Eleventh Report from the 11th Parliament. [*Hon. C. Robinson-Regis*]

18. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the Seventh Report of the Joint Select Committee on Finance and Legal Affairs on a follow-up inquiry into the accessibility and quality of legal representation provided by the State with specific focus on the Legal Aid and Advisory Authority and the Public Defenders' Office. [*Hon. C. Robinson-Regis*]
19. Report of the Commission of Enquiry Appointed to Enquire into the Tragic Incidents which occurred on 25th February 2022 at Facilities owned by Paria Fuel Trading Co. Ltd located at No. 36 Sealine Riser on Berth No. 6, Pointe-a-Pierre. [*The Minister of Energy and Energy Industries (Hon. Stuart Young)*]

**2:00 pm.**

### **URGENT QUESTION**

#### **Increase in COVID-19 Cases (Measures to be Implemented)**

**Dr. Rishad Seecheran** (*Caroni East*): Thank you, Madam Speaker. To the Minister of Health: Given the increase in COVID-19 cases, what measures does the Ministry intend to implement to treat COVID-19 infections with the influx of Carnival visitors?

**Madam Speaker:** The Minister of Health.

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much Madam Speaker, and may I wish everyone, and yourself, Happy New Year, and, to

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our most valuable public who listens to us, Happy New Year to all.

Madam Speaker, please allow me a second to explain that COVID-19, while not yet endemic—and “endemicity” means that the virus circulates and affects people at a certain known baseline level and also threatens the health care system. So knowing that the virus is not yet endemic, we had our contingency plans in place and they are a fully commissioned staff and operational inpatient hospital, capacity of 272 beds of which 13—less than 5 per cent—are currently occupied at three hospitals across Trinidad. Our IPC—Infection Prevention Control protocols—are active and practised. We have more than adequate supply of protective personal equipment for our health care workers. We continue to do PCR and antigen testing. All this is in the effort to treat COVID-19 patients as the question is posed.

Our genotyping services at both the University of the West Indies and CARPHA are operational and that is why we were able to detect our first known case of the JN.1 variant yesterday. May I tell the public that while the JN. 1 variant, which is a fourth-generation Omnicron variant, is possibly more transmissible, it does not produce any more significant disease symptoms. So that is very crucial to note.

In an effort to treat COVID-19 patients, as the question poses, we have in supply Tocilizumab, 2133 vials. Each patient requires four vials so therefore we can treat 500 patients if needed. It must be noted that this is only reserved for severe confirmed cases of COVID-19.

Madam Speaker, may I pose the risk to the country with the following statistic? You may recall in the days of heightened COVID activity our seven-day rolling average was in the area of 800/900—

**Madam Speaker:** Hon. Member, your speaking time is now spent. Member for

Caroni East.

**Dr. Seecheran:** Thank you Madam Speaker. Minister, given that cases in the US have been surging since November 2023, why did the Ministry of Health not put citizens on notice of an increased risk of COVID-19 infection due to the influx of travellers into T&T from the US?

**Madam Speaker:** Member, according to the Standing Orders that is not permissible as a supplemental question. Member.

**Dr. Seecheran:** Thank you, does the Ministry of Health intend to procure, by either purchase or donation, a supply of COVID-19 vaccines, or the drug Paxlovid, for the most vulnerable in our society?

**2.05 p.m.**

**Madam Speaker:** Member.

**Hon. T. Deyalsingh:** Thank you. So we are always in talks to procure vaccines since July last year, knowing that our vaccines were expiring in September. Those talks are progressing well but I am under confidentiality agreements not to disclose the nature of those talks, but they are going well. So the answer is absolutely yes. Similarly, for other medication, if needed, we would try to reach out to purchase them but as I said, we have tocilizumab, which is for the severe confirmed cases, more than enough stocked.

Madam Speaker, it is crucial to know that the current rolling seven-day average is less than one; less than one. So let us not over exaggerate the issue but be mindful because the disease is not just endemic. Be mindful. And that is why we are advising persons to take all the necessary public health precautions. Thank you.

## ANSWERS TO QUESTIONS

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

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. There are nine questions for oral response and we will be answering all nine questions. There are three questions for written response, we will be answering all questions for written response, Madam Speaker. Thank you so much.

### **ORAL ANSWERS TO QUESTIONS**

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Madam Speaker. Question No. 11 to the Minister of Energy and Energy Industries. But, Madam Speaker, in part b) of the question, there is a typo on the Order Paper, so that it is the other way around. So the question should read: How much money is owed by the NGC to the Upstream Downstream Company?

**Madam Speaker:** No, but, Member, if this is the question as posted, this is what the Member would come to answer but I am not sure that I am seeing the difference. You are saying it is owed by the National Gas to the Upstream Downstream?

**Mr. Lee:** Yeah. It was not the original question I had posed.

**Madam Speaker:** Okay. Minister of Energy and Energy Industries.

#### **Trinidad and Tobago Upstream Downstream Energy Operations Company Limited (Details of Money Owed to)**

**11. Mr. David Lee** (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

As it relates to the Trinidad and Tobago Upstream Downstream Energy Operations Company Limited (TTUDEOCL), will the Minister state:

- a) the amount of money owed to the TTUDEOCL by NiQuan Energy Trinidad Limited as at October 31, 2023;



- b) the amount of money owed to the TTUDEOCL by the National Gas Company as at October 31, 2023; and
- c) the actions that have been undertaken by the TTUDEOCL to recover the debts incurred by NiQuan Energy Trinidad Limited?

**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. I am not at all surprised by the fumble and the bumble. Answer to Question 11a): the Trinidad and Tobago Upstream Downstream Energy Operations Company Limited terminated its contract with NiQuan Energy Trinidad Limited in August 2023. As at July 31, 2023, the amount of money owed to Trinidad and Tobago Upstream Downstream by NiQuan was US \$22,275,711.

With respect to the question asked by the Member for Pointe-a-Pierre, no money is owed to the Upstream Downstream Company by the National Gas Company of Trinidad and Tobago Limited as of October 31, 2023.

With respect to 11c), Trinidad and Tobago Upstream Downstream, in accordance with provisions under its contract with NiQuan, terminated the said contract in August 2023, due to non-payment of invoices. This matter is now a subject of active legal proceedings between Trinidad and Tobago Upstream Downstream and NiQuan, and is thus sub judice.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Madam Speaker. Question No. 12 to the Minister of Finance.

**Madam Speaker:** Minister of Finance.

**Mr. Imbert:** No. The Minister of Works and Transport will answer.

**CL Marine Limited  
(Details of)**

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**12. Mr. David Lee** (*Pointe-a-Pierre*) asked the hon. Minister of Finance:

Given the acquisition of the CL Marine Limited in 2020, will the Minister state:

- a) the profits earned and taxes paid to the State by CL Marine Limited for the fiscal years ended December 31, 2021 and December 31 2022; and
- b) the names of the current members of the Board of CL Marine Limited as at October 31, 2023?

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

Thank you, Madam Speaker. CL Marine is a subsidiary of the National Marine and Maintenance Services Company Limited. All payments for and on behalf of CL Marine Limited are made through Caribbean Dockyard and Engineering Services Limited. The fiscal period of all subsidiaries was changed to be in line with Government, example, October 1<sup>st</sup> to September 30<sup>th</sup>. This change was adopted in 2020, after the Government of Trinidad and Tobago purchased the company in August 2020. CL Marine Limited earned no profits for fiscal years 2021 and 2022. Taxes due to the State by CL Marine were included in the amount paid by Caribbean Dockyard and Engineering Services Limited, Business levy, Green Fund levy, PAYE, NIS and health surcharge as follows: fiscal 2021, \$5,140,300.58; fiscal 2022, \$5,256,270.33.

As at October 31, 2023, the board of directors of the National Marine and Maintenance Services Company Limited comprises Mr. Hayden Charles as Chairman; Mr. Troy Garcia, Deputy Chairman; Mr. Shane Boodoosingh; Mr. Philip A. James, and Mr. Makandal Caesar. Thank you.

**Madam Speaker:** Member for Naparima.

**Mr. Lee:** No, I have another question.

**Madam Speaker:** You have a supplemental question?

**Mr. Lee:** No, I have another question, Question 13.

**Madam Speaker:** Sorry, No. 13 by the Member for Pointe-a-Pierre.

**Fuel Subsidy  
(Details of)**

**13. Mr. David Lee** (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

As it relates to the fuel subsidy for the period October 01, 2022 to September 30, 2023, will the Minister state:

- a) what fuels attract a subsidy at the pump;
- b) the value of the subsidy paid for diesel fuel;
- c) the value of the subsidy paid for super gasoline;
- d) the value of the subsidy paid for premium gasoline;
- e) the value of the surplus earned from the sale of diesel fuel;
- f) the value of the surplus earned from the sale of super fuel; and
- g) the value of the surplus earned from the sale of premium fuel?

**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. For the period October 01, 2022 to September 30, 2023, diesel and kerosene attracted a subsidy at the pump. For the period October 01, 2022 to September 30, 2023, the value of the subsidy paid for diesel fuel was \$1,095,956,361. For the period October 01, 2022 to September 30, 2023, the value of the subsidy paid for super gasoline was TT \$9,552,513. The subsidy was generated in August and September 2023. For the period October 01, 2022 to September 30, 2023, the value of the subsidy paid for premium gasoline was zero dollars. For the period October 01, 2022 to September 30, 2023, the value of the surplus earned from the sale of diesel fuel was zero dollars. For the period October

01, 2022 to September 30, 2023, the value of the surplus earned from the sale of super fuel was \$158,852,325. For the period October 01, 2022 to September 30, 2023, the value of the surplus earned on the sale of premium fuel was \$19,830,658.

Madam Speaker, the net subsidy paid by the Government on all motor fuels for the period in question was therefore \$832,852,897. Further, the subsidy and rebate for LPG, cooking gas, for the period in question was \$270,904,007, for a grand total of \$1,103,756,904 in subsidy of petroleum products for fiscal 2023.

Additionally, in fiscal 2022, the total subsidy on motor fuels was \$2.4 billion, and the subsidy and rebate for LPG was \$362,200,914, for a grand total of \$2,768,858,406 in subsidy of petroleum products in fiscal 2022. It should be noted that over \$500 million of the \$2.7 billion liability for the subsidy in fiscal 2022, rolled over into fiscal 2023. Thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Naparima, in light of Paper No. 19, do you still intend to ask question 18? Member for Naparima.

**Mr. Charles:** Question No. 18 to the Prime Minister.

**Commission of Enquiry into Paria Diving Tragedy  
(Status Update on Report)**

**18. Mr. Rodney Charles** (*Naparima*) asked the hon. Prime Minister:

Will the Prime Minister provide an update on the status of the Report of the Commission of Enquiry into the February 25, 2022 Paria diving tragedy?

**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. The Member for Naparima was present in the Chamber a short while ago but maybe on his departure, his declared departure out, he is mentally not present because the report for the Commission of Enquiry has been laid in the Parliament and is currently before the Parliament and now subject to the population.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Would the Minister indicate whether any redactions have been made to the original report submitted by the Commission of Enquiry?

**Hon. S. Young:** The answer is, Madam Speaker, absolutely none.

**Mr. Charles:** Could the Minister tell us if any preliminary action has been taken by the Ministry of Energy and Energy Industries in the light of the contents of the report to prevent a reoccurrence of the tragedy?

**Hon. S. Young:** Madam Speaker, from someone who did not even know that the report was just laid, he now apparently knows what the contents of the report are. The report went before the Cabinet of Trinidad and Tobago, who took a collective decision to send the report to the Director of Public Prosecutions for him to look at and to advise on future action, if any, that should be taken.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Has the report also been sent to the TTPS for further action?

**Hon. S. Young:** Madam Speaker, as just stated, the Cabinet of Trinidad and Tobago has taken a decision to send the report from the Paria Commission of Enquiry—Paria and LMCS for a thorough look at by the Office of the Director of Public Prosecutions who, as we all know, constitutionally and during the course of the conduct of his normal business, if he sees it fit to engage the Trinidad and Tobago Police Service or any other investigative arm, he will do so.

**Retaining Wall of the Cunupia River Banks  
(Completion of Construction)**

**23. Dr. Rishad Seecheran** (*Caroni East*) asked the hon. Minister of Works and Transport:

When will the construction of the northern and southern retaining walls on the banks of the Cunupia River, in the vicinity of the Old Southern Main Road, be completed?

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

Thank you, Madam Speaker. The Member is clearly not up to date with the work in his constituency. The project was started in September 2023 and it is expected to be completed by the end of March 2024. Thank you.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Thank you. Minister, what is the cost of the project in both the northern and southern walls?

**Sen. The Hon. R. Sinanan:** Madam Speaker, if the Member poses the question in the appropriate way, I am sure I will be willing to walk with the answer on the next occasion. Thank you.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Thank you. Minister, who is the contractor?

**Sen. The Hon. R. Sinanan:** Again, Madam Speaker, if the Member poses those questions in the appropriate way, I am quite willing, not only to say the contractor but the process used for the award of the contract. Thank you.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Thank you, Madam Speaker. Minister, has the path of the northern wall been finalized as there are reports that a landowner is contesting the boundary of his property?

**Sen. The Hon. R. Sinanan:** Madam Speaker, I have no information that the landowner is contesting the borders of the project. I knew there were some issues before the project started, and the fact that the project has started and a completion date is in sight, it means that all these problems would have been resolved. Thank

you.

**Madam Speaker:** Member for Caroni East.

**Pedestrian Railing of the Cunupia River Bridge  
(Repair of)**

**24. Dr. Rishad Seecheran** (*Caroni East*) asked the hon. Minister of Works and Transport:

When will the pedestrian railing on the eastern side of the Cunupia River Bridge on the Old Southern Main Road be repaired?

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

Again, Madam Speaker, this is a work site. The rails on the bridge would have been removed to allow for access for materials and so for the job site. The temporary rails have been installed and by the end of the month, once no material or equipment has to be moved, then the permanent rails will then be reinstalled.

Thank you.

**2.20 p.m.**

**Dr. Seecheran:** Minister, are you aware that the rails were removed by a vehicle that actually hit the railings in February 2023? And why have they not been repaired as yet?

**Madam Speaker:** One question. One question at a time.

**Sen. The Hon. R. Sinanan:** Madam Speaker, again I would invite the Member to go and visit the site, because there are temporary rails that have been erected and those rails are temporary, because they have to be removed at times to allow access for the construction. But, if the Member does not have the time to visit, I will send pictures for you through technology in about five minutes. Thank you.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Minister, are you aware that those rails, those temporary rails were only erected last week and it has been an open trench for the last nine

months?

**Madam Speaker:** Member, might I ask what is the question, in terms of, what the responses have been, what the original answer was? If you want to ask a particular question sure, but in terms of what the question originally was and the answers and the supplemental questions, I think that question is out of order.

**Madam Speaker:** Member for Couva South.

**Death of Kern Ettienne  
(Status of the WASA's Investigation)**

**25. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Public Utilities:

Further to the response provided to an Urgent Question on November 01, 2023 regarding the death of Kern Ettienne, a worker of the Water and Sewerage Authority of Trinidad and Tobago (WASA), will the Minister provide an update on the status of WASA's investigation into Mr. Ettienne's death?

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. Madam Speaker, as I indicated in my response provided in this honourable House on November 01, 2023, to an Urgent Question regarding the unfortunate incident, which resulted in the death of Kern Ettienne, a worker of the Water and Sewerage Authority, investigations have been launched by both WASA and the Occupational Safety and Health Authority into the circumstances surrounding this matter.

I further stated that the findings of the report would be made public, and if any negligence is found on the part of WASA, we would allow the chips to fall where they may. WASA has advised, Madam Speaker, that their internal investigation is completed and the report is being finalized for submission for the consideration of the Board of Commissioners at its next regular meeting scheduled



for January 30, 2024. WASA has also advised that the matter is being investigated by the Trinidad and Tobago Police Service.

Madam Speaker, I reiterate the assurance given by me to this honourable House on this matter on November 01, 2023 that the findings of any report received would be made public. And if any negligence is found on the part of WASA, we would allow the chips to fall where they may.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Mr. Minister, are you in any position to inform this House if the dependents of the late Mr. Kern Ettienne have been paid his last pay cheque and his NIS benefits and workmen's compensation, and so on?

**Madam Speaker:** Hon. Member, I rule that question out of order in light of the Standing Orders. Member for Couva South.

**Death of Kern Ettienne  
(Status of the OSHA'S Investigation)**

**26. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Labour:

Further to the response provided to an Urgent Question on November 01, 2023 regarding the death of Kern Ettienne, a worker of the Water and Sewerage Authority of Trinidad and Tobago (WASA), will the Minister provide an update on the status of the Occupational Health and Safety Agency (OSHA)'s investigation into Mr. Ettienne's death?

**The Minister of Labour (Hon. Stephen Mc Clashie):** Thank you, Madam Speaker. As we all know the OSH Agency was established in accordance with section 69 of the Occupational Safety and Health Act, Chap. 88:08, to enforce the provisions of the said Act. The OSH Agency received notice via telephone of the accident involving Mr. Kern Ettienne on October 22, 2023, at a job site of the Water and Sewerage Authority of Trinidad and Tobago.

On October 23, 2023, the accident site was visited by the agency's safety and health inspectors and the agency's accident investigation procedure was triggered, which included verification that the accident scene is preserved, visit to the accident scene, collection of evidence, review of evidence, request for further information from any relevant parties determining if competent third-party input is needed, analysis of evidence and preparation of a report. The investigation by the agency is currently ongoing and is expected to be completed by the end of February 2024, following which the accident report is expected to be submitted to the Chief Inspector of the agency for his determination on whether further proceedings ought to be initiated. The OSH Agency has reported that it has taken all the required steps as provided for in the OSH Act.

Permit me, Madam Speaker, on behalf of the Government and indeed myself, to again express my sincere condolences to the family and friends of Mr. Kern Ettienne and I pray for their strength and comfort through this difficult time.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you very much, Madam Speaker. Minister, could you give this House the assurance when the finalized report is submitted to the Chief Inspector of the OSH Agency it would be made public?

**Madam Speaker:** Minister.

**Hon. S. Mc Clashie:** Madam Speaker, as the Member knows well, having spent some time in the Ministry of Labour, that when reports are completed and they go to the Chief Inspector and they make a determination, the next place it resides or goes to is the Industrial Court. At the Industrial Court, of course, and you can also file a freedom of information, but it is not common practice to make these reports available to the public and it is not my call to so do.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, through you, Minister, would you give the House the assurance that you will initiate or ensure that the findings of this report are shared with the family of Mr. Kern Etienne?

**Madam Speaker:** Minister.

**Hon. S. Mc Clashie:** Again, Madam Speaker, we are operating under an Act, and the Act provides for how these things will be dealt with. I cannot give any personal assurance that what the Member is asking for will be done, as we would be guided by the Act accordingly.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva South.

**Occupational Safety and Health Agency  
(Enforcement of Workplace Safety Protocols)**

**27. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Labour:

Given that workplace accidents at Paria Fuel Trading Company Limited, NiQuan Energy Trinidad Limited and the Water and Sewerage Authority of Trinidad and Tobago (WASA) have claimed the lives of six (6) workers while on the job, will the Minister inform this House of the steps being taken by the Occupational Safety and Health Agency (OSHA) to enforce workplace safety protocols in keeping with the Occupational Safety and Health Act, Chap. 88:08?

**Madam Speaker:** Minister of Labour.

**The Minister of Labour (Hon. Stephen Mc Clashie):** Thank you, Madam Speaker. Following out of the last question, the OSH Agency, I would have to repeat, is a regulatory body that is tasked with the enforcement of the Occupational Safety and Health Act, Chap. 88:08, which includes carrying out of inspection at workplaces, prosecuting for breaches of the OSH Act, investigating work-related

accidents, promoting safety and health awareness, and making recommendations to the Minister for creating regulations.

The OSH Agency plays a vital role at ensuring the prevention of such breaches of the OSH Act. Therefore, to further enforce workplace safety protocols, in keeping with this Act and to institute a more proactive approach to compliance, the agency engages in numerous sensitization and public awareness activities targeted at stakeholders across all industries in Trinidad and Tobago.

Some of the sensitization initiatives conducted between January to December 2023 include observance of a national OSH week, which was held on April 23rd to 28th, in keeping with the international labour organizations observance of World Day for Safety and Health at Work on April 28, 2023, the launch of a social media campaign, Facts about OSHA via Facebook and X, formerly known as Twitter, designed to address knowledge gaps or common misconceptions about the functioning of the agency. There was also a school outreach programme in October and November targeted at 31 secondary schools across Trinidad and Tobago, ongoing virtual safety and health training sessions to on-the-job trainees with 200 to 300 trainees in attendance at each session. And we also conducted public consultations such that, on regulations for the control of substances to health, held in June 2023. During the period, the agency has received a total of 556 complaints, conducted a total of 1,385 investigations, and 1,981 inspections. There are currently 69 matters before the Industrial Court for determination.

In the year 2024, the OSH Agency intends to revisit its plans to have an outreach programme targeting administrators and educators, which was originally carded for 2020 but discontinued because of COVID-19. In addition, the agency has proposed public consultations and regulations for personal protective

equipment within the current fiscal year.

Madam Speaker, the OSH Agency continues to enforce compliance with the Act and work with its stakeholders to ensure the safety and well-being of all workers in Trinidad and Tobago. I thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you very much, Madam Speaker. Minister, could you inform this House how many vacancies currently exist at the Occupational Safety and Health Agency in relation to health and safety inspectors in the workplace?

**Madam Speaker:** Member, I would have to rule that question as out of order having regard to what the Standing Orders set out for supplemental questions.

Member for Couva South.

**Mr. Indarsingh:** Thank you very much. Madam Speaker, in relation to upholding safety protocols in the workplace, could the Minister inform this House if any such work has been initiated, as it relates to deep-sea diving regulations and what transpired at Paria?

**Madam Speaker:** Well, again, you are asking now for something very specific, which did not come off of your original questions. I will have to also rule that out of order.

## PERSONAL EXPLANATION

### TSTT's Cyberattack

**Madam Speaker:** Member for Lopinot/Bon Air West.

**Hon. Members:** [*Desk thumping*]

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. Madam Speaker, on the 1st November, 2023, I responded to a supplemental question by the Member of Parliament for Couva South, who

asked whether TSTT's data was compromised due to a recent cyberattack. My response was as follows, and I quote:

I can advise, hon. Member, that based on the safety protocols that were triggered when the incursion was detected, that TSTT data and the data of its customers were not in any way compromised.

Madam Speaker, the statement in question, which I made to the honourable House on the 1st November, 2023, was at all times based on:

1. Information provided to me by the Executive and/or the Board of TSTT;
2. TSTT's correspondence to its customers dated 29th October, 2023;
3. TSTT's statement on cybersecurity issue, Port of Spain Trinidad, October 30, 2023.

As indicated to this august House on the 1st November, 2023, TSTT was engaged in an ongoing extensive investigation into what had taken place. More particularly, as I had been informed by TSTT, I stated as follows, and I quote:

TSTT's immediate response was to isolate the threat and launch a comprehensive investigation to ascertain the full impact of the incident. The company enlisted the support of internationally-recognized cybersecurity experts and partners in investigating the attempted breach and advising on the implementation of appropriate additional security measures and protocols.

**2.35 p.m.**

Invariably, the aforementioned matters are wholly based on information provided to me by TSTT, as was clear in my response. By way of a circular email issued by TSTT to various customers on the 29<sup>th</sup> of October, 2023, the company advised that, and I quote:

TSTT assures that your company's data has not been compromised.

The said correspondence further went on to state that, and I quote, Madam Speaker:

I wish to reiterate, that no corporate client data, employee data, proprietary information, or critical customer information was compromised.

Hereafter, on the 30<sup>th</sup> of October, 2023, TSTT issued a public statement on the matter which set out, amongst other things, that, and I quote:

“The company's cybersecurity infrastructure operated optimally and were able to restrict these criminals”—vicious—“plans. There was no loss or compromise of customer data, i.e., no data was deleted from TSTT's databases or manipulated. At this time, the company has not corroborated data currently in the public domain purported to be TSTT's customer information...”

The statement that I made to this House, in answer to the question from my parliamentary colleague, was made, Madam Speaker, in good faith on the basis of the aforementioned information which I had in my possession at the time. In fact, in addressing this honourable House on the 1<sup>st</sup> of November, 2023, the *Hansard* will reflect that I referred to said media release by TSTT on October 30, 2023. And thereafter, Madam Speaker, I had no legitimate basis upon which to doubt the information provided to me in my official capacity as line Minister for TSTT.

My response as quoted in the *Express* newspaper of the 6<sup>th</sup> of November, 2023, and it says, on the 6<sup>th</sup> of November, 2023, in an article in the *Daily Express*, I was reported by Ricky Ramdass, as saying in relation to the said cyberattack that, and I quote:

...That there was in fact some compromise on customers data.

The basis of that statement, which has been reported accurately, was TSTT's

media release on the 3<sup>rd</sup> of November, 2023, and faithful to the knowledge available to me, I also caused a media release dated the 5<sup>th</sup> of November, 2023 to be issued which formed the basis of the newspaper report.

Madam Speaker, I ask this House to take note of the utterances attributable to me in the *Express* article dated the 6<sup>th</sup> of November, 2023 by Mr. Ricky Ramdass and I quote:

“Gonzales also admitted that when he had stated in Parliament that customers’ data were not compromised because of the attack, this was based on information obtained from TSTT.

Speaking with CCN TV6 yesterday, Gonzales said that when he earlier stated in Parliament that customers’ data were not compromised because of the attack, was based on information obtained from TSTT.”

I maintain, Madam Speaker, now, as I stated then, that I acted on information provided to me. Furthermore, I state categorically that the information in TSTT’s media release on November 03, 2023, titled: “Update on Cybersecurity Issue”, was never in my possession, or knowledge on the 1<sup>st</sup> of November, 2023 when I addressed that honourable House.

I wish to restate Madam Speaker, that as line Minister I reported to the Parliament the contemporaneous information that I received in my official capacity, and at no time did I set out to mislead this House, or the people of Trinidad and Tobago.

**2.40 p.m.**

Madam Speaker, the error in the statement of November 01, 2023, is quite regrettable, and I unreservedly apologize to this House and to the people of Trinidad and Tobago. I thank you for the opportunity to place the facts in the records of this House. I thank you, Madam Speaker.



Personal Explanation  
Hon. M. Gonzales

2024.01.19

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** The Minister of Finance.

**Hon. Members:** [*Desk thumping*]

*Order for second reading read.*

**MISCELLANEOUS PROVISIONS (TRUSTEES, EXCHEQUER AND  
AUDIT ACT, THE MINISTER OF FINANCE (INC’N) ACT, PROCEEDS  
OF CRIME, INCOME TAX, COMPANIES, PARTNERSHIPS,  
SECURITIES, TAX INFORMATION EXCHANGE AGREEMENTS, THE  
NON-PROFIT ORGANISATIONS AND MUTUAL ADMINISTRATIVE  
ASSISTANCE IN TAX MATTERS) BILL, 2023**

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Madam Speaker, before you is a Bill addressing facets of tax transparency and the exchange of information for tax purposes—

**Madam Speaker:** Hon. Member?

**Hon. C. Imbert:** Oh, I am so sorry.

**Madam Speaker:** Could I refer you—

**Hon. C. Imbert:** Sorry, sorry, Madam Speaker.

**Madam Speaker:**—to your procedure for some guidance?

**Hon. C. Imbert:** Terribly sorry, Madam Speaker. I beg to move: That a Bill to amend the Trustees Ordinance, Chap. 4 of 1939, Exchequer and Audit Act, Chap. 69:01, the Minister of Finance (Incorporation) Act, Chap. 69:03, Proceeds of Crime, Chap. 11:27, Income Tax Act, Chap. 75:01, the Companies Act, Chap. 81:01, the Partnerships Act, Chap. 81:02, the Securities Act, Chap. 83:02, the Tax Information Exchange Agreements Act, No. 5 of 2020, the Non-Profit Organisations Act, No. 7 of 2019 and the Mutual Administrative Assistance in Tax Matters Act, No. 7 of 2020, be now read a second time.

**UNREVISED**

Sorry about that, Madam Speaker. Before you is a Bill addressing facets of tax transparency and the exchange of information for tax purposes in Trinidad and Tobago. I have just read out the long title of the Bill. The Bill has been brought from the Senate where it was debated and approved with amendments on the 24<sup>th</sup> of November, 2023. These amendments, which will address typographical errors, harmonizing periods of time and permitting the extension of certain time periods by Order, will be identified during the course of my presentation.

I want to stress from the outset that the passage of this Bill is essential to the economic growth and development of Trinidad and Tobago, as it is aimed at ensuring that our laws are consistent with international standards on the transparency and exchange of information for tax purposes, as set out by the Global Forum. And I digress to let hon. Members know that just about an hour ago, we received a package of proposed amendments after discussion with the OECD to this very Bill, but because it came so late, that will be the subject of another legislative arrangement. But I make this point to show that the requirements of the Global Forum and their translation into law continue to evolve on an almost weekly basis.

However, the Government is resolute. No matter what new requirements are made of us, or new demands are made of us with respect to compliance, we will continue. And the reason for that is that we have entered into something called a “peer review programme” which will commence in this year 2024. The peer questionnaire will be sent to the Global Forum Secretariat next month, February 2024, and then there is an on-site mock peer review visit by the Global Forum Secretariat carded for March 2024. So we are moving ahead resolutely to get this matter out of the way.

Now, Madam Speaker, the Global Forum tells us that their objective is

putting an end to bank secrecy and tax evasion through global tax cooperation. You may be aware, Madam Speaker, that not too long ago—in fact, when I was debating the Bill in the Senate, just a few days before, there was a Motion before the United Nations brought by a group of African countries. And that Motion was designed to move the world away from this regime where advanced economies and developed countries will continue to dictate to countries' emerging economies, developing countries, as to how we should deal with tax matters. That Motion, as I said, tabled by an African country—and I have the actual name of the country in my notes, I will deal with that in a short while—was successful and was passed by a substantial majority. There were a number of advanced countries, however, who quite understandably voted against it, but the Motion passed. So the United Nations has now agreed that instead of the OECD and the EU Council of Ministers dictating to the rest of the world, especially Caribbean countries, as to how we should treat with international tax cooperation, the purpose of the Motion was now to make this the purview of the United Nations.

So rather than these organizations, primarily in Europe, dictating to us in the Caribbean and the rest of the world, as to what is compliance and what is not compliance, it will now be something done by all of the countries of the UN coming with a stamp from the United Nations. That has to be a significant improvement over the current situation. But because the question of compliance with the Global Forum and the EU is quite significant and can affect our banking relationships and indeed our correspondent banking relationships, we must press on until that United Nations arrangement takes place. As I indicated, the Secretariat will be visiting us in March to examine our readiness to comply with the international standards for tax transparency.

I also would like to inform the honourable House—something I had already

indicated in the Senate, so it is public knowledge—that a team from the Ministry of Finance, led by the Minister of Rural Development and Local Government—I was unable to go because I had pressing matters with rating agencies at the time—participated in the 16<sup>th</sup> plenary meeting of the Global Forum in December 2023, in Lisbon, Portugal. And this was very relevant to us in light of the upcoming peer review. This attendance by the Ministry provided opportunities for discussion and opened avenue news for different perspectives on existing and emerging issues in international tax cooperation.

When our team met with the Global Forum Secretariat, we were able to secure the mock on-site peer review, which has now allowed for a further six-month extension before launching the second peer review. Consequently, in order to stand a good chance of changing our rating from non-compliant to compliant, or even largely compliant, the attendant legal framework must be in place prior to the commencement of the assessment. It is therefore expected that the second round of peer review will be launched in the second quarter of this calendar year 2024.

I want to also assure this House that we shall not set about blindly making changes to our laws. The Bill before us is the product of years of technical assistance received from the technical assistance team of the Global Forum Secretariat, and the amendments that we just saw a short while ago, we are going to look at them very carefully and only implement those that are absolutely necessary.

The Attorney General has told me that when he looked at them, it seems that they are going deep into the whole question of beneficial ownership, which has become a very serious matter, both locally and internationally, who owns what, because as you know, people will create dummy companies and trusts, and hide. So that when I listened to what the AG just told me, it appears that they want to us

go even deeper into this question of beneficial ownership, and once it makes sense, we will comply.

We have made amendments along the way. We have been along this pathway in 2019 and 2020. We amended the Companies Act, the Income Tax Act, the Mutual Administrative Assistance in Tax Matters Act, and the Tax Information Exchange Agreements Act. However, in 2021, the Global Forum concluded that we still had more work to do. This is because over the years, as I just said, the Global Forum has adapted its standards on transparency and exchange of information to meet the evolving demands of the world and the way business is being done about the world. It is changing all the time.

Following the passage of the legislation I just mentioned in 2019 and 2020, much has changed with the advent of the global pandemic, and the way business was conducted prior to COVID-19 has changed radically. This led to the Global Forum revising its standards, which, as I just said, are geared towards industrialized countries and are being forced upon emerging economies and developing countries.

As a result of this evolving requirement and, you know, to use local parlance “the moving of the goal post”, we requested technical assistance from the Global Forum in 2022, and they agreed to assist us. We have established a committee that deals with the Global Forum and the European Union. It is led by the Tax Treaty Unit of the Ministry of Finance in collaboration with the Central Bank, the Securities and Exchange Commission, the Inland Revenue Division, the Financial Intelligence Unit, as well as a key partner in all of this, the Office of the Attorney General and Ministry of Legal Affairs.

We continue to work with them, with the European Commission, the Global Forum Secretariat. We continue to receive technical assistance towards the

common goal of preparing the necessary legislative amendments and operational improvements to undergo Phase 2 of the peer review. And while I am on that, the Global Forum and EU have made it clear that even if we pass all of the required legislation, even if we make all of the amendments, including whatever is relevant in that whole bunch there that they sent us—I think it is over 30 amendments—that is not sufficient because they also want to also see them implemented, which will require a lot of work on the part of the Inland Revenue Division in particular because the competent authority, as it was with FATCA, will be the Inland Revenue Division. So even if we get through with all of this legislative work, we, in Finance, now have to make sure that the Inland Revenue does what it has to do in terms of exchange of information for tax purposes.

To help us, the Ministry of Finance participated in a Global Forum training on beneficial ownership and exchange of information for assessors and assessed jurisdictions in Barbados in October 2023. The Global Forum had a workshop in Barbados, and I sent one of my technocrats to that conference in order to be trained in this evolving arrangement with respect to beneficial ownership. It was important to send someone there to build awareness on all the requirements of the exchange of information standard, which, as I said, is focusing more and more on the whole question of beneficial ownership.

Now, let me go straight to the Bill before the House. You will have understood, Madam Speaker, that we are being very purposeful and very serious about this. We are going to do everything in our capability and capacity to meet the requirements by the end of this year to become at least largely compliant so that we can move from the blacklist on to a grey list, or completely off.

If I go to the Bill now, the short title is self-explanatory, that was the Part I, unfortunately, omitted in the first part of my presentation, so that needs no further

explanation.

In terms of commencement, there is a proclamation clause, so that is clause 2. And because there are such onerous requirements in this legislation now, in terms of filing and maintaining records of beneficial ownership, there is need to ensure that responsible individuals and entities have sufficient time to put in place the necessary mechanisms to give effect to these requirements. But in principle, Madam Speaker, no one should have any argument about improving the standards and the regime for determining beneficial ownership; no one. No serious person could have any argument against that.

**2.55 p.m.**

Our argument is the fact that we keep getting new requests all the time, but we are soldiering on.

In terms of clause 3, clause 3 amends the Trustees Ordinance to make provision for the ascertaining, filing and maintaining records on the beneficial owners of trusts. And for those of you who have any experience with a trust, a trust is really a device where people can hide the true ownership of something and it is a device that is coming under threat now across the world in terms of, people are no longer allowed to hide their ownership behind a trust.

**Mr. Young:** They have to declare.

**Hon. C. Imbert:** Yeah, they have to declare. In the Senate, there were some amendments in the proposed section 10C(1), the view was that we should delete the word “fourteen” and replace with the word “thirty” that is the whole question of timing. We felt 14 days was too short; we should make it 30. And in subsection 2, we replaced the “fourteen days” with “thirty days” and that is when we actually operationalized this thing and people are now compelled to do what is necessary

with respect to declaring beneficial ownership, we are giving them 30 days instead of 14. We felt 14 was much too short.

Now, the whole question of beneficial ownership is the cornerstone that underpins not only the international standard on tax under the Global Forum Framework, but also our international obligations under the Financial Action Task Force Framework as it relates to money laundering, countering terrorist financing and the proliferation of weapons of mass destruction. We need to understand the synergies between the Global Forum and the FATF. There was a recent publication that will give some insight for those Members opposite who are minded to read, called Building Effective Beneficial Ownership Frameworks, a joint Global Forum and IDB Toolkit, and,

“The term beneficial ownership as defined by the Financial Action Task Force...refers to the natural person(s) behind an entity, whether a legal person or arrangement, who exercise(s) control over it.”

So this whole question of,

“Transparency of beneficial owners is now...”—absolutely mandatory—  
“under international standards of exchange of information for tax purposes...”

“From a tax perspective, knowing the identity of the natural persons behind entities not only helps a jurisdiction preserve the integrity of its own tax system but also gives treaty partners means to better achieve their own tax goals.”

“Jurisdiction should implement this element of...international transparency...in a manner consistent with their”—own—“national legislative and institutional systems. The methods...”—can—“differ from one jurisdiction to another. The Global Forum does not prescribe any



particular mechanism for implementing beneficial ownership...as there is no one-size-fits all...”—but the requirement that we must have—“a sound framework for ensuring effective availability of beneficial ownership information”

I just want to give the Members some insight as to how complex the drafting process has been and why it has taken years to address.

“Jurisdiction should implement the requirements for beneficial ownership under the international transparency standards in a manner consistent with their national legislative and institutional systems.”

The Global Forum, as I just indicated, means that we have to now—review and do an entire overview of all legal entities in Trinidad and Tobago and therefore, we have to look at trusts and associated legal arrangements, companies established under the Companies Act, partnerships. And I learnt in the Senate from one of my colleagues that a partnership can be simply defined as a group of people who come together to make profit. It is as simple as that. So, if three guys get together to hold a fete for profit, by law, they are a partnership and therefore, once this legislation is enacted it is going to have profound implications on the way we do business in Trinidad and Tobago, especially with partnerships because there are many partnerships in Trinidad and Tobago that are not compliant and that do not have the discipline to report properly to the competent authority. That is going to stop.

Reporting entities under the Securities Act—statutory bodies with body corporate status, non-profit organizations, unincorporated entities, Corporation Sole, Minister of Finance. So these are all the legal entities that now have to become compliant. In fact, it is quite difficult to understand why in the modern era entities are asking the Minister of Finance to confirm that the Corporation Sole

who is the Minister of Finance is the holder of the shares in state enterprises. I get these requests all the time and I wonder why. But this is part of the legal arrangements. So I, as the holder of shares in Caribbean Airlines, for example, Caribbean Airlines was securing, financing and other arrangements in other territories and I got a request from another territory that I have to prove, as Minister of Finance, that I am the holder of shares in Caribbean Airlines. It is quite ridiculous but that is the way the world is going. That is the way the world is going.

**Ms. Ameen:** You or the Government?

**Mr. Young:** According to the legislation it is the Corporation Sole.

**Hon. C. Imbert:** Me, Corporation Sole, the Minister of Finance is the Corporation Sole and according to the Corporation Sole Act, the Minister of Finance is the holder of shares.

**Ms. Ameen:** [*Inaudible*]

**Mr. Young:** Yes.

**Hon. C. Imbert:** Well me as Minister of Finance, me, yes, me, I have to sign the form. So, that as a result of what you will find in relation to the proposed amendments to the Trustees Ordinance in clause 3 of the Bill:

“The beneficial ownership...”—is required to be ascertained the natural person, me, is required to file a statement of ownership within 14 days of—  
“the commencement of...”—the Act—“any change...in the...beneficial ownership...”—is required to be filed and “...the Registrar General”—is required to— “maintain a register of beneficial owners...”—concerning—  
“trusts and other forms of legal arrangements”—under the Trustees Ordinance.

And to illustrate how serious this is, there were adjustments made to beneficial ownership some years ago the Member for San Fernando West was the Attorney General at the time and as a result, every year now as Corporation Sole or as required, I have to file a form 44 or form—

**Ms. Ameen:** You?

**Hon. C. Imbert:**—me yes, me. A form 42 or form 44 to comply with the law because in law as Minister of Finance, I am the beneficial owner of the shares in all 53 state enterprises. Believe it or not, okay. That is just how it is—not really, I am just giving you insight into how complex this thing has become. Now, the failure to do this brings criminal sanctions and imprisonment for three years. So, failure,

“To take reasonable steps to ascertain...beneficial owners...”

Failure:

“To maintain and keep updated...”—information on—“beneficial owners...”

Failure:

“To ensure—“the information...” on—“beneficial owners...”—is accurate.

“Knowingly...”—or —“recklessly...”—filing—“a return...”—false return, jail.

So, this is why every week I get a whole batch of forms to fill out to prove that as Minister of Finance, I am the beneficial owner of the shares in all state enterprises in Trinidad and Tobago.

So, there is also a retention period of six years, and this six-year period of retention is being implemented in our other laws to now capture beneficial ownership information. Moving on to clause 4—Madam Speaker, how much more time do I have?

**Madam Speaker:** Your full time expires at 3.25.

**Hon. C. Imbert:** Okay, so I have about 20 minutes, all right. Clause 4 is an adjustment to the Exchequer and Audit Act and implements the requirement for beneficial ownership information in relations to statutory bodies that are subject to the Exchequer and Audit Act. Again, we amended the original Bill in the Senate to change 14 days from issue of a notice, that is the notice I am speaking about that persons whether natural or incorporated need to comply. We now giving them 30 days instead of 14.

Now a statutory body, by definition, means any municipality, so it is all the regional corporations. So, I think regional corporations need to understand the relevant actors in the corporations, whether it be the CEO, or the chairman or the mayor, as the case may be, need to understand that this law is going to affect them. So it means any municipality, county council, it is an old definition—board, commission or similar body corporate establishment incorporated by an Act. So any body that is a creature of statute, Water and Sewage Authority, for example, is going to have to comply with this requirement. So the definition is expansive, it covers all statutory bodies. The obligations too, with respect to beneficial ownership will now be imposed on all of these entities.

Now, the international standard on tax requires the implementation of a cascading approach to ascertaining beneficial ownership. This means that you must seek out the natural persons in control of a legal entity that has ultimate beneficial ownership. Where no beneficial can be identified, which is an exceptional case, as a backstop,

“the natural person who holds the position of senior managing official...”  
—should be identified as the beneficial owner. And I can see this in the case of some of our statutory authorities. I could see it in the case of a regional

corporation, for example, the council does not own the corporation, they are not the owner, they are different to the Corporation Sole with respect to a state enterprise. So one would expect that the CEO would be the most senior person within management would be identified as the beneficial owner in a case like that. And as I said, there are no shares in statutory corporations or statutory bodies.

So just to emphasize that point, with respect to statutory bodies, the senior manager, the controlling mind, will be the one who will be required to comply with the law. It can also apply to directors and it will be done on a case-by-case basis. For example, in a corporation, regional/municipal corporation you do not have directors, you have a council but you have a CEO. In the case of the Water and Sewerage Authority, you have directors, so it will be all done on a case-by-case basis. And as the Treasury under the Exchequer and Audit Act, it will be appropriate for the Minister of Finance, to:

“...monitor the filings...”—of all—“statutory bodies...”—with respect to—  
“beneficial owner...”

So, this places more obligation and more work on us in the Ministry of Finance. Going on to clause 5:

“The Minister of Finance (Incorporation Act)...”—this is the Corporation Sole Act, it makes provision for the filing of—“beneficial owner information in...”—relation to—“Corporation Sole...”

And let me explain what Corporation Sole is. The Act says in section 3 (1) that:

“The Minister for the time being shall be a corporation sole, by the name of the Minister of Finance and all property transferred to and vested in the Minister—of Finance—by this Act...shall be held in trust for the State...”

So, fortunately or unfortunately, that is a responsibility of the Minister of Finance, he is the holder of all state property transferred to or vested in the Minister of

Finance. And, notwithstanding this law, the advice we have now received from the Global Forum Secretariat is that beneficial ownership is required to be ascertained in relation to all legal entities, and that information must be continuously updated. So, even though the Corporation Sole Act makes it expressly clear that the Minister of Finance is the holder of all shares in state enterprises, that still has to be proven. So that is why I have to fill out the forms. So, again, there is a retention period of six years.

**3.10 p.m.**

Going on to clause 6, Proceeds of Crime Act. The Bill amends the Proceeds of Crime Act and substitutes the definition of “beneficial owner” to include, amongst other things, the provision for all types of legal arrangements. That will make us compliant with respect to that particular Act, the Proceeds of Crime Act.

In terms of the Income Tax Act, which is dealt with in clause 7, it is meant to ensure that taxpayer information received by the Board of Inland Revenue from another jurisdiction is consistent with the terms of tax information sharing—in the agreements for tax information sharing in place between in Trinidad and Tobago and that other country.

And just to illustrate, the OECD Model Tax Convention provides that:

“Any information received...by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State...”

This is very important. So, what it means is that when our Inland Revenue Division receives tax information from another country that we have treaties with and arrangements with, it has the same confidentiality provisions that we have for tax information in Trinidad and Tobago. So, even if you have a Trinidad and Tobago citizen who is earning income in, let us say, Belgium—let us just pick a

country—and we finalise our arrangements with that country and they send information to our Board of Inland Revenue on Trinidad and Tobago citizens doing business there and paying tax there, that information will be as secret as tax information of taxpayers in Trinidad and Tobago. So, I just wanted to emphasize that point to allay any fears that any people should have.

Similarly, on the flip side, the arrangements require information sent by Trinidad and Tobago to the other countries must have the same strict confidentiality and secrecy as we apply to that information here in Trinidad and Tobago. Most people who are familiar with tax matters will know about section 4 in the Income Tax Act which makes tax information secret.

Now, we have to complete this job. We have to expand our treaty network with other jurisdictions because in order to promote Trinidad and Tobago as an investment jurisdiction, it is becoming more and more important that we enter into modern tax treaties with other jurisdictions. But, this can only be achieved once our legal framework supports measures such as confidentiality of information received from other jurisdictions. Now, this may seem to be a tried point but it is very, very significant.

In terms of clause 8, the Companies Act, clause 8 of the Bill amends the Companies Act, makes the provision for the abolition of bearer shares, bearer shares certificates, share warrants and bearer share warrants and implements sanctions in relation to companies where there is a failure to send any return notice document and prescribed fee to the Registrar General. And for those who may not be entirely familiar with what a bearer share is, it is essentially an anonymous document. It is a document that has a value and relates to shares in an entity and once you have it in your possession, you can just walk in and claim the value. And that is the way money launderers and terrorists operate, because you do not have to

identify yourself, you just have to have it in your possession. It is a very interesting mechanism that has—

**Mr. Young:** Like a UNC party card—*[Inaudible]*

**Hon. C. Imbert:** I tell you. A very interesting mechanism that has been used to engage in money laundering.

So, clause 8 of the Bill adopts a redemption and conversion approach that is analogous— *[Laughter]* I had to laugh too because I just got sued the other day. Just let the court does its—*[Laughter]*

**Mr. Young:** *[Inaudible]*

**Hon. C. Imbert:** It is analogous to the demonetization of the hundred-dollar note.

**Mr. Young:** *[Inaudible]*—about to lose.

**Hon. C. Imbert:** You think so? *[Laughter]*

**3.15 p.m.**

So holders of these assets, infamous for their ability to change ownership without written documentation—just like a cotton note. Who owns a cotton hundred-dollar bill note? Who owns it? If I show up with a hundred-dollar note, can anybody say I do not own it? So that is why I am using the analogy. So holders of these assets, infamous for their ability to change ownership without any documentation, will now be required to redeem and convert these bearer share warrants on or before an appointed date, a future date that will be published in due course.

Persons who fail to surrender on or before the appointed day may do so within three months of the appointed day only in circumstances that were beyond their control, or beyond the control of the true owner, or with the approval of the



Registrar General. Failing that, reinstatement by the High Court is only possible within 18 months of the commencement of this Bill. So they will have to go to court and show that they legitimately acquired these bearer shares. I am advised by distinguished counsel that these provisions are proportionate and provide opportunities for due process.

The imposition of sanctions on companies is also going to be subject to due process requirements where the Registrar General is required to make an application before the High Court before seeking appropriate restrictions.

Clause 9, Partnerships Act, this seeks to implement the same requirements for filing, maintenance and retention of beneficial ownership information that has been adapted—now being adapted for partnerships. And, as I said, a partnership— if you read the law, you would be surprised, some of you, to learn a partnership is just more than one person coming together to make money; simple as that, and it does get down to the simplicity of a fete. So if two fellas get together to organize a fete for profit, that is a legal partnership, according to the law, believe it or not.

Clause 10 of the Bill implements the requirement for beneficial ownership in relating to reporting entities under the Securities Act. And, again, there is a similar cascading approach to identify the beneficial owner of a reporting entity under the Securities Act.

Clause 11 deals with the Non-Profit Organisations Act and it makes similar provisions for beneficial ownership as in all of the other clauses of the Bill.

Clause 12 deals with the Tax Information Exchange Agreements Act, ensures that a President's Order is issued for all of its exchange of information

agreements so that the BIR has the power to obtain information to enforce these agreements. Clause 12 also provides for exceptions in particular circumstances.

Clause 13 deals with an amendment to the Mutual Administrative Assistance in Tax Matters Act to ensure that a number of definitions—and this is something that is evolving all the time as well, definitions—meet the international standards on tax and address various deficiencies that have recently been made known to us by the Global Forum.

During the Senate debate, a number of misconceptions were raised by Senators—Opposition Senators that is. The recommendations of the Global Forum and the Financial Action Task Force were misconstrued. I want to clarify that this Bill aims to implement the recommendations of the Global Forum, not FATF. There is some confusion—I do not understand why because it should be clear to anyone who does proper research, there is a clear distinction between the Financial Action Task Force and the Global Forum. They are two completely different entities. And that is illustrated by the fact that due to work done by the Member for San Fernando West, in his previous incarnation, we were able to get off the FATF blacklist, but ironically, even though we are compliant with FATF and we got off that blacklist, they put us on a blacklist with the EU.

So that illustrates these are two completely different bodies even though they deal with the same thing. It is quite ironic. I think that is why that African country tabled that Motion in the United Nations just the other day—in November, I believe—and a majority of countries agreed that we have to end this dominance of tax information and tax compliance. This dominance by the OECD and the EU, it

has to come to an end. Because how could you be compliant with FATF and not compliant with another body? How? How is that possible? But it is. It is what it is.

So, moving on, there are 23 recommendations covering exchange of information, automatic exchange of information and beneficial ownership that we have to comply with. The Bill that was passed through the Senate was designed to deal with these issues but since we passed it in the Senate, we just got all these amendments today. Okay? So, as I said, we are going to keep going. Our objective is to get out of this non-compliant rating by the Global Forum and become, at a minimum, largely compliant. As I indicated, we are going to engage in a peer review in 2024, as part of our effort to get out of this straitjacket they have us in. So the questionnaire will be sent to the Global Forum in February.

The on-site mock peer review takes place in March. A report will then be sent to the Global Forum Secretariat who will assess our compliance. Then we will evaluate and analyze the comments coming back from the mock peer review, and then we would prepare for the actual official Phase 2 peer review in June of 2024, and then there is an official on-site Phase 2 peer review by the Global Forum, which is scheduled for September 2024. So all of this is designed for us to, as I said, achieve, if we can, a rating of at least largely compliant by the end of this year, 2024.

I ask for the cooperation of all Members opposite. This is something that has been handed to us. Trinidad and Tobago became a member of the Global Forum some years ago. Unfortunately, what was needed to be done was not done.

We now find ourselves in this position and I ask that we all work together to get us out of the situation. I beg to move.

**Hon. Members:** [*Desk thumping*]

*Question proposed.*

**Madam Speaker:** Member for Naparima.

**Hon. Members:** [*Desk thumping*]

**Mr. Rodney Charles (Naparima):** Thank you. Thank you, Madam Speaker. Madam Speaker, here we are again, again discussing various amendments to various pieces of legislation, all of which we have supported in the past. Let *Hansard* record that we have supported every bit of legislation that relates to getting us off the EU blacklist. So the question we ask today is, are the amendments being made in this Bill to the Proceeds of Crime, to Income Tax, the Tax Information Exchange Agreements, and the Mutual Administrative Assistance in Tax Matters, being made in order to address our EU blacklisting standard and our compliance with the Global Forum? If so, how many times will this Government bring us here to pass legislations in the hope of finally getting off the EU list? When will we be able to meet the requirements?

We are being told, Madam Speaker, that there is a changing goalpost, and the question we ask, does the goalpost only change for Trinidad and Tobago, and not for Jamaica, and not for Barbados, and not for Grenada? Why?

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** These amendments before us today seek to create a comprehensive regulatory framework that aims to prevent money laundering by

enhancing transparency, accountability, and to facilitate the tracing and verification of beneficial ownership of financial entities.

Madam Speaker, the Minister of Finance may want to tell us that this concept of “beneficial ownership” only arose today. My staff, Madam Speaker, sent information to me today indicating that these matters were dealt with in other jurisdictions in the Caribbean—and I will get the information shortly. I will get the information shortly—indicating to me that Jamaica—the Government of Jamaica indicated that they were alerted by the Global Forum about this concept of beneficial ownership as early as 2020. And if I had found it, Barbados—there is a whole report in which Barbados says that they have been grappling with this problem since last year, and they approved it earlier this year and came off of the list.

Madam Speaker, so in February 2023, Barbados fulfilled their commitments and was removed from the state of play document (Annex II), the Council of the European Union, October 05, 2023. What it is that Barbados knows that we do not know? It is now on the list of countries which cooperate with the EU and have no pending commitments, and so is Grenada, and so is Jamaica. How did our CARICOM brothers get off? How were they able to be alerted about this question about beneficial ownership and one year later, we in Trinidad are slothfully, lazily dealing with a concept that has been dealt with fruitfully, forcefully, frontally and successfully by our Caribbean brothers?

**Mrs. Persad-Bissessar SC:** Always backward.

**Mr. R. Charles:** Always backward, I am told; always backward.

Barbados, Minister of Energy and Business, Sen. Lisa Cummins, said, and I quote:

“...‘Even over the Christmas holidays, into the earlier part of the new year, we literally had to keep our heads down to ensure that Barbados avoided the measures that would have come along with an Annex II listing...’”

That is the Ministry of Foreign Affairs and Foreign Trade, February 14, 2023.

Madam Speaker, not only Barbados, Jamaica’s Finance Minister, Dr. Nigel Clarke, said that they had major hurdles and some finalizing to do. However, he set a March 2023 deadline to have the amendments brought to Parliament, and in February 2023, Jamaica was removed from the EU blacklist.

### **3.30 p.m.**

Madam Speaker, it is a shame we have to understand that we have to change our state of play. We have to do what is required to make us a First World nation so that we could become compliant. So Jamaica was removed from the EU blacklist following amendments to the Special Economic Zones Act, a Jamaica Observer of February 23, 2023. So this is what I am talking about they did not stop until they were completely off the list and fully compliant, they set their deadlines and they were committed to it. Our CARICOM brothers and sisters are showing us how to get the job done.

Madam Speaker, this problem did not start today, it did not start today. I recall on August 29, 2018 and I refer here to pages 5 and 6 of the Verbatim Notes of the Third Meeting of the Joint Select Committee on the Income Tax (Amdt.) Bill 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the

Tax Information Exchange Agreements Bill. I asked the Minister of Finance in 2018, he has left. I asked him in his face, what would happen if we passed the Income Tax (Amdt.) Bill and I am quoting here from *Hansard*, Minister Imbert:

“We will be upgraded.”

You understand?

**Mrs. Persad-Bissessar SC:** How many times?

**Mr. R. Charles:** I asked him the question, if we pass this Bill what would happen, he said:

“We will be upgraded.”

**Mrs. Persad-Bissessar SC:** How many times in the past?

**Mr. R. Charles:** In the past, many times, repeated in the past over and over. So Mr. Charles, and I am referring to myself from the *Hansard*.

“The reason why I am asking is to make sure that the limited time we have we work in such a way it will result in us coming off the list.”

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

**Mr. R. Charles:** “We do not want to pass this”—that is that legislation—“We do not want to pass this legislation and find out that—”

I did not get a chance to complete it because they have a line. Minister Imbert responded:

“No, we have no choice but to pass both this and the other one with respect to the Mutual Administrative Assistance in Tax Matters and when we pass the two then we would be compliant.”

You see why we cannot believe what they tell us on that side? The goalpost is

changing only for Trinidad and Tobago, not for our fellow CARICOM countries.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** And we have to hide behind the coattails of African countries in order to get the union. That “ain’t” going to happen. The EU will not allow the United Nations to dictate to them how they behave with respect to what they allow and tolerate in respect of tax matters. It is a question of—and there is a big debate right now in terms of the efficacy of multilateral organizations where the United Nations cannot act with respect to the issues in Gaza and the issues in Ukraine because of the veto of the five permanent members of the security council. It is an impotent organization and we are putting our faith in impotency, Madam Speaker, and it hurts those of us who understand multilateral diplomacy about where this country is headed, Madam Speaker.

So six years after, I spoke about 2018 when the Minister promised us and the *Hansard* record is saying that he promised that we will get off the list. Six years and once more we hear the Minister of Finance say that:

“The”—new—“Bill is urgent because Trinidad and Tobago will commence its peer review assessment before the end of...”—2024.

Sorry 2023, and the Global Forum will not consider any legislative changes after June 2024, that is Senate *Hansard* November 24<sup>th</sup>, 2023 page 39. But notably, the Minister could not commit to these changes being sufficient to get us off the list and you realize the sound and dance while we are passing this legislation the Minister is telling us “I just received something from the Global Forum which tells me that even if we pass these amendments that we are not sure to get off this.”



That is because he just does not know, he is—and I would say go to Mia Mottley, go to Barbados.

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

**Mr. R. Charles:** Because they know something that we do not know in Trinidad and Tobago and what they know is how to get off the EU blacklist and we have been fighting with this thing since 2017.

Madam Speaker, when we were put on the EU blacklist in 2017, two years after this Government came into power they were blaming Howai, they were blaming the PP Government for putting us on the blacklist. Madam Speaker, it is hard to take. The Minister further said in the same Senate *Hansard* that we were doing this,

“...In order to stand a chance of our changing our rating which is currently non-compliant, to compliant or even largely compliant...”

Madam Speaker, this is embarrassing. The question I would ask, the question I would ask is, did it take the EU to tell us that we needed to have a forum where we would infuse into various pieces of legislation the concept of beneficial ownership? We cannot pass legislation and we do not know or we cannot deal with First - World countries if we have a set of organizations, institutions, non-profit organizations, credit unions et cetera and we do not know the concept of beneficial ownership. So what are you reporting if people could hide and why was that not known in 2018? And I am making the point that other countries, other jurisdictions were aware of the need to insert these things. And you know what, the Minister says that he is so urgent, he told the Senate, urgent, in November 24

and it is today—

**Madam Speaker:** [*Inaudible*]

**Mr. R. Charles:**—it is the 24<sup>th</sup>—November 2023 and it is only today this has reached this House. Urgent, you know. We have to get off the list, our brothers and sisters off the list. But what? We could have brought this last week, we could have it brought it the week before and in fact we were to discuss the appointment of three COPs but they shifted it around, I could tell you why.

So we could go to clause (3) which says:

“... Amendment would insert provisions relative to the beneficial ownership.”

In the trustees ordinance it would be amended and it requires beneficial owners submit a statement to the trustee within 14 days of commencement of the section or acquiring the interest and thereafter would require the beneficial owner to submit to the trustee of an expressed trust or the administrator of any other form of legal arrangement within a period of 14 days a statement in the prescribed form together with any supporting documentation. The question I asked, has the prescribed form been prepared? Because one of the problems that the EU has with us, and everybody has with us, we pass legislation and we forget about operationalization. We pass Anti-gang Bill, Bill all kinds of Bill over “de” place—

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:**—and not one person convicted, Madam Speaker. The United States State Department told us about legislation passed in Trinidad and Tobago in terms of human trafficking and not one person has been convicted. When will this

Government realize that ultimately, they will be judged on performance and not on “ole talk.”

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** Not on passing legislation and I heard the Prime Minister say last night “we have a list of legislation to pass.” When the crime talks they come with a list of legislation they want us to discuss. I want to tell you laws alone do not a country make.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** “Performance beat ole talk.” So you cannot fool the EU, you could come in this Parliament and gallery, and section 48, Standing Order 10 and Charles was not here and he did not know, and he could not see even though I wanted to ask supplemental questions. You ridicule sense and competence and you get away with it here but when you face the EU, when you face the United States State Department you are found wanting.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** You are found wanting.

**Ms. Ameen:** Embarrassment.

**Mr. R. Charles:** Embarrassment to the country.

**Mrs. Persad-Bissessar SC:** Going again this weekend. Traveling again this weekend.

**Mr. R. Charles:** Traveling again this weekend to Washington. Traveling. Per diems, per diems.

**Hon. Members:** [*Laughter*]

**Mr. R. Charles:** Unaccountable. US foreign exchange, millions of dollars and nothing to deliver, the dragon cannot dance. The dragon not dancing.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** [*Laughter*] So we come here today and we talk and we pass legislation to tell us to get off and you want to—hear the Minister of Finance. The Minister of Finance said in his contribution that:

“In 2019”...we did address Global Forum requirements at that time and four pieces of legislation were enacted to address efficiencies known to us at that time.”

Senate *Hansard*, November 24<sup>th</sup>, 2023 page 48. But, Madam Speaker, the reality is they have been scrambling to see their way long before then, since 9<sup>th</sup> September, 2016 the Minister of Finance indicated in Parliament that and I quote:

“One of the first things I had to do when I was appointed Minister of Finance...”—in 2015—“was to write a letter Global Forum seeking a one-year extension...for Trinidad and Tobago to be compliant with Global Forum...we received that one-year extension to September 2016.”

And I am quoting here from *Hansard* September 9, 2016, page 21. So, Madam Speaker, what did he do to meet EU requirements then? Nothing, because we were blacklisted in 2017. So you realize this Minister is a Minister of talk, promises, telling you, and blaming everybody else except himself.

On November 20—the man—it is almost sad, it is really sad to hear the litany of excuses that suggest manifest incompetence. On November 21<sup>st</sup>, 2017 the Minister again wrote the Code of Conduct Group saying that we would pass the

necessary legislation to make us compliant by December 31<sup>st</sup>, 2018. These included six pieces of—five pieces of legislation, five, the Income Tax (Amdt.) Bill and I want to place on record we supported that.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** So they have no excuse to say that the Opposition did not support them and I heard him today saying I hope we get the support of the Opposition because this thing is critical. We are patriots and we understand that these things are important—

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:**—for our financial well-being and we support but what do we support? Tell us what would you have us to do to get off the list? We are willing to do it, but you are not leading us in the right way.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** You are leading us down the path of blacklisting. Madam Speaker, an EU Minister—no it is from Norway, a Minister of Trade. They blacklisted—no it was Denmark—Trinidad and Tobago and what they did was the Double Taxation Treaty, they cancelled it because we could not meet the Global Forum requirements and you know what that Minister called us? And “ah” shame, he called the Trinidad and Tobago Government, a nook of shame. That was published globally.

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

**Mr. R. Charles:** For our inability to meet simple requirements of the Global Forum and the OECD. So these are the four pieces of legislation, Income Tax

(Amdt.) Bill; the Double Tax Agreement Bill; the Companies (Amdt.) Bill; Mutual Administrative Assistance in Tax Matters Bill and the Base Erosion and Profit Shifting. I do not think the Base Erosion and Profit Shifting has come to Parliament as yet, has it?

**Mr. Hosein:** Yes, it came.

**Mr. R. Charles:** Yes, it came. It came. So what the Minister did not do, that Barbados knew, that Grenada knew, that Jamaica knew, was to infuse the concept of beneficial ownership in these pieces of legislation. He did not know then and he belatedly knows now and that is why we are here.

**3.45 p.m.**

So three years later—so that is 2017. I am giving you the chronological. In 2017 he told us he wrote the Code of Conduct Group and he told them we will pass these bits of legislation. Three years later in 2020 he scampered to pass legislation. They scampered to pass legislation claiming it would get us off the blacklist and that was the Mutual Administrative Assistance in Tax Matters, the Tax Information Exchange Bill, and the Income Tax (Amdt.) Bill and we still remain on the list.

So contrary to what the Government would have the population believe, we in the Opposition are ready, willing, and able to support all legislation that would get us off the list. All we ask, as I asked in 2016, no, it was 2018, all we ask is, tell us what would you have me to do. Madam Speaker, do they know it is scripture? A fella went to the thing and he said, “Lord, what would you have me to do?” He said—what? “Sell all yuh have, take up your cross and follow me.” We want “yuh” to take up your cross, do your work, get all that is required. If you do not know, go to Barbados. Mia Mottley will tell you. Go to Jamaica.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** Prime Minister Holness would tell you. And the little—what, I do not know his name—Mitchell. He is a youth man in Grenada. He will tell you what to do. But, you see you—

**Mrs. Persad-Bissessar SC:** And Holness' state of emergency he is talking to, eh.

**Mr. R. Charles:** No you. Eh?

**Mrs. Persad-Bissessar SC:** Holness' state of emergency working—

**Mr. R. Charles:** And I am told that Holness' state of emergency—I have it in parentheses is working. So sometimes we have to humble ourselves. There is nothing wrong in saying “I do not know everything”. That is why Bill Gates and they tell you that his job is to employ the brightest people and let them loose but keep them in line with the vision. You all have to get the brightest people because “we ending up”— We are a laughing stock, you know. We are a kakistocracy. You know what is a kakistocracy? Ruled by the most incompetent among us.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** We have bright fellows in A' Levels. Hillview College, Naparima College.

**Mr. Indarsingh:** Oh yes.

**Mr. R. Charles:** Which college again?

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

**Mr. R. Charles:** I am trying to remember the speakers but I am not bringing you into it. Her college, Bishops. No. She went to the Catholic school; convent. Bright people. I sit down with A' Level people that come home by me and, Madam Speaker, when you listen to “dem” fellas, I would put them there and we would be much better off.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** I would put them off. What they need is an opportunity for

mentoring. Oh, for heaven's sake. For heaven's sake, I beg you because this is my country. This is my country. I on "meh" way out but "meh" grandchildren in their way in. They are in their way in and I want "allyuh" to perform, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** And they will come after me and say, drama and all this thing, but I am pleading for the citizens. They meet me in the market in Marabella and they say, "God, de place gone through," and everybody migrating and want to get a chance to migrate and who not.

**Ms. Ameen:** Because of their incompetence.

**Mr. R. Charles:** And I say, it hurts. So, we could nearly say, talk done. We could pass this, but we were told already that if we pass this there could still be more to come. And I am just saying, get a team of A' Level bright fellas. Go in the University of the West Indies. Ask them to get the best economist, the best climate change person, the best in finance, whatever, put that team and say, sit down and work to get us off the list. Bring us— We have to do point one, go Jamaica, see what Jamaica did. Right? See what they did. They did six things and if I were technologically savvy I would have pulled up what it is that Jamaica said they had to do. They were instructed that if they did not do that by three months' time they would be on the blacklist, and they put a team. And I am saying, when I read this and I am saying, why, why could you not have anticipated that a serious country would tell you if you are providing us with tax information, you have a lot of beneficial owners all over the place, wherever, and you do not have a registrar. One of the clauses speaks to the need to maintain a register of beneficial owners and how much they own, and if it changes, how they are delisted and how new persons are brought on the list.

**Mrs. Persad-Bissessar SC:** A registry.



**Mr. R. Charles:** A registry. And I am saying, we did not know that? It takes— we have to be a Senior Counsel, we have to be a bring, bring, we have to bring in a competent whatever and pay him \$5 million to know that? My grandchild would know that.

Madam Speaker, it is tiring. I have spoken. It is hard to come here year after year, month after month. In the latter days of my life I should not be suffering in the winter of my years begging some “kakistocrats” to do what they are supposed to do to make my country number one in the world.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** Madam Speaker, I worked under Cuthbert Joseph. He is the man who told me, “yuh” do not need big car and no bigshot “ting” and “ting”. Live within your means. He also told me the concept of servant leadership, that we are there not to get contracts for “we” house to look big and get monthly rent, million dollars. Oh God, how much turkey “yuh” eat?

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** A million a month.

Madam Speaker, the last thing I am going to say.

**Madam Speaker:** So, you have three minutes of ordinary time left. You have 15 additional minutes if you wish to use.

**Mr. R. Charles:** No, I would not take the 15 minutes, Madam Speaker.

**Madam Speaker:** So, you will be within the three minutes?

**Mr. R. Charles:** I will take the three minutes.

**Madam Speaker:** Okay.

**Mr. R. Charles:** You see, Madam Speaker, in the latter days of my time, time is important. Three minutes is important.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** And if I could beg, I will get down on my knees and beg—

*[Member gets down on his knees]*

**Mr. R. Charles:**—be competent “nah”. Oh God, do it for once. I thank you very much.

**Hon. Members:** *[Desk thumping]*

**Madam Speaker:** The Attorney General.

**Hon. Members:** *[Desk thumping]*

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you, Madam Speaker, for the opportunity to contribute to this debate this afternoon, and I will regret that I will never aspire to rise to the level of histrionics that we have just witnessed.

**Hon. Members:** *[Desk thumping]*

**Sen. The Hon. R. Armour SC:** I have the honour and the privilege to follow the Minister of Finance, the hon. Minister of Finance, in a very comprehensive piloting of this Bill, so that my remarks are by way of endorsement in support of his comprehensive contribution and will be comparatively brief.

We have the title of the Bill before us. I do not think I need repeat it, and the hon. Minister of Finance has taken us through each of the amendments proposed in the 11 pieces of legislation which are to be amended and I therefore will not repeat the sections or spell—dwell—unduly on them. What I would like to do really is to speak to the Global Forum environment in which we find ourselves because it is an appropriate way to describe it.

The reality of the legislation that regulates our Global Forum compliance is that it is an international arena in which we have to be careful, we have to be scrupulous and we have to be insistent on international compliance, international compliance, Madam Speaker, which reflects a recognition of shared values, mutual

respect, and a commitment to addressing global challenges collectively. This Government, of which I am proud to be part, has the approach which not only is intended to enhance the country's standing in the international arena, but reinforce the role of a responsible and accountable global actor. So in speaking to this Bill today I do not think we want be engaging in histrionics on states of emergency.

Madam Speaker, in short, this critical piece of legislation is essential to the economic growth and development of this proud country and will resolve remaining legislative gaps identified in recommendations which have come from the Global Forum from the OECD, while simultaneously addressing deficiencies observed by the Global Forum on transparency and the exchange of information for tax purposes. In order to do that, the legal framework must be put in place.

Madam Speaker, by way of background, the Global Forum provides a multilateral response to tackle offshore tax evasion. It brings together 168 jurisdictions, inclusive of Trinidad and Tobago, dedicated to improving transparency and exchange of information for tax purposes, transparency being a concept which is alien to some but which this Government is committed to.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** The core function of the Global Forum is to monitor the implementation of the international standards on transparency and the exchange of information for tax purposes and to review the effectiveness of their implementation in practice.

Madam Speaker, we can reflect— As we consider the responsibility of responsible government, and we listen to those on the other side, we can reflect and ask ourselves as we hear the sound bells of opposition for the sake of opposition, we can reflect on the fact that even as the Government attempts to pass legislation, all within the regime of tax improvement, we can reflect on the fact of

the incessant opposition to the Government's efforts. One can only, and it is not relevant to this debate, but I mention it immediately, one can only reflect on the insistent opposition to the implementation of the Revenue Authority.

Madam Speaker, the first standard agreed and implemented under the Global Forum regime provides for the international exchange of information on request known by the acronym EOIR, where a tax authority can request a particular piece of information to progress a tax information.

The second provides for the international automatic exchange of information, the acronym AEOI, where a predefined set of information on financial accounts held by non-residents is automatically exchanged each year. This exchange is underpinned by ensuring that the information is kept confidential, properly safeguarded and particular requirements are placed on jurisdictions to ensure this. This is the area in which the Global Forum mandate operates to ensure that all jurisdictions that belong in a civilized world have to subscribe to a comprehensive collected shared exchange of information to encourage transparency and to avoid tax evasion. It involves, as the Minister of Finance, the hon. Minister of Finance, has told us, it involves the peer review process, monitoring implementation in relation to each of its members and non-members which are relevant to its work. This is to ensure that the standards are properly implemented and on the basis of a level playing field.

The Global Forum, Madam Speaker, monitors the worldwide implementation of these standards, and conducts peer reviews to ensure that the standards are implemented effectively. It serves as a forum for its members to discuss these issues and to deliver capacity building and technical assistance to members to support them in implementing the standards.

The monitoring and peer review processes provide assurance to Global

Forum members that all jurisdictions are properly implementing the standard and they highlight where more needs to be done. This is the process in which we are currently engaged as we are here before this Bill to ask this House to approve the Bills to improve the legal framework in which those standards are to be implemented and to continue to be implemented and monitored.

The Global Forum has an established peer review process in relation to the EOIR standard which is already, Madam Speaker, in its second round. With respect to the newer AEIO standard, the Global Forum has already reviewed the domestic and international legal frameworks in place and the effectiveness of the implementation of the standards in practice with results having been published at the end of 2022. It is now conducting in-depth reviews on the implementation in the practice of those standards. In light of the foregoing, Madam Speaker, Members can be assured that the amendments which we seek to these key pieces of legislation before this House are necessary so as to comply with Trinidad and Tobago's obligations under the Global Forum.

**4.00 p.m.**

And, you know, background is relevant, Madam Speaker. I would not dwell on duly on it but *Hansard* will tell us that on the 25<sup>th</sup> of May, 2018, the hon. Minister of Finance delivered a statement on the Global Forum and the European Union requirements, and one of the things that he reminded us of is that in the period 2011 to 2015, nothing was done—and that is an important period, that was before this Government took office—nothing was done to get this country on the even level playing field, so that it could meet the standards of compliance. And it is among other reasons why Trinidad and Tobago is now in a less than compliant role, and we have to do the work and to appeal to Members in this House for rational thought, rational debate, collective effort, shoulder to the wheel, to

recognize that it is our responsibility to take our country forward in an international playing field, where we continue to trade, we continue to do business, we are not a tax haven, we are not known for tax evasion and we fulfil our international obligations on a responsible basis.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Madam Speaker, Trinidad and Tobago's, placement on the European Union's list of non-cooperative jurisdictions, emanating from the failure of the previous Government, is as a result of the three criteria: one, the non-compliant rating by the Global Forum under the Exchange of Information on Request, the Automatic Exchange of Information, and Common Reporting Standard; secondly, the Forum on Harmful Tax Practices; and thirdly, the inclusive framework on base erosion and harmful tax practices.

I was taken aback by the histrionics of the Member for Naparima when he asked the question, "What about the base erosion?" when he was talking about Barbados. Well, he does not seem to know that this Government, as late and as recently as the 24<sup>th</sup> of November, 2023, placed the Base Erosion and Profit-Shifting Inclusive Framework (Country-by-Country) Reporting Bill, 2023, on the Order Paper, in the other place, where it is going to be debated and it will be coming here.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** It is part of a process but it is very easy, facile, to stand up, to jump up and down in one place, gesticulate and throw blame without being responsible.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Madam Speaker, the Government of this country, led by the Ministry of Finance—and I pay tribute to the hon. Minister of Finance—with support from the Tax Treaty Unit—

**Hon. Members:** [*Desk thumping*]

**Sen the Hon. R. Armour SC:**—the Board of Inland Revenue—and I do not need to repeat, the hon. Minister has told us—with support from the Ministry of the Office of the Attorney General, has established a high-level committee to address Trinidad and Tobago’s placement on the EU list of non-cooperative tax jurisdictions. That committee continues to work in tandem with the European Commission and Global Forum Secretariat, by an extensive intensive technical assistance, towards a common goal of preparing the necessary legislative, administrative and operational improvements to undergo its Phase 2 peer review in order to protect the integrity of the global financial system, inclusive of the EU financial system.

Most recently, Madam Speaker, the Council of the European Union in October 17, 2023, added Antigua and Barbuda, Belize and Seychelles, together with Trinidad and Tobago, with a total of 16 other counties that are on the EU list of non-cooperative tax jurisdictions. The Member for Naparima, to his credit, is able to point to the fact that some of our CARICOM counterparts have done the work to progress themselves but the reality is that we are all, shoulder to the wheel, doing the work that needs to be done.

So in that very publication of October 17, 2023, not only is Trinidad and Tobago still on the list, but we are told Antigua and Barbuda, Anguilla, The Bahamas, Belize, Turks and Caicos Islands. The point is it is a work in progress that we require national effort to undertake and, unfortunately, national effort is an alien concept to those on the other side.

**Hon. Members:** [*Desk thumping*]

**4.05 p.m.**

That report, the October 17, 2023 report, identified Trinidad's status as not having a rating of at least "Largely Compliant", but tells us that:

"Trinidad and Tobago has also committed to addressing the Global Forum recommendations"—and I am quoting here—"with regard to the automatic exchange of information (criterion 1.1) in due time, so as to achieve determinations of at least, 'In place, but needs improvement' on core requirements 1 and 2 in the Global Forum peer review report in the autumn of 2024."

And that is where we are heading. And that is why we are here today to ask responsible legislators to accept that as part of this work in progress, we must continue to take this country forward for our children.

Madam Speaker, there is currently a global concern about people not paying their taxes and removing illegal money across borders. And we in Trinidad and Tobago are taking every possible step to ensure and to secure Trinidad and Tobago's best position in this respect. The passage of this Bill is therefore critically important and essential to the economic growth and development of Trinidad and Tobago, and to ensure that we are on par with other countries that are currently compliant with the Global Forum for tax reporting requirements. The overarching goal is to improve domestic resource obligations, domestic resource mobilization, strengthening of our tax systems and increasing Government revenue.

The Global Forum recently met, Madam Speaker, with the very high-level committee that has been established by the Minister of Finance, on the 14<sup>th</sup> of December, 2023, to provide further technical assistance in addressing compliance



with their standards in order to review and finalize the Global Forum Bill. The Government continues to be committed to ensuring Trinidad and Tobago's international compliance with its international anti-money laundering counter finance terrorism and proliferation obligations. In particular, this involves having available for scrutiny up-to-date and accurate beneficial ownership information with respect to all entities, companies, statutory bodies, partnerships, reporting entities, listed businesses, non-profit organizations, express trust and other legal arrangements.

Beneficial ownership, Madam Speaker, transparency standards aimed to make company ownership information available for inspection in order to eliminate the difficulty, if not the impossibility of tracing assets and financial flows to the actual owner or person in control of the asset. In point of fact, the very Bill that we are debating today is dedicated to that. I have mentioned the Base Erosion and Profit Shifting Inclusive Framework Country by Country Reporting Bill, which plays an important role to ensure fairness and equity in tax systems, and to fortify the international tax frameworks in the face of new and changing business models. This global minimum tax framework under Pillar two is already a reality with over 50 jurisdictions taking steps towards implementation, and we have placed that Bill on the Order Paper in the other place at the 24<sup>th</sup> of November, and it will be debated, and it will come here, and it will be part of the collective package of integrated legislation designed to take this country forward, particularly in the areas of beneficial ownership.

On the Order Paper today in this House, Bill No. 5 on the Order Paper, the CROS Bill, it is known as the Miscellaneous Provisions Registrar General Companies Registration of Business Names and Non-Profit Organizations Bill, 2023. It is on the Order Paper today. It is listed to be debated when next we

assemble, with your leave, Madam Speaker. And I anticipate that that Bill will be shortly debated, and very importantly, and relevantly to the debate that we are engaged in here, that Bill makes serious provisions for improving the beneficial ownership concept of ownership of companies. It introduces a threshold for the beneficial owner to include the natural person who ultimately owns or controls 10 per cent or more of the shares or membership interest of the company through direct ownership, indirect ownership, or control through other means. And will be read, once passed into law, in tandem with the amendments that we are asking this House today to pass so that in due course from a holistic point of view, the amendments will all complement each other in the context, and with the concept and the intendment of transparency of ownership.

And may I take this opportunity—because very often when we get lost in the histrionics that we find ourselves being assailed by in this House—to pay special tribute to and to thank some of the very hardworking members of the Office of the Attorney General and Ministry of Legal Affairs, and indeed the Ministry of Finance, persons who have been working very hard for the last year in ensuring—today we have 11 pieces of legislation encompassing a suite of legislative amendments. That does not come about overnight. It comes about as a result of hard work. So may I, at the risk of being invidious and singling out persons. May I name in this House today and say thank you to Deputy Chief Parliamentary Council Ida Eversley SC, who has been very hard at work here.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** May I name and single out the Chair of the Ant-Terrorism Unit and NAMLC, National Anti-Money Laundering Control, Mrs. Vyana Sharma of the Office of the Attorney General and Ministry of Legal Affairs. And may I name three persons of the Ministry of Finance, with leave of the

Minister of Finance, Mrs. Savitree Seepersad, and Messrs. Jonathan Soo Hon and Dillon Teelucksingh who have been hard at work for the last year to enable us to be here today to get engaged in serious business, and to avoid the histrionics of states of emergency, and I thank them.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** This country must appreciate and must know and must recognize the hard work that goes behind the legislation that is passed in this House that comes before this House in the form of the Bills that we are debating today, the Bills that are in the Senate which will come to this House and together encompass the holistic approach to improving Trinidad and Tobago's global forum compliance.

And while I am on that, just to take a page very briefly out of the Minister of Finance's contribution, it is important less we get lost in distracting ourselves by things that are not important, to inform ourselves by the fact that there is a distinction between the global forum and the Financial Action Task Force. The requirement for promoting transparency and the exchange of information for tax purposes, Madam Speaker, is set out by the global forum's standards. That is what we are debating here today. That should not be confused with the equally important Financial Action Task Force (FATF) and the methodology on Anti-Money Laundering, Counter Terrorism and Proliferation Financing.

Whilst the work of these two bodies complement each other, the distinction is important given that tax evasion under the FATF standards can be predicate offence for money laundering. Trinidad and Tobago under this Government is committed to implementing those FATF standards as well. Necessary in order to take the profit out of criminal activities and reduce this country's exposure to cross-border illicit flow of goods or funds. The end goal, and I emphasize that, that

is what we are here about. In global forum for tax evasion and in the FATF engagements to ensure that the end goal is to protect the international, regional and domestic financial system.

Madam Speaker, in conclusion, I want to emphasize that this country by the Bills that are before this Parliament today continues to demonstrate a willingness and a commitment in order to ensure that the country's international compliance with the Europe Union's work to fight tax evasion and avoidance is well on the way. This commitment is evident in the very reasons we are here today in this House, and I thank you.

**Hon. Members:** [*Desk thumping*]

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

**Mr. Davendranath Tancoo** (*Oropouche West*): Thank you very much, Madam Speaker, for the opportunity to present a few points on this very critical suite of legislation that has been put before us in the Bill presently by this House. Madam Speaker, permit me to read into the *Hansard* the long title of this Bill for future reference and for reference during my contribution. This Bill amends 11 pieces of legislation, it has 13 clauses. The 11 pieces of legislation referred are, and I am reading from the long title. This Bill is:

“An Act to amend the Trustees Ordinance, Chap. 4 of 1939, the Exchequer and Audit Act, Chap. 69:01, the Minister of Finance (Incorporation) Act, Chap. 69:03, Proceeds of Crime Act, Chap. 11:27, Income Tax Act, Chap. 75:01, the Companies Act, Chap. 81:01, The Partnerships Act, Chap. 81:02, the Securities Act, Chap. 83:02, the Tax Information Exchange Agreements Act, No. 5 of 2020, the Non-Profits Organisation Act, No. 7 of 2019 and the Mutual Administrative Assistance in Tax Matters Act, No. 7 of 2020.”

This therefore, Madam Speaker, is a very substantial and critical piece of

legislation, given the broad spectrum of Acts financially that this Bill proposes to impact on. And, Madam Speaker, it is therefore very disappointing to come to this honourable House to engage in debate and have none other than the hon. Attorney General refer to my colleagues' concerns as histrionics. I wish to start by fully endorsing the contribution of my colleague the Member for Naparima—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** —and to tell the hon. Attorney General, that what you view as histrionics on this side is born out of the frustration that we feel as a nation.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** It is born out of the frustration we have felt, given the lethargy, the slothfulness, given the laziness of the Government of the PNM, Madam Speaker. We all feel it. So if you think that that is histrionics, I am sorry. Maybe it is because you are living in your clustered environment protected, you do not seem to understand the frustrations being felt by the citizens of Trinidad and Tobago.

Madam Speaker, what the hon. Attorney General has done is spent on average about 20 minutes, having checked the Internet and seeing what the Global Forum does, to come here and read to tell us this is what the Global Forum does. He has contributed little or nothing to the actual debate that we are currently engaging in, Madam Speaker. The other few minutes that he spent was spent blaming, ironically, the Opposition for this country being on the EU blacklist. So allow, me, Madam Speaker, to engage that point.

Madam Speaker, what does it mean to be blacklisted by the global forum? When did that happen? Madam Speaker, the hon. Member for San Fernando West, he was then Attorney General, he is no longer Attorney General today. But he was then Attorney General and in December, 2017—in a newspaper article of the

*Newsday*, dated Tuesday 5<sup>th</sup> December, 2017, the hon. Faris Al-Rawi announced that Trinidad and Tobago is on the EU blacklist. He was critical then, complained vehemently that this was FATCA on steroids. The hon. Minister of Finance in the other place, Madam Speaker, also complained about Trinidad and Tobago basically being held over the barrel. Complained bitterly that they were being forced to bring this legislation before us today. Madam Speaker, what does it mean to be blacklisted? It means, Madam Speaker, that the entities, the various entities, the global forum, the EU, et cetera, have found that this country, that a country and in this case Trinidad and Tobago has harmful, preferential tax regimes, and they did not commit to addressing these issues by December 31<sup>st</sup>, 2018. That is what was reported in the newspaper.

**4.20 p.m.**

I am quoting from the newspaper article again, Madam Speaker. It says:

“Al-Rawi said the publication of the EU’s report is, ‘the culmination of the matter in the public domain already.’ He added that government had given the assurances to the international bodies that it was committed to the timeline TT has initially submitted, under the People’s Partnership government.”

Madam Speaker, I am continuing:

“Tax professionals, who spoke to *Newsday* anonymously because they did not want their opinions associated with their employers, said”—that and I quote again, their comment, that—“it was, ‘very unfortunate’ that the country wasn’t better prepared and this situation was ‘wholly avoidable.’ Further delay to getting off this list could impact correspondent banking relationships, they said, so government needs to have a more proactive approach and get the legislative agenda in place.”

This, Madam Speaker, was in 2017, December. Madam Speaker, 2018 passed, 2019 passed, 2020, 2021, '22, '23. We are now in 2024, and we are now being told, we are now debating this piece of legislation. And ironically, the Member for Diego Martin North/East in debating this, still tells us that there are new things coming and even with what we are proposing here today we are not likely to get off the blacklist because the critical part of this thing is not just the legislation to be passed. The Global Forum wants to actually see implementation—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:**—and implementation would not happen immediately upon this having been passed in both Houses of Parliament and assented.

Madam Speaker, being on the blacklist reflects a critical assessment underlining perceived deficiencies in our country's tax governance framework compared to the international standards sets by the Global Forum, especially in terms of transparency, cooperation and fair tax competition and in terms of— I want to draw that now back, Madam Speaker, into the Bill. Madam Speaker, I think there can be no issue with this requirement for countries to pass legislation that deals specifically with beneficial ownership. In fact, while the Minister was complaining in the other place that he was being forced, it was curious to those on the opposite side as to why it is we had to wait on Global Forum to hold a whip over this country's head—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:**—to do the right thing in the first place.

So it is not that they were just lazy, you know, Madam Speaker, it was that having known what to do from 2016, 2017, 2018, '19, '20, '21, '22, '23, '24, having known what to do even back then they refused to do it. The issue of

beneficial ownership is critical for several reasons. That was what the hon. Attorney General seems to have missed, the reasoning behind it. You want to trap beneficial ownership to ensure that those persons who operate, who are in control of the relevant companies, the relevant entities, are held accountable for several reasons. And one of the critical reasons is to ensure that the State receives their tax dues from those who are legitimately liable.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** So it is not just film and flam. It should not be because, Madam Speaker, Global Forum is waving this stick. This is something that this Government should have been doing from day one.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** Instead the Attorney General and the Attorney General before him prefer to sit and blame everybody else for their failure. Today the hon. Attorney General attempted to shift the responsibility by giving credit to persons, and validly so, who work extremely hard to put this legislation in place; extremely, extremely hard. Because it is to their credit given that they had to work with a government that simply has no sense of priority, Madam Speaker, none.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** One of the reasons why we pursue beneficial ownership, Madam Speaker, is because of the risks. The Attorney General mentioned it and slide away from the specifics, but because of the risk that these kind of facilities, hiding behind the veil of beneficial ownership provides the opportunity for persons to be engaged in activities which are not conducive to human welfare. So we will be looking at persons who might be engaged in trafficking, et cetera, et cetera, et cetera. That is one of the reasons why people hide behind the different types of vehicles that beneficial ownership is seeking to address.



The Minister in his presentation referred to, that is the hon. Minister of Finance, referred to being in a straightjacket that the Global Forum has us in. We are not in a straightjacket, Madam Speaker. The legislation should have been put in place eight years ago.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** And having recognized that we may have been in a better place with regard to every other form of anti-crime measure than we are in today.

Madam Speaker, my colleague mentioned it and I want to develop on it. Trinidad and Tobago has been on this blacklist since 2017, since 2017, and the only reason that this Government has rushed, has rushed to the Parliament, giving the Senate short notice, and giving us a little bit more substantial notice, given that they said this was urgent and it had to be done, is because Global Forum is now threatening. We have a new list coming and you are not on the list, you are going to be blacklisted and you will not be revised post June-2024. The Minister of Finance said basically that. So we have a time frame between which we must act or we will be put on the blacklist again and sanctions are likely to follow.

Madam Speaker, being on the blacklist creates reputational damage for our country, because basically what we are looking at then is telling investors abroad that our tax measures are inadequate, they are deficient, they are substantially and significantly deficient. The Minister of Finance mentioned that. He indicated that one of the—it is important and I want to quote him:

It is important to promote Trinidad and Tobago as an important investment destination.

That was one of the explanations that he gave as to why this Bill is so important, Madam Speaker. But even then, even recognizing the critical nature of this Bill to attract investment, eight years, Madam Speaker, has passed, eight years.

And while we are doing that my colleague mentioned it and I want to highlight it, while we are doing that there are other countries, there are other countries who have been able to get off the very said list that we have been placed on. Barbados got off the list in 2021, Jamaica, Grenada, St. Lucia, my colleague mentioned it so I would not go into that. But that is because, Madam Speaker, they have serious governments.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** They have a government who decided that they want to get off this list, they want to attract investment.

**Mr. Hinds:** [*Interruption*]

**Mr. D. Tancoo:** Please.

**Madam Speaker:** [*Crosstalk*]

**Mr. D. Tancoo:** Thank you, Madam Speaker, thank you. I will not be distracted by—anyway let us move on. They want to get off the blacklist, they want to attract investment, they want to ensure that businesses come to them. And while they are doing that, Madam Speaker, Trinidad and Tobago is doing the opposite. We seem to be inclined to push businesses away, we seem to be inclined to push investments away. That is probably why in the last report of investments we lost over a quarter of a billion US dollars in foreign direct investment that should have been coming to Trinidad and Tobago that left because of the failure of this Government to put these pieces of the legislation as required by the Global Forum.

[*Mr. Deputy Speaker in the Chair*]

It is a failure of the Government. This Government simply is not serious when it comes to dealing with any kind of possible—sorry, Mr. Deputy Speaker, this Government is simply not serious about dealing with any possible threats to the economy of Trinidad and Tobago, to persons here in Trinidad and Tobago,

their personal safety, to business opportunity. This Government simply, Mr. Deputy Speaker, has no care in the world about it. So it is very likely that we have a situation where we pass this legislation and we will continue the delay in implementation to the point where we remain on the blacklist yet again. Because having been on the blacklist for going on eight years, Mr. Deputy Speaker, it seems that this has not impacted a sense of urgency in the Government to do anything except come to the Parliament talk and blame, talk and blame. A serious government, Mr. Deputy Speaker, would have done substantial more—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:**—would have done substantially more to ensure compliance with the Global Forum and substantially earlier.

Mr. Deputy Speaker, critical in the commentary by the Member for Diego Martin North/East has been the—well his statement, the document he read from, he repeated that the passage of the Bill was critical to the development and growth of the Trinidad and Tobago economy. Mr. Deputy Speaker, the passage of the Bill was critical to the development and growth of the Trinidad and Tobago economy. They did not know that in 2017, they did not know that in 2018, they did not know that in 2019, 2020, '21, '22, '23? They knew that, they knew that. It is just complacency.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** It is just that they do not care. And, Mr. Deputy Speaker, while I am on that, let me tie that into another issue. This Bill is critical, it is critical for the development and growth of the Trinidad and Tobago economy, but so are several other pieces of legislation that must be brought to this Parliament and so are several other actions that are required to be taken by this Government for the benefit of Trinidad and Tobago. It is not just this piece of legislation that will be a

be-all and end-all to the risk of criminal misconduct by agencies and businesses that are transnational, it is not just that. We have a situation in Trinidad and Tobago now—so this is not just about dealing with the risk of criminal misconduct, Mr. Deputy Speaker.

We have a situation where Trinidad and Tobago, our reputation is not just maligned because we have failed to get off blacklists and the Minister of Finance boasting—in fact was it the Minister? Yes. No, the AG was boasting that he just read an October 17<sup>th</sup>, 2023 publication that says that the EU has blacklisted Trinidad. That is not something that you should even be proud about. That is something that should be a sense of shame because we have been blacklisted because of their fault. So it is Government's inaction that has caused substantial reputational damage to this country. It is their inaction with regard to the Global Forum, it is their inaction with regard to the EU, it is their inaction in dealing with the critical other issues which impact investment decisions.

Mr. Deputy Speaker, we have the worst crime rate we have ever had in our country right now, the worst crime rate ever. This legislation deals with one part of the crime, it deals with one part of the reputation, the reputational damage that has been caused by the slothfulness of this Government. But there are other actions that the Government must take. Mr. Deputy Speaker, this morning a gentleman who I know on a personal basis, a businessman who has invested substantially in this country, imported, he imports material from throughout the European Union, from the United States. This morning his home was subjected to, he was subjected to a home invasion. His family was assaulted and beaten. The gentleman died. I wish to extend sincere condolences to him and to everyone else who has become a subject of criminal activity in this country. Because that level of criminal activity, that level of criminal activity has done substantial damage to

our international reputation. Because when we look at what is happening in this country you see the Government of Trinidad and Tobago failing internationally and failing locally, which is why the Canadian Government, which is why the United States of America and others to come have put on their travel advisories “, extreme caution.

**4.35 p.m.**

So, Mr. Deputy Speaker, this is not enough. This piece of legislation, as substantial as it is, is not enough to undo the damage caused by this Government. What we need, Mr. Deputy Speaker, is a change. What we need desperately is a change. Because if this Government, after almost eight and a half years, has not been able to put simple pieces of critical legislation—and despite the Minister of Finance’s narrative about how complex the legislation is, despite all of that narrative, this is a relatively simple piece of legislation which Guyana, which Jamaica, which St. Lucia, which so many other countries could get right because they do not have the PNM sitting in government.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** A serious government, Mr. Deputy Speaker, would have determined that you know what? It is critical that persons comply, entities comply with the requirements of the Bill before us, in terms of identifying persons who may have beneficial ownership, in terms of establishing the registration exercise. A serious government would have focused on that and shown their seriousness, in terms of the penalties that should have been applicable.

Other countries, Mr. Deputy Speaker—Barbados, for example—my colleague mentioned Barbados because they seem to know what they are doing. Barbados has a fine of \$100,000 or imprisonment of a term of five years, or both. A substantial fine that is BBD \$100,000. Jamaica: In the case of an individual, a

Mr. Tancoo (cont'd)

fine not exceeding \$3 million; in the case of a company, a fine not exceeding \$5 million. Mr. Deputy Speaker, there are several other countries where you can see that the fine is substantial. You know what the fine is if you fail to do this in Trinidad and Tobago? The fine is—colleagues, remind me. It is \$10,000; \$10,000.

**Mr. D. Tancoo:** Other countries that are serious—

**Hon. Member:** It is \$100,000.

**Mr. D. Tancoo:**—are referring to BBD \$100,000, and a Bajan dollar is what?

**Hon. Member:** Two to one.

**Mr. D. Tancoo:** Two to one. So that is about TT \$200,000. Jamaica, I believe, it is about TT \$250,000. But Trinidad and Tobago—after eight years, this Government is showing their commitment. This Government is showing their intention, their seriousness, by proffering a fine of \$10,000 if persons do not comply; \$10,000. You are not serious. But it is not just that.

The Global Forum gave a series of guidelines on the basis of which this legislation is drafted. One of those had to do with the size of the shares, the shareholding, that has to be considered if someone is to be defined as having a beneficial ownership in a company. Their value is 25 per cent. That is their value, 25 per cent. St. Lucia—off the list, St. Lucia. The guidelines define:

“‘ultimately own and control’...”—as—“...a direct or an indirect ownership or control of twenty-five per cent or more of the shares...”

That is St. Lucia. That is from the St. Lucian’s Money Laundering (Prevention) (Amdt.) Act of 2021. In Barbados, 25 per cent. In the United States, 25 per cent. That is the limit, 25 per cent. It was what was recommended by the Global Forum.

This Minister and this Government decided that they should not go to 25 per cent. They want to capture more people under the beneficial ownership, so they have gone to 10 per cent. That is your limit, 10 per cent. The Minister admitted

that he is aware—in the other place, he also indicated that he is aware of the requirements, he is aware of the guidelines but he has not, to date, been able to explain why we went from 25 per cent to 10 per cent. Because these are onerous responsibilities that they are asking a range of institutions, a range of bodies to put in place: the establishment of a registrar, the establishment of an assessment, a continuously updated assessment, the establishment of following the guidelines, et cetera. All of those things require substantial amount of resources. So you are asking these entities to do more with less.

I am not aware, and maybe the Minister in his wind-up could advise, whether additional funding has been provided to these various institutions, including the regional corporations who we all know are suffering right now for substantial funding, and that—given the collapse of the infrastructure facilitated by the non-performance of the Government and especially the Ministry of Works and Transport on the other side—whether or not sufficient funding has been placed in these various institutions, including the regional corporations, including the various state agencies, et cetera. Because it seems that it is easy to instruct the Minister of Finance to find \$100 million to do God knows what, because he never indicated it—the Prime Minister has instructed the Minister of Finance to find \$100 million to do what the others have not done, to place it into other hands.

I did not know it was so easy to find \$100 million, but it makes for good upticks, it makes for a good newspaper reading that the Prime Minister is busy, he is getting action done, he has found \$100 million and he is therefore able to treat with crime. Have additional resources been placed in the hands of the various institutions and the various bodies that we are asking to implement this critical piece of legislation, which the Minister of Finance and the various other Ministers insist is so critical to our growth and development? Have they done that? Is the

institutional knowledge there? Have they engage in the exercise of training individuals for the preparation of documentation, maintaining of documentation, et cetera? Has any of that been done? Are these institutions currently prepared and ready for the implementation of this critical piece of legislation that this Government has been playing with for the last eight and a half years? Has that happened?

My information, Mr. Deputy Speaker, is not a single thing has been done in the various Ministries, and I could speak for the local government bodies. They have not been put at notice. No attempt has been made to create a space for them to have the ability to respond to this.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** So, again, it comes back to implementation, and I am glad the Minister of Finance raised another issue. The other issue he raised that caught my attention is that he is corporation sole. Now, we knew that. He is corporation sole. He must be the most soulless corporation sole that there is, but he is corporation sole.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** The question I have for the hon. Minister is: Will the hon. Minister—now, there is a fine here, trivial as it is—because quite frankly, the Government has not shown their seriousness in it, but there is a fine here if they do not comply. So if these various institutions do not comply, the Minister who is in charge—he is corporation sole—he is now liable. On three occasions the Minister boasted about having to come and sign all these forms just because he is corporation sole, et cetera. He is now liable.

Mr. Deputy Speaker, I sit as the Chair of the Public Accounts Committee—

**Mr. Deputy Speaker:** Hon. Members, your initial speaking time has elapsed.



You have an additional 15 minutes. You care to avail yourself?

**Mr. D. Tancoo:** Yes. Thank you, Sir.

**Mr. Deputy Speaker:** Proceed.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** Mr. Deputy Speaker, I sit as the Chairman of the Public Accounts Committee—and I bear no secrets. I yield no secrets in telling you because it is well-known public knowledge that there are countless entities which fall under the Ministry of Finance, which fall under his guidance as corporation sole that he was boasting about just now, that have not filed their statutorily required declarations, that have not filed their statutory obligations, their audited financial statements. They have not filed their tax reports as required by law, in many cases, for decades.

**4.45 p.m.**

So, you will forgive me if I have no confidence that this Government will be able to implement this piece of legislation, as critical as it is, given their history in failure to implement. Perhaps worse than that Sir, perhaps worse than that, we have had the unfortunate experience where we have debated in the Parliament extremely critical pieces of legislation and we have had the benefit where the Government of the day, the current Government, stood here and defended and “cry down” the critical need for these pieces of legislation, the procurement legislation. And while—before they implemented it, they gutted it. And as I stand here today, there are agencies under this Government that still have not fully implemented or put in place the measures for implementation of the procurement legislation as gutted as it is.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** That is a failure for this Government again for eight years going

on nine now. So, you will forgive me Sir. But my staff has done a bit of research which I would like to share. I would like to share with the members of the public. In fact, I would just summarize.

One of the critical things that we have found and I discovered in trying to go through this amendment, in trying to go through this legislation, is the complete absence of updated laws of Trinidad and Tobago for the benefit of the public and for the benefit of businesses and investors willing to come to Trinidad and Tobago. The last time—the hon. Attorney General of Trinidad and Tobago is no longer here, the Minister of Finance is no longer here. That is the level of importance that the Minister of Finance and the Attorney General—that is the level of importance they place on a very critical piece of legislation that we are debating here today. They are absent from the Chamber, completely absent. The junior Minister of Finance is also absent. He will depend on one of his other colleagues to carry the information to him.

**Mr. Indarsingh:** It will not happen.

**Mr. D. Tancoo:** It will not—I take your point colleagues.

The thing is that in trying to understand this legislation, in trying to analyze the legislation, it became clear because we have had this experience before. That we are making substantial changes to legislation and the amendments that—and in fact, there is no consolidated laws of Trinidad and Tobago. They have not done it; they have not done it for years. I think the last version was in 2016, the 2016 version. So from 2016 to now, substantial changes have been made to legislation.

My staff did a proper explanation as to what the effect of this is.

**Hon. Member:** *[Interruption]*

**Mr. D. Tancoo:** I am sorry if I am boring you sir. I am sorry if I am boring you.

This happens to be though the business of the country. If you are bored Sir, go home and sleep.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Address the Chair.

**Mr. D. Tancoo:** Do like your colleague next to you and sleep here too. But I will not be—.

**Mr. Deputy Speaker:** Member, Member, address the Chair.

**Mr. D. Tancoo:** My apologies Chair, my apologies. It is very unfortunate though the level of disrespect—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** —the level of abhorrent disrespect that Members opposite show the business of the people of this country. Very, very disappointing, very disgusting Sir, very disgusting. So, if I am a bit annoyed about it is because I spent time to come here to do the people's business, but if they are too busy feteing and partying, they cannot come to do the people's business, that is their responsibility not mine.

**Hon. Members:** [*Desk thumping*]

That is not mine. It highlights the point Sir. It highlights the point—excuse me? It highlights the very same point I was making earlier, the slothfulness, laziness, incompetence of this Government in securing the rights, safety of Trinidad and Tobago's citizens.

**Mrs. Robinson-Regis:** You make no sense.

**Mr. Deputy Speaker:** Silence.

**Mr. D. Tancoo:** You continue to fail the population of this country.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** Do not come here and boast about it. Stay home, sleep.

**Ms. Ameen:** [*Inaudible*]

**Mrs. Robinson-Regis:** Like Siparia.

**Mr. D. Tancoo:** I move on, I move on. I move on.

**Hon. Members:** [*Crosstalk*]

**Mr. D. Tancoo:** I move on.

**Mr. Deputy Speaker:** Members.

**Mr. D. Tancoo:** I move on. There seems to be an obsession. There seems to be an obsession from those on the other side with the Member for Siparia and I understand why. The best Prime Minister this country has ever had.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** Somebody who has spent the time and effort to build Trinidad and Tobago at every corner and they cannot deal with that.

Anyway, back to the legislation which proves exactly what I am saying. This Government simply does not care about the citizens of this country and they continue to show it in every action.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** Mr. Deputy Speaker, this piece of legislation is critical. This piece of legislation is substantial. This piece of legislation should have come years ago. What I am more concerned about now, Mr. Deputy Speaker, is the failure of the Government. They come today, to tell us today, that what we are doing here is not enough. They wait, they dilly-dally, they dilly-dally, they dilly-dally and complain that the goalpost is moving.

Other countries, as my colleagues said, other countries seem to have different goalpost. But like I said, that is because the PNM does not exist there.

**Hon. Members:** [*Desk thumping*]

**Mr. Tancoo:** I urge this Government to stop playing games with the lives of

citizens, to stop playing games with the business community. To stop playing games with our international and domestic reputation, that this piece of legislation finally in one form is going to be addressed, but our international reputation as I indicated is already damaged by the uncontrolled runaway crime that we face in this country.

I appeal to this Government, if you cannot do the job that you have been placed there to do, do the honourable thing. Do the honourable thing, leave.

**Hon. Members:** [*Desk thumping*]

**Mr. Tancoo:** Mr. Deputy Speaker, as I wrap, I have a couple more minutes I believe. There is in this document continuous reference to a prescribed form. My colleagues asked “where de form?” Because you have been work on this thing for eight years. Barbados, I know they hate to hear about a Barbados. Barbados, the form, the prescribed form is actually in the legislation in Barbados.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** So if you are really serious about treating with our obligations, our international and local obligations, bring the form. Bring it here. You know my colleague mentioned earlier and we said it in the other place, this Opposition is anxious, we are desperate to support good legislation.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** We want to see, ironically, we want to see this country get better.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:** We want to see improvement in the substance and the quality of the lives of our citizens, but under this Government, we continue to see the opposite happen.

Today I put this Government on notice. The Prime Minister and his Ministers can remain part to of the problem or they can join in the national

discourse and become part of the solution. If after eight and a half years, they are still not ready to take command of national security and to take command of the international obligations under the global forum and the EU, if up to now after eight and a half years they are still not ready to take command, then it is clear that they will never be ready.

So, whether they are on board or not, we are going forward, whether there they are ready or not we are done with waiting for them. I put this Government on notice that we will be challenging you, we will be calling you out in every step, in every action you take, until you get this thing right, you are out of this House. Mr. Deputy Speaker and Members of the House, I thank you very much.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Member for San Fernando West.

**4.55 p.m.**

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi):** Thank you, Mr. Deputy Speaker. Sound and fury just regaled us. Rehearsed histrionics. We heard a massive amount of talk from the Opposition. The last Member said that he is putting the Government on notice that they intend to go forward without the Government's participation and that they will be challenging us. And I raise that as the starting point because the Member for Oropouche West asked why does Barbados have law that we do not, why does Grenada have law that we do not, why does Jamaica have law that we do not? The simple reason is that those countries fortunately do not have the United National Congress.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:** And I will tell you why, Mr. Deputy Speaker, because it comes down to the timeline as to why we are here in January 2024 treating with this law.

Mr. Deputy Speaker, permit me to put on the record material coming from no less an entity than the Global Forum itself. I refer to the Global Forum Transparency and Exchange of Information for Tax Purposes Technical Assistance Action Plan that is dated 14<sup>th</sup> February, 2023. The same Global Forum again in its Technical Assistance Report for Trinidad and Tobago dated 4<sup>th</sup> March, 2022 and lastly, the Global Forum Publication for Trinidad and Tobago, the Technical Assistance Report from the Global Forum Implementation of EOIR and AEOI Standards, 21<sup>st</sup> December, 2020. These three documents demonstrate that Trinidad and Tobago has been at the door of the Global Forum since 2009.

Mr. Deputy Speaker, in 2009, as a result of the Manning administration's declaration of the intention to create an international financial centre in Trinidad and Tobago, Trinidad and Tobago was invited to have discussions with the Global Forum. In fact, Mr. Deputy Speaker, in 2010, the Global Forum took us through our Phase 1 Exchange of Information Request Review and in 2010, we were deemed to be not compliant with any of the laws. In 2014, it was the UNC Government that spent by now 2010, 2011, 2012, 2013, 2014, the Minister of Finance Larry Howai travelled to Germany and committed Trinidad and Tobago to engage in exchange of information on request and automatic exchange of information by 2017.

Mr. Deputy Speaker, all that histrionic thrown across the floor from the UNC. The fact is when we came into office in 2015 and as the Minister of Finance wrote to the Global Forum in 2016, not a scrap of work had been done to allow us to even contemplate getting on to Global Forum checklist. At the same time, Mr. Deputy Speaker, and in answer to the confusion created here because they jumped between the EU and then Global Forum and then FATF and sometimes FATCA. Those are four separate entities with four different functions. But I can tell you,

Mr. Deputy Speaker, in 2010, the UNC ensured and then again in 2015 in January, they ensured that they had not done enough work so we failed the Financial Action Task Force review of Trinidad and Tobago, failed it in January 2015 under the United National Congress and because of the blacklisting of Trinidad and Tobago by the Financial Action Task Force, the EU took conscious note of it in applying their standards and added it to the fact that we had not done under the UNC a scrap of work to the Global Forum.

So they used the two pillars of the Financial Action Task Force, failure under the UNC; the Global Forum, failure under the UNC, to then say to Trinidad and Tobago you are a non-cooperating institution and by that train of events, we in Trinidad and Tobago were put on the path of ensuring that we went through enhanced follow-up with the Financial Action Task Force, with the Caribbean Financial Action Task Force, that was years long planned to get out of that proverbial bamboo and it was not until we underwent our Fourth Round Mutual Evaluation under this Government and in fact under my hand that we successfully graduated out by passing many laws and instituting many processes to take us there.

Specifically, as it relates to the Global Forum, I would like to put on the record the following from the Global Forum. The Global Forum says at paragraph five of their 2023 report that I just referred to, the one dated 14<sup>th</sup> February 2023:

Trinidad and Tobago was scheduled to undergo Second Round of EOIR review—that is Exchange of Information and Request Review—in accordance with a 2016 Terms of Reference in 2018. However, no sufficient improvement of the legal framework had been made.

Let me remind you what these words are again in context. In 2018, Mr. Deputy Speaker, contrary to what the now escape artist Oropouche West had to



say, in 2018, we laid in the Parliament the Mutual Assistance in Criminal Matter—sorry, the Multilateral Convention, the MCAA as they call it, we laid the Tax Information Exchange Act, we laid the amendments to the Income Tax Act and, Mr. Deputy Speaker, for two full years, the UNC refused to participate in the passage of the law, two full years. Let the *Hansard* record reflect that it was not until Wednesday, 12 February, 2020, that we debated the report of the Joint Select Committee to consider the Mutual Administrative Assistance in Tax Matters Bill, No. 13 of 2018, the Tax Information Exchange Agreement Bill, No. 14 of 2018, and the Income Tax (Amendment) Act, No. 7 of 2019.

But there was Oropouche West and earlier Naparima down on his knees saying that in the winter of his years, he was being subjected to stress, these two hon. Members have the temerity to come to the Parliament to allege that they will do everything to support us when they refused in the Joint Select Committees and they dragged it out for two full years because we had to pass special majority law and we could not without passing the Multilateral Convention, the MCAA into law, we could not without that law and we could not without the amendments to the tax information structures and the Income Tax Act, even possibly talk to the Global Forum. Hence, the Global Forum in its own words said as I just quoted from paragraph five in 2018:

No sufficient improvement of the legal framework.

I put that at the feet of the UNC. We could not pass the law until 2020. Now, Mr. Deputy Speaker, in terms of the progress of the law, it is not until you implement law in the Parliament, then see it come into effect by proclamation, that the Global Forum will even talk to you.

So Mr. Deputy Speaker, the Global Forum says in paragraph five continuing:

The review was postponed, deferred, due to the impact of COVID-19 in the jurisdiction.

Mr. Deputy Speaker, it says:

Trinidad and Tobago was granted until quarter one 2023. The necessary legal changes have not been updated yet.

And why is that, Mr. Deputy Speaker? I am answering the ridiculous argument and allegation that there is some slothfulness on our side. But, Mr. Deputy Speaker, the Constitution of Grenada, the Constitution of Jamaica, the Constitution of Barbados are very different from the Trinidad and Tobago Republican Constitution. In those jurisdictions, there is the liberty to pass law and they are not hamstrung by three-fifths majority obstacles, they are not. In this jurisdiction, we have to face the UNC and as you will recall, in every one of the near 600 laws that I supervised, including regulations and orders, et cetera, the UNC threatened to set aside every single law passed and it was not until two cases in 2020 that we had some relief. One was the hearing at the Privy Council of the case of Chandler which concerned the savings law provisions, albeit in a different forum, that is the death penalty still being valid and secondly, in the case of Suraj which later on by pronouncements and decisions of the Privy Council upheld the case of Suratt and that is that you can pass a law without necessarily invoking a three-fifths majority provided the law is proportionate.

Mr. Deputy Speaker, you must remember the tauntings and jeerings and threats coming from the Opposition: “We will strike down the law, we will strike down the law, we will go to court”. Well, Mr. Deputy Speaker, they went to court and they lost on nearly all the matters of merit. And that is why the confluence of FATF, Financial Action Task Force, Global Forum and also FATCA, which is the United States tax information arrangements that we have under an international

government agreement, an IGA, that is why those three things came together.

But, Mr. Deputy Speaker, as we stand in 2024 in January, it is important to note that we have done everything humanly possible including the following. In 2016, we had the high-level representation at the 9<sup>th</sup> Plenary. We took the model international agreement, IGA, that was signed August 19<sup>th</sup>, 2016. In 2017, we applied to the Global Forum to become a party to the Multilateral Convention. In 2018, we had the common reporting obligations to go into. We had to tell them we could not pass the law because of the UNC. In 2018, we put the four Bills into Parliament which went into Joint Select Committee. They danced and they danced and they danced for two full years until February 2020 when we finally accepted the report without the UNC's support in the two-year period for those four Bills that I just referred to.

In 2022, we submitted legislation to the Global Forum. In fact, Mr. Deputy Speaker, in 2021, I personally, with the involvement of the Ministry of Finance, spent a lot of time on the Global Forum matter, wrote to the Global Forum from the Attorney General's Office explaining the legislation and what it meant because we had to submit the laws to the Global Forum for review. Mr. Deputy Speaker, in December, at the end of November and in early December 2023, as the Minister of Finance noted a while ago, Trinidad and Tobago appeared before the Global Forum. I was part of that delegation and it was there that we met as a high-level group with the Global Forum Secretariat and secured a six-month extension for Trinidad and Tobago to put these laws on the books.

Now, Mr. Deputy Speaker, when you get to actual laws that we are amending, we are debating here amendments to 11 Acts and I want to put on the record the steps that we must take, because there is too much invented as we go along from the UNC. The Global Forum gave Trinidad and Tobago 23 points, 23

recommendations that we had to comply with in order to satisfy them. Of the 23, eight of them are operational issues to deal with IT and security and other aspects but, Mr. Deputy Speaker, 12 of them are legislative amendments and those 12 legislative amendments find themselves in the 11 laws that we are amending today in this Bill.

And the major points to be taken away from the Bill are: number one, an obligation to harmonize and treat differently with the concept of beneficial ownership; number two, a requirement that we secure the concept of confidentiality in its working arrangements in our law; number three, that we harmonize our laws with each other in particular, the Multilateral Convention has to be harmonized with some international law definitions; and number four, that we treat with the issue of bearer share warrants, and number five that we include dissuasive sanctions.

So let us deal with the five principles of the Bill .In those five principles with respect to the beneficial ownership, we heard the most ridiculous submission coming from Naparima: Barbados knows about beneficial ownership, Jamaica knows about beneficial ownership, “go and ask Mia, go and ask Holness”.

**5.10 p.m.**

Mr. Deputy Speaker, that is just absolute arrant nonsense. Why? Because it was not until 2019, that the world, through legislation that came first in England, and secondly, legislation that came from India, actually put a version of beneficial ownership that could hold water.

Mr. Deputy Speaker, it was by the Non-Profit Organisations Act No. 7 of 2019, that the Financial Action Task Force approved the definition of “beneficial ownership” in the form that it exists in that Act, which we are amending today. They approved that definition, which is also in the Companies Act. And as the

Minister of Finance pointed out, we are going to amend the Companies Act definition of “beneficial ownership” in a separate piece of law. It is on the Order Paper. We call it the CROS Bill, C-R-O-S Bill.

And, Mr. Deputy Speaker, it was only under the revised standards of the Global Forum, published lastly in their manuals in 2023, that we arrived at the definition of “beneficial ownership” that we now put today. So this is nonsensical submission from Naparima, that Barbados knew how to do it and Jamaica knew how to do it, number one, they do not have the UNC in those countries. Number two, our Constitution is vastly different. Number three, they delayed it for two years in joint select committee in 2018, dragging us through the mud, so we could not apply for fast-track approval. Number four, they blocked and tackled and went to court on every case on proportionality and where we use simple majority, and they lost on all.

Mr. Deputy Speaker, when we got to beneficial ownership, today in the Bill you will see in clause 3, with respect to the Trustees Ordinance; clause 4, with respect to the Exchequer and Audit Act; clause 5, with respect to the Minister of Finance (Incorporation) Act; clause 6, with respect to the Proceeds of Crime Act; clause 8, with respect to the Companies Act; clause 9, with respect to the Partnerships Act; clause 10, with respect to the Securities Act; clause 11, with respect to the Non-Profit Organisations Act, that is where you will see, minus the Companies Act, the harmonization of the definition of “beneficial ownership”. It is a simpler form of definition. It is a very recent standard. And, Mr. Deputy Speaker, in defence of the hard work of the Minister of Finance, who has had to jump through loophole after loophole since 2016, in trying to recover the disaster that Minister Howai left for us and the UNC left for us, doing absolutely nothing in relation to FATF or for Global Forum, and worse yet, FATCA, it is the Minister of

Finance who has had to take us past landmine after landmine, while we have a bunch of jokers, intellectually speaking, down on their knees and a next one making it up as he goes; does not even have the courage to stand here and take a submission in response to his submission, Oropouche West, a joker, Mr. Deputy Speaker, an intellectual slacker.

Mr. Deputy Speaker, that intellectual slacker from Oropouche West had the gall to say to this Parliament and to this country that there are no laws for Trinidad and Tobago brought up to date. Mr. Deputy Speaker, if you go to the website of the AGLA, you will see every law, and each Bill that amended the law, on the electronic version of the Law Revision Commission. Laziness, Mr. Deputy Speaker, pure laziness to come here and insult the Law Revision Commission and the work of the Office of the Attorney General.

Mr. Deputy Speaker, when you look to the definition of “beneficial ownership”, beneficial ownership is there to ensure that people do not claim cover by using somebody to front for them. What do I mean by that? Contractor X buys a property for Minister Y, puts it in contractor X’s name by way of a kickback, as you see in the examples that you see in court, et cetera. And contractor Y legally owns the property, but beneficially, it is really the Minister that owns it as a kickback. When you put the beneficial ownership law, you block their ability to claim the property years later and pass it off to some relative. And, Mr. Deputy Speaker, this concept of beneficial ownership, which we wrote into law in 2019, has been bothering the Members of the UNC for a long time, Mr. Deputy Speaker. That is one of the laws they threatened to set aside.

Mr. Deputy Speaker, if you get to the concept of confidentiality, clause 7 and clause 12 deal with the confidentiality aspects in the Bill. And clause 12, Mr. Deputy Speaker, if you look at it in the Bill, and clause 7—clause 12, let me deal

with that one first. Clause 12 deals with, at page 52 of the Bill—we are looking at the Tax Information Agreement. We are saying a:

“‘declared agreement’...”—is an:

“(a)...agreement...under section 4...”—of the Income Tax Act has—

“...been declared by the President; or

(b) a double taxation arrangement...

‘(3) Where the President, declares a double taxation arrangement under section 93...that Agreement shall be for the purposes of this Act is deemed to be a declared agreement.’”

Here, in clause 12, they set up how you get to know what the declared agreement is. They want certainty by way of an Order for existing laws. We put it here.

But when you get to clause 7, Mr. Deputy Speaker, clause 7 is where you see an interesting point. In clause 7, the Proceeds of Crime Act, Financial Obligation Regulations, we have a definition for “beneficial owner”. We remove the definition of “legal arrangements” but in this position here, this is where we tidy up how we are going to deal with sanction aspects, Mr. Deputy Speaker.

As I speak about sanctions, I would like to point out something. In the amendments to the Companies Act, we are doing something that is very important. We are, for the first time, capturing external companies that are non-profit organizations, that are limited by guarantee, not only shareholding. And that means that there is a whole cohort of the type of companies that you could have. Remember, you have companies that can be limited by shares, limited by guarantees and other parts. This is what we get in tidying up the law, Mr. Deputy Speaker.

When we deal with the issue of bearer shares, Mr. Deputy Speaker—the Minister Finance has already spoken about that. But the bearer share warrant, the

Global Forum came back and it was in their high-level meeting at the end of November and in December that I attended personally, that the issue of bearer shares was dealt with and they said to us, “You need a cut-off date, after which it will no longer be valid.” And we introduced, into clause 8 of the Act, the whole concept of the bearer share is no longer valid except in the circumstance of a bona fide application within three months of the declaration date, or if the court tells you that it can happen, but that there is a limitation of 18 months, Mr. Deputy Speaker, after which.

Now, I want to put on the record, the Registrar General has been tracking the issue of bearer share warrants because we amended section 33 of the Companies Act a long time ago. Not a single company has shown that there are any bearer shares, that we are aware of, reported to the registry.

Mr. Deputy Speaker, when you look at the issue of disclosure, when you look at sanctions, section 7 is important—clause 7(f), Mr. Deputy Speaker, and clause 10, which deals with the Securities Act, (d) and (e). Let us look at the dissuasion and sanctions there in clause 7. If we get after the Proceeds of Crime Act, FOR, the income tax amendments, here is where the confidentiality I was referring to comes in. It is actually clause 7, forgive me, Mr. Deputy Speaker. You can only disclose such taxpayer information and you can only use such taxpayer information as is necessary. And then later you will see in the multilateral amendments that if a reporting entity warns you that disclosure may be harmful, you are to keep it to yourself.

Now, Mr. Deputy Speaker, I am saying this because, in complying with the Global Forum and in supporting what the Minister of Finance has said, it is not only the amendment to the law that will take us past the goalpost. We have to have the security arrangements in our intellectual property, in our information



technology systems. We have to amend 16, now 15 double taxation relief treaties, which the Solicitor General's Department will organize by way of amendments. We have to go through the steps of the questionnaires. Once the questionnaires are done, they send the questionnaires to every other member of the Global Forum asking for feedback. When you have passed those requirements, then you take the steps to accede to and deposit the instrument and ratification for the Multilateral Convention, that is the Convention that we are amending today by legislation. When you have come on to the Convention, then you have to have Exchange of Information on Request and then you work your way to Automatic Exchange of Information.

Now, I have been careful to put these steps on the record, Mr. Deputy Speaker, because it makes absolute answer to the submissions coming from the Member for Naparima and the submissions coming from the Member for Oropouche West, who just do not know what they are saying, Mr. Deputy Speaker, because they have looked past the very record that is there, February 2020, the *Hansard* report on the debate to cause amendments to the three laws that I laid out—and, Mr. Deputy Speaker, you know what is so tragic about that? If you go to the debate, you will see that I had to point out to then Member, Fazal Karim, that it took us two years to add a semicolon to a Bill; two years to add a semicolon to a Bill, Mr. Deputy Speaker.

Because the Tax Information Exchange Agreements Act that we had to create at the insistence of the UNC—because when we were debating FATCA for the United States of America, they refused to do an umbrella Tax Information Exchange Agreements Act. They said we had to do it by way of a standalone United States of America Tax Information Exchange Agreements Act and they forced us through two years, 2018 to 2020, in one Bill to change the Bill by adding

a semicolon. And then they come here today to say the Government is slothful, the Government did not take steps. After they created a mess, an intellectual mess, a physical mess, a mess involving blacklisting of our country, the man himself, the Member from Naparima, self-declared retiree now, the man who entertained Le Pen at the United Nations, somebody who is on the proverbial blacklist of people that you do not talk to because of allegations of racism and other aspects, Mr. Deputy Speaker, that Member is coming to give this Government advice on what to do. Really? Mr. Deputy Speaker, really?

And then he pours scorn on his own Member, the Member for Siparia, for having a mansion. I mean, if I was the Member for Siparia, I would accept his resignation now.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:** Why is he complaining about the size of the house that the Member for Siparia lives in, the “pink palace” they call it, coming across the road there?

**Mr. Hinds:** With the elevator.

**Hon. Members:** [*Crosstalk*]

**Hon. F. Al-Rawi:** There is disharmony in the Bench opposite

**Mr. Deputy Speaker:** Silence, please, Members. Silence, please, Members.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:** So, Mr. Deputy Speaker, I will stand in defence for the Member.

**Mr. Charles:** Standing Order 48(5) or 48(4). He is telling me that I—something I do not know about. He is a mad man.

**Mr. Deputy Speaker:** No, no, no. Again, Member, Member, please.

**Mr. Charles:** All right. He is mentally challenged.

**Mr. Deputy Speaker:** Just the Standing Order.

**Hon. F. Al-Rawi:** The Standing Order raised.

**Mr. Deputy Speaker:** Okay, overruled.

**Hon. F. Al-Rawi:** “Confuffled”, desperate, discombobulated.

**Hon. Members:** [*Desk thumping*]

**Mr. Deyalsingh:** Standing Order 48(6). He needs to withdraw what he said about my honourable colleague.

**Mr. Hinds:** Indeed.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Member, you would have apologized. Just withdraw for the record, please.

**Mr. Hinds:** [*Inaudible*]

**Mr. Deputy Speaker:** No, hold on. Just withdraw for the record, please, Member.

**Mr. Charles:** I withdraw.

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

**Mr. Hinds:** [*Inaudible*]—withdraw from the Chamber.

**Hon. F. Al-Rawi:** One ought to have mercy, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** [*Inaudible*]—for San Fernando West, please.

**Hon. F. Al-Rawi:**—for people who are discombobulated, confused—

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:**—“tie up”, dazed, “cyah” remember facts, make-it-up-as-you-go, Mr. Deputy Speaker. That is what slothfulness is, Mr. Deputy Speaker. That is what it is.

You see, Mr. Deputy Speaker, I know the population—

**Mr. Deputy Speaker:** Okay. Member, before you move on, your initial speaking time has elapsed. You have an additional 15 minutes. Care to avail?

**Hon. F. Al-Rawi:** Yes, please, thank you.

**Mr. Deputy Speaker:** Proceed.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, it gives me no joy to have to stand up and correct a record, you know. But this is the *Hansard*.

**5.25 p.m.**

And Mr. Deputy Speaker, if the debate of February 2020, was not here to assist us, the population might believe the Member for Naparima. The population might believe that.

Mr. Deputy Speaker, I accept the style of the Attorney General you know, which is to say that I would say little about this. But Mr. Deputy Speaker, in this right-wing world that we are now living in, you have to go through the ugly path of correcting the record, and you have to stand up and tell them right is right, and wrong is wrong, Mr. Deputy Speaker, lest innocent people actually take the basket that they are giving. And no matter how much scorn is poured, personally or otherwise on Members opposite, at the end of the day, I salute the Minister of Finance on his excellent hard work at putting this country onto the rails.

And Mr. Deputy Speaker, I will say this, I had the pleasure of witnessing Mr. Jonathan Soo Hon and Mr. Dillon Teelucksingh from the Ministry of Finance who accompanied me to Lisbon at that Global Forum event, give their best for Trinidad and Tobago. And, it was on the back, as the AG pointed out, of the work of Ms. Ida Eversley, Ms. Vyana Sharma, Kylene Dowden from the Securities Exchange Commission, all of the many people; Central Bank. The National Anti-Money Laundering Committee, Mr. Deputy Speaker, which our Government put into law as a standing institution in this country, has done tremendous work for us, and to listen to the Member for Naparima call them slothful and lazy, Mr. Deputy Speaker, I reject it, out of hand. Mr. Deputy Speaker.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al Rawi:** It is wrong. Mr. Deputy Speaker, you know why it is wrong? The income tax unit, the Inland Revenue unit, which has done a lot of work, guess whose daughter works there?

**Mr. Deyalsingh:** His. Yes.

**Hon. F. Al Rawi:** Rodney Charles, the Member for Naparima. His own daughter works in the Inland Revenue and she is a hard-working member. So—

**Mr. Rambally:** Leave the children out of this.

**Hon. F. Al Rawi:** Leave the children out of this?

**Mr. Deputy Speaker:** Members, please. Please.

**Hon. F. Al Rawi:** Mr. Deputy Speaker, I am standing up for the younger Charles—

**Mr. D. Rambally:** Mr. Deputy Speaker—

**Hon. F. Al Rawi:** By saying from that members for the Inland Revenue—

**Mr. Rambally:** Mr. Deputy Speaker. Standing Order 48(1), 48(8) this is not about the Member for Naparima, please.

**Mr. Deputy Speaker:** Overruled. Proceed.

**Hon. F. Al Rawi:** Yes, Mr. Deputy Speaker. The public servants of this country in the AG's office, in the Ministry of Finance, in the many divisions that cooperate with them, the Securities Exchange, Central Bank, the DDP's office, the Inland Revenue, all of them have given their best on this job and, Mr. Deputy Speaker, we had this talk seriously.

Mr. Deputy Speaker, why I started off with the two gentlemen from the Ministry of Finance, they oversaw a Caribbean unity to take forward something called the Caribbean initiative, Mr. Soo Hon and Mr. Teelucksingh. With the permission of the Minister of Finance, we convened a meeting of all the

representatives of the CARICOM countries at a Global Forum to bring forward a Caribbean initiative to stand up for the rights of the Caribbean in the multilateral context, Mr. Deputy Speaker. And it is therefore our Minister of Finance who is leading that initiative, beyond the initiative from Africa, Mr. Deputy Speaker.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al Rawi:** So, Mr. Deputy Speaker, we have leaders in the Caribbean and it is not an easy task for the current Minister of Finance to manage an economy like this where the world is upside down. And therefore, I pay him public tribute.

Mr. Deputy Speaker, the law before us is proportionate, it is measured. There will be changes that we have to do because there is an ongoing review and Mr. Deputy Speaker, let me explain why. The assessors for Trinidad and Tobago on the legal end are civil law assessors, that is, they do not come from a legal system which is a common law system like ours. The English law, the Trinidad and Tobago law being similar, they come from countries like France, Portugal, et cetera and the civil law is the type where if it is not written in the law exactly, they do not accept it. So they do not accept common law interpretation.

Mr. Deputy Speaker, the Minister of Finance made a very important point you know. In this Bill, we are being asked to certify that the Minister of Finance, in law under the Minister of Finance (Incorporation) Act known as Corporation Sole, is in fact not a slave.

**5.30 p.m.**

What do I mean by that? How could the Minister of Finance, the person, be beneficially owned by anybody? That is chattel slavery. Mr. Deputy Speaker, in all seriousness, that is chattel slavery. And I had to tell the Global Forum assessors, “We, since 1838, do not have chattel slavery in the laws in the Commonwealth.” And then, I explained it to them that it is impossible for the

Minister of Finance to be beneficially owned, but knowing him as a good Catholic, and knowing that he respects his wife, he probably is beneficially owned by his wife, as all good husbands are.

**Hon. Members:** [*Laughter*]

**Hon. F. Al-Rawi:** And that I say in jest. I say that in jest. But my point is, Mr. Deputy Speaker, this is the inconsistency in civil law and common law. And this is why we are in this basket here today. There will be amendments that we have to make. We do have the country-by-country reporting standards for major multinational entities. We have the base erosion profit sharing laws to do. We did the SEZ, the Special Economic Zones and their Regulations, that is to deal with Items 5 and others of the Base Erosion Profit Shifting EU Guidelines.

Mr. Deputy Speaker, there is a process to get out of there, but it cannot be the process that the UNC did. Go on a trip to Germany, say “yeah we going and sign on and do absolutely nutter”. Fail FATF, fail FATCA, fail Global Forum, and walk away and blame somebody else. “Dais what dey doin.” Mr. Deputy Speaker, there is nothing to add other than expect more legislation, definitely expect amendments, Mr. Deputy Speaker, and I thank you for this opportunity to contribute.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Member for Barataria/San Juan.  
**Hon. Members:** [*Desk thumping*]

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, after listening to the contribution from the Member for San Fernando West—

**Mr. Al-Rawi:** You have nothing to say.

**Mr. S. Hosein:** I was compelled to respond because, Mr. Deputy Speaker, I was

of the belief that we were in government and they were in Opposition, simply because we are being blamed for Trinidad and Tobago—

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:**—being on the blacklist when they are in fact in government since 2015, since 2015.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And if one listens carefully to the Member for San Fernando West, Mr. Deputy Speaker, he is very compelling, he is very argumentative and he is very persuasive. But, Mr. Deputy Speaker, the facts speak for themselves today.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Because I will give an accurate representation of the history of this particular matter, Mr. Deputy Speaker. You see, this Global Forum issue that we have been faced with is not something new. This was existing since 2010 under the previous PNM administration. So, what is Global Forum? This is an organization, which has regulations of a body of various countries in which taxpayer's information will be shared so that you can capture persons in terms of various offences, of those who are trying to evade taxes, all of those other matters, several other issues, and the assessment is done in two phases, Mr. Deputy Speaker.

The first phase is called “Phase 1”, which is “Legal and Regulatory Framework.” So you examine the laws of a country to see whether or not you have the laws in order to create this exchange of information. First, that is the first point.

The second phase is that they look into the implementation of the framework to determine whether or not the laws are actually working, because you could have laws on the books but they are not being implemented. The laws are not working.



So therefore, Global Forum will then rate a jurisdiction or a country as either being compliant, largely compliant, partially compliant, or non-compliant. So we have four ratings. Trinidad and Tobago, unfortunately, has been on that non-compliant rating from ever since.

And, Mr. Deputy Speaker, we underwent Phase 1 evaluation in March of 2010. Who was in power in March of 2010? Not the People's Partnership Government, it was a PNM Government that was in power in March 2010. And all Global Forum required was for a questionnaire to be filled out, Mr. Deputy Speaker, a questionnaire. You know that Government failed to fill out the questionnaire. It took a People's Partnership Government to give the information to the Global Forum.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** We responded to that questionnaire on the 27<sup>th</sup> of July 2010 and these are the facts. You can check page 9 of the Peer Review Phase 1 Report, Legal and Regulatory, Trinidad and Tobago OECD Report, Mr. Deputy Speaker. I am not making up facts here like some other Members on the other side, Mr. Deputy Speaker. They say that we did nothing, Mr. Deputy Speaker, that is totally untrue, totally untrue.

When Mr. Larry Howai was the Minister of Finance of this country in 2014, he gave the commitment to the Global Forum that information in terms of a timeline will start exchange from 2017, from 2017. We never gave a commitment that we will do it in 2011, '12, '13, '14, '15. It was in 2017, Mr. Deputy Speaker. It was in 2017. And thereafter who took the charge, Mr. Deputy Speaker? It was the PNM Government. It was the PNM Government who took charge of the country in September of 2010 and everything went downhill after that, Mr. Deputy Speaker, every single thing.

Because one of the first things—and I have the *Hansard* Report of the 9<sup>th</sup> of September, 2016, and this is what happened. This is the Minister of Finance I am quoting from here, Mr. Deputy Speaker, and I quote, he said:

“One of the first things I had to do when I was appointed Minister of Finance and I took up office around the 12<sup>th</sup> or the 13<sup>th</sup> of September last year was to write a letter to the Global Forum seeking a one-year extension to a deadline that had been given to Trinidad and Tobago to be compliant with the Global Forum.”

Admitting, in fact, that it was in 2017 that we were going to undergo peer review. I go again to quote, Mr. Deputy Speaker:

“I indicated, of course, the Government had changed, a new Government had come in, we needed time to familiarize ourselves with what was happening, and we received that one-year extension to September 2016.”

So the Minister of Finance was well aware the first day he was sworn in, Mr. Deputy Speaker, of the obligations of Trinidad and Tobago under the Global Forum. And what they did, Mr. Deputy Speaker? Nothing, absolutely, nothing. It was only when a press release was issued by the OECD on the 5<sup>th</sup> of December, 2017 indicating that Trinidad and Tobago was on the list of non-compliant jurisdictions, then we saw draft legislation starting to pop up in the Parliament, Mr. Deputy Speaker. And we will go into the history of some of that because the Member for San Fernando West inaccurately represented the history of this matter to this Parliament today, Mr. Deputy Speaker.

**Hon. Member:** What a shame.

**Mr. S. Hosein:** He misrepresented what took place, but I today, Mr. Deputy Speaker, have a letter. I have a letter, and this letter is from the Minister of Finance, the hon. Colm Imbert, Government of the Republic of Trinidad and

Tobago, dated the 21<sup>st</sup> of November, 2017 to Ms. Fabrizia Lapecorella. And this letter was addressed to the Chair of the Code of Conduct Group from Brussels in Belgium. And Mr. Deputy Speaker, permit me to quote and put this letter on record because it is very revealing of what took place with this matter with respect to the Global Forum. Minister Imbert, on the first day he—the Minister of Finance, sorry—on the first day indicated he understood the obligations, 2015; 2016, nothing was done; 2017, we were placed on the non-compliant blacklist. He writes a letter now, Mr. Deputy Speaker, and the letter I quote is saying this:

In this connection, I acknowledge that the Code of Conduct Group will not recommend Trinidad and Tobago to be listed as a non-cooperative tax jurisdiction by the Council of the EU, provided that Trinidad and Tobago commits to address its deficiencies by December 31, 2018.

**Dr. Moonilal:** 2018?

**Mr. S. Hosein:** 2018, Minister Imbert is telling the Global Forum that he is going to address all of the deficiencies to take us out of the non-compliant list.

**Dr. Moonilal:** What!

**Mr. S. Hosein:** Mr. Deputy Speaker, we are in the year 2023 and they are blaming the UNC.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Shame on them. Mr. Deputy Speaker, '24 sorry, 2024 we are in. He goes on to say, how they will pass certain legislation by certain dates 2018, June 2018. There is a piece of legislation that is being bandied about throughout this debate called the BEPS Framework. Minister Imbert committed through this letter that that piece of law would have passed since the 30<sup>th</sup> of June, 2019.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** We are in January 2024, Mr. Deputy Speaker, and that law has not

passed. So when they come here to blame the UNC, Mr. Deputy Speaker, they must look in the mirror.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Look in the mirror. It was the Member for Tobago West who stood up in this Parliament and said, “We are in charge now. We are in charge now, we have to deal with it.” Mr. Deputy Speaker. They are in charge now, deal with it.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Deal with it. When we had raised objections in that joint select committee that was set up, there were three Bills, Mr. Deputy Speaker, a package. They came to the Parliament, they came to the JSC and took out one of the Bills, the Income Tax Amendment, and left the two other Bills bandying about. Mr. Deputy Speaker, we told them at that time, that if you pass the Income Tax Bill alone it will not take us out of the blacklist. That was passed since 2019. Mr. Deputy Speaker, we are still on the blacklist, still on the non-compliant list, and today they blame us when we have been giving them the guidance, the support, Mr. Deputy Speaker. We have supported the people of Trinidad and Tobago but it is this Government through their laziness and their intellectual bankruptcy that we are in this position today.

So when they say that the Member for Naparima is bad talking public servants, that is absolutely untrue. It is untrue. So since 2019, 2020, 2021, '22, '23, we now have to undergo review in February 2024. So they hurry to this Parliament to bring this Bill now to try to get us off, but as we know, Mr. Deputy Speaker, and I started my contribution, laws are one thing, the Global Forum wants to see implementation.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** They want to see implementation also. That is part of the Phase 2 Review, Mr. Deputy Speaker. It is part of the Phase 2—and I want to quote very shocking details, this is the latest report coming out of the OECD. I have a report, November 2023, hot off the press here, Mr. Deputy Speaker, and this report is entitled:

“Global Forum on Transparency and Exchange of Information for Tax Purposes. Pioneering Global Progress in Tax Transparency: A Journey of Transformation and Development 2023 Global Forum Annual Report.”

And Mr. Deputy Speaker, there are two types of exchange. First, we have exchange on request, and then we have automatic exchange. So we have to have a rating on the both types of exchanges. So let us look at the exchange on request, which means one jurisdiction has asked Trinidad and Tobago for information, and Trinidad and Tobago will furnish that jurisdiction with the information that is requested. So that is how it works.

When you look at the rating, the overall rating for that type of exchange on request, we are non-compliant.

**Dr. Moonilal:** What!

**Mr. S. Hosein:** Non-compliant. November what, 2023, right? Mr. Deputy Speaker, I go again. Let us look at those for automatic exchange. So there is a date every year Trinidad and Tobago has to exchange automatically with the other jurisdictions. Let us go at this. There are six different ratings for this, Mr. Deputy Speaker, and they are called “Cores”:

“CORE REQUIREMENT 1 (domestic legal framework)”

“Trinidad and Tobago Not In Place”

“CORE REQUIREMENT 2 (international legal framework)”

“Not In Place”

“OVERALL DETERMINATION”

“Not In Place”

“CORE REQUIREMENT 1 (domestic information collection and reporting)”

“Non-compliant”

“CORE REQUIREMENT 2 (international information exchange)”

“Non-compliant”

“OVERALL RATING”

“Non-compliant”

Mr. Deputy Speaker, several jurisdictions underwent 2023 review, Trinidad and Tobago is the only jurisdiction where we have failed on every single requirement. Every single one, every single one, Vanuatu.

**Dr. Moonilal:** Vanuatu?

**Mr. S. Hosein:** They, Mr. Deputy Speaker, are in fact compliant in certain instances with respect to Core Requirements—

**Dr. Moonilal:** “Vanuatu better dan we?”

**Mr. S. Hosein:**—in terms of their legal framework. You have other jurisdictions, the St. Vincent and the Grenadines, they have requirements in place.

If I could show you a copy of this report, Mr. Deputy Speaker, you will see it for yourself, all of the jurisdictions that are compliant, or in place, it is green, those that needs improvement, it is in yellow, and those that non-compliant in red. Maybe “dats” why, Mr. Deputy Speaker.

**Dr. Moonilal:** PNM, red and ready.

**Mr. S. Hosein:** Trinidad and Tobago is the only jurisdiction here where the entire row is red.

**Dr. Moonilal:** PNM, PNM.

**Mr. S. Hosein:** The entire row is red, Mr. Deputy Speaker. We have other

countries, Mexico, they have all of their domestic framework in place. We have Montserrat; all of their domestic framework is in place, Mr. Deputy Speaker, Mauritius, Malta, Malaysia—

**Dr. Moonilal:** Vanuatu.

**Mr. S. Hosein:**—Mr. Deputy Speaker, “India, Iceland, Grenada, Greece”. Greece who has been undergoing several economic challenges they have the framework in place, but yet Trinidad and Tobago does not have any in place, Mr. Deputy Speaker. We have failed because this Government has failed the people of Trinidad and Tobago.

**5.45 p.m.**

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** They have the majority in the Parliament. They come to boast about Suratt, Suraj and Chandler. Mr. Deputy Speaker, they are saying that they can pass laws that are special majority requirements, if it is proportionate, without the need for a special majority, eh. They are saying that, eh, once the law is proportionate, Mr. Deputy Speaker. So if you are in charge of the Parliament, you have the majority, you are in power for the last, going into eight to nine years now, Mr. Deputy Speaker, and you cannot get us off the non-compliant list, then you are a complete waste of time.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** You are a complete waste of time. Because if you cannot get the legislation right and you cannot get the implementation right, what is the reason why we have you all there?

Mr. Deputy Speaker, we are, right now, giving so much attention to this matter. We have passed laws after laws trying to get us off this blacklist, that blacklist, and we simply cannot do it, Mr. Deputy Speaker. We have paid so much

attention to our international obligations, yet our citizens are being gunned down every single day on the streets. Blood is flowing in this country and they will not take crime seriously in this country. They will mount a political platform to bad talk the Opposition but will not tell us what they will do about anything.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And that, Mr. Deputy Speaker, are the signs of a hopeless, hapless, waste of time government; waste of time government.

I hear the Member for San Fernando West praising the Minister of Finance. The Minister of Finance is the reason why we are on this non-compliant list since he took the reins of this country, in terms of the finances of this country, and then tells us in his contribution that he is what?—that he is moving ahead resolutely, and he is purposeful and what?—serious.

Mr. Deputy Speaker, you could remember when this matter came up in 2018? Myself and the Member for Tabaquite, we were in the Senate. They came to the Parliament and told us that if you do not pass this law, if we remain on the non-compliant list, we will lose correspondent banking, you cannot use your credit card. Mr. Deputy Speaker, they were telling us these things. We have been on the list since 2018. We are now in 2024. The only reason why people cannot use credit card is because they have no forex on it, eh.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** It is not because of the blacklist. And that is where this Government has taken us Mr. Deputy Speaker.

This Bill before us, if you look at it, Mr. Deputy Speaker, some of the provisions do not make sense, and I think the Member for San Fernando West even pointed out that, that corporation sole now has to file a beneficial ownership in a register. You know who is Corporation Sole? It is the Minister of Finance. He is



the Minister—and then they come to tell us about civil law jurisdictions. If our laws take the pattern on a common law system and there are other jurisdictions who have come out of the non-compliant list, who are also common law jurisdictions, Barbados, Guyana—not Guyana, sorry—Barbados, Jamaica, other Commonwealth Caribbean countries whose laws are fashioned under the common law system, then how come they did not pass similar laws like this, Mr. Deputy Speaker, but they were able to come out of that list?

We understand that we live in a global environment, we understand sometimes that the risks change, we understand that sometimes the goalpost will move but, Mr. Deputy Speaker, some of the things here remain constantly the same and they have failed to meet those particular thresholds. And this report that I have read from, Mr. Deputy Speaker, this November 2023 Annual Report of the Global Forum is very telling of the performance of this Government. They can fool the population how much they like but the facts are here for themselves, Mr. Deputy Speaker, that Trinidad and Tobago has been rated as one of the jurisdictions, that we are non-compliant on every single requirement when it comes to Automatic Exchange of Information and we are non-compliant totally when it comes to the Exchange of Information on Request. We have the capability to do this, Mr. Deputy Speaker, but the Government chose to prioritize other matters.

Look at this Bill, Mr. Deputy Speaker. If you go through this Bill clause by clause, you will realize that they have been creating registers for all of these beneficial ownership and interests. I want to ask a question. Are these registers going to be made public? Is the public going to have access to some of these registers, Mr. Deputy Speaker? Those are matters that are not covered. This Bill right now is being passed in this form just to take us off a list and they are, in fact, admitting that even some of the clauses do not make sense.

Mr. Deputy Speaker, what are we ready—what kind of nonsensical exercise is this Parliament being asked to engaged in by this Government just in order to take us off the non-compliant list when, in fact, Mr. Deputy Speaker, if proper dialogue was had with the Global Forum—if you have given your word that you would pass certain legislation by certain dates and you have failed, how can they trust you? And that is why we are in this particular circumstance.

Mr. Deputy Speaker, with respect to this matter, the history, as I said, will speak for itself. The United National Congress, we supported the Government when it came to the passage of these legislation, in particular, the Tax Information Exchange Agreements Act, and the MAC, and all of those other pieces of legislation. I understand there are other pieces to come that has been any other place, Mr. Deputy Speaker. We await those. Our purpose in this Parliament, as the Opposition, is to ensure the best for the people of Trinidad and Tobago, Mr. Deputy Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And if the Government cannot give the people the best, Mr. Deputy Speaker, we will give them the best in very, very short order, and I thank you very much.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much. I was given the impression, through the Leader of the House who had discussions with the Opposition Chief Whip, that there was one more person on the other side to speak.

**Dr. Moonilal:** [*Inaudible*]

**Hon. C. Imbert:** So I thank the hon. Member—Mr. Deputy Speaker, why does Oropouche East come in this Parliament and make such a nuisance of himself?

**Mr. Deputy Speaker:** Just now hold on.

**Dr. Moonilal:** I seek your protection, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Hold on, hold on. No, hold on. I am on my legs.

**Dr. Moonilal:** [*Inaudible*]

**Mr. Deputy Speaker:** Oropouche East, I am on my legs. Hold on, hold on. Members, Leader of the House, Chief Whip, I would have paused and the only person who was recognized was the Minister of Finance. All right? No other person, no other Member rose as the case may be. So I only recognize the Minister of Finance at this time. Kindly proceed.

**Hon. C. Imbert:** Thank you, Mr. Deputy Speaker. And to confirm the record, when the last Opposition speaker completed his contribution, the Member for Oropouche East told me to wind up.

**Dr. Moonilal:** What?

**Hon. C. Imbert:** Just ridiculous.

**Dr. Moonilal:** The Member for Oropouche East has no control over the Government as yet.

**Hon. Members:** [*Laughter*]

**Hon. C. Imbert:** Ridiculous. And now complaining? Boy, you are a real trickster. Anyway, let me just deal with the matters at hand.

First, I want to thank all Members of the Opposition for expressing their support for the legislation and agreeing to vote for the Bill. At least that is the impression I got in listening to the Member for Barataria because he said so, and I got that same impression from the Member for Naparima. So that I thank you in advance for supporting this legislation.

I also want to make it crystal clear. A question was asked by the Member for Naparima, I believe, how many times will we be coming to the Parliament to amend legislation in order to become compliant with the Global Forum and the EU stipulations. And the answer is, as many times as it is required. Because we have already indicated that we will be coming back to make amendments to this Bill, based on the very voluminous set of proposed amendments we received, based on interaction with the Global Forum. We just got them today. We will be coming back to deal with that. What I have told my team is to have further discussions with the Global Forum and see if we can reduce the amendments down to the minimum required rather than having to go through another laborious debate, where Members opposite will just scream and rant and rave and then hopefully vote for the Bill.

**Mr. Armour SC:** Histrionics.

**Hon. C. Imbert:** Histrionics, as the Member for—Attorney General quite correctly described. The other point I want to make is there is a very simple answer to the question as to how come Barbados, Jamaica, et cetera, have been able to pass legislation to become compliant with the Global Forum. There is a very simple answer to that question: because they do not have a United National Congress in those countries.

**Hon. Members:** [*Desk thumping*]

**Hon. C. Imbert:** They do not have an obstructionist Opposition. They do not have an Opposition that uses legislation as a weapon, a political weapon. In Jamaica and in Barbados, they do not waste time opposing legislation that is beneficial to the country and deals with the country's international reputation. They do not waste time with that. They deal with other matters of a political nature. But we, in Trinidad and Tobago, are stuck with an Opposition that seems to

believe that by opposing legislation, it will somehow create a political advantage for them. That is why Barbados and Jamaica can pass legislation and be compliant because they do not have a UNC in those countries. I just hope that as time goes by, that the Opposition will understand that they need to focus their efforts, their political efforts, on more productive matters than wasting our time in this House on foolishness.

The Member for San Fernando West made the point that that Joint Select Committee's deliberation on these matters was so drawn out by Members opposite, that we missed an opportunity for a peer review. So I am expecting after all the "ol' talk" today, I get the underlying message—I just heard the Member for St. Augustine say they are supporting the legislation, so I hope that was true.

**Ms. Ameen:** [*Inaudible*]*—*that is not what I said.

**Mr. Deputy Speaker:** Members, please. Again, Members, please.

**Hon. C. Imbert:** You know, if one goes through the Constitution of Barbados—I was just looking at it—their Constitution is completely different to the Constitution of Trinidad and Tobago. In Trinidad and Tobago, we have section 4 and section 5 of our Constitution, which gives persons certain fundamental rights and freedoms. Those other countries do not have a Constitution like us. They do not require a special majority to do most things. We, in Trinidad and Tobago, unfortunately, have a constitution which requires the support of the Opposition for special majority legislation. And special majority legislation kicks in on so many things, like anti-gang legislation, like bail legislation, where time and time again, when we ask the Opposition to work with us to deal with matters of national importance, they refuse.

The Constitution in Barbados, the Constitution in Jamaica are completely different. And even in Jamaica, where they have a razor-thin majority in the

House, just one or two votes separate the two parties in Jamaica, they will still all come together. All 60 of them in Jamaica will come together to support legislation of national importance in the interest of the country. We do not have that in Trinidad and Tobago, and that is why we are going to just press on.

**Hon. Members:** [*Desk thumping*]

**Hon. C. Imbert:** This particular Bill is the product of years of work. This particular Bill is important. As I indicated, we have amendments to this, we will bring them. We have already laid the Bill to deal with base erosion and profit sharing in the Senate. I have just asked the Attorney General to consult with the leader in the other place to see if we can expedite the debate on that Bill in the Senate within the next two weeks or so, and bring it to the House here—

**Hon. Members:** [*Desk thumping*]

**Hon. C. Imbert:**—for the persons opposite who said they will support anything that will get us off the Global Forum list, and we may have amendments to that as well. I am just signalling this to Members. So in answer to the question from the Member for Naparima, how many times we will be coming here to do this, as many times as it is required; as many times as it is required.

And with that expression of support from everyone here, including the Member for Oropouche East in all his political miserable behaviour, I beg to move.

**Hon. Members:** [*Desk thumping*]

**6.00 p.m.**

**Mr. Deputy Speaker:** I think I heard, “I beg to move”, right?

**Hon. C. Imbert:** Yes.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**6.05 p.m.**

**Mr. Chairman:** Hon. Members, we will convene the committee of the whole.

**Clerk:** Clauses 1 and 2.

**Mr. Chairman:** Members, Leader of the House, Chief Whip, if there are no amendments, can we put—

**Mrs. Robinson-Regis:** If there are no objections, Mr. Chairman, we would like to take all the clauses together, if you do not mind, 1 to 13.

**Mr. Chairman:** Okay. Nice.

**Hon. Members:** [*Crosstalk*]

**Mr. Chairman:** Okay. Hon. Members, we will take all the clauses identified in the Bill.

*Clauses 1 to 13 ordered to stand part of the Bill.*

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

*House resumed.*

**Mr. Deputy Speaker:** Minister of Finance.

**Hon. Imbert:** Mr. Deputy Speaker, I beg to move that a Bill entitled, an Act to amend the Trustees Ordinance, Chap. 4 of 1939—

**Clerk:** [*Inaudible*]

**Hon. Imbert:** I missed something?

**Clerk:** [*Inaudible*]

**Hon. Imbert:** Oh, I am so sorry. Oh, I am terribly sorry. I do not know what is wrong with me today. Mr. Deputy Speaker, I wish to report that—it is the length of the title of the Bill—that the Miscellaneous Provisions (Trustees, Exchequer and Audit Act, the Minister of Finance (Incorporation) Act, Proceeds of Crime, Income Tax, Companies, Partnerships, Securities, Tax Information Exchange Agreements,

the Non-Profit Organisations and Mutual Administrative Assistance in Tax Matters) Bill, 2023, was considered in the committee of the whole and approved without amendments. I now beg to move that the House agree with the committee's report.

*Question put and agreed to.*

**Hon. Members:** [*Crosstalk*]

*Question put and agreed to:* That the Bill be now read a third time.

*Bill read the third time and passed.*

[MADAM SPEAKER *in the Chair*]

**Matter of Privilege  
(Member for Lopinot/Bon Air West)**

**Madam Speaker:** Hon. Members, I wish to crave your indulgence to return to an item of business from earlier today. Hon. Members, you would recall that at a sitting of the House held on December 11, 2023, the Member for Princes Town raised a matter of privilege against the Member for Lopinot/Bon Air West. I am now prepared to rule on the question of privilege raised. The Member has alleged that the Minister of Public Utilities, and Member for Lopinot/Bon Air West, made misrepresentations during the sitting of this House held on November 01, 2023, which he knew or ought to have known were misleading.

The Member for Princes Town has supported his Motion by citing excerpts of the newspaper articles, dated November 06, 2023, which contradict the information provided to the House by the Minister. The responsibility for citing facts accurately during proceedings rests with each individual Member of this House. The 24<sup>th</sup> edition of *Erskine May on Parliamentary Practice* stipulates that deliberately making a misleading statement may be considered a contempt. However, it notes on page 254, and I quote:

“...that a Minister who had inadvertently given a factually inaccurate



answer...had not committed a contempt, but should have ensured that the transcript was corrected.”

The 5<sup>th</sup> edition of the *House of Representatives Practice* of Australia states, at page 494, and I quote:

“...that Members themselves must accept responsibility for material they use in debate, and there is no need for them to vouch for its authenticity. Whether the material is true or false will be judged according to...”—the—  
“...events...”

Members are aware that the type of information such as that provided to the House by the hon. Minister of Public Utilities is supplied to Ministers by the technocrats from their Ministries and entities and will unlikely be within the Minister’s personal knowledge. It is therefore quite possible for any Member to provide inaccurate information during the course of the proceedings of this House without deliberately intending to do so.

The provision of misleading information would be a contempt if the Member did so deliberately, or discovers that the inaccurate information has been given to the House and makes no attempt to correct it in the House. With that said, it is also incumbent upon a Member to promptly correct any such inaccuracy once it is discovered and apologize to this House at the earliest opportunity for the error. It is trite parliamentary procedure that once a Member tenders such an apology, the House accepts it.

The Member for Lopinot/Bon Air West has acknowledged that he misspoke and has confirmed that he did not do so deliberately. He has also done what is expected by any hon. Member of this House by apologizing. In the circumstances, and having regard to the explanation and the expression of regret and apology provided by the Member, I rule that this matter does not require the consideration

of the Committee of Privileges. I so rule.

**Hon. Members:** [*Desk thumping*]

### ADJOURNMENT

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

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday, the 26<sup>th</sup> day of January, 2023, at 1.30 p.m. Madam Speaker, that day is Private Members' Day and I would ask my friend to let us know what we would be doing on that day.

**Mr. Lee:** Thank you, Madam Speaker. I did not get a chance to caucus with my Members on what we will do, so I will communicate over the weekend to the Leader of Government Business.

**Madam Speaker:** Thank you, Whip. Hon. Members, there are two matters that qualified to be raised on the Motion for the adjournment of the House. I will now call upon the Member for Pointe-a-Pierre.

**Hon. Members:** [*Desk thumping*]

### Small and Medium-Sized Enterprises (Special Forex Supply Window)

**Mr. David Lee (Pointe-a-Pierre):** Thank you. Thank you, Madam Speaker. Madam Speaker, I had filed a Motion using Standing Order 16 and I just want to read my Motion: Given the promise by the Minister of Finance to open a special forex supply window with the help of the EximBank for small and medium-sized enterprises, there is an urgent need for clarification on the implementation period, requirements and qualifications for small businesses to access this facility.in the light of—. At the time when I filed it, the imminent Christmas period, Madam Speaker.

Madam Speaker, the small and medium businesses in our country have been

pleading for quite some time to be able to access foreign exchange to be able to run their businesses. Madam Speaker, as far back as November the— On September 18, 2023, a *Trinidad Express* article, reported that Minister Imbert, and I quote— this is Minister Imbert’s quote in the *Trinidad Express* of 18<sup>th</sup> of September:

“Amid concerns over a potentially reduced Christmas stock, the business community is welcoming a discussion with...”—the—“...Minister of Finance Colm Imbert about the latest reduction in foreign exchange availability.

In a release addressing a newspaper editorial highlighting the impact of this reduction, Minister Imbert yesterday confirmed that he ‘will be holding discussions in the near future with the Central Bank, the commercial banks and the business community to discuss the causes and effect of...’—the— “...increased demand for foreign exchange, and strategies to deal with the current challenges...”

Madam Speaker, we know as far back then that the Minister of Finance knew there were some issues in our foreign exchange supply, because on November the 1<sup>st</sup>, in a virtual press conference, on November 01, 2023, the Minister of Finance held a virtual press conference and he stated:

““We have a plan to open a special window at the EximBank for small and medium enterprises to get access to foreign exchange because we recognise that they are end of scale, end of the ladder. The commercial banks have also asked if we can change the instructions that the Central Bank gives to the banks to open a special window for small and medium enterprises to access foreign exchange at commercial banks and we are giving that active consideration.””

**6.20 p.m.**

Madam Speaker, so my question here, on behalf of the small and medium enterprises in our country that had a hard time during the Christmas period accessing foreign exchange, and now that Christmas period is over and we are now into the Carnival season and there is still a shortage for them on the foreign exchange, I ask the Minister of Finance today if he can give us some clarity on what has happened to his promise with the special window at EximBank to assist the small and medium enterprises. Because it is necessary for them to be able to pay their bills after the Christmas season, Madam Speaker.

So, Madam Speaker, with those few words, I would ask the Minister of Finance to give some clarity based on his promise that he had promised the small and medium enterprises to assist them in foreign exchange supply. Thank you, Madam Speaker.

**Madam Speaker:** The Minister of Finance.

**Hon. Members:** [*Desk thumping*]

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam Speaker. Madam Speaker, in the Budget Statement of 2024, I indicated that one of the measures that the Government was going to implement in fiscal 2024 was an adult literacy programme. And I am pleased to report that I received today a status report and we are well on our way and, in fact, we have reached the stage where we are now looking for accommodation to start the adult literacy training programmes.

**Hon. Members:** [*Desk thumping*]

**Hon. C. Imbert:** Sometimes when I listen to Members opposite, I think I should send them a special invitation to attend these classes. I would not throw that comment at the Member for Pointe-a-Pierre but in his particular case, I

would think it is just an oversight because when one looks at the wording of the matter, it speaks to access to the special facility for small and medium enterprises in light of the imminent Christmas period.

Now, I introduced the 2024 budget, by way of a budget statement, at the beginning of October 2023. In that budget statement—and I would urge the hon. Member for Pointe-a-Pierre to go and read it—I was very clear. I said that the special window for access to foreign exchange for small and medium enterprises will be implemented within the next six months. And if one uses simple arithmetic, one will see that six months from the beginning of October is the beginning of April. We are in January. So that it was a bit ridiculous, me having said that we will implement the facility within the next six months in October, to expect the facility to be implemented in December. That was ridiculous, and this Motion is equally ridiculous.

However, having said that—

**Hon. Members:** [*Interruption*]

**Hon. C. Imbert:**—having said that, Madam Speaker—

**Hon. Members:** [*Inaudible*]

**Hon. C. Imbert:** Oh hush. Let me now give—

**Madam Speaker:** Minister of Finance, I know—again, I will attribute that to just being playful but that little statement, I think you should just withdraw it, please.

**Hon. C. Imbert:** Most certainly, but then I would seek your protection to stop Members opposite from mumbling and grumbling throughout my presentation, Madam Speaker. So let us hope that they shall abide by the Standing Orders.

So I must commend the EximBank, which rose to the occasion as soon as I announced this measure during the budget statement and has worked very hard on preparing a position paper that is guiding us. We, in fact, submitted it to the

Central Bank recently for its comments and in terms of the architecture, the Central Bank had no issue with it whatsoever. The only thing we need to do now is to calculate what the demand will be on the Government's foreign exchange reserves if we implement the facility as it is being proposed.

The EximBank has so far had consultations with the Trinidad and Tobago Chamber of Industry and Commerce, the Greater San Fernando Area Chamber of Commerce, the Confederation of Regional Business Chambers, Chaguanas Chamber of Industry and Commerce, and the Chamber's Tobago Division. So, as you could see, they have consulted widely with the persons who would be affected or would benefit from this special window.

They also held consultations with the banks with JMMB, FCB, RBC, Republic Bank, and they also attended, on the 17<sup>th</sup> of November, a special sitting of the Treasury subcommittee of the Bankers Association. They are proposing a forex architecture which will allow small and medium enterprises to apply to the banks, through this special window, to get access to forex. From what I have seen here, this proposal is well advanced and I think we are going to meet our target of the end of March/beginning of April to implement this system.

With respect to the proposal that the Central Bank add an additional line in the instructions given to commercial banks, with respect to the usage of the Government's forex that is injected into the commercial banking sector, that is not as simple as that. You cannot just tell the banks to give preferential treatment to small and medium enterprises. You have to deal with the amount, you have to deal with the qualification, what exactly is a small and medium enterprise, how much should they get, how often they should get it and that sort of thing, what it should be used for. Because certainly we would want the forex to be used for trade, and certainly we would want it to be used to build export capacity and so on. So that

we are going to utilize this very good work done by the EximBank.

And I must commend Navin Dookeran, the CEO. He has turned out to be really excellent at his job and I am certain that once we determine what the impact will be on our reserves—because it will deplete our reserves, but it will solve a problem—it will give SMEs access to forex that they do not get at this point in time. I am certain that once we work that out and we do the necessary calculations and we see how it will affect the Government’s reserves, that I will be able to implement this facility by the end of March.

Thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva North.

**Hon. Members:** [*Desk thumping*]

### **Minister of National Security**

#### **(Failure to Provide a Safe/Secure Environment for Fisherfolk)**

**Mr. Ravi Ratiram** (*Couva North*): Thank you most kindly, Madam Speaker, for this opportunity to raise this matter on the adjournment, namely the failure of the Minister of National Security to provide a safe and secure environment for our fisherfolk to ply their trade without interference from the criminal elements. Madam Speaker, I filed this matter on the adjournment on November 02, 2023, against the backdrop of a fiery protest that was staged by:

“Fishermen from Carli Bay...along the Carli Bay Road around 3 pm on Tuesday”—31<sup>st</sup> October—“after they were reportedly held up at gunpoint by pirates.”

Madam Speaker, the President of the Carli Bay Fishing Association, Mr.

Imtiaz Khan, told Guardian Media that:

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“...around ten boats, operated by fishermen from Carli Bay were in the waters off Marabella when around 10 am a boatload of gunmen approached...and told them that they could not fish in that area.”

Mr. Khan said, Madam Speaker,

““The gunmen said the orders came from the top that they can’t fish down south.””

Mr. Khan indicated that:

“...the same thing happened when the boatmen attempt to fish in waters off north Trinidad, ‘There are gunmen and they are cutting their nets.’”

Madam Speaker, on behalf of the fishing community, I have been pleading with the hon. Minister of National Security to provide a safe and secure environment for our fisherfolk to ply their trade. And once more, Madam Speaker, I take this opportunity this afternoon to make one more plead on behalf of this fishing community.

Madam Speaker, when the incident of piracy affecting the Carli Bay fishermen was reported by *i95.5 FM*, I called on the Minister of National Security to intervene and I called on the Government to heed the urgent plea for enhanced security measures in the gulf.

Madam Speaker, earlier in 2023, on the 3<sup>rd</sup> of June, it was reported by Guardian Media, by Sascha Wilson, on the 3<sup>rd</sup> of June:

“Six fishermen were attacked by gunmen at sea, off Icacos Bay in Cedros, on Thursday.”

The 1<sup>st</sup> of June.

“The fishermen were in two pirogues about three-quarters of a mile off the coast.”



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Madam Speaker, just a year before that, in 2022—around July 2022, there was another serious incident of piracy where the Lochan brothers, Clinton and Dennis Lochan, who left King’s Wharf on Sunday 3<sup>rd</sup> of July, on their fishing both named “Zack”, they were held up and they were thrown overboard and they had to swim for four hours before arriving on shore at La Brea. Madam Speaker, while this ordeal was very traumatic for them, it was reported that they were taken to the La Brea Police Station where a WPC made every effort to contact the Trinidad and Tobago Coast Guard station in Cedros. The phone number she had for the post was not working.

The article stated that when the WPC was eventually able to in get in touch with an officer at the Trinidad and Tobago Coast Guard station, she was told that there were no coast guard vessels available. After receiving a tip-off of the location of the stolen vessel, one of the brothers approached the coast guard officers at the San Fernando Yacht Club for assistance to retrieve the vessel, offering to use another boat, but the brother was told by the officer that they could only use the coast guard vessel and that there were no coast guard vessels available.

Madam Speaker, earlier in that same year of 2022:

“A Fullerton Village, Icacos, fisherman was shot dead in an incident out at sea...”

This was reported on May 20, 2022.

Madam Speaker, the incidence of piracy continues to affect members of the fishing community and in the constituency of Couva North, our fisherfolk has paid with their life for this serious heinous crime. Madam Speaker, on the 19<sup>th</sup> of July, in 2021, Carli Bay fishermen, Navindra “Tallman” Garib and Parasram Boodoo

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aka “Brain”, went fishing in the Gulf of Paria on a registered fishing vessel TTFC1494 but did not return up to the day after. Failing to return, a missing person’s report was made and search and rescue efforts commenced by the TTPS and the coast guard. Myself, along with councillors from the CTTRC and the Couva North constituency Executive, we provided assistance by sponsoring fuel to the members of the Carli Bay Fishing Association to execute search operations with the hope of finding the two missing fishermen. They were eventually found, Madam Speaker, but not alive.

Madam Speaker, in 2021, June 2021 another fisherman, Andrew Volman, was killed out at sea. and, Madam Speaker, from since I came into office as a Member of Parliament for Couva North, I have been speaking on this issue and I have been pleading with the hon. Minister. I wrote the hon. Minister, Madam Speaker, during my first year, on the 26 April, 2021, and I had the opportunity to meet with the hon. Minister of National in June 2021. At that meeting, Madam Speaker, I presented to the hon. Minister some recommendations for the improved safety and security of our fisherfolk.

**6.35 p.m.**

Madam Speaker, I want to use this opportunity to place on the record, once more, these recommendations and plead with the hon. Minister, to please take heed to some of these recommendations and do whatever you can with the limited resources that you have available, Sir, to assist our fisherfolk. I ask the hon. Minister for the establishment of a Trinidad and Tobago Coast Guard TTPS based in central Trinidad at the Carli Bay Fishing Facility and on the north, south, east and west coast of Trinidad to decrease the response time to emergencies and to increase the Trinidad and Tobago Coast Guard presence. The Fisheries Division

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who was present at the meetings had indicated their willingness to partner with national security to identify space at the various fish landing areas.

I ask for the construction of a security booth at the Carli Bay Fishing Facility; the installation of CCTV cameras at the Carli Bay Fishing Facility; coordinating with the Ministry of Public Utilities to improve the lighting at the Carli Bay Fishing Facility; emergency repairs to the TTCG inceptors that can operation in the shallow Gulf of Paria so that we can get interceptors up and working once more. This is something that was promised by the former Minister of National Security since 2018, Madam Speaker.

Madam Speaker, I pleaded with the Minister of National Security to partner with the various fishing associations and to provide GPS tractors for vessels and engine, to establish procedure for fishermen to apply for permits to purchase flare launchers, to have a photographic log of all registered fishing vessels in Trinidad and Tobago to be developed and lodged at the Trinidad and Tobago Coast Guard and with the TTPS, now the coastal support unit, to ensure that there is a mandatory fishing voyage notification procedure to alert the TTCG and a functional radar system as a matter of urgency.

Madam Speaker, I put forward these recommendations once more, through you. I take this opportunity to plead with the hon. Minister of National Security to hear the cry of the fishing community, to understand that in Couva North in addition to those two sons of the soil, that we still continue to mourn the loss of our seven brothers who went out to sea and never returned, Alex Sooknanan, Shiva Ramdeo, Anand Rampersad, Leslie De Boulet, Brandon Kissoon, Jason Baptiste and Justin Kissoon. Up to today's date, Madam Speaker, the family of these seven young gentlemen who went out to sea to bring home a catch to feed their family

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and to provide food security for our country never returned and we continue to hurt and feel the loss and the pain of these young fisherfolk. We pray that this may never happen to any other member of the fishing community across the length and breadth of Trinidad and Tobago and we plead once more to the hon. Minister to do whatever you can to keep our fisherfolk safe out at sea. Thank you.

**Madam Speaker:** Minister of National Security.

**Hon. Members:** [*Desk thumping*]

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. The Trinidad and Tobago Police Service remains committed to its mandate to provide a safe and secure environment for the citizens, businesses and visitors to Trinidad and Tobago. Given that this Motion speaks about fisherfolk and according to recent newspaper reports and some of what I have just heard, there have been attacks on the sea.

The Trinidad and Tobago Coast Guard is a key stakeholder and declares that it is also deeply committed to its mandate which is to provide safety and security services to all users of the maritime space. These services are provided by way of consultancy and advice to users and, of course, by maritime patrols which the coast guard conducts on a daily basis. For the year 2022, the coast guard would have conducted 1,212 patrols which covered a total mileage of 26,676 nautical miles, and for 2023 the coast guard would have conducted some 1,180 patrols which have covered 27,608 nautical miles.

The Coastal and Riverine Unit of the Trinidad and Tobago Police Service conducts coastal patrols from the shorelines to two miles out around Trinidad and Tobago. They focus on the riverine inlets and our legal ports of entry including, of course, the Carli Bay fish port, fishing area.

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The very recent acquisition of four riverine vessels by the Trinidad and Tobago Defence Force as a gift from the United States has improved our capacity to patrol these areas. Two of them have been posted in San Fernando at a forward base which was established there in response to these complaints from Carli Bay area by the Trinidad and Tobago Coast Guard, and they conduct routine and regular patrols into the central districts in the gulf and, of course, including the Carli Bay area.

After all, the Gulf of Paria alone is approximately 3,000 square miles, which encompasses the coastal waters from the Chaguaramas peninsula in the north to Icacos point in the south. Despite the geographical challenges faced by them, the TTPS's Coastal and Riverine patrol Unit, they continue to conduct these maritime patrols.

The Trinidad and Tobago Police Service also conducts mobile patrols on a regular basis in the various districts that are sea bound or have major rivers or where our fisherfolk population operates includes Carli Bay. Both the police and the Trinidad and Tobago Coast Guard focuses on engagements with the fishing communities via their respective outreach programmes.

Such engagement is absolutely necessary. The TTPS' Central Police Division indicates that apart from newspaper reports of recent vintage, regarding an attack by criminals which the Member referred—one of them of which he referred about two months ago, which featured complaints by the president of the Carli Bay Fishing Association, no formal report was made to the police. Yet the Coastal and Riverine Patrol Unit has been deployed for more patrols, in spite of no report, newspaper, but they increased the number of patrols in that area, in those fishing grounds acting quite professionally and responsibly in my view.

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When as Minister I read the said report, I personally called the police and suggested that contact be made with the president, Mr. Imtiaz Khan. The police later reported to me that contact was, in fact, made and that arrangements for a meeting with Mr. Khan for the purpose for obtaining a formal police report and to obtain further details to assist them in formulating the police and the coast guard's response. But alas, the Member of Parliament, who just spoke and piloted this Motion, called the senior officer having heard about the contact he made with Imtiaz trying to impose himself on the planned meeting. The police officer indicated to him that they preferred to meet with the victims and/or the president to get on with their police work and suggested that the police meet separately with the MP. I suspect, the police did not tell me this, that they realized he wanted to politicize the issue—

**Hon. Member:** No.

**Hon. F. Hinds:**—and to create scandal, when police work and serious investigation was all that was necessary. So the police told him, we will meet with you but separately. Let me deal with this police complaint, the issue that we approached then on. In the event, as I speak to you today, Madam Speaker, neither the president nor anyone else kept the scheduled appointment nor called the police since. Several attempts by the police to reach Mr. Khan proved futile. Both the police and the Trinidad and Tobago Coast Guard were and remain willing to offer training to the fisherfolk, to teach them the particular safety tactics that would help protect them, and to suggest the kind of equipment that every fishing vessel should have. In fact, since I became Minister of National Security in 2021, in the month of April, I arranged similar training sessions and I am aware that systems were put in place for emergency contact and swift coast guard and police response.

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It is reiterated that fisherfolk need to be aware that the ability to communicate whilst at sea is an important contributing factor for their safety and security, therefore the coast guard continues to advocate for the fisherfolk to ensure that they possess or access basic safety equipment such as handheld, very high-frequency marine radios; life jackets; daytime and night-time flares or smoke signals and lights which are used for signalling. If accessible and affordable, GPS systems would be of even greater value in this regard. I just heard the Member of Parliament say that, in respect of the GPS the State should provide that for every vessel. He just said that.

**Hon. Member:** My goodness.

**Hon. Member:** What wrong with that?

**Hon. F. Hinds:** These items should be on board all vessels once they venture out to sea. Should persons require training and familiarization with these items once purchased or otherwise acquired, the coast guard would remain ready to provide instructions for their safe and effective use. But, Madam Speaker, feedback from law enforcement suggests, and this is important, an inexplicable unwillingness on the part of some of the fisherfolk to keep in touch with the coast guard when they are going out on their adventures and to share details of their sailing and fishing expeditions. Notwithstanding their best efforts, some of them “doh” want to tell the coast guard where they will be and when. Without detailed reports to the police, it is near impossible for the police to piece together the possible back stories which, if known, will surely assist in the detection of the crimes complained of.

Madam Speaker, I give you the assurance under my watch, under this Government’s watch, we continue to resource the police, we continue to resource

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the Trinidad and Tobago Coast Guard. They, as two professional entities as I have explained here, are quite willing and ready to continue to interface and work with our citizens including the fisherfolk, and we could do that quite comfortably without the interference of politicians inside of this. And for the time being if they would accept the advice of law enforcement and the coast guard, I am confident that we could do more to protect them against some of the vicious attacks that we have heard about. As for those, I would not have direct or intimate details about these attacks, but I can assure you that once they come to the attention of the police as I explained in this response, the police will provide a response to these criminal acts in the protection of the citizens of Trinidad and Tobago not the least the Carli Bay fishermen of whom the Member spoke. Madam Speaker, I thank you.

**Hon. Members:** [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.47 p.m.*